



National Assembly for Wales' Environment and Sustainability Committee Inquiry into Marine Policy in Wales

Submission by Cyfoeth Naturiol Cymru / Natural Resources Wales

February 2015

1. Purpose of Natural Resources Wales

The purpose of Natural Resources Wales is to ensure that the environment and natural resources of Wales are sustainably maintained, sustainably enhanced and sustainably used, now and in the future.

Wales faces many challenges - for its people and communities, for its economy and for its environment and wildlife. Key issues include the challenge of climate change, loss of biodiversity, the need to create and maintain jobs and the need to produce energy. We believe that by unlocking the potential that lies within Wales' resources, by managing them and using them in a more joined up and integrated way, they can help to meet the challenges we face.

As part of meeting these challenges we will:

Work for communities in Wales to make sure people and their homes are protected from environmental incidents like flooding and pollution. We will provide opportunities for people to learn, use and benefit from Wales' natural resources.

Work for Wales' economy and enable the sustainable use of natural resources to support jobs & enterprise. We will help businesses and developers to understand and consider environmental impacts when they make important decisions.

Work to maintain and improve the quality of the environment for everyone. We will help make the environment and natural resources more resilient to climate change and other pressures.

Use our knowledge, and learn from the knowledge of others, to make Natural Resources Wales an efficient, effective and capable organisation for the people and environment of Wales.

2. Natural Resources Wales' role in the marine environment

The marine environment makes up almost half of Wales' territorial area and delivers important benefits to society, including jobs, food and a resource for recreation and relaxation. It is important that our seas are healthy and sustainably managed to ensure that we can continue to enjoy and benefit from them in the future.

Natural Resources Wales has a significant role in the sustainable management of the marine environment from the shore out to 12 nautical miles (nm).

In summary, our role in the marine environment includes (but is not limited to):

- Advice, management and monitoring relating to nature conservation and biodiversity
- Advice, regulation and monitoring relating to water quality, including our role as competent authority for the Water Framework Directive
- Advising on and managing coastal flood risk/erosion
- Fisheries management (Dee, Burry Inlet, migratory fish)
- Advising on landscape/ seascape
- Advice and management for recreation and access
- Regulation, including Marine Licensing

3. Progress against recommendations from the Marine Policy Inquiry in January 2013

Natural Resources Wales welcomes the ongoing scrutiny by the Committee on the progress of marine policy in Wales. Both the Countryside Council for Wales and Environment Agency Wales provided detailed evidence for the original inquiry in January 2013 and Natural Resources Wales provided evidence for the first review of the inquiry in February 2014. The Committee is therefore referred back to those previous documents.

For the purposes of this submission, as with the first review in 2014, we will focus our comments on progress made in relation to the 13 recommendations that came out of the original inquiry, which we have grouped into 4 key areas:

- Marine Policy in Wales (recommendations 1, 2 and 3)
- Marine Planning (recommendations 4, 5 and 6)
- Marine Protected Areas (recommendations 7,8,9, 10 and 11)
- Marine Licensing (recommendations 12 and 13)

4. Marine Policy in Wales

The Welsh Government Marine and Fisheries Division has now been established for two years and is successfully working towards, as intended, a more integrated approach to the delivery of marine policy and management of the marine environment. This integrated approach has been further reinforced by the creation of Natural Resources Wales, consolidating previous Environment Agency and CCW marine functions.

The Marine and Fisheries Strategic Action Plan (SAP), which took account of the Committee's original inquiry recommendations, remains an ambitious, high-level plan, but one which has provided clear focus and prioritisation of marine policy delivery. The increasing challenge of resourcing in the public sector in general has meant that, more than ever, clear identification of priority work areas is crucial.

To this end, over the last year we have established regular liaison between Welsh Government, Natural Resources Wales and the Joint Nature Conservation Committee, to identify shared marine priorities. Natural Resources Wales' own marine programmes have also been developed and prioritised to inform and respond to Government priorities.

This partnership approach to delivery, not just between Natural Resources Wales and Welsh Government, but with many other key partners, illustrates a growing common understanding of the challenges we all face in working to deliver sustainable management of our seas and also enables us to use resources more efficiently.

The continued interest in major renewable energy generation schemes within Welsh seas highlights the ongoing challenge of ensuring that relevant policy areas not included within the Marine and Fisheries Division, such as marine energy and water, are sufficiently engaged in the development and delivery of marine policy, and particularly the marine planning process. Natural Resources Wales has an advisory role across all these policy areas and as such can assist in identifying interrelationships and issues between these wide ranging policy and decision-making areas that all effect the health and productivity of our seas.

In responding to the Committee's review of the inquiry in 2014, the Minister made a number of commitments to continuing to work closely with stakeholders. We welcome this commitment, and note that the Wales Marine Strategy Advisory Group is now working effectively as a sounding board for the work of Welsh Government in taking forward the SAP. The Inshore Fisheries Advisory Groups and Wales Marine Fisheries Advisory Group are also now well established and provide effective stakeholder liaison and joint working with the fishing sector and associated organisations. There are a number of significant stakeholder consultation exercises due in 2015¹;

¹ Key marine consultation exercises in 2015 include: the recently-launched Marine Strategy Framework Directive proposed Programme of Measures; a draft Welsh National Marine Plan; possible consultation on new marine SPAs and SACs; and the current consultation on River Basin Management Plans.

ensuring that these are as integrated as possible both in terms of timing and messages, will be important to build on the successful engagement to date and to avoid stakeholder confusion and fatigue.

5. Marine Planning

In previous evidence we noted that, whilst progress has been slower in implementing marine planning in Wales compared to others parts of the UK, we welcome the Ministers' ongoing commitment to having the first Welsh National Marine Plan in place by the end of 2015. This commitment has provided a strong driver that has led to significant progress in implementation of marine planning in the last year.

We are pleased to have worked with, and provided advice to, Welsh Government over the last year in progressing two key stages in marine planning delivery. These have been:

- a) the publication of a draft Strategic Scoping Exercise - the evidence base for the marine plan, and
- b) Welsh Government's consultation on the vision and objectives for the plan.

These documents have begun the process of setting the scope and direction for the plan and identifying the evidence base underpinning it. We acknowledge that the first plan will be high-level, setting strategic direction and policy, but that over time subsequent plans will develop in detail and effectiveness as our understanding of the marine area increases.

As previously stated, data and evidence (environmental, economic and social) will play a significant role in supporting the planning process. Natural Resources Wales collects and holds a range of environmental and regulatory data that will be relevant to marine planning. Nevertheless, a key challenge for the sustainable management of marine resources continues to be the gaps in our knowledge and understanding of the marine area. The marine planning process will be the over-arching framework for prioritising information needs for the planning and management of the marine environment. We welcome the production of the draft Strategic Scoping Exercise, but recognise that there is still work to do to clarify specific evidence needs to support marine plan policy delivery; this understanding should develop as the planning process progresses. There are also further opportunities to promote data sharing across sectors.

Monitoring the marine environment is an important part of our evidence base. Monitoring undertaken by NRW contributes to multiple marine policy areas including , for example, the Water Framework Directive, Marine Strategy Framework Directive, Habitats Directive and, as it progresses, marine planning. We continue to work actively as a contributor to the UK Marine Monitoring and Assessment Strategy and associated evidence groups and are undertaking work to identify marine biodiversity evidence priorities both for Wales and as part of UK prioritisation work with Defra.

A challenge that Natural Resources Wales is assisting the Welsh Government in addressing is establishing a clear relationship between marine planning (governed by the Marine and Coastal Access Act) and integrated natural resource management (governed by, what will be, an Environment Act for Wales). This relates to a wider issue of ensuring the relationship between the marine plan and other existing planning regimes (including land use planning, river basin management plans and shoreline management plans) is defined and the regimes take account of each other. Embedding the principles of ICZM in the marine plan, as the Minister confirmed to be the intention in May 2014 in his response to the Committee's 2104 review, should help with the complexity of activities and associated planning and management regimes at the coast.

The joint UK government administrations recently launched a consultation on the draft UK Programme of Measures for delivery of Good Environmental Status under the Marine Strategy Framework Directive. This is the last key stage in the first cycle of implementation of the Directive. 2015 should therefore see the completion of two key strategic planning and management frameworks for Welsh seas and the wider Celtic Sea; this is a key step towards more integrated, sustainable management of the marine environment but should be acknowledged as the *beginning* of an iterative process rather than the end.

We look forward to continuing to work closely with, and advising, Welsh Government on the key milestone of the production of the first Welsh National Marine Plan this year. The timetable remains ambitious, but achievable with suitable prioritisation of resources, and supporting the production of the plan is a key marine priority for NRW.

6. Marine Protected Areas

Wales must contribute to a coherent and well-managed network of marine protected areas (MPAs) by 2016, to comply with the Marine Strategy Framework Directive and Marine and Coastal Access Act (2009). As identified in the previous Inquiry, and the first review, there remain issues relating to the management of existing sites, and to the coherence of the network.

Natural Resources Wales continues to work closely with Welsh Government, and the other UK Statutory Nature Conservation Bodies and Administrations across the UK to carry out a stock take of the UK MPA network. The work is complex and coordination is challenging, but the full outputs of this work and subsequent analysis of any gaps in the Welsh suite of sites are now expected in 2016. This will inform a future work programme to fill any gaps that are identified.

As highlighted in our evidence to the inquiry review last year, we are already aware of some gaps in the network, in particular relating to Special Protection Areas under the Birds Directive and Special Areas of Conservation for

Harbour porpoise under the Habitats Directive. Both these gaps were identified by the Minister in his statement in May 2014. Significant progress has been made in these areas in the last year, specifically:

- Three seaward extensions to breeding seabird colonies were classified by Government in October 2014, following consultation and subsequent recommendation to Government by NRW.
- JNCC's work (on behalf of the UK Statutory Nature Conservation Bodies, including Natural Resources Wales) to identify important areas for birds at sea is now complete and Natural Resources Wales is taking forward work on three possible SPAs in Welsh waters this year for Manx shearwater, red throated diver, and tern species.
- The Interagency Marine Mammal Working Group has submitted initial advice to UK government administrations on possible areas for Harbour porpoise SACs including possible sites in Welsh waters; following submission of the initial advice work continues to identify suitable areas.

A key objective for a network of MPAs in Wales is that they are effectively managed so that they can contribute to the health and resilience of the marine environment. Natural Resources Wales continues to work closely with Government on this area. A Welsh MPA Management Steering Group was created in 2014 to provide strategic co-ordination of MPA management in Welsh seas. As its first task, the Steering Group agreed a Vision and Objectives for the MPA network and is now in dialogue with stakeholders over options for an area-based approach to management of the MPA network as an integrated network rather than as separate individual sites.

Defra has recently commenced a consultation on a second tranche of Marine Conservation Zone (MCZs) in England and UK offshore waters. This tranche of sites does not include any sites in Welsh offshore waters, as we await the outcome of the Silk 2 Commission recommendations². However, progress has been made with implementation of MCZ provisions in the Marine and Coastal Access Act within Welsh territorial waters in the last year. Part V of the Marine and Coastal Access Act was commenced in December 2014 which automatically converted the seas around Skomer from a Marine Nature Reserve to an MCZ – the first in Welsh waters. Natural Resources Wales has confirmed that it remains committed, for the time being, to continuing with the local management arrangements at Skomer. Longer term, however, management arrangements at Skomer will be considered as part of the Wales-wide review of MPA management arrangements being undertaken by the Wales MPA Management Steering Group.

At a time of increasing pressure on resources, 2014 has nonetheless seen significant progress towards a more coherent and well managed network of MPAs. The next year should also see important progress with work to address

² Part 2 of the Silk Commission, the Wales Bill and Wales Act 2014, recommends that “the existing executive responsibilities of Welsh Ministers for marine conservation and licensing in the Welsh inshore area should be extended to the Welsh offshore area”.

remaining gaps in the sites and further improving management arrangements. Natural Resources Wales remain committed to its role in delivering these improvements.

7. Marine Licensing

Over the last year since the previous inquiry review, the marine licensing duties have been maintained and enhanced within Natural Resources Wales. The marine licensing team (MLT) continues to deliver an effective service and implement process changes to support timely decisions and a better experience for the customer. The MLT have a well-developed and constructive relationship with the Welsh Government and are actively working with Government on a variety of matters including a fees review and marine planning. The team also remain actively engaged with a number of stakeholders such as the Crown Estate, Marine Energy Pembrokeshire and Welsh Ports so that they can inform and support strategic matters such as wave and tidal energy developments.

All Marine licence applications received and determined are published on the NRW website. All Marine licensing documentation is stored on our internal Document Management System and documents can be made available to the public on request unless classified as confidential. This procedure meets the public register requirements of the relevant Marine legislation namely the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended), Marine and Coastal Access Act 2009 and The Marine Licensing (Register of Licensing Information) (Wales) Regulations 2011.

The development of an on-line public register would need to be considered as part of any future ICT strategy within NRW. Such a system would need to support all of NRW's permitting regimes as it would not be cost effective or appropriate to develop a bespoke system for marine licensing.

8. Conclusion

The public sector is facing testing times in meeting rising demand for services within the context of pressure on resources. In the marine environment this is keenly felt as a sharp increase in policy and legislative delivery requirements and commitments is coupled with resource pressure across all parts of the public sector, both in Government and arms-length advisory and delivery bodies, including Natural Resources Wales.

Despite this, good progress has been made recently with delivery of marine policy in Wales and with an increasingly integrated approach to planning and management of the marine environment and activities. An important element of this good progress is the increasing partnership approach to delivery from Government and across all sectors. Another important element is the recognition of the need to clearly prioritise work to achieve results. Both these

elements, partnership working and prioritisation, will be critical if the momentum of delivery is to be maintained.

There are exciting opportunities ahead for Wales; for example, the first Welsh National Marine Plan, further significant steps towards securing a coherent and well managed network of MPAs, and the potential deployment of marine renewable energy schemes. Indeed, a key challenge for the coming year will be to ensure marine stakeholders are not overloaded with unconnected consultations and dialogue but feel engaged in a coherent strategy to improve the health and sustainable use of our seas.

Natural Resources Wales is pleased to be part of an ambitious programme of work in Wales to ensure our seas are healthy and sustainably managed so that we can continue to enjoy and benefit from them in the future.

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