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SUBMISSION TO THE ENVIRONMENT AND SUSTAINABILITY COMMITTEE

Evidence by WWF-Cymru to the Environment and Sustainability Committee into marine policy in Wales

21st September 2012

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1. Introduction

WWF strongly welcomes the opportunity to give evidence to what we consider to be a timely inquiry into marine policy in Wales by the National Assembly for Wales' Environment and Sustainability Committee, it being three years since the Marine and Coastal Access Act, 2009 came into place.

This evidence should be read in conjunction with other responses submitted from Wales Environment Link and the Wales Coastal and Maritime Partnership, which we also contributed to.



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2. WWF General Statement

WWF is a global network, operating in over 90 countries around the world. We are striving for a One Planet Future where people and nature thrive, within their fair share of the planet's natural resources. One of the many facets of this work is identifying appropriate systems of governance to protect biodiversity, through better management of places and their uses. To achieve these outcomes, we have contributed to several developments in governance, from industry-led certification systems for sustainably-produced timber and palm oil, to international agreements to conserve areas such as the Heart of Borneo or tiger habitat ranges. We also have experience of the value of much more localised sustainable management practices, including the development of the ecosystem-based approaches to fisheries management, which focuses on stakeholder engagement. In Wales we have been involved in advocating the need for improved marine planning and management for over a decade. We were directly involved in the campaign leading up to the introduction of the Marine and Coastal Access Act in 2009, and continue to advocate strongly for its full and swift implementation.

Our vision for the marine environment:

" We believe that at a time of ever increasing pressures on the marine environment, Wales needs a strategic, plan-led approach to managing marine space. Marine planning is fundamental to deliver our vision of healthy, well-managed seas where wildlife is flourishing and ecosystems are protected, connected and thriving".

At a time when climate change, ocean acidification and continuing escalation in the exploitation of marine space and resources present significant threats of long-lasting or potentially irreversible changes to our marine species, habitats and the overall stability of our marine environment, there is clearly a fundamental need to manage and monitor the UK marine environment with strong, effective regulations. The Welsh Government has an important role to play in co-delivering the UK's shared vision of 'clean, healthy, safe, productive and biologically diverse oceans and seas'. We believe that there is considerable scope to expand the work by Welsh Government in managing the seas around Wales through the development and implementation of effective marine policy.

It is clear that Government and civil society alike need to think and act on marine issues within a wider context. An opportunity to do so is presented by the 'Sustaining a Living Wales' agenda. We have been disappointed to note that to date, marine issues have not been adequately considered within key consultations associated with this evolving programme of work, in particular the recent Green Paper. It is our belief that marine policy in Wales should be facilitating Wales' move towards sustainable development and delivery of 'One Wales: One Planet'.

As a priority, WWF believes that the following is essential for marine policy in Wales:

- Greater status and priority needs to be afforded to marine policy;
- Greater cohesion between the Ministerial portfolios of Environment and Sustainable Development and Agriculture, Fisheries, Food and European Programmes;
- Progress of other Welsh Government policy initiatives, such as Sustaining a Living Wales, should not be at the detriment of marine policy work;
- Development of marine plans to be given greater urgency;
- Achieving a coherent, resilient and well managed network of protected areas, including MCZs, should be priority, as part of a finalised Wales-wide MPA Strategy;
- Recognition that marine conservation will become an ever-more important issue for Wales, that requires an increase in available resources to support this work both within Welsh Government and the new Single Body.

Our evidence will now focus in more detail on a number of points considered within the scope of the inquiry.

3. Response to Committee questions

What progress has been made in relation to the development of marine spatial plans in Wales?

WWF wishes to encourage sustainable resource use in the marine environment in order to protect marine biodiversity and ecosystems, as well as the services they provide. At a time of ever increasing pressures on the marine environment, we believe that Wales needs ecosystem-based management and effective multi-stakeholder governance. Central to this is a strategic, integrated plan-led approach to managing marine space, for example, through marine planning. Marine planning provides the opportunity to take a truly integrated approach to the management of our marine environment which reflects the complexity of marine ecosystems, the value of the goods and services they provide to society, the pressures posed by our changing climate and the limits of natural capacity. Welsh seas are of a manageable scale and Welsh Government is, in theory, well placed to deliver marine planning. However, the intentions of Welsh Government concerning the detail and spatial nature of marine plans are at present unclear. WWF supports the development of spatially prescriptive national plans which allow for greater certainty, particularly for local areas where there is a high degree of complexity of activities and pressures.

WWF wishes to continue to contribute positively and constructively to discussions with Welsh Government via the WCMP Marine Planning Advisory Group concerning marine spatial planning development in Wales. This represents a positive culture of shaping new marine policies, recognising the expertise that exists within business, academia and the third sector here in Wales. We are, however, disheartened to note that marine planning discussions between Government and marine stakeholders has somewhat staggered to a halt, despite an initial

positive period of momentum and progress catalysed by the previous administration's consultation on the approach to marine planning in Wales (February 2011). The continued slippage in the timeframe associated for Welsh marine plans is a considerable concern and an area that we would wish the Committee to explore. The slow progress has meant Wales is currently falling behind other marine planning authorities in the UK, i.e. Marine Scotland and the Marine Management Organisation. This diminishes opportunities for meaningful collaboration and synchronised planning in cross-border areas. Furthermore, live debates concerning sectoral spatial allocations for marine renewables, fisheries and marine conservation are currently occurring in the absence of an integrated government vision for Welsh seas and a formal government-led framework for facilitating a collective view on the spatial allocation of marine space. WWF believes that every effort should be made to prioritise the development of marine plans in Wales and, as part of this, we call upon the Environment and Sustainable Development Minister to issue a statement of intent for this policy area to give clarity to stakeholders. Furthermore, due to its cross-cutting nature, political momentum for marine planning must be evident across Cabinet and it would be desirable for the First Minister to publicly support the Environment and Sustainable Development Minister's position.

WWF believes that the integration with terrestrial planning policy, development control and other strategies, such as land use plans, non-statutory ICZM plans, River Basin Management Plans and Shoreline Management Plans, represents a considerable challenge to marine planning. The coastal zone is incredibly important for conservation of natural and cultural heritage, along with representing hugely significant environmental, economic and social assets. WWF is a strong advocate of Integrated Coastal Zone Management (ICZM) as a process for bringing together all those involved in the development, management and the use of the coast to help ensure future management takes place in an integrated and informed way. We supported the development of the ICZM Strategy for Wales (2007) and were involved through the WCMP's ICZM Indicator Sub-Group to develop indicators to assess progress in implementation of the strategy. A number of the key objectives and actions within this strategy support and complement marine planning principles, for example, integrated planning, policy integration, sound evidence base and cross-border working. As such, WWF believes that Marine Planning and ICZM are fully complementary. Welsh marine plans should build upon this strategy and focus on specific actions needed to achieve integration in practice across the land-sea divide. For those involved in supporting the development of this strategy and simultaneously helping raise awareness of ICZM in Wales, it has been a disappointing that there has been scant progress made by government in turning the strategy into action. This is particularly frustrating given that a key objective of this document included provisions for annual monitoring on implementation progress, and for the strategy to be refreshed in 2010 – neither of which has occurred. Marine planning should seek to learn from this experience, recognising that marine planning's statutory and sustainable development basis affords it greater consideration by decision makers and stakeholders alike than ICZM. However, there is still a danger that marine

plans once developed, may become another strategy that sits on the shelf without being given the necessary resources and attention of government to become fully implemented.

What is the current status of marine protected areas in Wales and what role should the new marine conservation zones have in this network of protected areas?

WWF believes that Marine Protected Areas (MPAs), one of the primary tools for managing and safeguarding the marine environment, are vital in protecting marine biodiversity. They form a critical component of current wider marine management in Wales and future marine plans. A well designed and well managed network of MPAs can help increase the resilience of the marine environment to cope with natural and anthropogenic changes. A comprehensive and ecologically representative network should encompass rare, threatened species and habitats, in addition to those which are representative of common and widespread habitats or species.

Whilst Wales has an extensive network of MPAs, the degree to which it is contributing to conservation and improvement of the wider marine environment is unclear. A key area of concern for WWF in Wales is that MPA designation does not equate to protection. At the last reporting cycle to the EU Commission in 2007, regarding the condition and status of marine site features (habitats and species) within marine SACs and SPAs in Wales, of the marine species and habitats that were assessed only 53% of species features and 46% of habitat features were reported as being in favourable condition. Additionally of the habitats and species that were assessed for status 100% of species and 79% of habitats were reported as being in unfavourable status, meaning there were not under secure management to maintain or improve their condition. A clear priority for Welsh Government should be to improve the management of existing sites and the resilience of the Welsh marine environment.

WWF is keen to see Marine Conservation Zones (MCZs), a key component of the Marine and Coastal Access Act, 2009, come to fruition in Wales. These will bolt on to existing marine protected areas designated under European legislation, namely, the European Habitats and Birds Directives. Furthermore, we believe that highly protected sites will be a critical part of a UK ecologically coherent network. They will be important in ensuring degraded habitats are allowed to recover and that vulnerable features are allowed to thrive. They will also play an important role in shaping our understanding of marine ecosystems and the way they respond to various pressures. WWF is pleased that Welsh Government has committed to creating highly protected MCZs in Wales due to their fundamental role in the success of achieving a truly Ecologically Coherent Network.

We would like to note that current discussions and debates concerning the designation of MCZs in Welsh waters are occurring in the absence of a Welsh MPA strategy. It is vital that a finalised Welsh MPA strategy sets out the wider marine nature conservation programme of Welsh Government, giving a strong national leadership for all aspects of MPA policy, including management and a proportionate framework for delivering the ambition of the strategy. This

strategy must reflect the increasing importance of marine conservation anticipated in the next few years, and highlight the need for greater resources to support the research, monitoring and enforcement that will be necessary to deliver the strategy. We would also like to note that it is currently unclear as to how Welsh Government's MPA work will be reflected within the newly emerging Natural Resource Management Unit as part of 'Sustaining a Living Wales'.

The development of Welsh Government's functions in relation to marine licensing and fisheries and whether this has been effective?

Marine Licensing:

Under Part 4 of the Marine and Coastal Access Act, 2009, a reformed and streamlined marine licensing system was introduced. The creation of the Marine Consents Unit within Welsh Government as a 'One-Stop-Shop' has increased transparency of licensing for marine consents, giving public access to information on licences issued and applications currently under review. As WWF does not engage with case-work, it would be inappropriate for us to comment on whether the new system works better from a developer's perspective.

An effective marine licensing system, like a strong development control process within terrestrial planning, needs to be informed by robust strategic marine policy priorities and guidance. Marine licensing should interpret UK and Welsh policy and act as a strong sustainable development gatekeeper for Welsh seas. Whilst marine licensing is currently guided by the UK-wide Marine Policy Statement, it does, however, operate in the absence of Welsh marine plans. Without a clear spatial context and integrated framework for marine management in Wales, it is questionable if case-by-case decision making for marine consenting is able to ensure strategic considerations are made. Marine licensing should be plan-led, and as such, statutory marine plans are vital for achieving the sustainable development of Welsh seas.

Fisheries:

The new fisheries management and marine enforcement regime in Wales has seen considerable changes since April 2010. The establishment of three Welsh Inshore Fisheries Groups and the Wales Marine Fisheries Advisory Group represents a strong move towards stakeholder engagement in fisheries management in Wales by bringing together cross-sectoral representation from industry, communities in Wales, government and the environment sector. This structure has great potential, although there has been very little clear output from these groups to date.

The Wales Fisheries Strategy (2008) has suffered a similar fate to that of the Wales ICZM Strategy discussed earlier. This ambitious strategy, with its accompanying Implementation Plans, has seen very limited progress in terms of delivery. It is our understanding that the strategy is currently under review. A barrier to its implementation, in our view, has been the limited priority afforded to it by government and that key delivery partners, are under

resourced, and others such as the Welsh Federation of Fishermen's Associations (WFFA) disbanded.

WWF believes that a considerable challenge facing fisheries management in Wales is the current division of marine management responsibilities between two Ministerial portfolios (John Griffiths, AM and Alun Davies, AM). We feel that there is strong case to be made for greater cohesion and collaboration between the Deputy Minister for Agriculture, Fisheries, Food and European Programmes and the Minister for Environment and Sustainable Development, which would be to the benefit of better marine governance in Wales.

Whether there is sufficient cooperation and coordination between the Welsh Government and its neighbouring administrations in relation to the management of its seas?

There are a number of areas where Welsh Government could improve its cross-border coordination, including, *inter alia*, MCZs and marine planning. We have been calling upon Welsh Government to work closely with Defra regarding the regional MCZ projects in English territorial and UK/offshore waters adjacent to England and Wales, especially the Irish Sea Conservation Zone Project that has recommended a number of MCZs in the Welsh offshore region. This is imperative in seeking to create and deliver a truly UK Ecologically Coherent Network that transcends political and administrative boundaries.

A key aim of marine planning should be to implement the Ecosystem Approach. As such, political and administrative boundaries need to be overcome to manage ecosystems as a whole. There appears to be widespread acceptance as to the need for cross-border working with respect to marine planning. However, the situation is made complex due to our shared borders, i.e. within the Severn and Dee estuaries where more than one planning authority will be preparing marine plans. Therefore, a coordinated and integrated approach to marine planning is made difficult at these sites; clear rules of engagement for cross-border working are advocated to address this. We had understood that the four UK administrations were looking to establish a marine planning concordat to formalise this process, yet the status of this is unclear, despite a question to the First Minister in the Chamber by Russell George in the previous term. Clear and concrete progress with cross border marine planning is currently not evident.

Where Welsh Government marine policy staff may not be engaging with their counterparts in, for example Whitehall or Marine Scotland, this may be due to resource constraints, rather than a lack of will on the part of the Welsh officials concerned.

Whether the Welsh Government has sufficient financial and staff resource to deliver on its marine policy and legislation objectives?

WWF Cymru's greatest concern is the lack of resource, both in terms of capital and staffing, allocated to marine policy in Wales since the passing of the Marine and Coastal Access Act in 2009. As a matter of utmost priority, we stress the need for investment in the development and effective implementation of marine policy in order for Welsh Government to fulfil existing and future legislative objectives. The conducting of concurrent marine projects by Marine Branch with scarce resources has the potential to strain the ability of officials to work effectively, and stakeholders alike, by being stretched to thinly.

The extent of public and stakeholder engagement by Marine Branch in relation to the MCZ Project Wales highlights the evident lack of resourcing, with only two public events conducted for the whole of Wales. The Head of Marine Branch was out on the road for both of these events and a number of the fishing industry-specific events. Further evidence of the extent of the problem can be gleaned from the fact that the Marine Planning Officer has been effectively reassigned to assist with the MCZ project for a prolonged period. This latter point is widely perceived to be a contributing factor in the apparent marginalisation of marine planning within Welsh Government.

WWF, like other marine stakeholders in Wales, including the fishing industry, is concerned that that the current level of enforcement of capacity in WG's Fisheries Unit is insufficient to deliver existing obligations. As such we consider there to be a need for an urgent analysis of enforcement capacity in WG for its marine programme, including fisheries management, to identify if sufficient resources will be made available to, for example, support the effective delivery of MCZ Project Wales.

Whether stakeholders have been sufficiently involved in the shaping of new policies and the development of legislation?

Given the complexities within the Welsh inshore area, for example, the considerable number of stakeholder and interest groups, WWF considers integration and cooperation of all marine and coastal sectors and users to be vital. Stakeholder engagement is an essential part of the Ecosystem Approach and, therefore, policy formulation. A transferable learning from WWF's PISCES project and the Scottish Sustainable Marine Environment Initiative's local spatial planning pilots is not to underestimate the time taken to engage with stakeholders in order to secure buy-in into policy. Experience shows that early and effective stakeholder engagement needs to be structured to ensure involvement and expectations are managed throughout the process of policy development.

Overall, Welsh Government does appear to recognise the need for undertaking engagement within its marine policy and have attempted to engage stakeholders in the shaping of new policies and the development of legislation. The recent public consultation associated with the

MCZ Project Wales has highlighted, however, that whilst efforts were made to engage the public, more should have been done and earlier. In consequence, other stakeholders, such as WWF, become to a certain degree de facto spokespeople for what was a government process and left to publicly communicate the value of marine conservation and address confusion around the content of the government proposals for creating highly protected MCZs. This should have been the job of Welsh Government.

As stated previously, WWF has participated in a number of stakeholder groups established ad hoc over the years by Welsh Government to input advice on emerging and developing marine policy, such as fisheries management, marine planning, ICZM and MCZs. Upon reflection it appears that this inclusive approach to policy formulation, whilst valued by stakeholders, particularly WWF, increases expectations, particularly with regard to implementation and delivery by government of policies. These expectations with regard to marine policy have not always been met. Within our experiences, specifically concerning marine planning and ICZM, there have been notable periods of building momentum and stakeholder interest, subsequently followed by periods of hiatus and silence that generate uncertainty and to a lesser degree disengagement. Furthermore, as a stakeholder we have found ourselves strained on a number of occasions due to parallel Welsh Government marine policy areas requiring input. Due to the risks associated with stakeholder fatigue and vulnerability to diminishing interest when involved in several similar and concurrent engagement processes, there may be potential for streamlining to occur, so as to facilitate engagement on multiple policy areas at a single time. A key recommendation of the WWF PISCES Project concerning stakeholder engagement is the need for government to develop stakeholder engagement strategies, up front, to clarify stakeholder roles and manage expectations within policy development (www.projectpisc.es.eu).

4. Additional points to be considered

In addition to the aforementioned points in relation to the Commission's proposal, WWF would like to draw the Committee's attention to the following key elements.

There is an increasing need for marine evidence in order to fulfil current and proposed objectives as we continue to develop our understanding of ecosystem functioning and services. Marine planning, European marine sites, natural resource management plans and MCZs all have extensive data and evidence requirements. Whilst initiatives aimed at greater integrated working and data sharing are welcomed, it is our view that increased resources are required not only in terms of adequate staff capacity, but also to provide sufficient funding to enable enhanced understanding of marine ecosystems through monitoring and research.

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