

Llyr Gruffydd MS
Chair, Climate Change, Environment & Infrastructure Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1NA

Submitted by email to SeneddClimate@Senedd.Wales

12th May 2022

Dear Llyr,

Debate on the Climate Change, Environment and Infrastructure Committee report: report on the Welsh Government's marine policies

Ahead of next week's debate on the CCEI Committee report on the Welsh Government's marine policies, please find below some brief comments by RSPB Cymru on some of the recommendations put forward and the Welsh Government's response. I hope that you will find this information of use. If you have any questions regarding these comments, or if I can be of any further assistance, please do get in touch.

Yours sincerely,

Emily Williams
Senior Marine Policy Officer
RSPB Cymru

Cymru

Specific recommendations of the report of the Welsh Government's marine policies	Welsh Government response	RSPB Cymru comments
<p>1. The Committee recommends that the Welsh Government should commission an external analysis of the Wales National Marine Plan to inform its own review later in 2022.</p>	<p>Response: Agree in principle Welsh Government will this year report on the effectiveness of the Welsh National Marine Plan. We have collaborated with stakeholders to develop the plan monitoring framework and indicators against which to assess progress to ensure the report will be based upon on objective analysis of the available evidence. Given the recent introduction of the marine plan we anticipate limited evidence being available to inform a thorough assessment of progress. We agree in principle with the approach suggested in this recommendation and will commission an external analysis to inform the next statutory report.</p>	<p>The Welsh Government's response states that it will "report" on the Welsh National Marine Plan. It does not provide sufficient reassurance that it will "review" marine planning to address the concerns highlighted in the Committee report:</p> <p>"...now is the time to consider whether the plans and strategies the Welsh Government currently has in place will continue to be fit for purpose in the light of the expected increase in development."</p> <p>"Stakeholders made a persuasive argument that the Welsh Government should commission an initial external review of the Plan"</p> <p>"Environmental stakeholders criticised strongly several aspects...particularly the lack of a spatial approach. However, we note the comments from the Welsh Government about the adoption of a more spatial approach, including Strategic Resource Areas. These, and other related matters, should be considered as part of the initial external review."</p> <p>RSPB Cymru are advocating for a spatial and holistic Marine Development Plan that would sit alongside the policies contained within the Welsh National Marine Plan.</p>
<p>5. The Committee recommends that the Welsh Government should update the Marine Energy Plan to reflect its ambitions and intentions in this policy area.</p>	<p>Response: Accept in principle The Welsh Government will review the Marine Energy Plan for Wales to consider whether and how it needs up-dating to reflect the latest position.</p>	<p>We urge any review of the Marine Energy Plan to fully consider all of the Welsh Government's priorities and ambitions for the marine area holistically, for example those for fisheries, aquaculture, conservation and so on. An update of the Marine Energy Plan should also consider the cumulative impacts of all activities in Welsh waters. This should then inform further development ambitions. A Marine Development Plan would enable this.</p>

<p>7. The Committee recommends that the Welsh Government should set out how its end-to-end review of the consenting process will be open and transparent and how stakeholders will be provided with an opportunity to contribute.</p>	<p>Response: Accept Welsh Government is commissioning an independent contractor to undertake an end to end review of marine licensing to ensure it is open and transparent. It is critical that stakeholders have the opportunity to input to the review and this will be an integral part of the process. Stakeholder views are welcome on any aspect of marine licensing delivery, and ways to input these will be agreed with the contractor once in place.</p>	<p>We are grateful to be included in this process as a stakeholder and look forward to working with the now appointed consultant who is looking at the end to end review.</p>
<p>9. The Committee recommends that the Welsh Government should set out how it will deliver on the commitment in the renewable energy deep-dive to identifying priority marine and terrestrial evidence gaps and mechanisms to fill them. This should include information on how such work will be funded.</p>	<p>Response: Accept Welsh Government have been in discussions with NRW and identified the gaps around marine evidence, which largely relates to evidence on interaction between a technology and the environment. We have agreed that NRW will provide a timeline for identifying and filling existing evidence gaps for energy projects on shore through the deep dive process. However, this will be an evolving picture as new technologies are developed and become commercialised. We will continue to implement a spatial approach to marine planning, working with NRW to understand ecological constraints and opportunities. In addition, we will map socioeconomic spatial considerations and identify spatial evidence gaps and mechanisms to fill them as part of marine planning. We will publish a report on addressing strategic baseline evidence gaps for renewable energy technologies, and a series of information notes that will identify topic specific evidence gaps in relation to developing tidal stream energy technologies.</p>	<p>We are pleased to see that the timeline for identifying and filling existing evidence gaps for energy projects shall be brought forward. However, we note there are no financial implications identified alongside the response to this recommendation, which is a concern if the timeline is to lead to action.</p> <p>The report highlighted wider evidence issues (beyond the energy sector) for the marine environment (including monitoring of marine protected areas and fisheries) which we believe warrant further attention. It stated, “the State of Natural Resources Report (SoNaRR 2020) assessment of the Welsh inshore marine area found that “there are various evidence gaps across social, economic (including development) and environmental uses of the marine environment that restrict our ability to ensure sustainable management of marine natural resources”.”</p> <p>We would welcome an update on the following, highlighted in the report: “NRW has been working with the JNCC and other UK nature conservation bodies to consider options for funding a wider programme and it told the Committee: “the favoured option—and we worked with the Welsh Government as well and they supported us on this— ...was for around five times more than we currently have.” This would result in an eight-fold expansion of the monitoring programme. Discussions were now being held with the Welsh Government about how the bid would be taken forward.”</p>

<p>10. The Committee recommends that the Welsh Government should set out how developers can make a greater contribution to the evidence base that underpins marine planning. It should set out how it will remove barriers to ensure that data can be shared while respecting commercial confidentiality.</p>	<p>Response: Accept Marine planning is an evidence based process and developers can make an important contribution towards our understanding of the marine environment and future marine planning. The Welsh Marine National Plan encourages the sharing of evidence and encourages sectors to collaborate to understand opportunities for sustainable development by addressing key evidence gaps. It is important that we maximise learning from developments that are progressed, ensuring new data can feed back into future decision making including the accuracy of predicted effects and how this can inform future assessments. Welsh Government is considering how any barriers to data sharing can best be addressed. We are a part of the UK Productive Seas Evidence Group which has actively considered this matter. We are also supportive of The Crown Estate Marine Data Exchange initiative which makes available data from the marine renewables and aggregates industry. We agree that this matter merits further action and will set out in the next revision of the Welsh Government Marine Evidence Strategy how we can work with industry to take this forwards.</p>	<p>We are pleased to see this response and plans to address the recommendation.</p>
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<p>11. The Committee recommends that the Welsh Government should provide an update on the Welsh Marine Evidence Strategy 2019-22, including any assessment that has been undertaken of its effectiveness, and whether the Strategy will be reviewed or amended in the light of the commitment in the renewable energy deep-dive.</p>	<p>Response: Accept Welsh Government Officials would be happy to provide a mid-term update on delivery of the Welsh Marine Evidence Strategy, whilst acknowledging that the evidence needs identified are not for Welsh Government to deliver alone. The strategy aimed to set the direction and areas of evidence needs required over this six-year period. Welsh Government have reviewed the need to update the Welsh Marine Evidence Strategy 2019-2025 document in light of emerging evidence needs. Officials are content that the overarching strategic evidence priorities still represent the high-level evidence needs including those identified by the deep dive. Progress in delivering the Welsh Marine Evidence Strategy is being monitored through the Welsh Marine Evidence Strategy Panel. Completion of marine, fisheries and aquaculture evidence projects led or contributed to by Welsh Government is also being captured in three internal two-year Evidence Plans, which are reviewed annually and formally evaluated at the end of each plans conclusion.</p>	<p>We are pleased that a panel is monitoring the progress being made to deliver the Welsh Marine Evidence Strategy and would welcome wider stakeholder communication on this, including suggestions on how stakeholders can further contribute towards addressing key evidence gaps. We would like to see an increase in funding for marine evidence within the Welsh Government and NRW. We also strongly recommend that future grant mechanisms provided by the Welsh Government and NRW are designed to enable more revenue spending. The emphasis on capital spend in grants has been a major barrier to most sectors seeking to fund projects in the marine environment, particularly marine evidence projects. Indeed, this has contributed towards the Welsh Marine Action and Advisory Group adopting the following as a key priority for its work going forward: “Sustainable long term investment and developing longer term sources of public and private finance is crucial to support delivery of key objectives”.</p>
<p>12. The Committee recommends that The Welsh Government should bring forward a strategy for Marine Protected Areas. It should focus on the need to take both local and network-scale approaches and to deliver the conservation objectives of individual MPAs, where applicable.</p>	<p>Response: Accept in Principle. I agree with the principles the committee have set out in the recommendation, and I am committed to both local and network scale approaches. At this stage I am not considering a standalone strategy, but rather ensuring the current strategic approach set out in the MPA Network Management Framework is built on and incorporated into our future long term strategies and plans for resilient ecological networks. This includes the Nature Networks Programme and UK Marine Strategy. Our MPA Network Management Framework sets out a clear strategic approach through effective management principles for enhancing the resilience of our MPA network and ensuring features maintain</p>	<p>We believe the introduction of the MPA Management Framework and associated grant scheme was a positive step forward. However, much more remains to be done. The nature of the marine environment often restricts the amount of restoration and active conservation work that can take place. As such, regulatory processes are especially important for the effective management of MPAs. The wider considerations highlighted in this report, such as the need for marine evidence, enhanced marine planning and the introduction of sustainable fisheries measures, are therefore crucial for MPA management.</p>

	<p>or move towards a favourable condition. A number of successful actions have been delivered through the framework and future actions are now supported by the MPA Network Management grant scheme. The committee will be aware the Framework is due for renewal in 2023. Welsh Government will be working closely with stakeholders to review the framework and ensure this can continue being an effective strategic platform for managing our MPA network. Further, I am committed to delivering our MPA network completion programme and I will shortly be setting out my ambitions for the MCZ designation process. Work has progressed significantly to prepare pre-consultation documentation which will support a stakeholder engagement exercise. I would welcome your views once launched and in the forthcoming consultation due to launch in 2023.</p>	
<p>13. The Committee recommends that the Welsh Government should explain the lack of progress on the designation of MPAs and MCZs and set</p>	<p>I acknowledge the delay in delivering this work area which had been impacted by staff redeployment to support our Covid-19 and EU Exit response. However, significant progress has been made to develop all the pre-consultation documents which will enable Welsh Government to launch an engagement exercise with stakeholders. We expect this next phase of work to</p>	<p>We look forward to seeing the next steps on the Marine Conservation Zone progress commence shortly. We wish to highlight that gaps also remain in the network for mobile species, including for foraging areas for seabirds.</p> <p>Management is one of the five main OSPAR* principles of ecological coherence, with Principle 13 of the 2006-3 guidance setting out: “MPAs</p>

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<p>out a timetable for designation.</p>	<p>be launched in the coming months, in collaboration with the Marine Conservation Zone Task and Finish Group.</p>	<p>should be managed to ensure the protection of the features for which they are selected and to support the functioning of an ecologically coherent network”. This approach was highlighted and committed to by the Welsh Government, in a Joint Statement in 2012. As such, designation of MCZs alone shall not be enough for Wales to declare an ecologically coherent contribution to the UK MPA network.</p> <p>* Convention for the Protection of the Marine Environment of the North-East Atlantic</p>
<p>14. The Committee recommends that the Welsh Government should set out how the new approach NRW has developed for site condition assessments will be funded.</p>	<p>Response: Accept I recognise the important role MPA condition assessments have informing our MPA management programme and ensuring achievement of favourable status for our protected features. Welsh Government are exploring the Nature Networks Programme as a potential option for funding feature condition assessments for the Welsh MPA network. Other additional avenues for funding are continuing to be explored.</p>	<p>Nature Networks funding would be a grant project-based approach to funding MPA condition assessments and therefore would not constitute a long-term sustainable financing solution. The lack of core funding available for marine conservation is a major constraint for the sustainable management of natural resources.</p>
<p>15. The Committee recommends that the Welsh Government should set out the latest discussions it has held about the implementation of risk-based marine monitoring programmes across the MPA network, as set out in the MPA 2020-21 Action Plan.</p>	<p>Response: Accept Welsh Government remain committed to a UK wide monitoring programme based on the identified monitoring options to support the whole MPA network. Welsh Government are continuing discussions with the UK and Devolved Governments in how to deliver this.</p>	<p>We are keen to stress that a solution to funding the marine monitoring programme is essential. An update on this would be welcome.</p>
<p>16. The Committee recommends that the Welsh Government should set out its latest plans for the designation of highly protected marine areas.</p>	<p>Following on from the MPA network completion programme, it is important we take the opportunity to revisit our sites and their successes. We aim to assess our network and whether the benefits, such as enhanced ecosystem resilience, and protections we seek are being realised. Welsh Government will</p>	<p>We are pleased that a holistic stocktake of the MPA network will be undertaken. However, we are concerned about timescales. The MPA network completion programme (including MCZ designation) is not yet at consultation stage. Whilst Wales has over 30% of the marine environment in MPAs, we believe much more needs to be done if we are to achieve 30% well-managed by 2030.</p>

	<p>undertake a holistic stocktake and revisit the levels of protection afforded to our sites and whether current management is proportionate and effective. The need, and appropriateness, for areas of higher protection should be considered as part of this process.</p>	<p>On MPAs [PDF, 253KB], the International Union for Conservation of Nature (IUCN) “encourages IUCN State and Government Agency Members to designate and implement at least 30% of each marine habitat in a network of highly protected MPAs and other effective area based conservation measures, with the ultimate aim of creating a fully sustainable ocean, at least 30% of which has no extractive activities, subject to the rights of indigenous peoples and local communities”. MPA categories, as defined by the IUCN, are defined in this guide (PDF, 7260KB). We are calling for an aim of 30% of Welsh seas highly protected and 10% fully protected (IUCN definitions) by 2030.</p>
<p>17. The Committee recommends that the Welsh Government should set out the purpose and timeline for the public consultation on dredging and bottom trawling in Welsh MPAs.</p>	<p>Response: Accept The Welsh Government continues to work with Natural Resources Wales to undertake a structured evaluation of potential fishing gear interactions with features of Welsh Marine Protected Areas (MPAs) referred to as the Assessing Welsh Fishing Activities project. It is expected the last of the towed gear assessments will be completed in summer 2022, after which it is anticipated proposals for any necessary management measures will form part of a public consultation. The timescale for any consultation will be determined alongside other Welsh Government priorities at the time.</p>	<p>The Welsh Government has yet to consult on management of towed gear (including bottom trawling) within MPAs. In contrast, other UK administrations have progressed to the introduction of management measures for all fisheries gears in MPAs and to consider highly protected areas. The Welsh Government has legal duties (for example, under the Habitats Regulations, the Marine Strategy Regulations and UK Fisheries Act) to address this. Further delay on this is also at odds to the commitment to reversing the impacts of the nature crisis. This work must be recognised as a priority to ensure the future sustainable management of the marine environment in Wales.</p>

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		<p>Towed gear assessments (“high-risk activities”) were provided to the Welsh Government by NRW in 2017 as part of the Assessing Welsh Fisheries Activities Project (AWFA). Since then, the absence of a consultation on resulting measures has been the subject of recommendations by former Senedd Committees, urging progress. Wales Environment Link have also written to the Welsh Government regarding this many times. WEL received a response in 2018 which stated that additional resources had been acquired to accelerate this work. Stakeholders were also informed during the Welsh Marine Fisheries Advisory Group (WMFAG) that a consultation on a towed gear order had been drafted in 2018. Yet, a consultation is still outstanding.</p> <p>There is a long history of the Senedd seeking progress from the Welsh Government on this matter. For example, the Welsh Government were urged by Members for a timetable in 2017 and again in 2020. In November 2019, the CCERA Committee recommended that a consultation should be brought forward on management options for high-risk activities by January 2021 at the latest. The response was that the assessment would be completed “as quickly as practically possible” but said a consultation was expected in early 2020. Since then, Members of the Senedd have sought updates on the proposed timetable for a consultation. A written answer to Janet Finch-Saunders MS from March 2021 is very similar to that which the Committee has received to this report in April 2022: “...Officials are exploring potential measures which could be introduced to prevent these bottom-trawled gears from causing damage to protected features, including limiting the use of such gear in specific areas. These measures will be evidence based, proportionate and subject to a 12 week public consultation, although at present I cannot confirm when this will take place.”</p>
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