



Cynulliad Cenedlaethol Cymru **The National Assembly for Wales**

Y Pwyllgor Amgylchedd a Chynaliadwyedd **The Environment and Sustainability Committee**

Dydd Iau, 6 Chwefror 2014
Thursday, 6 February 2014

Cynnwys **Contents**

Cynnig o dan Reol Sefydlog 17.22 i Ethol Cadeirydd Dros Dro
Motion under Standing Order 17.22 to Elect Temporary Chair

Cyflwyniadau, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions

Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r Cyfarfod ar gyfer Eitem 4
Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Meeting for item 4

Polisi Morol yng Nghymru—Sesiwn Ddilynol: Tystiolaeth gan Cyswllt Amgylchedd Cymru
Marine Policy in Wales—Follow-up: Evidence from Wales Environment Link

Polisi Morol yng Nghymru—Sesiwn Ddilynol: Tystiolaeth gan y Diwydiant Pysgota
Marine Policy in Wales—Follow-up: Evidence from the Fishing Industry

Polisi Morol yng Nghymru—Sesiwn Ddilynol: Tystiolaeth gan Cyfoeth Naturiol Cymru
Marine Policy in Wales—Follow-up: Evidence from Natural Resources Wales

Papurau i'w Nodi
Papers to Note

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

These proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Mick Antoni	Llafur (Cadeirydd Dros Dro y Pwyllgor) Labour (Temporary Committee Chair)
Russell George	Ceidwadwyr Cymreig Welsh Conservatives
Julie James	Llafur Labour
Julie Morgan	Llafur Labour
William Powell	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Antoinette Sandbach	Ceidwadwyr Cymreig Welsh Conservatives
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Dr Iwan Ball	WWF/Cadeirydd Gweithgor Morol Cyswllt Amgylchedd Cymru WWF/Chair of Wales Environment Link's Marine Working Group
Gill Bell	Y Gymdeithas Cadwraeth Forol Marine Conservation Society
Gareth Cunningham	RSPB Cymru
Keith Davies	Pennaeth Grŵp Cynllunio Strategol, Cyfoeth Naturiol Cymru Head of Strategic Planning Group, Natural Resources Wales
Jim Evans	Cymdeithas Pysgotwyr Cymru Welsh Fishermen's Association
Sarah Horsfall	Seafish
Dr Kirsty Lindenbaum	Cynghorydd Rheoli Adnoddau Morol, Cyfoeth Naturiol Cymru Marine Resource Management Adviser, Natural Resources Wales
James Wilson	Cynhyrchwyr Cregyn Gleision Bangor Cyf. Bangor Mussels Producers Ltd

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Alun Davidson	Clerc Clerk
Catherine Hunt	Dirprwy Glerc Deputy Clerk

Nia Seaton Y Gwasanaeth Ymchwil
Research Service
Graham Winter Y Gwasanaeth Ymchwil
Research Service

*Dechreuodd y cyfarfod am 09:33.
The meeting began at 09:33.*

**Cynnig o dan Reol Sefydlog 17.22 i Ethol Cadeirydd Dros Dro
Motion under Standing Order 17.22 to Elect Temporary Chair**

[1] **Mr Davidson:** Good morning. The first item of business this morning is the election of a temporary Chair, in the absence of Lord Elis-Thomas. We have received a nomination for Mick Antoniw. Are there any objections? I see that there are none, therefore Mick Antoniw is duly elected temporary Chair.

*Penodwyd Mick Antoniw yn Gadeirydd dros dro.
Mick Antoniw was appointed temporary Chair.*

**Cyflwyniadau, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions**

[2] **Mick Antoniw:** I welcome members of the committee and the public. In the event of a fire alarm, you should leave the room by the marked fire exits, following the instructions of ushers and staff. There is no fire alarm test forecast for today. All mobile phones, pagers and BlackBerrys should be switched off as they interfere with the broadcasting equipment. The National Assembly for Wales operates through the medium of both the Welsh and English languages, and headphones are provided. Do not touch any of the buttons on the microphones as they can disable the system, and please ensure that the red light is showing before speaking. Any declarations of interest should be made now. Dafydd Elis-Thomas has sent his apologies, as has Llyr Gruffydd, and no substitutes are expected. There is a vacancy on the committee in respect of Vaughan Gething's position due to his appointment.

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r
Cyfarfod ar gyfer Eitem 4
Motion under Standing Order 17.42 to Resolve to Exclude the Public from the
Meeting for item 4**

[3] **Mick Antoniw:** I move that

the committee resolves to exclude the public from the meeting for item 4 in accordance with Standing Order 17.42.

[4] I see that everyone is in agreement.

*Derbyniwyd y cynnig
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 09:35.
The public part of the meeting ended at 09:35.*

*Ailymgynullodd y cyfarfod yn gyhoeddus am 10:46.
The meeting reconvened in public at 10:46.*

**Polisi Morol yng Nghymru—Sesiwn Ddilynol: Tystiolaeth gan Cyswllt
Amgylchedd Cymru**
Marine Policy in Wales—Follow-up: Evidence from Wales Environment Link

[5] **Mick Antoniw:** This is the public session of the review of marine policy in Wales. This is a follow-up evidence session from the Wales Environment Link. I welcome Iwan Ball from WWF and chair of the Wales Environment Link's marine working group; Gareth Cunningham from the Royal Society for the Protection of Birds Cymru; and Gill Bell from the Marine Conservation Society.

[6] It is normal to have a short introduction. I do not know whether one of you would like to introduce all of you or whether you all wish to give a short introduction.

[7] **Dr Ball:** I can make a start once I have figured out how to adjust the height of my chair.

[8] **Mick Antoniw:** It took me two years to work that out; just do not lean back. [*Laughter.*]

[9] **Dr Ball:** If I may, I will make the introduction in Welsh.

[10] Bore da. Iwan Ball ydw i. Rwy'n rheolwr polisi morol gyda WWF UK, ond rwyf wedi fy lleoli yng Nghaerdydd ac rwy'n gweithio o swyddfa WWF Cymru. Hoffwn ddiolch i'r pwyllgor am ein gwahodd ni yma heddiw i gyflwyno tystiolaeth i'r ymchwiliad hwn. Mae'r tri mudiad yr ydym yn eu cynrychioli yn aelodau o weithgor morol Cyswllt Amgylchedd Cymru. Rwy'n gadeirydd ar y grŵp hwnnw. Mae ein mudiadau yn gweithio gyda'i gilydd yn gytŷn ag un llais, er mwyn dylanwadu ar bolisi morol yng Nghymru.

Good morning. I am Iwan Ball. I am marine policy manager with WWF UK, but I am located in Cardiff and I work from the WWF Cymru office. I thank the committee for inviting us here today to give evidence to this inquiry. The three organisations that we represent are members of the Wales Environment Link marine working group. I am the chair of that group. Our organisations work together with a united voice in order to influence marine policy in Wales.

[11] Mae'r tri ohonom wedi cytuno i ateb eich cwestiynau ar bynciau penodol. Felly, bydd Gareth yn arwain wrth ymateb ar faterion cadwraeth forol. Bydd Gill yn ymateb ar faterion trawstoriadol, megis adnoddau a thystiolaeth, a byddaf i yn gwneud fy ngorau i ateb eich cwestiynau am gynllunio morol. Gan fod natur y pwnc yn eithaf technegol, byddaf yn parhau yn Saesneg, gyda chaniatâd y pwyllgor.

The three of us have agreed to answer questions on specific issues. So, Gareth will lead on issues of marine conservation. Gill will deal with cross-cutting issues, such as resources and evidence, and I will do my best to answer your questions about marine planning. As the nature of the issue is relatively technical, I will continue with my introduction in English, with your consent.

[12] **Mick Antoniw:** Of course.

[13] **Dr Ball:** I would like to make a few general comments on progress to date with implementation of Welsh Government's marine programme, before handing over to Gill and Gareth. We are pleased that the Welsh Government responded positively to the committee's recommendations. The Government accepted all of them. There were some changes to the timescale for the delivery of certain actions, but I think that it is true to say that the last few months have been an exceptionally busy period, and we have probably seen more progress in

the last six months than in the previous three and a half years. So, that is all very encouraging.

[14] We welcome the decision to bring together the marine and fisheries units into one division. We thought that was critical to ensuring a more integrated approach to the management of the marine environment. Moving forward, we will need to ensure that this integration extends into other policy areas within Welsh Government whose buy-in will be important if we are to successfully deliver this marine programme, particularly around marine spatial planning.

[15] We particularly welcome the publication of the marine and fisheries strategic action plan in November, and we think that is probably indicative of a higher level of priority that is now being given to this area of work, and that is largely thanks to this committee, I believe. However, that strategic action plan does set out a substantial work programme. Our concern is that, even with co-delivery of many of the actions, the work programme will be very challenging for the Welsh Government and its delivery partners in terms of resources, finances and people.

[16] On the use of resources, Gill will say more about that in a moment, but we welcome the additional resource that has been made available within the Welsh Government, particularly the added capacity within the marine and fisheries division. There have been some very helpful secondments from Natural Resources Wales. One thing I would say is that the stakeholder engagement arrangements for taking forward the marine programme are still not clear. The Welsh Government has been reviewing these for the past few months and we look forward to hearing more about this in due course. I will now hand over to Gareth.

[17] **Mr Cunningham:** I will keep this brief because I imagine that most things will probably come up in the questions.

[18] **Mick Antoniw:** Absolutely.

[19] **Mr Cunningham:** As we have said, we welcome the marine programme but we need to keep this in the wider context. At the end of the day, we are aiming for healthy seas. There is a range of drivers under the marine strategy framework directive, and halting biodiversity loss by 2020. As Iwan has alluded to, timelines are tight, and the Welsh Government really needs to make use of all the tools that it has available. We need strong leadership to make sure that the work programme actually stays on track. By 2016, we need to have an ecologically coherent network identified, and we need to have a range of management measures in place to achieve the healthy seas and good environment status by 2020. The network of sites and the management of this ecosystem need to be run in tandem with marine spatial planning. Obviously, there are other domestic drivers, which are being discussed at the moment, that will also feed into this. I will leave it there, and I will pass along to Gill.

[20] **Ms Bell:** Good morning, everyone. We were very pleased, obviously, with the recommendations of the committee, and we support the use of data from external sources to provide a greater understanding of existing functioning, which are essential, obviously, for the Welsh Government to reach its targets. We know that, compared with terrestrial marine, this is data-deficient and we acknowledge that there are some gaps in that knowledge, which is why we would recommend that the Welsh Government needs to undertake an adaptive management approach, and to utilise the best available evidence with its decision making and adopt the precautionary principle where necessary.

[21] Further to your recommendation 13 for the online provision of a register for marine licensing, we would also suggest that this could be developed further into a shared standardised marine data resource portal. We would recommend this portal to be hosted by the Welsh Government, as that is the relevant policyholder, and then they would all have that

evidence to hand to develop the policy. Obviously, there would be some confidential issues, but we think that it would be the best way to get all of the best available evidence in one shared public portal to provide data quality assurance and a holistic approach.

[22] With regard to stakeholders, obviously, the Welsh Government saw the cost of the result of not engaging and consulting with stakeholders in the marine and coastal zones consultation. However, the subsequent engagement clearly demonstrated that, given a clear mandate and time frame, multi-user groups can provide valuable assistance and expertise. If you were to get stakeholder buy-in, it is vital for the Welsh Government to succeed with its legal responsibilities, but we would like to see a defined permanent mechanism in order to incorporate engagement into the marine governance programme.

[23] With regard to resourcing, it is repeatedly raised and it is a concern. It has improved—as Iwan has indicated—with the merger of the two divisions and secondment of staff, and with the marine and fisheries strategic action plan, but it is still an issue. The Welsh Government did accept all of the recommendations of the committee. However, it did say that any additional costs would be drawn from existing programme budgets. We have concerns about that, and although we accept that this committee’s first recommendation was to afford higher priority to marine policy in Wales, that does require that we have adequate provision of resources and are able to do that.

[24] **Mick Antoniw:** Thank you. I will now open the questioning. I will start with Bill Powell, Antoinette, Julie Morgan and Julie James.

[25] **William Powell:** Thank you, Chair. I just wanted to go a little further over the points that Gill made. It is very heartening, as Iwan said in opening, that there has been a lot of progress in a few months in comparison with previous years, but this issue around stakeholder engagement is obviously vital. I wonder whether you could elaborate a bit on how you see better practice developing and what form a permanent mechanism would take so that it would contribute to taking these issues forward.

[26] **Ms Bell:** Certainly. WEL was part of the Wales Coastal and Maritime Partnership, which is obviously on hold. Although we are aware that Welsh Government has been reviewing how it engages with stakeholders and is in the process of developing that, I can understand why it would want to rationalise that and not to have various different committees and parties that it has to agree to because of time limits. We believe that, within the stakeholder focus group, which was set up as a result of the marine conservation zones consultation, there was consensus that the management measures were necessary and that we needed to improve on that. That group went forward from a position of being perceived to be made up of very different points of view, but we actually progressed forward a long way from that. What we would like to see is some sort of standardised mechanism to be able to do that—to engage. We would like the membership of that group to be reviewed to include other parties, such as the Crown Estate, which is not on that group. So, we would like to review that and have a look at the membership of what was the WCMP. What we really need is some clear steer from Welsh Government on how it is going to engage with stakeholders because, at the moment, the stakeholder focus group has officially finished, although we may be having another meeting with it. So, stakeholders do not feel that they have a way in to Welsh Government to be able to participate in the decision-making process.

[27] **William Powell:** Having achieved a better level of engagement now, it would be a great shame if that were to be lost.

[28] **Ms Bell:** It is an ideal opportunity. It would be a shame for that to be lost, so we would like to see that. We would like to see, as I say, a defined programme for how we can influence a marine governance programme.

[29] **William Powell:** Thanks.

[30] **Dr Ball:** May I just add to that? The reason why the MCZ stakeholder focus group worked so well was that it had a burning issue to deal with. It had a focus. The problem with the WCMP was that, when we did not have a focus for our work, it fell to being a bit of a talking shop. It worked at its best when we had task and finish groups set up for providing, for example, initial advice to Welsh Government on marine planning and when we developed the integrated coastal zone management indicators for Wales. So, we risk the same thing happening with the MCZ stakeholder focus group. If there is no burning issue for it to deal with, it could become a bit of a talking shop. I think that we need to look again at the WCMP. The membership of the stakeholder focus group as it stands, while it was very relevant to the MCZ issues, is probably not appropriate for advising on wider marine issues and in particular marine planning, where you need perhaps a more strategic level of engagement from stakeholders. We probably need to look at perhaps a paid chair for the WCMP who will provide the drive and the momentum to take on these issues.

[31] **William Powell:** I have one other point, if I may, Chair, and that relates to the issue of resources, which Gill raised. It has previously been suggested that there should be greater areas where charges can be levied with regard to marine licensing. Would you welcome that? Would you advocate the reinvestment of any such charges in this particular area to make it more resilient in future?

[32] **Ms Bell:** We do support cost recovery. We would hope that this would incentivise applicants for marine licences to do a thorough job on environmental impact assessments, which would then, hopefully, provide greater evidence for and consent on the licensing. We would like to see any costs recovered going into monitoring and investigation because—and I will keep harping on about this—marine is different from terrestrial in that we are very data-deficient. We would like some of that resource to go back to enable a better understanding of ecosystem functioning and the impacts of the licensing and the plans and projects that are taking place within the marine environment.

[33] **William Powell:** Thank you.

[34] **Mick Antoniw:** Okay. Antoinette is next.

[35] **Antoinette Sandbach:** I understand that NRW has set up a portal where its decisions are. So, what I really want to know is where that is deficient. When you say that you would like Welsh Government to set up a portal, are you saying that that should be NRW or should that be Welsh Government?

[36] **Ms Bell:** Obviously, NRW can only advise Welsh Government, so if the portal was hosted by Welsh Government it would be responsible and we would see a lot more transparency, perhaps, in it. We would also like to see it widened, because that is with regard to marine licensing, but we would like to see it widened to include, say, marine planning. The marine environment is data deficient, but there are a lot of resources out there, and a lot of people who can provide information. Welsh Government needs to be aware of this, and needs to have this to incorporate it in its decision making, so we would like to see it widened, and for it to be a public database that is accessible. Obviously, there will be some confidentiality with regard to projects and licensing, but we would like to see that developed further.

11:00

[37] **Antoinette Sandbach:** I think we have made quite strong recommendations around data and the co-ordination of data. I am certain that that is in our original report.

[38] **Ms Bell:** It is, yes.

[39] **Antoinette Sandbach:** I just want to move on. Have you seen the evidence of the Welsh Fishermen's Association and the Bangor Mussels Producers Ltd on NRW's article 17 report? I noted that you were talking earlier about a lot of co-operation and agreement in relation to marine conservation zones, but that report obviously indicates some of the areas of difference. Are you able to comment on the difference?

[40] **Mick Antoniw:** That is an open invitation to you.

[41] **Mr Cunningham:** I can make some comments. In terms of agreement with regard to the MCZs, the stakeholders agreed that we need better management of Welsh seas. Whether that is through MCZs or other mechanisms, I think that the agreement there was that the wider management needs to improve. I only recently read the response to article 17 from the WFA. I understand it has concerns about how that monitoring is taken. It has said—and we can agree with this—that the article 17 report was made last year, and what is not available yet is country-level indications of how the sites are faring. Obviously, we have submitted a UK response, but we do not currently have that level of understanding of where Wales is achieving or is not achieving site objectives. In terms of how we can address this, we are actually working with the WFA and other marine stakeholders in north Wales around the Llŷn peninsula, trying to develop a project where you can look at adapting management in actual practice. That is a partnership project between ourselves, Welsh Government, NRW, the local council, and other stakeholders there. There are mechanisms to address these things, and possibly the best way, as we were talking about, is an actual project group that has a clear steer on how we can develop and address ways of monitoring within sites. How can we improve our evidence base and look at how adaptive management can work? Are there mechanisms we can undertake, or mechanisms that are already under way, that will help improve future monitoring and management of sites, whether that be scallop dredging, recreational fishing, or jet ski use? All these things are under the—.

[42] **Antoinette Sandbach:** One of the themes that came through—I am looking at it now—from it was that they were talking about the best available evidence, but that evidence does not seem to have been made publicly available. Has it been made available to you from NRW?

[43] **Mr Cunningham:** As I said, the monitoring is submitted to Europe; we have not seen the results of that either. I think it probably the same situation—both of us have the same level of understanding.

[44] **Antoinette Sandbach:** It seems to me that there is an implication that there are no baseline data there, or not up-to-date baseline data. Have you made any representations to Welsh Government, particularly in the marine protected areas and special protected areas, to get those baseline data? Are you satisfied that, in those marine protected areas or special protected areas, those baseline data actually exist?

[45] **Mr Cunningham:** It is a very good question, and I think it is extremely timely, because the UK Government—and the Welsh Government is responding to this as well—is consulting on the monitoring programme for the marine strategy framework directive, and obviously part of that will include existing monitoring measures. We are slightly concerned that there are not any ambitions within that for any increase in monitoring. It seems to be the case that they are going to use existing monitoring programmes to decide what needs to be done in future. Obviously, there are gaps within that understanding. Some of the monitoring measures are not going to be finished until 2020, which is a bit of a disconnect when we need to deliver good environmental status by 2020. If we are not going to have a baseline until that

point, it does raise the question of how you will achieve that.

[46] **Mick Antoniw:** Julie Morgan is next.

[47] **Julie Morgan:** I was going to ask you about the planning Bill. We have just had a private session where we learned about the planning Bill. Can you give us your views on how the planning Bill should take account of the marine planning process?

[48] **Dr Ball:** That is another very good question. That is something that we are grappling with at the moment, because it is very difficult to answer that question because we do not know what the marine planning process will look like for Wales yet. However, it is clear that the two regimes need to interact and we need to have that integration across the coastal zone, in particular, because many of the activities that occur on land have a major impact on our marine environment. It is not only the planning Bill that we need to look at; we also need to look at such things as river basin management plans and flood-risk management plans to see how they fit in with the marine planning process, and vice versa.

[49] There is a mechanism for doing that, and it was the focus of one of the committee's recommendations, which is to implement integrated coastal zone management as part of a marine planning process. We often refer to ICZM as the zip between the terrestrial and marine components. I believe that ICZM will have a major role to play in ensuring that those two planning regimes fit coherently together.

[50] **Julie Morgan:** What about the timescale for the development of the national marine planning process?

[51] **Dr Ball:** The timescale is very challenging. There is a commitment in the strategic action plan to develop a national marine plan by 2015. There is a bit more information on the timeframe given in the statement of public participation that was launched earlier this week. That essentially kicks off the marine planning process for Wales. If we work back from a national marine plan by the end of 2015, if we allow time for the Welsh Minister to sign it off and then for subsequent sign-off by the UK Government, we are looking at getting a draft of a national marine plan for Wales ready by probably the end of 2014 at the latest. Twelve months to develop a national marine plan is very challenging; it took the NMO two years and nine months to develop a regional plan for the east of England. So, we have major concerns over the ability of Welsh Government to develop a meaningful, fit-for-purpose plan within that time frame.

[52] Having said that, it is important that we kick off the process and be pragmatic about it, because we are not going to get the all-singing, all-dancing national marine plan within 12 months within that first iteration. Marine planning is a cyclical process. It is an iterative process. So, as we go through subsequent iterations of the plan, hopefully the plan can become more sophisticated as our knowledge of the marine environment improves.

[53] **Julie Morgan:** So, you do not think that the fact that the timescale is so short and that maybe a limited plan will come up matters so much, from what you said?

[54] **Dr Ball:** Well, I think that it is a risk. We already have a UK-wide marine policy statement that sets the direction of marine planning across the UK, and that is a very high-level strategic document. What we do not want to do is to risk reinventing the wheel and just producing another marine policy statement for Wales. It really needs to add value to the decision-making framework for stakeholders. However, I think that the commitment is there from Welsh Government and stakeholders generally. We think that it is important to make a start on this, and let us see how we get on.

[55] **Julie James:** Just to develop that a little, this is such a confusing area for everyone, and, in all the inquiries that we have done, I confess that I cannot ever keep track of which bits of legislation affect what. What do you think is the best framework for all of that? I think that you mentioned—I was trying to keep track—seven different plans in your answer to Julie Morgan. If you were the Welsh Government trying to look at our current suite of legislation, how would you see it all fitting together? What would you like to see in that raft of things to do this?

[56] **Dr Ball:** Well, marine planning is meant to provide the framework for sustainable decision making in the marine environment. As we have already heard, our knowledge of the marine environment is pretty poor, so the marine planning process should identify and prioritise those data gaps that we need to address through our evidence gathering. So, from the marine environment's perspective, marine planning provides that framework for co-ordinating all of these different activities and all of these sectoral management plans.

[57] However, if we were to look more broadly, I guess that the relationship with the evolving environment Bill still is not clear, because that advocates an area-based approach. In our response to the environment Bill White Paper consultation, you know that we made the point that it is not clear to us how that is going to apply in the marine environment—the links between this area-based approach and any marine actions that that involves need to be embedded within the marine planning framework. Both systems want to apply an ecosystem-based approach, and the environment Bill seems to be the mechanism that the Welsh Government wants to use to apply that, so they need to be coherent.

[58] **Julie James:** Would you like to see that specifically as a sort of mother Bill for the way that the rest of the strategic plans sit underneath?

[59] **Dr Ball:** Not necessarily. I think that what we need is greater clarity on how marine planning fits into delivery of the ecosystem-based approach through the environment Bill. In some respects, we have a head start in the marine environment. We have talked about ecosystem-based management of a marine environment for many years, and there have been lots of projects looking at how to implement that: WWF, for instance, had the European-funded PISCES—partnerships involving stakeholders in the Celtic sea ecosystem—project in the Celtic sea, which looked at developing guidelines for the practical implementation of ecosystem-based management. So, there are lots of lessons out there that need to be learned that can be applied to the Welsh Government's approach in developing the environment Bill.

[60] **Julie James:** Thank you. One of the other things that the environment Bill talks a little bit about is the management of transitional areas—shoreline areas, if you like. Do you want to make any comments, any of you, about what is currently included and whether you are happy with it?

[61] **Mr Cunningham:** Do you want to lead on that?

[62] **Dr Ball:** If you want to start, I can pick up on anything else.

[63] **Mr Cunningham:** I was just going to allude to some of the comments that you made. Obviously, there is a raft of legislation in the marine environment at the moment, and there will, probably, continue to be. As Iwan said, marine spatial planning is a very useful tool, but we should not lose sight of the fact that it is not the only tool that we have available. There is a lot of work that has already been done. The marine renewable energy strategic framework project that the Welsh Government and what was the Countryside Council for Wales did helped to map out some of the constraints in terms of protected areas. This brings us back to an ecologically coherent network—if we do not know where the sites are, it is going to create confusion for developers going forward. If you are going to have a spatial plan, it needs to

have spatial areas of where constraint mapping needs to feed in.

[64] Coming back to the question that you have just asked, obviously, there are coastal areas where we may have constraints. Activities and shoreline management plans need to feed into the process; they need to feed into integrated coastal zone management and vice versa. I think that we are in a position where we have a lot of tools, especially on the coastline, but it is about making that connection between the plans. If we cannot connect them, we might have misused the tools that are available.

[65] **Dr Ball:** Just to add to that, and going back to the point that I was making earlier about integrated coastal zone management, this committee recommended that that strategy should be reviewed and revised by April of this year, I believe. I think that it is important that we go through that process. I would not get hung up too much on the dates at the moment. Let us make a start with marine planning and review the strategy as we go through the process of developing the marine plan. I think that, with ICZM, what is more important is the process itself, more so than the output—the ICZM strategy that sits on the bookshelf or whatever. The critical thing is to embed the principles of ICZM, and they are, essentially, good-governance principles within the marine planning framework. It may be that we will have a revised version of the ICZM strategy, but it is not the be-all and end-all; for instance, if you look at the Scottish national marine plan, when it consulted on that, the Scottish Government also consulted on a draft circular that clarified the relationship between terrestrial planning and marine planning. Similarly, in England, there is a coastal concordat that provides guidance on development in the coastal zone.

11:15

[66] **Mick Antoniw:** Gill, did you want to comment?

[67] **Ms Bell:** I just wanted to add a little bit about the environment Bill and a lot of the others. This is a very simple thing, but it is always ‘and marine’. It is never integrated. That is what we need. If you look at the environment Bill, every time ‘marine’ is mentioned it is ‘and marine’. I just wanted to make the point that, even within Welsh Government, there does not appear to be integrated thinking about it. Marine is forgotten and what we would like is for marine not to be separated but to be across the whole of Welsh Government profile, because half of Wales’s territorial area is marine. That is just forgotten, and is forgotten in terms of resources. That is all I wanted to add. I just wanted to re-emphasise that point really.

[68] **Mick Antoniw:** Thank you for that point. Joyce Watson is next.

[69] **Joyce Watson:** I represent Mid and West Wales, so I know about coastline. I wanted to look at the marine protected areas. They are always controversial and the ensuing debate is always lively. I will put that out there, because we all know it to be the case. However, I want to ask you about your concerns on the lack of progress that has been made towards the designation of additional conservation sites and the enactment of Part 5 of the Marine and Coastal Access Act 2009.

[70] **Mr Cunningham:** I alluded to this in my opening statement. Bearing in mind the big picture here—the picture is that we need better protection—we need to use all the tools available. Where sites qualify for European designation, as we have at the moment, we have consultation on extensions to existing special protection areas for birds—obviously, that is at European level—and there are domestic powers that we can use. One of those would be if we enacted Part 5 of the Marine and Coastal Access Act. We would be able to use MCZs. I will stress that marine conservation zones are not what were consulted on in terms of the highly protected aspect. Highly protected is an element of the programme, but it is not its overarching aim of it. So, you can use that part of the Act to manage areas outside existing

sites for areas that might be domestically important or do not qualify for European level protection. So, by not having that enacted, potentially, it makes Welsh Government's job in achieving good environmental status and delivering an ecologically coherent network more difficult.

[71] **Joyce Watson:** Moving on from that, if it was going to establish something, I would like your views on the Welsh Government's proposal to establish a Welsh marine protected areas steering group.

[72] **Mr Cunningham:** I think that I can draw back on the committee's recommendations. There was a recommendation to respond to the Countryside Council for Wales's advice. Part of that was reviewing the management of current marine protected areas. One of the tools was developing a marine protected area group of relevant local authorities. As far as we know, that is progressing and we welcome that. It is a very good start in looking at area-based management—the ecosystem-based approach, rather than at site level. We need to look at how these sites connect across Wales and manage them as a resource in the wider context. So, I think that that is a good step forward. Possibly, a little bit more pace might be needed, but it is progress.

[73] **Joyce Watson:** Finally, when we are talking about the coast and managing it, it is very difficult not to mention what is happening to the coast at the moment. How are you placed to evaluate any of the immediate effects the weather might have had? I am thinking of Skomer, Ramsey and other places that have a high designation at the moment. I could think of those straight away. Clearly, if we are talking about managing an area, we have to take account of current situations. I will not be able to ignore them tomorrow when I am driving the whole coast up to north Wales. Let us be serious about it.

[74] **Mr Cunningham:** Obviously, there are going to be a lot of pressing issues from the effects of climate change, and impacts on people's lives and on the ecology. I am not placed to talk about where Welsh Government should spend its money, in terms of coastal defences; I do not think that it is suitable for me to talk about that. However, in terms of protected site management, the whole point of the network is to add resilience to the network so that, if there are catastrophic effects—whether that was climate change or anything else, such as another Sea Empress incident—we would have that resilience; heaven forbid, but the potential is there. If we have the resilience within the network, at least other colonies can recover from this. If we rely on a few small satellite areas to represent the biodiversity that we have, we risk not protecting it properly. So, we need to front-load this, in terms of management. We need to think long term, and part of that is looking at coastal activities, where we do and do not build, and all of these things. It comes back to what we were talking about, spatial planning. We cannot look at the two things in isolation. We need to look at marine protected area management and location, in terms of marine spatial planning.

[75] **Mick Antoniw:** To inform the committee, recommendation 10 in the last report was that, by 31 December 2013, Welsh Government should voluntarily lay before the Assembly a report meeting the requirements of section 124 of the Marine and Coastal Access Act 2009, including the appraisal of the environmental status, governance and enforcement of existing marine protected areas. I draw Members' attention to the fact that it has just been published. I am sure that that is not coincidental, but no doubt that will be of interest to Members and witnesses.

[76] **Antoinette Sandbach:** Are you aware whether any of the storms have substantially damaged the MPAs, the SPAs or the seabed? That is one question. Secondly, NRW is consulting at the moment in relation to extending protection for seabirds, and it is looking at a 14km zone around some of the areas that it is consulting on. Will that prevent marine activity? In other words, will that designation on birds, potentially, impact on fishing or other

activities? I am not entirely clear on that, and it would be helpful if you could expand on that.

[77] **Mr Cunningham:** I can certainly clarify the last part of your question. The largest extension is around the Llŷn peninsula—in particular, around the islands. It is a 9km extension, but at the maximum point, it is 14km. It is worth clarifying that this is not an activity restricting process; it is there to manage future activities. Even in the information that NRW has put out, it clearly states that the majority of activities that are currently active in the area will not be affected at all by this. They should have been assessed under current regulations, and if they are non-damaging, there is no way that they will be affected. At the end of the day, these are to address future plans and projects, to make sure that we do not get activities in an area that may affect, in this case, the SPA features. It is the same with any SSSI; you have to look at effects on features. However, it does not preclude new developments. It is to make sure that we get the right projects in the right place.

[78] **Antoinette Sandbach:** On the damage issue, are you aware of that? Gill might know more.

[79] **Ms Bell:** I do not think that it has been safe. The Marine Conservation Society employs the national co-ordinator for Seasearch, which is underwater; it gets volunteers to go out, because professional underwater surveys are very expensive. It has not really been safe to get out there, but it will be. One of the other programs that we run is the Beachwatch programme, where we get people to go out to collect litter. Obviously, authorities have a duty to keep the beaches clean, but that is from May to September. So, if you have this amount of damage done—I walked on the beach and found a whole fridge-freezer washed up on the beach last weekend—you cannot fail to think that that will be damaging some of the substrate and it will then go out to sea. Although other beaches may appear to be clear, there could be an amount of damage. You also get the smothering effect if you get large pieces of litter and things. So, it would take a little bit of time for us to survey that and to find out what that is, but I would imagine that there is, yes.

[80] **Russell George:** I have more of a statement than a question with regard to storm damage and what you have just been talking about. It would be useful if you could provide any data that you have to the committee—particularly at this time, given the damage to the coast. We would appreciate that.

[81] **Mr Cunningham:** One of the things that we do every year—I believe that we are doing it next weekend—is a beached bird survey. Volunteers go out to monitor the number of birds that have been beached or drowned. We will have an indication of how severe the storms have been for sea birds. A lot of them overwinter at sea and, at this time of year, most of them come back to land, so the storms are not particularly well timed for those features.

[82] **Russell George:** There will be a pattern there from previous years, will there not?

[83] **Mr Cunningham:** Yes. Especially last year, we saw large sea-bird wrecks on the north-east coast, ranging from Scotland all the way down. These storms are particularly bad news for birds and that is a good indication of what is happening beneath the surface. I imagine that fishermen will be able to tell you what has happened to catch levels much better than I can.

[84] **Russell George:** It would be useful for us if you could provide us with any data that you have, as they come out, because it is quite time sensitive at the moment.

[85] **Antoinette Sandbach:** What about help with European funding? Is there anything that you can use—such as the European maritime and fisheries fund? If you could record damage to some of the marine protected areas, the special conservation areas and perhaps

even areas outside of those, is there funding available under the European maritime and fisheries fund that would help you in relation to that?

[86] **Mr Cunningham:** That is an interesting one. They are being reviewed at the moment and we do not know entirely what the criteria are. I know that there is work already going on within the Llŷn area with the Llŷn pot fishermen, which is grant funded by what was the Countryside Council for Wales, whereby a video camera is dropped off the back of fishing vessels. A mechanism like that is something that we could probably fund through this. That industry-level engagement will give us real data and they are out there in those areas already. It is kind of a win-win situation, but the main thing there will be having people in place to review those data. Collecting them is one part, but having the time to sit down to see whether there are effects is another thing.

[87] **Ms Bell:** I will just make a quick point about the storm damage. The whole point of the ecologically coherent network is to provide resilience within the marine ecosystem. We know that 50% of the special areas of conservation are not in favour of conservation status now, without the added climate change impacts and other potential impacts that we do not know about. One of the things within that is to have replication within the sites, and we would like to see that as one of the things that are considered in the marine protected areas network, so that, as Gareth mentioned, if we get one site that is damaged, at least we have the capacity for that to recover because there is a replicated site within an adequate distance to be able to recycle it. That comes back to the well-managed MPA. We need it to be well managed. Everybody on the stakeholder focus group agreed with that. There is no question within the marine sector—we are all in favour of that, we just need Welsh Government steer on how it is going to do that.

[88] **Mick Antoniw:** Thank you very much for your evidence today and, in the usual way, you will receive a transcript et cetera. It is very much appreciated and I am sure that we will all go away now to read the Government's report. *[Laughter.]*

11:30

**Polisi Morol yng Nghymru—Sesiwn Ddilynol: Tystiolaeth gan y Diwydiant
Pysgota
Marine Policy in Wales—Follow-up: Evidence from the Fishing Industry**

[89] **Mick Antoniw:** Good morning, thank you very much for coming in to give evidence. We just heard that one of the Government's reports has just been laid in respect of maritime policy, so some of us will be busy looking at that. Thank you for your evidence. We will also be reviewing the outcome of our last review and follow up on the recommendations that we made and what has happened. So, we will be updating on that as well.

[90] I welcome Jim Evans from the Welsh Fishermen's Association, Sarah Horsfall from Seafish and James Wilson from Bangor Mussel Producers Ltd. Welcome to the committee. Would one or all of you like to give a short introduction?

[91] **Mr Evans:** I have not prepared for an introduction. I assumed that you would want to concentrate on the details that we provided.

[92] **Mick Antoniw:** You do not have to give an introduction; it is not obligatory.

[93] **Mr Evans:** We are obviously very grateful for the opportunity to revisit this topic. While, as our evidence suggests, there has been very good, encouraging progress on the ambitions of Government, there are a couple of areas of concern that we would like to discuss

a little further with you. I hope that that is a sufficient introduction for the moment, unless James or Sarah have anything to add.

[94] **Mick Antoniw:** We will go straight into questions. I know that Russell George wants to start.

[95] **Russell George:** I do not know whether you had an opportunity to listen to the last evidence session—were you able to listen to any of that?

[96] **Mr Evans:** No.

[97] **Russell George:** That is fine. I am just really interested to hear your views about whether you are content with the Welsh Government's ongoing proposals to review and simplify fishery legislation.

[98] **Mr Evans:** 'Simplify'; that sounds very good. *[Laughter.]*

[99] **Russell George:** *[Inaudible.]*—around that. You may expand on that if you want to.

[100] **Mr Evans:** On the intention there—. That probably features in some of the comments that we made further on in our evidence regarding the environment Bill. I am assuming that that is in relation to the potential use of new fisheries and several and regulating Orders.

[101] **Russell George:** My question goes on to that. It is really about what your views are on the environment Bill. Could you expand on that?

[102] **Mr Evans:** May I pass you over to Sarah for an answer to that?

[103] **Russell George:** Yes.

[104] **Ms Horsfall:** A lot of the intention contained in the environment Bill is very welcome, for example it has statements on increasing aquaculture production and making it simpler for the industry. That all ties into the reformed common fisheries policy. We are very glad to see that. However, the trouble with the specifics is that they mention increasing the security of tenure for the industry, yet they then state that flexible management plans will be introduced. On the face of it, a flexible management plan would take a lot of the detail out of the actual several and regulating Orders. So, it would be a good idea and it would allow the industry more flexibility to operate its business. However, unfortunately, they also mention being able to revoke the management plans and the several and regulating Orders at short notice.

[105] So, if we are looking for security of tenure in the industry, how is having a revocation clause in there going to be able to produce any investment for the industry, or allow the industry to go forward for the future? If you have a company that gains a several Order and it thinks that it has security and is looking to invest, then, all of a sudden, because of something that happens potentially in a European marine site, it could have its production halted for an indefinite period or it could even have its licence revoked. That goes contrary to the belief that the security for the industry is going to be increased. You will not get any investment or any expansion of the industry on that basis. In fact, all that will happen is that you will create much more uncertainty. So, we are very concerned about those proposals in particular.

[106] I think that I am right in saying that the environment Bill White Paper was produced with hardly any consultation with the industry. We had no idea what was going to be in it before it actually came out. It has caused quite a lot of ill feeling within the industry because we felt that there was no need for a Bill. The legislation could have been reformed and

discussed beforehand. Perfectly sensible proposals could have been agreed, as opposed to proposals that could, in fact, be very detrimental to the industry. The industry was quite upset about the fact that it came out with no consultation and that it seems to be going in a direction that would allow no expansion in the industry at all and would, in fact, probably contract it through lack of investment.

[107] **Mr Wilson:** As for the industry, I agree with everything that Sarah has just said. I think that it goes deeper than that, really. We have had, I suppose, an improved dialogue with the Welsh Government fisheries department for a number of years. The issues that have caused or led to this environment Bill, and the shellfish management suggestions that lie within it, have been on the horizon for a long time. So, we have had significant discussions with the Welsh Government and we found it very disappointing that none of the points that we made were actually noted in any way; Sarah is absolutely right. There is no issue in respect of there being a process to revoke or amend a fishery Order. What we object to, absolutely, is the approach that suggested that the Minister may unilaterally revoke or amend an Order. There are processes that exist inside the structure of the 1967 Act, as it currently stands, that allow for developments to take place inside existing fishery Orders, but only after a process is undertaken—a transparent process that involves due diligence. Our problem with the amendments is associated with the suggestion that the Minister could sort of bypass that process. I think that the example referred to in the consultation relates to environmental considerations. So, the Minister could immediately amend, vary or revoke an Order.

[108] Sarah is absolutely right—it takes a long time to have an Order put in place. Too long, in fact. We share Sarah's concerns about the justification for the amendments. We do not think that anything is fundamentally wrong with the Act as it stands. We believe that there is an interpretation that the Welsh Government currently utilises, which is just an interpretation. It has changed markedly over the last three or four years. Prior to that it had a very different interpretation. Nothing, really, has altered in the legislative landscape to validate that interpretation. What has changed is that Wales, all of a sudden, has been given extended powers to make fisheries legislation. I think that there is a feeling that, to some extent, we are not complying with the 'If it's not broken, don't fix it' approach. It is more that there is a power there and a feeling that 'We've got the ability to change it, so let's change it'. That is a real issue for us.

[109] **Russell George:** I think that you said that you had good dialogue with the Welsh Government.

[110] **Mr Wilson:** Yes.

[111] **Russell George:** On the other hand, you said that this came out without any consultation.

[112] **Mr Wilson:** There is a difference. Sarah works for Seafish, which is a pan-industry UK body funded by levy. I do not think that there has been any formal dialogue. It has been more of an informal dialogue with the industry. I am a shellfish farmer, but I am also a manager. I am also a director of the Menai Strait Fishery Order Management Association, which sort of manages the affairs inside the Menai straits mussel fishery. We have had meetings with the Welsh Government, and we discussed some of the approaches that it was considering to tackle—this block in the process of giving out several and regulating Orders. So, I think that the dialogue was at a much more local scale, but it did not really matter, at the end of the day, because it did not listen to anything.

[113] **Russell George:** Or it listened, and did not take it on board—it was one or the other.

[114] **Mr Wilson:** Absolutely. There was no recognition. We found it very disappointing,

because the principles of the Act are things that we understand in some detail, because we are quite professional about what we do.

[115] **Mick Antoniw:** Julie Morgan is next.

[116] **Julie Morgan:** You just talked a bit about the consultation. Do you think that, generally, marine and fisheries get enough attention across all the Government portfolios?

[117] **Mr Evans:** Honestly, I must admit that I have limited experience. What has become obvious, I think, in, well, not even in the last year, is that while I do not expect that we will get equal attention as our terrestrial cousins and terrestrial interests get, there is room and a need for further resources in marine and fisheries. Clearly, it was a very positive development to join the two departments into one. I could not comment on whether there have been any further resources, human or otherwise, introduced into that. The feeling is that if there are any additional resources, they are limited, but, as we mentioned in our evidence, there are a couple of areas that, currently, are a cause for concern in terms of sustainable use and sustainable development, which could create blockages or bottlenecks within the system. With our current requirements, the concern, looking a little further forward, is when we are considering the regulatory requirements of the marine strategy framework directive, the bar will be set at a slightly higher level, and when we get to that stage, I think that the requirement or the obligation to carry out further assessment work could create some serious blockages in that respect. In my experience, it is during the assessment side of things, so I guess that that is in the science department and the legal department, when, obviously, that advice gets checked prior to it going forward for approval. Is that correct, James?

[118] **Mr Wilson:** One would assume that that is the process—

[119] **Mr Evans:** Those two departments are fairly closely linked and, in terms of future development, that needs to be a fairly well-oiled machine. I am not saying that it is not—the people who work there are really helpful, but it is just the volume of work that they have to get through. The amount of work for each application is so great that it creates bottlenecks.

[120] **Julie Morgan:** I was going to ask you about marine planning. The plan is to have a national marine planning process in place by 2015. What do you think of that timescale and what do you think should be the priorities of the process?

[121] **Mr Evans:** As far as I understand, although I have not had a chance to have a look at it yet, the statement of public participation went out to consultation on Monday. As I understand it, that is the starting gun for marine planning. It is an all-encompassing thing, and, obviously, we are quite data-poor or data-deficient at the moment, so there is probably a lot of work involved in establishing what data we already have, what further data are necessary and co-ordinating all of that. If I am honest, I would say that that is quite an ambitious target, because I do not think that that has been the experience; it has not been replicated in England. Sarah would have a better steer on the experience there, if that is any help.

[122] **Julie Morgan:** Yes.

[123] **Ms Horsfall:** I am sure that you know that the Marine Management Organisation has been doing the eastern marine plan for two years and six months, nearly two years and nine months, and it has not actually got the process signed off yet. I believe that it had up to 27 people working on the eastern marine plan at any one time. It has certainly had extensive consultation; it has a stakeholder focus group, and we meet every couple of months and every element of the process has been gone through. It will admit quite readily that it is a first stab. It is only the first attempt, and it is expecting the next ones to get better and better as it manages to refine the process. So, to go from two years and nine months in a smaller marine

area to the larger marine area that you have, and expect it to be done to a shorter timetable I definitely think is ambitious. I do not know how many people are going to be working on it. We have not been given that information, as far as I know, but I think it is very ambitious. I hope that you will be able to achieve it, but it is definitely a very ambitious target.

11:45

[124] **Antoinette Sandbach:** I think, unfortunately, there are only one or two working on it.

[125] **Ms Horsfall:** That is what we suspected.

[126] **Antoinette Sandbach:** That is the resource at the moment. I want to move on to the MPAs, the marine protected areas. Were you consulted on the development of shared principles between Natural Resources Wales and Welsh Government on the management of MPAs?

[127] **Mr Evans:** I must admit, at a certain level, we obviously have a good relationship with NRW. I am not going to criticise that. That phrase you mentioned there is foreign to me.

[128] **Antoinette Sandbach:** So, you have not heard of the—

[129] **Mr Evans:** No. As the committee will probably be aware, we have entered into a memorandum of understanding with NRW, so we do meet frequently with Emyr Roberts and his colleagues. We have a good relationship with his officials. Obviously, there is still work to be done, but there are gaps in the system and it is a big organisation. I would imagine it is still at an early stage, and maybe certain things do not filter through when they perhaps should.

[130] **William Powell:** That means ‘no’.

[131] **Mr Evans:** Yes.

[132] **Antoinette Sandbach:** So, the short answer to that was ‘no’. [*Laughter.*]

[133] **Mr Evans:** Yes. Sorry, I waffled a bit.

[134] **Antoinette Sandbach:** That is fine. You can give a long or a short answer, because it helps us to understand where the level of engagement is.

[135] Moving on to the article 17 process, because that obviously indicates where some of the gaps are, in your submissions you highlighted that there were undefined, non-recent data that were being relied upon in that article 17 process, and you were not able to get hold of or know what that base level was. Can you talk me through it? I think you were only given two days’ notice.

[136] **Mr Evans:** What I will do, if it is okay, is I will give a bit of an introduction and, hopefully, join the dots together, and then James can comment on a bit more of the detail. The reporting process, or the period in which it was being consulted on, which was only a month, we were not aware of. We literally found out about it through a colleague’s vigilance. He raised it for our attention. We put a rather hurried response together, but what we read out of one section was pretty disturbing in terms of it largely relying on a lot of assumption. While we have not got the papers or the relevant articles to be able to look into a bit more detail—. This, at the time, was a ticking clock. The report had to be in by a certain time to meet the UK requirements, so there was not an opportunity to go into any real depth with this. We did have a meeting with NRW about it, and we discussed it. That is an ongoing situation. We have

another meeting with it on 7 March, at which time we hope to have these articles—4, 8 and 11, I think—that will give us a bit of the background information and help explain certain statements that have been made in that report. Fundamentally, the reason why we wanted to draw it to the committee’s attention was because the Government and the committee seemed to be relying on that as potentially maybe informing the decisions you are making in the future, or what the current status is. We feel strongly that you should not place that amount of confidence in that report. What we would hope, or like, to see is an independent review of it, and, even if our doubts or concerns were unjustified, at least that review will, at the end of the day, draw a line in the sand, if you like, and everybody will understand exactly what the position is. At the moment, that is not the case, and we just wanted to flag that up. If you need further detail, we can provide that separately, if that is any help.

[137] **Antoinette Sandbach:** Before James comes in, Sarah, is that an experience that you have seen elsewhere in the UK, where reports are being made and it is not tying up with what is perceived or understood to be the position on the ground?

[138] **Ms Horsfall:** That is a difficult question to answer, because there are so many different reports from different agencies. However, we have certainly seen reports like this one, produced by the statutory nature conservation agencies, which seem to the industry, anyway, to be less accurate and less detailed than it would like. As a consequence of that, the industry feels that there is bias. That is the perception, because it does not see the accuracy that it would like in the reports. So, it is difficult then to explain to the industry that it is a neutral body that has produced the report. So, a lot of the time, it is a question of getting the evidence base right, as far as we can; that will then, hopefully, be able to restore the confidence of industry.

[139] **Mr Evans:** Might I add a further point? The reason why it is so important at the moment is that we understand that the programme of monitoring for the marine strategy framework directive is in consultation at the moment at a UK level. We understand that the current reporting mechanisms will be used to inform that process, going forward. Recognising that we might be a little oversensitive or, maybe, unnecessarily concerned—but I do not think that we are—if we could get that objective review and deal with those concerns at this stage, then everybody would have a lot more confidence going forward into that process.

[140] **Antoinette Sandbach:** I do not know whether James wants to add anything.

[141] **Mick Antoniw:** Joyce, do you want to come in on this point?

[142] **Joyce Watson:** I do, because what you are saying to us is disturbing, from where I am sitting, I have to be honest. What I have to ask you is: could you point particularly to why you really feel the way you do about the report—and I have all of your comments here, and the grave concerns that you have outlined for us? We want to be objective in our understanding of things, and you are clearly saying that this is subjective, as I read it. I could be wrong, but that is my reading. For us to understand what you are saying, I personally need to understand which bits in particular you are drawing attention to as not producing, if you like, equal and fair analysis upon which these comments were made. I note that, for every one of them, you challenge them and do not agree with them, without exception.

[143] **Mr Wilson:** Excuse me for using this word, but it goes back to the granularity of interpretation of the data that are submitted. That refers back to the definition of ‘favourable conservation status’ as defined within the directive, and what that means. There was an intention originally with the directive to have favourable conservation status defined at a site level by an interpretation of ‘favourable condition’, but I am not sure that that is happening very regularly. In fact, Natural Resources Wales has recognised that there needs to be more consideration of site-specific interpretation of the FCS objective. It is very difficult, certainly

in this reporting round, because the data are submitted at a member-state level and the features—habitats and species—have to be considered over their entire range for regions and even countries, member states, to be able to define what they are doing right and what they are doing wrong. That is the fundamental problem regarding this specific reporting process through article 17.

[144] It opens the door to lots of other questions. Jim’s point about the level of monitoring that is undertaken at the moment by statutory conservation agencies in Wales and across the UK is a very valid one. There needs to be more understanding and more transparency associated with that. It is important not to think that the industry is being belligerent, but that it has just reason for being suspicious in some way or having a concern about the sources and objectivity of the data that is being submitted. We have had past experience of situations where, for example, features were identified as being in existence, and the scientific surveys clearly identified that they were not. I think that that it is a big problem. It all ultimately comes back to the data, feeds back up and then we interpret those data to define something. Fundamentally, the way that we look at FCS at the moment is not adequate. It does not allow us to identify success. That is a problem.

[145] **Mick Antoniw:** William Powell is next.

[146] **William Powell:** Thank you, Chair. Just over a year ago, when the report was launched, our Chair, Lord Dafydd Elis-Thomas, said that a key objective was to bring an end to the situation where marine was a bolt-on—‘and marine’. It was disappointing in the previous evidence session to hear from those in front of us that they felt that that is still the case. How do you feel things stand 12 months on from the publication of this committee’s report into these matters?

[147] **Mr Evans:** To be fair, and to give credit where it is due, as we have mentioned in the written evidence, the Minister has made specific statements with certain targets. While there has been a little bit of slippage between the statements, that has been addressed within the action plan. That has a measurable implementation element to it, and stakeholders have been encouraged to hold Government to account on that progress. That is positive. However, I suppose that it is an early part of that journey. That statement or action plan was introduced in November, and alongside that—I am not sure whether it has been mentioned publicly—a marine and fisheries transitional programme has been developed, which integrates a lot of the elements of the action plan, and works on those elements individually with stakeholders to produce results to, I guess, inform next steps and develop towards achieving the regulatory requirements. It is not absolutely clear how all these things fit together at the moment, but I guess that that is part of the journey and maybe part of the frustration that others are experiencing, because that is not absolutely clear at this time.

[148] **William Powell:** That is useful. How would you like to see the work of the Welsh marine fisheries advisory group further developed to build on the progress that has already been made, or do you have an alternative proposal?

[149] **Mr Evans:** The committee will be aware that the WMFAG is an overarching group, which the three regional inshore fisheries groups feed into, the purpose of which is so that the overarching group ultimately makes recommendations. So, there is that. It would be fair to say that that has had a bit of a bumpy ride for the first couple of years of its existence. There has not been an awful lot of progress in terms of recommendations made. There was some focus initially on reviewing the structure of the IFGs. That has been implemented. We are about the third meeting into the IFGs since the review, and that is showing quite positive signs. The next stage—I am probably speaking out of turn—is that there is an intention to look at WMFAG and its purpose in the same way. To be fair, there is this ongoing scrutiny and monitoring of the whole thing to see where it can be improved, because it is bringing

together parties, different views and a structure that existed in a different form under a different body. It has now been transitioned into Government. You have fisheries as part of the Welsh Government, the inshore fisheries groups that sit between that and the stakeholders, and then you have the other levels. It is early days in its development, but it is encouraging that it is reviewed constantly. To give the answers on how to fix it all at this stage, I do not think that I could do that.

12:00

[150] **William Powell:** Do you feel that there are any lessons to learn from the early positive experience of the memorandum of understanding with NRW that you spoke of?

[151] **Mr Evans:** Yes, I do. As I mentioned earlier, that has been a very positive step. It probably was no secret that the industry has historically had a difficult relationship with the Countryside Council for Wales. Through engagement with other projects, we have found that entering into terms of engagement with it has made that relationship a lot more comfortable on a project basis and allowed people to be a bit more relaxed about participation. That worked well, so, it seemed to make sense on a national level that we enter into such an arrangement with it, and that gave us an opportunity—certainly at this time when there are so many different pieces of legislation heading our way and so many new developments and, obviously, a new body in the organisation—to meet at a high level with some frequency and to be able to influence, or at least to be able to tell our side of the story and our experiences.

[152] **William Powell:** That is encouraging. Thank you.

[153] **Mick Antoniw:** Joyce, did you want to ask some further questions?

[154] **Joyce Watson:** No.

[155] **Mick Antoniw:** Does anyone else want to ask any questions? Antoinette wants to come in.

[156] **Antoinette Sandbach:** We asked the previous witnesses whether they had any knowledge about the recent storms and whether those have damaged the MPAs or special areas of conservation. Do you have any experience of that or have your members reported it?

[157] **Mr Wilson:** To prefix that, if they have, it is natural damage, and I would not be at all surprised. I think that this, to some extent, ties back into the old perversity of trying to box in a natural and dynamic environment. Certainly, many of the European marine sites exist in naturally dynamic areas. When you have extreme weather events, it is almost expected that there will be a significant effect on features. So, in one sense, you have to ask what we are trying to protect, because storms can come in and entirely modify and change things. We have to be quite pragmatic about how we apply that particular arbiter. We are not into diminution of environmental protection, but, on the other hand, if storm events are going to undermine all the hard work and sacrifice that industries—not just fishing, but other industries—have made to engender that environmental protection, then what is the point really? There needs to be a sensible discussion about how those things are applied.

[158] **Antoinette Sandbach:** That is why I am asking the question.

[159] **Mr Wilson:** I think it would be really healthy to have that discussion. I am not sure whether statutory conservation agencies would do that. It is important to note that the Commission is undertaking a review of the Natura 2000 legislation at the moment to assess its effectiveness, whether it is fit for purpose and the burden on industry. Certainly, that particular issue is one that I know has been raised by other industries already. Hopefully, DG

Environment will be willing to talk about that.

[160] **Antoinette Sandbach:** Do you have data? We heard of some fishermen going out with cameras on the back of their boats. Is there data that you can feed in, so that we know? It seems to me that if there is degradation on a protected site that is due to natural storms and you do not have the baseline data or the follow up data, it may have nothing to do with fishing activity or any other activity. It might be, as you say, a dynamic event.

[161] **Mr Evans:** The point about the cameras is that fishermen are actively helping to collect evidence and data, and mainly at the moment for Bangor University. The point is that you have to have that time-series data. You could go out there with a camera and say, 'That is the picture today', but is that how it was prior to the storm? What was its condition then? That is where you have to have that ongoing data collection and where that value comes in.

[162] **Mr Wilson:** I just wanted to say that there is a requirement for statutory conservation bodies, in reference to specific sites and features, to have an indication of favourable reference ranges and favourable reference populations. Finding that information, I have to say, is really difficult; it is not as accessible as one would think. That is not unique to Wales; it is also applicable elsewhere in the UK. I know that it is a very predictable thing to talk about mistrust between the fishing industry and conservationists, and, to some extent, we have justification for that. You would think that the building blocks of conservation management would be available and easily accessible, and they are just not. I think that that is an issue.

[163] **Mick Antoniw:** It is a point that we heard in earlier evidence. Joyce, you wanted to follow up on this.

[164] **Joyce Watson:** I just want clarification, really, because I do not want to misrepresent you in my mind and then, perhaps, elsewhere later on. What I thought I heard you saying was that, because we live in an evolving state when it comes to the state of nature—I will use that phrase—and we have just had storms, you did not see any point in conservation because weather patterns are such that they wipe it out in any case. That is what I think I heard, and I just wanted to be clear about whether I am right.

[165] **Mr Wilson:** I am a bit clumsy with my language—my girlfriend tells me that all the time. What I was trying to say was that I think that we need to discuss openly as a society whether the protection measures that we apply to human activities in fact have a long-term impact on the preservation of those features. If we are talking about managing human activities in the marine environment, and we define the success of that by whether it is done through article 17 or some mechanism that is more specific, and if all of that can alter because of a natural event, I think it is important that we discuss that. I am absolutely not saying, 'What is the point?' because I strongly believe in sustainability. I think that there is massive potential for fisheries and aquaculture in Wales to be seen more favourably, because they produce food—protein—in an extremely sustainable way. It is a thing that we should promote more, but I just think that we should discuss that issue in more detail.

[166] **Joyce Watson:** Additionality is what you are asking for.

[167] **Mr Wilson:** If you describe it like that, I am sure that that is—*[Interruption.]*

[168] **Joyce Watson:** No; I am asking you. I am not describing anything.

[169] **Mr Wilson:** I think that we need to be honest about this thing, that is all.

[170] **Julie James:** On that last point, I take that point entirely, and, obviously, we need to

have an open discussion about what we are conserving, what it looked like in the first place and what it might look like through dynamic weather forces and all of the rest of it. However, on the narrow point on storm damage, and speaking as an utter lay person, I think that we were thinking more of a Victorian pavilion that there may be in the middle of Cardigan bay, and whether it needs to be removed. It is very prosaic—has stuff been dragged off the land into the sea that needs to be sorted out? Do you need European funding to try to do some of that and do you have any evidence, subsequent to the storms, that there are things that are now in the sea bed that are, perhaps, bloody obviously not intended to be there, as opposed to movement of the bed and so on through natural forces? Just to be very prosaic about it, I think that that is more what we were thinking of.

[171] **Mr Evans:** I think that, really, we are in a state of flux at the moment—because the weather has been so poor, there has been very little opportunity for fishermen to go to sea since before Christmas. Yes, there will be issues that will be of concern to them. Whether or not there are funding solutions to those problems is a bit unclear, but, in terms of a pavilion in the sea, I am not aware of one at the moment. [*Laughter.*] It was close to it in Aberystwyth.

[172] **Julie James:** It was just that some of us saw very graphic photographs of things disappearing into the waves, which, self-evidently, would be foreign objects.

[173] **Mr Evans:** I think that, on a community level, there obviously is a need for help and resource, but if you are asking me to give you a pan-Wales picture, we have not had that information fed to us at this stage, or any particular problems highlighted. However, that is not to say that it was not the case.

[174] **Julie James:** Just to be clear, what we were, I think, discussing as a committee—it has been a concern for several of us—is that while we have a very graphic picture of what needs to be done on land to recover from the storms, to put back defences and to put agriculture back into a working condition, the ocean looks nice and calm afterwards, but it is hiding the damage underneath. Are we missing a trick in not thinking that there are things that should be done as part of that emergency recovery programme to protect your fisheries and so on? Is it the case that because we cannot see them, we are not including it in that package?

[175] **Mr Wilson:** We have effects every time we have a storm, particularly associated with water pollution issues. When you have extreme storm events, you have *E. coli* flocks from animals that accumulate in soil and which are flushed downstream and washed out into the estuarine and wider marine environment. We live in a very wet country, so that accumulation in the soil does not generally build up. When you have extreme events, and the flooding extends further into the watershed, you are capturing all sorts of things—bacteriological, viral and chemical.

[176] I was at a water framework meeting the other day, and there is recognition of that, to a certain extent. There is narrative recognition, but I think that it is somebody else's problem, the further down and out to sea it goes. Certainly, when we are talking of areas that extend out beyond 1 nautical mile, which is the limit of the coverage of the water framework directive in England and Wales, there is no real interest. However, it certainly is an issue that we should be looking at more in the future. Hopefully, as we move towards achieving good ecological status, in combination with good environmental status, that should be minimised, to an extent.

[177] **Mick Antoniw:** In the last couple of minutes that are left to us, did you want to add anything further to your evidence about your ongoing concerns about the Welsh Government's engagement in the offshore marine conservation zone project?

[178] **Mr Evans:** There is not an awful lot more to add to what we have included in the summary of the evidence, other than to agree with your recommendation that there needs to

be that level of dialogue between the Welsh Government and the UK Government when they finally get to the stage where they are considering the proposed sites in Welsh offshore waters.

[179] **Mick Antoniw:** So, you are emphasising that point.

[180] **Mr Evans:** Yes.

[181] To finish on a positive note, we are pleased about the Minister's support for the document that we have produced, which is called 'Striking the Balance', and I think that the committee is familiar with it. We are working currently with partners. The partners are us, the Welsh Government, Bangor Mussels Producers, Seafish, NRW, Wales Environment Link and the local authorities. That partnership is developing ideas. We are at a fairly early stage, but terms of reference have been agreed, the partnership is fairly solid at this stage and discussions are going very well. We are aiming, in a given area, to see the practical application of 'Striking the Balance', and that is stated as a commitment in the action plan, and, on the Minister's statement, we are looking to implement the regional co-management approach on the Llŷn peninsula. That will be based of the principles of the marine strategy framework directive, because there is a lot of new and existing legislation and potential for cross-over and confusion.

[182] We could use this as a vehicle to try a lot of these things out, because while we have been told that we have to do x, y and z, nobody knows that that is achievable. The marine environment is not about having one size that fits all. So, we might have to develop our own interpretation, collectively, to satisfy the Commission that we can achieve compliance. This would be an ideal opportunity to do that, but, along with that, it becomes an education medium that would apply to bring everybody up to speed and up to that same level of understanding, because I think that we have mentioned in previous evidence that there was that struggle to keep up with all the different layers of regulation. This is an ideal opportunity, in terms of the environmental issues, the pretty significant legislation and the increase in the level of the bar that will be set through MSFD, to better understand that and to better use that as a medium to educate—not 'educate'; that sounds patronising.

[183] **Mick Antoniw:** We understand the point.

[184] It is encouraging that there is progress and that, where there are gaps and so on, we have started to pick up on them. Thank you very much for your evidence on that. There is no doubt that we will be meeting again at some stage in the near future to follow this on. Thank you for coming in today.

*Gohiriwyd y cyfarfod rhwng 12:15 a 13:19.
The meeting adjourned between 12:15 a 13:19.*

Polisi Morol yng Nghymru—Sesiwn Ddilynol: Tystiolaeth gan Cyfoeth Naturiol Cymru

Marine Policy in Wales—Follow-up: Evidence from Natural Resources Wales

[185] **Mick Antoniw:** Good afternoon. Thank you for joining us via video conference to Keith Davies, head of the strategic planning group, and Dr Kirsty Lindenbaum, marine resource management adviser. Welcome to you. This is part of our follow-up evidence session on marine policy in Wales. The evidence from Natural Resources Wales is extremely important to us. As a commencement point, would you like to give a short introduction to your evidence?

[186] **Mr Davies:** Diolch yn fawr, **Mr Davies:** Thank you, Chair. Gadeirydd.

[187] First of all, thank you for arranging for Kirsty and me to join you by video conference. It enables both of us to be present with you today. The second point is that we very much welcome the opportunity to contribute to the discussion about the future evolution of marine policy in Wales, given that the marine area is a key strategic natural asset for Wales and that a healthy and resilient marine environment provides a range of socioeconomic benefits to the people of Wales. There is a challenge and opportunity at this moment in time to optimise the economic and social benefits while conserving and enhancing the environment and natural resources of Wales. As we have noted in our submission, we welcome and support the progress that the Welsh Government has made in implementing key areas of legislation, in particular the marine and fisheries strategic action plan. We believe that that will help to deliver the sustainable management of the marine area. We feel that the implementation of the programme will require a focus on integration of policy across the Government, perhaps clarification of the relationship between the other policy and legislative initiatives currently ongoing, and a transparent stakeholder-engagement process to underpin delivery. Finally, we feel that the marine planning process will be critical to achieving collaboration and partnership across sectors to enable the right activity in the right place by contributing to the sustainable management of our seas and a resilient environment and economy. We look forward to your questions.

[188] **Mick Antoniw:** Thank you very much for that. We have had evidence sessions this morning with regard to marine policy and so on and I think that a number of questions will arise from that. Julie Morgan will start.

[189] **Julie Morgan:** You finished off your statement by saying that the marine planning process was critical. In the evidence that we had this morning, the Wales Environment Link expressed concern about the timetable. I think that they felt that it was too ambitious and other witnesses have said the same. Could you comment on that, please?

[190] **Mr Davies:** Yes, I think that there are perhaps two ways of addressing that issue. One, it is challenging, but the second way of addressing it is to understand that it is an ambitious timetable and we very much welcome the commitment of the Government to ensuring that a marine plan, informed by a process, will be in place by 2015. That is important: it sets a benchmark for marine planning in Wales and provides an important foundation for any future evolution and adaptation of that marine plan. The key is to work together to get the process started and to ensure that we have a plan in place by 2015.

[191] **Julie Morgan:** So, do you think that there is enough time to do all that is needed and to engage with everybody in that relatively short period of time?

[192] **Mr Davies:** The timescale is challenging, but, if the participation process and the statement of public participation that was launched today are done properly, we are confident that the target date can be met.

[193] **Julie Morgan:** Thank you. I just want to ask, then, what you feel we could learn from the planning process in England.

[194] **Dr Lindenbaum:** I think that we are going to value learning that has already happened in England, particularly in relation to managing stakeholder expectations as to the level of detail that we can expect in these early marine plans. We are all very much aware that this is a very new process across the UK, so, I think that we are in a position to learn from what has happened already. Keith has already mentioned the challenging timescale, but I think that some of the issues that we are beginning to understand about the development of

plans across the rest of the UK will help in terms of timescale. The Welsh Government is already engaging with partners across the UK to understand some of those issues. As I said, I think that the key learning point is managing stakeholder expectations as to how much we can expect in terms of the physical plan in the first plan, but, as Keith has alluded to, it is about getting the process right as an overarching process for managing the marine environment. If we get the process right—and the first plan may not be perfect, which is an important message to give to stakeholders—over time, it will improve and we will get the resources in place to deliver different priorities that are identified as part of the planning process.

[195] **Julie Morgan:** So, do you think that the expectations of the stakeholders who spoke to us this morning are too high in terms of detail?

[196] **Dr Lindenbaum:** I think that all of us have had quite high expectations of what we hoped that marine planning would deliver, and I think that all of us have a long-term ambition, which is very much reflected in terms of things like achieving good environmental status under the marine strategy framework directive et cetera. Marine planning is the vehicle to help us to get there, but I think that all of us need to understand that, in the next couple of years, we will not have achieved all of our goals. The important thing is getting the process and the framework right to enable us to achieve those goals in the longer term.

[197] **Mick Antoniw:** May I just ask one point on your reference to the target being challenging? In the sort of environment that I have come from in the past, when the term ‘challenging’ is used it normally means that it is virtually unachievable. Could you just clarify precisely what you mean by ‘challenging’?

[198] **Mr Davies:** Well, as has been alluded to this morning, the timetable is quite a challenging one, but, if we are engaging collaboratively and working in partnership, I think that the timetable can be met.

[199] **Mick Antoniw:** Thank you very much. Russell George is next.

[200] **Russell George:** I wonder whether you could describe the activities that you would like to see supported by the European maritime and fisheries fund.

[201] **Mr Davies:** Okay. The European fisheries management fund will, I think, be a key mechanism to help to demonstrate the benefits and principles of the ecosystems approach, natural resource management and planning for the marine environment. It can be used to encourage stakeholder collaboration across sectors to deliver priorities. You might have had some discussion this morning about the previous FishMap Môn process, on which the Countryside Council for Wales and Natural Resources Wales engaged with the Welsh Fishermen’s Association. That was very much a collaborative process, which identified how you bring together different sectors and how you identify the evidence needs for the environment and fishing activity, to demonstrate that you can work together to identify opportunities where activities can take place while ensuring that the environment is maintained and enhanced. Therefore, projects similar to that, which have a strong element of collaboration and stakeholder engagement, would be something that we feel that the new fund could help to take forward. Again, we know that the emerging Llŷn co-management initiative very much reflects the principles of the initial FishMap Môn project, and would be an initiative that could be quickly developed.

[202] **Russell George:** Thank you. My second question is whether you are content with the Welsh Government’s proposal to review and simplify fisheries legislation.

[203] **Mr Davies:** We are aware that, as set out in the marine and fisheries action plan, there are a range of issues identified. We are currently discussing with Government the scope

of its proposed legislative review but, to date, we have not formally submitted any views to inform that work stream or its priorities. So, it is very much—. We are currently in discussion with the Government.

13:30

[204] **Russell George:** Are you not in a position to talk to us any further on that at this time?

[205] **Mr Davies:** Not in terms of the detail of what might emerge from that discussion, no.

[206] **Mick Antoniw:** Antoinette Sandbach is next.

[207] **Antoinette Sandbach:** I wanted to go back to the marine planning process. We heard that, in England, the Marine Maritime Organisation had 27 people working on that process. How many are working on it from NRW and from Welsh Government?

[208] **Mr Davies:** We can provide you with the information from the perspective of NRW, although perhaps not in detail today, but there will be a small team of people who will lead the co-ordination of our input. However, that will also entail ensuring that a range of expertise across the organisation is feeding into the process.

[209] **Antoinette Sandbach:** Okay, but it is a small team. Is that five, 10 or 15 people? What is the resource that is being allocated to this in terms of people?

[210] **Mr Davies:** Well, we have three people who will be helping to co-ordinate the work, but that does not mean that those three people will be the only staff resource engaged with the process. We do have an NRW marine programme board, which is able to identify resource requirements in terms of the evidence and advice required. We are seeking to closely align that work programme with the work programme of Welsh Government in terms of its delivery of the marine plan and the planning process. I cannot provide you with information on behalf of the Welsh Government. It would need to provide that itself.

[211] **Antoinette Sandbach:** I accept that. In terms of the collaborative approach, given that that is the method by which you are proceeding, can you explain to us why the Welsh Fishermen's Association and other stakeholders were not consulted on the NRW and Welsh Government memorandum of understanding on how this was going to proceed?

[212] **Mr Davies:** Which memorandum of understanding is that?

[213] **Antoinette Sandbach:** I am just going to find that for you. That was the shared principles, sorry, on the management of marine protected areas.

[214] **Mr Davies:** That is a related but a slightly different issue to the marine planning process.

[215] **Antoinette Sandbach:** Yes, it is.

[216] **Mr Davies:** That relates to a piece of work that is intended to provide a greater strategic overview of the management of European sites, which has, in the past, perhaps tended to be reliant on individual site management rather than a strategic perspective. The strategic principles are being discussed and agreed with NRW and Welsh Government, but the intention is that the programme structure around the future development of that management work will provide an opportunity to discuss and refine the principles with stakeholders.

[217] **Antoinette Sandbach:** So, you are saying that those are not set in stone as yet, and you will welcome feedback from stakeholders into that process.

[218] **Dr Lindenbaum:** The stage we are at at the moment is very much an agreement with Welsh Government about how we can start to move forward to deliver more effective management of marine protected areas. It is very much the beginning of the process. You have already heard this morning from Wales Environment Link that it welcomed the announcement in the strategic action plan of the setting up of a Wales marine management steering group for MPAs. Again, that is going to be a process whereby a number of different management authorities come together to start looking at a delivery plan for more effective management, and a key element of that work is going to be how this programme of work, which Welsh Government will be delivering—and we will be working closely with it to help it achieve that—will engage more widely with stakeholders, and specifically the users of the marine area.

[219] **Antoinette Sandbach:** Thank you for clarifying that. I am going to move on to one other question, which is about the article 17 report. We have seen the comments made by fishermen organisations in relation to the article 17 report. Was NRW responsible for drawing up that report? If the answer is ‘yes’, given that there seems to be extensive reference in that report to ‘non-recent populations’, could you clarify what those are, or were, or what that phrase actually means?

[220] **Mr Davies:** I will start with the process and the ownership of the process. The original submission was on behalf of the Countryside Council for Wales. We are now obviously amalgamated into the new body, Natural Resources Wales. We are aware of the concerns of the Welsh fishermen’s industry and we have been working with its representatives since the summer. We have met several times and we have provided a detailed response to their concerns. We will be meeting with them again on 7 March to try to address and resolve further issues. Having said that, we are still able to do so in a way that maintains a good and constructive working relationship. We have signed a memorandum of understanding with the Welsh Fishermen’s Association, which further endorses that partnership and collaboration working.

[221] **Antoinette Sandbach:** I understand that—

[222] **Mr Davies:** On the specific issue that you raised, I am not in a position to provide you with comment on that detail, but we could supply that after the committee meeting this afternoon.

[223] **Antoinette Sandbach:** I am very grateful for that, because one of the themes that we had in our original report, which has continued today, is the lack of baseline data. For example, we have seen with the storms that have happened recently how dynamic the sea environment is and how quickly all aspects of the sea environment can change. I would like to know how far you have got with Welsh Government on establishing a portal for data sharing, so that members of the public, coastal communities and, in fact, Welsh Government and other interested organisations can access data, so that we know what the position is at a given point in time, and if those data are not available, we can potentially identify that as an area that needs to be looked at.

[224] **Dr Lindenbaum:** In relation to the marine data portal, you will be aware that Welsh Government has committed to developing a data portal as part of its strategic action plan. We are in very early discussions about that, but we are obviously looking forward to being able to provide the data that we hold that are of relevance to input into that process.

[225] In terms of the evidence priorities more widely, it is true—we have a lot of evidence about the marine environment, but there are also a lot of evidence gaps. We see marine planning as a critical process in helping us to prioritise how we start to fill in those gaps, which will help us to make the decisions that we need to make about the use of marine environments. So, we look forward to that process getting going and to contributing to that process.

[226] **Joyce Watson:** Good afternoon. I want to ask about strategic context, and whether you support Wales Environment Link's view that insufficient consideration is given to the marine environment in the proposals for the environment Bill and the draft planning Bill.

[227] **Mr Davies:** The starting point for responding is the commitment that the Government has given to its marine fisheries action plan. I think that the environment White Paper and the proposed environment Bill clearly set out the Government's process for implementing the ecosystem approach via natural resource management and planning. I think that the clarity that is required for the marine environment, where the ecosystem approach is the key principle of the marine strategy framework directive, is that the marine plan and the marine planning process will be the mechanisms for implementing the ecosystem approach and natural resource management for the marine environment. I think that that is the clarity that will be required in that context.

[228] The 'Positive Planning' consultation document and the draft planning (Wales) Bill do not, to a large extent, identify the links between the terrestrial and marine planning systems. As Natural Resources Wales, we will be identifying the need for the marine planning system and the terrestrial planning system to have regard to their respective plans in plan making and decision making.

[229] **Joyce Watson:** So, that is a 'yes,' then. To move on, are there other Government divisions that you believe ought to be involved in the development of the marine policy, other than those that currently are involved?

[230] **Mr Davies:** Yes; I think that the marine plan and the marine planning process will need to ensure the effective engagement of all sectors of Government. It is my understanding that, in developing the process, the marine planning process will have a mechanism to ensure that policy divisions across Government in Wales are active parts of the process and involved fully in the discussions.

[231] **Joyce Watson:** May I ask a few more questions, Chair?

[232] **Mick Antoniw:** Yes, did you have another point?

[233] **Joyce Watson:** I want to move to another area. Is that okay?

[234] **Mick Antoniw:** Yes, go on.

[235] **Joyce Watson:** I will move on to marine protected areas, because I am particularly keen on looking at those. Could you set out the shared principles that have been agreed with Welsh Government on the management of marine protected areas, and tell us whether they were developed in consultation with stakeholders?

[236] **Dr Lindenbaum:** I can share with you these principles. We have mentioned them already. These originated in advice that we were asked to give to Welsh Government on how to improve the management of marine protected areas a little while ago, so there has not been extensive stakeholder discussion around these per se. However, as I mentioned earlier, in terms of developing a forward work programme to deliver more effective management,

stakeholder engagement is a key element and is reflected in the principles. The principles that we have agreed with Welsh Government are: leadership that demonstrates and encourages full commitment to MPA management from all management authorities; co-ordination and consistency of management activities across the network and between site designations; prioritisation of actions and needs across the network and on individual sites that is evidence-based and achievable; collaboration between partners at all scales, national, regional and local; and, importantly, in terms of the discussion today, communication, using clear and consistent messages to all managing authorities and wider stakeholders.

[237] **Joyce Watson:** Do you have a timetable with regard to the current review of the network and any idea of a likely outcome within the further designation of those areas? Those are the questions that people really want answers to. Are there going to be further designations and, if there are, what is the timetable that they are likely to be working towards?

[238] **Dr Lindenbaum:** You will be aware that there are further designations in the pipeline in relation to special protection areas, for birds in particular. We recently launched a consultation on three colony extensions to SPAs around Wales, which I know you have discussed already this morning. However, I am sure that you are also relating to a piece of work that we are involved in with the other statutory nature conservation bodies and administrations around the UK to undertake a stock take of marine protected areas in the UK, to contribute to an understanding of the extent to which we have achieved coherence of the network at a UK level.

13:45

[239] That is quite a challenging piece of work, and I am not able to give you the full detail yet, but the Joint Nature Conservation Committee is leading on the work. At the moment, the different agencies are providing JNCC with details of how long it will take us to get the information together to contribute to that wider assessment. So, I cannot say for sure, but I anticipate that we will get some further information on that project this year. We would be happy to update the committee at a later time on that.

[240] **Mick Antoniw:** Was it on this point that you wanted to come in, Antoinette?

[241] **Antoinette Sandbach:** Slightly. It was in relation to our recommendation 8.

[242] **Mick Antoniw:** If you do that, then Julie is next.

[243] **Antoinette Sandbach:** In our original report, we made a recommendation, namely recommendation 8, about the CCW review—I do not know if that is what you have just been referring to in your evidence about the MPAs—which was due to be published in 2012. I do not know if that is what the Minister has published this morning, or if you have that information from your predecessor body. We recommended that the report be published before the merger into the single body, and I am just wondering what has happened to that evidence and where that review is.

[244] **Dr Lindenbaum:** I think that recommendation 8 relates to the publication of the document that has been published this morning. The recommendation was for Welsh Government to lay that report, with some additional detail.

[245] **Antoinette Sandbach:** That may well have been the case; we have been in committee since 9.30 a.m. and I think that it was published in the middle of our proceedings, so we have not had an opportunity to look at it. Does the evidence in that report form the basis on which you can discuss things with JNCC?

[246] **Dr Lindenbaum:** The process with JNCC is slightly wider and more detailed. I do not want to bog down the committee with technical detail, but it includes lists of species and features that will be included in that assessment. It involves ratifying slightly different processes and descriptions of those features in different areas around the UK. It is more technically challenging than you might initially suppose. The report that has been laid today does not inform that process specifically.

[247] **Mr Davies:** What you will find is that there are increasingly strands of work that are inter-related. Kirsty has referred to the stock take that JNCC will be undertaking. You have the MPA management review work. We have the work in relation to looking at the evidence base for the marine plan and the marine planning process itself. These are all pieces of work that are inter-related, and we feel that, in due course, the marine planning process will be a mechanism for integrating them together.

[248] **Julie Morgan:** The questions that I was going to ask about MPAs have been covered, so I will go on to a more general question about financial resources. Do you feel that enough financial resources are put into marine priorities, generally? We heard evidence this morning from witnesses that they did not think that enough was being done.

[249] **Mr Davies:** Since I started my involvement with marine policy, the awareness and understanding of the importance of the marine work area and the resources available in Wales has increased. We welcome the commitment of Welsh Government to identify additional resources to help it to take forward its marine programme. Having said that, as I said in my previous comments, there are several ongoing challenging work streams that will require resourcing and input not only from Welsh Government and NRW, but also from a whole range of other stakeholders and partners. I think that the key to it will be to ensure that, using the marine planning process, our stakeholders can come to an understanding about the priority work areas and work collaboratively to help deliver those, understanding that key partners who are not part of Government, such as the fishing industry, have an extensive depth of experience and knowledge that can be provided to inform that process and can be used as the basis of the next iteration of the planning process.

[250] **Julie Morgan:** Bearing in mind what the Chair said about the word ‘challenging’, you said that you had challenging work schemes that had to be addressed. Could you tell us what those are—the schemes for which, presumably, you think that there is not enough money to carry out?

[251] **Mr Davies:** I suppose the issue is that we are obviously working within a very constrained financial context. In an ideal world, one would make the case for significant amounts of additional resources. Realistically, that is not going to be forthcoming, therefore we need to work together to be more effective in identifying the key priority work areas and how we work together to deliver those. We have the marine planning process, we have the marine protected area management review, and we have the JNCC stock take. We also need to look at the legislation related to fisheries management. All of these strands of work are important and will need to be resourced. I think that the trick will be to make sure that we use a similar piece of work to inform across all of those and to not look at them in isolation.

[252] **Mick Antoniw:** Do Members have any further questions? I see not.

[253] Thank you very much for your evidence, we appreciate your contribution. No doubt we will be talking to you again at some stage in the not too distant future on this. Thank you very much.

[254] **Mr Davies:** Diolch yn fawr. Thank you.

13:52

Papurau i'w Nodi
Papers to Note

[255] **Mick Antoniw:** We will just deal with the final bits and pieces. There are papers to note. We have the minutes of the meetings on 23 and 29 January. There is a letter from the Communities, Equality and Local Government Committee on its consideration of the Welsh language. Can we note those, please?

[256] **Joyce Watson:** They are noted, Chair.

[257] **Mick Antoniw:** The date of the next meeting will be 12 February. Thank you, everybody.

[258] **Joyce Watson:** Thank you, Chair. Excellent chairing.

Daeth y cyfarfod i ben am 13:53.
The meeting ended at 13:53.