



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

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

Dydd Iau, 26 Chwefror 2015
Thursday, 26 February 2015

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Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Meeting

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi 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

Jeff Cuthbert	Llafur Labour
Russell George	Ceidwadwyr Cymreig Welsh Conservatives
Llyr Gruffydd	Plaid Cymru The Party of Wales
Alun Ffred Jones	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Julie Morgan	Llafur Labour
William Powell	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Jenny Rathbone	Llafur Labour
Antoinette Sandbach	Ceidwadwyr Cymreig Welsh Conservatives
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Dr Iwan Ball	Rheolwr Rhaglen—Llywodraethu Morol, WWF-UK Programme Manager—Marine Governance, WWF-UK
Gareth Cunningham	Swyddog Polisi Morol, RSPB Cymru Marine Policy Officer, RSPB Cymru
Keith Davies	Pennaeth Cynllunio, Tirwedd, Ynni a Newid Hinsawdd, Cyfoeth Naturiol Cymru Keith Davies, Head of Planning, Landscape, Energy and Climate Change, Natural Resources Wales
Scott Fryer	Swyddog Ymgyrchu ac Eirioli Morol, Ymddiriedolaethau Natur Cymru Marine Campaign and Advocacy Officer, Wildlife Trusts Wales
Mary Lewis	Arweinydd y Tîm Cynghori ar Gynllunio Strategol Morol ac Ynni Marine Strategic Planning Energy and Advice Team Leader
Clare Reed	Swyddog Polisi Cymru, Cymdeithas Cadwraeth y Môr Welsh Policy Officer, Marine Conservation Society
Olivia Thomas	Rheolwr Polisi Morol, Ystâd y Goron Marine Policy Manager, The Crown Estate
David Tudor	Rheolwr y Portffolio Seilwaith, Ystâd y Goron Infrastructure Portfolio Manager, The Crown Estate

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

Alun Davidson	Clerc Clerk
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Nia Seaton

Y Gwasanaeth Ymchwil

Research Service

Adam Vaughan

Dirprwy Glerc

Deputy Clerk

Dechreuodd y cyfarfod am 09:31.

The meeting began at 09:31.

Cyflwyniadau, Ymddiheuriadau a Dirprwyon Introductions, Apologies and Substitutions

[1] **Alun Ffred Jones:** Iawn, fe gychwynnwn ni'r pwyllgor—[*Anhyglyw.*]—manylion ynglŷn â'r larwm tân. Os bydd yna dân, dilynwch y tywyswyr. Pawb i ddiffodd eu ffonau symudol. Yn amlwg, rydym yn gweithredu'n ddwyieithog, felly mae'n rhydd i bawb ddefnyddio'r Gymraeg neu'r Saesneg. Rydych yn gwybod y rheolau ynglŷn â'r botymau. A oes unrhyw ddatganiad o fuddiant? Nac oes. A oes ymddiheuriadau? Mick Antoniwi—nid oes neb yn dirprwyo. Felly, awn ymlaen i'r ail eitem, sef y polisi morol yng Nghymru.

Alun Ffred Jones: Right, we will start the meeting—[*Inaudible.*]—the details about the fire alarm. If there is a fire, please follow the ushers. Everyone should switch off your mobile phones. Obviously, we do operate bilingually, so you're welcome to use the Welsh or English languages. You know the rules about touching the buttons. Are there any declarations of interest? I see not. Are there any apologies? Mick Antoniwi—no body is substituting on his behalf. So, we'll move on to the second item, which is the marine policy in Wales.

Polisi Morol yng Nghymru—Sesiwn Ddilynol: Tystiolaeth gan Ystâd y Goron Marine Policy in Wales—Follow-up : Evidence from the Crown Estate

[2] **Alun Ffred Jones:** Rydym yn hel tystiolaeth, wrth gwrs, yn sgil yr ymchwiliad a wnaethoch chi—neu a wnaeth y pwyllgor hwn—tua flwyddyn yn ôl.

Alun Ffred Jones: We are gathering evidence, of course, following the inquiry that you—or that this committee—held around about a year ago.

[3] **Mr Davidson:** Dwy flynedd yn ôl.

Mr Davidson: Two years ago.

[4] **Alun Ffred Jones:** Dwy flynedd yn ôl. Dyna ni. Y rhai cyntaf fydd Ystâd y Goron, sydd yn tystio.

Alun Ffred Jones: Two years ago. There we are. The first witnesses before us will be from the Crown Estate.

[5] Welcome to our committee. This is a bilingual institution, so questions may be in Welsh or in English.

[6] Felly, a gaf eich croesawu chi yma i'r sesiwn yma o hel tystiolaeth? Byddaf yn gofyn i chi yn gyntaf gyflwyno'ch hunain a dweud beth yw eich sefyllfa o fewn Ystâd y Goron.

So, may I welcome you here to this evidence-gathering session? I will first of all ask you to introduce yourselves and tell us what your roles are within the Crown Estate.

[7] **Ms Thomas:** Good morning. Thank you. Thank you for the opportunity of coming in and seeing you all again. My name's Olivia Thomas. I'm the marine policy manager at the Crown Estate, within the energy and infrastructure offshore aspects of the Crown Estate's portfolio.

[8] **Mr Tudor:** Good morning. My name's David Tudor; I'm the marine infrastructure portfolio manager in the Crown Estate, and I also have particular oversight of all our work in

Wales.

[9] **Alun Ffred Jones:** Ocê. Diolch yn fawr. Hoffwn ofyn un cwestiwn cyn gofyn i'r Aelodau. Rydych yn dweud yn eich tystiolaeth eich bod chi'n cydweithio, wrth gwrs, â Llywodraeth Cymru er mwyn datblygu gwahanol agweddau ar eu polisi. A fydddech chi'n gallu dweud wrthym ba mor aml rydych yn cyfarfod swyddogion Llywodraeth Cymru?

Alun Ffred Jones: Okay. Thank you very much. I would like to ask one question before turning to Members. You say in your evidence that you collaborate, of course, with the Welsh Government to develop different aspects of their policy. Could you tell us how often you meet with officials from the Welsh Government?

[10] **Ms Thomas:** We meet with the Welsh Government in various different formal and informal meetings. Since the last time we met the committee, the Welsh Government has put in place a number of different stakeholder groups and fora related to the transition programme. So, various colleagues meet with officials through those stakeholder groups. We have a good working relationship, in the sense that, if we have any questions or areas in which we could share information or data to help inform the processes that the Welsh Government are developing, then it's a case of being able to pick up the phone and talk to them informally and share information informally, but also through those structured groups. I don't know whether you wanted to—.

[11] **Mr Tudor:** Yes, I couldn't really put a number on it, but it's very regular. I'm in weekly contact with various officials, whether it's energy policy, marine policy or whatever it may be. We've got an array of colleagues working on various parts of the business who are in contact with them weekly or monthly.

[12] **Alun Ffred Jones:** Ocê. Diolch yn fawr. William Powell.

Alun Ffred Jones: Okay. Thank you very much. William Powell.

[13] **William Powell:** Diolch, Gadeirydd. Good morning, both. It would be very useful for the committee in this inquiry if you could share with us your views on the mainstreaming of marine policy across all Government areas. You've already started giving us a flavour of the level of contacts that you're having, but in terms of the wider mainstreaming agenda—.

[14] **Mr Tudor:** If you mean throughout Welsh Government's various areas of policy—

[15] **William Powell:** Indeed, yes.

[16] **Mr Tudor:** I think, from our point of view, what we see is—. I guess since two years or so ago when we sat here and since we put our evidence in, we've seen an increase in that push-through of the various marine policy aspects, whether it's marine conservation, whether it's marine planning or whether it's other aspects of regulation, licensing, et cetera. For us, seeing the importance of marine renewable energy in Wales, the importance of the coastal environment in Wales, marine planning in particular has started to, I guess, up its game in Wales over the last couple of years. We work in Scotland a lot and England, and Wales has, in our view, definitely caught up; it's definitely on the front foot again and, to use your words, there's the mainstreaming of that marine policy throughout various other areas of policy in Wales.

[17] **William Powell:** And in the context of the raising of the profile and the sort of deepening out of the work, do you think it's time now that the Welsh Government should refresh the marine and fisheries strategic action plan to reflect the lessons that have already been learnt over these last couple of years?

[18] **Mr Tudor:** I wouldn't say it's for us to say whether Welsh Government should do that or not. There are always opportunities to look at action plans and various policies as things change, as the wider environment changes, as industry changes. I wouldn't particularly like to sit here and say they should or shouldn't, really. I think Welsh Government has done a great job. It's improved a lot over the last couple of years, and I think it's prudent for any organisation to refresh and make sure that their action plans are on track and still valid.

[19] **William Powell:** That's very useful. You may well be aware of the announcement last week from the European Commission regarding funding for both Ireland and Welsh coastal communities. Do you see a role for the Crown Estate in maybe delivering certain projects in that area in partnership with Welsh Government, Natural Resources Wales and other agencies?

[20] **Mr Tudor:** I'm not aware of that particular announcement in isolation. Our role—. We very much work with local communities, very much work with local government, and very much work with the Welsh Government as well as UK Government. Our role is to deliver our remit and, within that, there's a knock-on implication that helps to deliver wider Government policy, wider benefits to society and to coastal communities. We have our remit to do; we also have a marine stewardship fund, which we've run for many years, and, in simple terms, we would look to engage and work with Welsh Government to deliver their aspirations, their policies, in those local communities, where we can.

[21] **William Powell:** That's encouraging, thank you. Diolch.

[22] **Alun Ffred Jones:** Antoinette.

[23] **Antoinette Sandbach:** In your earlier answer, you talked about energy projects, and we know that, for example, a barrage or tidal lagoon is being looked at, certainly in south Wales and, potentially, for north Wales. Are you seeing, for example, fisheries and energy coming together so that there is joined-up thinking? Or is it still energy here, fisheries there, and the two aren't really meeting, if you see what I mean? Looking at planning for the future, you talked about marine planning, and it seems to me that energy is one of the key areas.

[24] **Mr Tudor:** If I can start, and then Olivia can add something, I think the point of the marine transition programme was to bring marine and fisheries policy into the same house. It's traditional—you see it in Europe and you see it in UK Government—that fisheries and the environment are often separate. Under the transition programme, Welsh Government have chosen to bring that under one house, and I think that's a positive way forward, really. Regarding energy projects, whether it's lagoons or barrages or any other marine infrastructure, whether it's through the planning process or whether it's through early engagement, it's very important that fisheries are involved. I think, from a Welsh Government point of view, putting it under one umbrella has helped that integration. You'd have to ask a project developer and a fisherman whether they believe it's working, but, from where we sit, there is a definite trajectory to make that work.

[25] **Antoinette Sandbach:** Thank you.

[26] **Ms Thomas:** Certainly, in our dialogue with the energy industry we see that there are stronger relationships developing with fisheries and more examples of collaborative working and sharing of early ideas and plans. Certainly, the stakeholder groups through the marine transition programme underpin that.

[27] **Antoinette Sandbach:** Thank you.

[28] **Alun Ffred Jones:** I asked you earlier about your connections with the Welsh

Government. What about your engagement with NRW?

[29] **Mr Tudor:** It is equally as productive and extensive. We, just last month, signed a memorandum of understanding with Natural Resources Wales, which now sits alongside an MOU we have with the Welsh Government dating back to 2011. With the move of marine licensing from Welsh Government into Natural Resources Wales, we shifted our conversations to Natural Resources Wales around marine licensing. We worked very closely with the old Countryside Council for Wales on the marine advisory part of it, which is now a part of NRW. We meet with the chief executive and the executive team a couple of times a year, and the work that goes on operationally is pretty much intertwined, really. We have our remit and then they have theirs, but the conversations are very fruitful, very open and very productive.

[30] **Alun Ffred Jones:** Iawn, diolch yn fawr. Llyr Gruffydd. **Alun Ffred Jones:** Okay, thank you very much. Llyr Gruffydd.

[31] **Llyr Gruffydd:** I just wanted to ask about the marine plan, really, and whether you think it's realistic, now, for us to see the adoption of the Wales national marine plan by the end of this year.

[32] **Ms Thomas:** I think the progress that the Welsh Government have made with the marine plan, and the process they've put in place and the engagement with stakeholders in developing that evidence base, has been very significant over the last couple of years. It's not particularly for us to comment on whether they will deliver that by the end of this year; it's a very ambitious and challenging time frame, but the process they have put in place to deliver that—we've recently seen the vision and objectives and the strategic scoping exercise that have been commented on over the last few months. The progress that's been made has been significant. So, we're confident.

[33] **Mr Tudor:** I think that's a key point around it being challenging. We work with the Marine Management Organisation in England quite a lot and we've seen the challenge they had with their east coast plan a few years ago and now the south coast plan. Nobody really knew, following the Marine and Coastal Access Act 2009, how long all this could take, how difficult it was, or how involved you could be. So, it is a challenge, really, when you're starting from scratch. It's ambitious, but, like I said, compared to two years ago, things have certainly improved in resource and effort.

[34] **Llyr Gruffydd:** Okay. There's also an issue I'd like to tease out around co-ordination, or the way that marine planning and terrestrial planning and the Planning (Wales) Bill, of course, and we have an environment Bill that's coming up in Wales, as well—how all of these come together in a seamless and coherent manner. My first question, probably, is: do you think that they do? And, secondly, maybe how the Government should be articulating that more effectively, because the feedback I get is that people are feeling that things are a little bit disjointed.

[35] **Ms Thomas:** Actually, through the groups that we've sat on, I think the Government's made a lot of effort to try and show how all of those different Bills and the frameworks that underpin those Bills are coming together. I think it's very challenging; three Bills coming through, you know, very soon. But, on the integration, I think the natural resource management—sustainable management—is a key theme that runs through all of them. On the Bills themselves, I appreciate they'll need subsequent policies that underpin them, but there is recognition of each other that runs throughout, and with the links between the planning Bill and the marine plan development as well, I think there's recognition from Welsh Government through all of them.

[36] In terms of the framework that's been put in place around natural resource management, it's something that we welcome, and we have seen a lot of efforts from the Welsh Government and NRW in the delivery aspects of that to prove how they all interlink.

[37] **Mr Tudor:** Olivia and I have worked in marine management for a number of years and the marine Bill predates those three Bills you mentioned, so the interaction of the marine plan with the planning Bill, the natural resources Bill and the Well-being of Future Generations (Wales) Bill is interesting to us as to how that is going to work, really. I think that is a question that lots of stakeholders, and the ones that follow us today, will probably want to know, as well. Again, it's a challenge, but I think it's something that needs to be tackled.

[38] **Llyr Gruffydd:** Was there not an opportunity, do you think, to have done at least something more explicit around marine planning within the planning Bill?

[39] **Mr Tudor:** I think that's a question for legislators, really. I mean, the way those things interact will be a matter of legislation but then a matter of implementation, and I'm sure there are lots of clever people thinking about that, and I think they went into that with their eyes open, really.

[40] **Alun Ffred Jones:** How do you see the link between the marine plan and the planning Bill, then? What is the link?

[41] **Ms Thomas:** They reference each other, I believe. I haven't been into the detail of the legislation, but they certainly acknowledge each other when it comes to the marine planning aspect and development of the marine plan. I believe there's a consistent opinion, now, that marine planning recognises integrated coastal zone management aspects. So, there's a link between the terrestrial and the marine planning.

[42] **Alun Ffred Jones:** There is no link in the planning Bill.

[43] **Ms Thomas:** No specific link in the legislation, so we hope to see that through the policy that then emerges subsequently. That's certainly been assured from Welsh Government to date.

[44] **Alun Ffred Jones:** Okay. Resources, Antoinette?

09:45

[45] **Antoinette Sandbach:** We've had quite a lot of evidence from the Wales Environment Link and also from the Welsh Fishermen's Association that they're concerned about the resourcing that's available to NRW and Welsh Government resourcing, where the marine and fisheries budget lines have been merged, and they are not ring-fenced. If that budget is cut substantially—we know that NRW are facing quite large cuts next year—will that affect their ability to deliver on the plans that you've been discussing today?

[46] **Ms Thomas:** I don't particularly think that's for us to comment on, whether they're cut or not—

[47] **Antoinette Sandbach:** I'm not asking—

[48] **Ms Thomas:** We were actually quite critical, two years ago, or concerned, I should say, about the resource constraints, and we have seen a significant improvement to date in terms of the teams that are in place—they're established—and the evidence base they are gathering through the stakeholder group. I think they've had an efficient structure in place in

order to deliver those objectives. I see that continuing to progress, and we've heard assurances from Welsh Government that that will continue to progress through the coming years.

[49] **Antoinette Sandbach:** So, you're confident that, provided they're resourced, they can deliver.

[50] **Mr Tudor:** Absolutely. I think, as Olivia mentioned and I mentioned earlier, the uplift from a couple of years ago was much needed. There's a lot to deliver, and a lot of work to be done. Resources need to be in place to do it. I couldn't comment on what is a good number and what is a bad number.

[51] **Antoinette Sandbach:** You talked earlier about your engagement with NRW. Obviously, the marine licensing moving over to them was a new thing. Do you find the team have adequate expertise? Are you offering top-up expertise to them where they might not have particular expertise? How have you found—?

[52] **Mr Tudor:** So, that was one of our, probably, prime concerns a couple of years ago: that the old marine consents unit in the Welsh Government was very well thought of and did a good job delivering for Wales. We've been very pleased to see that transition work in NRW. We don't offer top-up advice; we interact as any other stakeholder would. We help to give insights into our work programmes. We're not advisers on marine licensing, so we just cover our remit. But, I think they've done a great job. I think, from an area of very much concern for us, we're very pleased with the smooth transition, and stakeholders are pleased with it. Again, in some ways, you have to ask the person applying for a licence what they think of the difference between then and now, but, what we see, and the interactions we have with the team, are positive.

[53] **Ms Thomas:** I see positive interactions between the advisory aspects of NRW and the licensing aspect as well. We see them working closely together to seek advice from each other. So, that's worked well.

[54] **Alun Ffred Jones:** Joyce, do you want to come in on this?

[55] **Joyce Watson:** Not on this; I want to come in on the marine strategy framework directive and the fact that the Wales Environment Link did say that there has been little opportunity for stakeholders in Wales to engage in that process or delivery. Do you share that view?

[56] **Ms Thomas:** I think the marine strategy framework directive is an excellent example of the Governments working across the UK in a consistent way. There's a steering group, led by the Department for Environment, Food and Rural Affairs, and there's a co-ordinated approach in terms of consultation with stakeholders. There are opportunities. I think, currently, there's a consultation out on the programme of measures for the directive, and the Welsh Government are holding a number of workshops—I think there's one this week or next week—to discuss what that looks like. There's a lot of detail that underpins it that stakeholders will need to get to grips with and be able to provide information to inform that process. Those workshops are being held in Wales and across England, Scotland and Northern Ireland as well, in a co-ordinated way, and feeding that information back into DEFRA. So, I personally have seen it's a very positive approach and a co-ordinated approach across the UK.

[57] **Alun Ffred Jones:** Jeff.

[58] **Jeff Cuthbert:** On the issue of stakeholder engagement in a little more depth,

perhaps, Natural Resources Wales have the view that, in order to avoid wasteful duplication and to use resources to the very best effect, we need to closely co-ordinate the stakeholder engagement. So, following on from the last question, do you think that that's the right approach? Do you have any ideas about how it might be improved, if, indeed, any improvement is necessary? Finally, you did mention the three Bills that are going through at the same time and talked a bit about the environment Bill and the planning Bill. Of course, the Well-being of Future Generations (Wales) Bill will put sustainable development very much at the heart of public service within Wales, and the public service boards will have all relevant partners on them. Have you done any preparatory work to see exactly how you could maybe fit into that new approach in Wales?

[59] **Ms Thomas:** Thank you. So, to address your first question with respect to stakeholder engagement, I suppose with any stakeholder group, whether they're a national or a local organisation, it does take a lot of time to even be involved in any process and, so, that co-ordination has, I think, been welcomed across stakeholder groups. It's enabled stakeholders who potentially have less time to be able to feed into a number of different organisations. We're very lucky that we can dedicate enough time to go to a number of different workshops, but I think that co-ordination has significantly improved over the last couple of years, and, personally, I think is very welcome.

[60] With respect to the Bills, we're obviously following them closely. We welcome their introduction, and the sustainable development is key to all of that, including natural resource management. I think, for us, it will be the devil in the detail, so we will welcome the emerging policy and frameworks that underpin it. Natural Resources Wales and the Welsh Government have done a lot with respect to how that framework will work with the policy development for natural resources. We will continue with that good working relationship with NRW and the Welsh Government, in terms of contributing information to help deliver the objectives that are set out in those Bills.

[61] **Mr Tudor:** I think, just to add to that, that co-ordination of stakeholders is very key. In Wales, the stakeholders are generally the same people, so if you're working on the marine protected areas steering group, if you're working on marine planning, or if you're working at the strategic level, you're kind of seeing the same faces very often.

[62] **Jeff Cuthbert:** That's the advantage of being a small country.

[63] **Mr Tudor:** Absolutely, yes. So, I think it's very important for that co-ordination, and I think they're right to suggest that co-ordination of stakeholders is very important. Then, when you go out further into the communities, that obviously becomes a little bit more difficult because there are more people to engage with, but, yes, co-ordination's got to be a good thing.

[64] **Jeff Cuthbert:** If I may, the Well-being of Future Generations (Wales) Bill is on the floor of the Assembly, I think, in about 10 days' time. I trust that it proceeds. Once we look to the implementation stage, do you anticipate that it might cause significant changes in the way that you operate, or, indeed, to your relationship with other organisations?

[65] **Mr Tudor:** In a positive way, we would like to think. I can't sit here and say I have a direct answer for you on that today. We'd have to look at what the implications would be for us. We've followed the Bill, we believe its ideas are correct, we support it and we've said that publicly. So, I think it would be more for us to look at the implementation of that Bill and how it will affect us, but I can only see it in a positive way, really.

[66] **Jeff Cuthbert:** Thank you.

[67] **Alun Ffred Jones:** Jenny Rathbone.

[68] **Jenny Rathbone:** I'm struggling to understand how these different stakeholder groups and action plans are really getting to the heart of the matter for me, which is how we safeguard our fishing stocks from all these illegal predators who potentially can come in and steal all our resources. Last year, we had a very high profile court case that led to a trifling fine, which really is sending out a sign that you can come into Wales and not get anything more, and that the risks are very low. So, how well do you think you and the Welsh Government and other stakeholders are co-ordinating the safeguarding of our fishery stocks, and what else could be done to improve on it, given that there are very serious risks?

[69] **Mr Tudor:** I'm not really able to give you a particularly full answer on this one, unfortunately; the Crown Estate has almost no remit for fisheries. I can only give you an answer from our perspective from watching things. We certainly interact with Welsh Government. We certainly interact with the fisheries stakeholders on the activities we have a remit for. Fisheries is something I couldn't really comment on in any detail to give you a full answer, I'm afraid.

[70] **Jenny Rathbone:** Except that all these scallops et cetera are sitting on your sea bed.

[71] **Mr Tudor:** Indeed, yes, and there are lots of other regulations in place—several Orders and other fisheries Orders. We do have responsibility for certain aquaculture for finfish, mainly in Scotland, but it's not an activity that we have a regulatory role in in the same way as perhaps we have a remit for offshore renewable energy or for mineral extraction and that kind of thing. Like I said, I can't give you a detailed answer.

[72] **Jenny Rathbone:** But you certainly have a remit to safeguard the estate on behalf of the nation.

[73] **Mr Tudor:** Absolutely. That's right, yes.

[74] **Jenny Rathbone:** I think I'm in danger of being concerned that we have too many action plans, stakeholder groups, et cetera, and this, to me, is the key threat.

[75] **Mr Tudor:** I think, for the various stakeholder groups, again, if we take you back three, four or five years ago, there was a very high-level group called the WCMP, which is the Wales coastal maritime partnership. That almost dissolved two or three years ago, and the Welsh Government have now set up, as we've mentioned, this strategic stakeholder group, the MPA group, the planning group, which deals with different aspects of marine policy and regulation. I think it would have to be up to individual stakeholders if they think it's too fragmented, too weak. For us, our input is valued and our input is in the right place. We feel that, with the stakeholder groups, the Welsh Government is open enough for us to input to it. If the specifics around some of the fisheries or the fisheries groups feel that it's not quite right for them, I think that's absolutely fine, and we're open to different models the Welsh Government want to put forward, but, for us, in our role, it works.

[76] **Alun Ffred Jones:** Marine planning obviously is a concern of yours, isn't it? It interests you. Now, it's absent from the Planning (Wales) Bill as it stands. So, do you know where it will be addressed in the future?

[77] **Mr Tudor:** As far as I'm aware, the marine planning elements—the statutory elements of marine planning—have been enabled through the Marine Act 2009. The planning Bill in Wales would complement that, to my mind. So, marine planning has been legislated for, it's being delivered at the moment, being implemented, and it's up to the planning Bill to dovetail with it. So, that's my understanding of how that legislation works.

[78] **Llyr Gruffydd:** Just a quick follow up, the planning Bill, of course, proposes a national development framework for Wales, which would be, I suppose, some sort of successor to the Wales spatial plan. Would you like to see the marine environment or the marine context included in that framework, in one coherent piece of work?

[79] **Ms Thomas:** I think the marine plan itself is that coherent framework, and the recognition of the marine plan within the national plan framework and vice versa would be beneficial—you know, the recognition of each other and the work that's being done holistically. But the marine plan itself should provide that framework for the marine environment.

[80] **Mr Tudor:** I think it's really important. Land planning and marine planning need to dovetail, but with the recognition that they are very different things.

[81] **Alun Ffred Jones:** Diolch yn fawr. Thank you very much for coming in. You will receive the transcript of the evidence to check for accuracy, but thank you very much for contributing to our deliberations. Diolch yn fawr iawn.

[82] Byddwn yn symud ymlaen i gael We will move on to receive evidence from
tystiolaeth gan Gyswllt Amgylchedd Cymru. Wales Environment Link. I am going to go
Rwyf am fynd allan i weld y dystion. out and greet the witnesses.

09:59

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

[83] **Alun Ffred Jones:** A gaf i groesawu **Alun Ffred Jones:** May I welcome the next
y dystion nesaf, sydd yn cynrychioli Cyswllt witnesses, who are here representing Wales
Amgylchedd Cymru? Environment Link?

10:00

[84] Fe fydd rhai ohonoch chi'r Aelodau Some of you, as Members, will be familiar
yn gyfarwydd â'r dystion achos eich bod chi with the witnesses because you will have met
wedi eu cyfarfod nhw ar eich ymweliad â sir them on your visit to Pembrokeshire
Benfro yn gymharol ddiweddar. Felly, croeso relatively recently. So, a warm welcome
mawr i chi atom ni. A gaf i ofyn ichi to you. May I ask you to introduce yourselves
gyflwyno eich hunain inni, a nodi eich to us, and to note what your position is within
sefyllfa o fewn y corff yr ydych chi'n ei the body that you represent? I don't know
gynrychioli? Nid wy'n gwybod pwy sydd am who wants to start off—Clare, do you want to
ddechrau—ydy Clare am ddechrau? begin?

[85] **Ms Reed:** Yes, of course. Good morning, everyone. My name is Clare Reed. I am the
Wales marine policy officer for the Marine Conservation Society. Within the marine working
group for Wales Environment Link, I lead on the EU marine strategy framework directive.

[86] **Dr Ball:** Bore da, Iwan Ball ydw i. **Dr Ball:** Good Morning, I'm Iwan Ball. I'm
Rwy'n rheolwr polisi morol gyda WWF, ac a marine policy manager with WWF, and I'm
rwy'n gadeirydd grŵp gweithgor morol also chair of the marine working group for
Cyswllt Amgylchedd Cymru. Wales Environment Link.

[87] **Mr Fryer:** Good morning. I'm Scott Fryer. I represent Wildlife Trusts Wales and Wales Environment Link. I am the marine campaign and advocacy officer, dealing with stakeholder engagement, effective evidence base, and resourcing.

[88] **Mr Cunningham:** Good morning, I'm Gareth Cunningham. I'm the marine policy officer for the RSPB and work with my colleagues for Wales Environment Link. I tend to lead on marine protected areas and fisheries matters.

[89] **Alun Ffred Jones:** Diolch yn fawr **Alun Ffred Jones:** Thank you very much. iawn. A gaf i ofyn i Russell George ddechrau, May I ask Russell George to begin, then? 'te?

[90] **Russell George:** Thank you, Chair. Good morning, all. In your evidence regarding marine planning, you say that you have reservations over the:

[91] 'Welsh Government's ability to deliver a meaningful, fit-for-purpose plan within the current time frame without a significant increase in resources.'

[92] Of course, the Welsh Government's intention is to have the plan in place by the end of this year. So, I wonder whether you could just talk to that particular point, and say how realistic you think it is that the marine plan will be in place, in a way you would like to see it, by the end of this year.

[93] **Dr Ball:** Okay. Maybe I'll lead on that, then. So, we welcome the progress that's been made in marine planning over the past 12 months, and in particular the efforts to engage stakeholders in developing the national marine plan by the end of this year. That commitment to deliver a draft national marine plan by the end of 2015 has been a very strong driver that's helped to keep the plan production process roughly on track over the last few months. Now, as you rightly mentioned, in our previous evidence, we did question Welsh Government's ability to deliver a meaningful, fit-for-purpose plan, within this very challenging time frame. I think it's fair to say that we've modified our expectations, somewhat, of what can be produced within the time frame, and we're prepared to support the pragmatic approach—I guess that's the best way to describe it—that's been put in place by Welsh Government. I think we acknowledge that the first iteration of the plan will be a very high-level strategic document, so that will set the strategic policy direction, and I think in this respect the process of actually going through the plan development is almost as important as the output itself, so as important as the plan itself. So, the key thing is to ensure, at this stage, that we've put the right process in place to get an effective marine plan at the end of 2015. Marine planning is, of course, an iterative process, so subsequent iterations of the plan can be developed in greater detail and in greater sophistication as our understanding and knowledge of the marine environment improves.

[94] So, we've been working very closely with Welsh Government on the evolving plan, through the marine planning stakeholder reference group, and we've developed several key pieces of evidence that are helping to deliver the draft national marine plan. We've developed a discussion document on how integrated coastal zone management, for instance, can be put into effect through marine planning. We've produced a paper looking at how the ecosystem approach has been put into effect by current marine planning initiatives across the UK, and how the Welsh national marine plan might give effect to ecosystem-based management. We've also commissioned a report on how marine planning can give effect to good environmental status—how it can make a contribution to good environmental status—under the marine strategy framework directive.

[95] **Russell George:** You have got concerns about the plan not being a meaningful plan

without significant increases in resources. I wonder whether you could just talk to that point.

[96] **Dr Ball:** Yes, the resourcing is a huge concern for us. I mean, we're very pleased that the Welsh Government have put in place the marine transition programme, and that's provided a focus and a strategic direction for the work of the department.

[97] **Alun Ffred Jones:** Could you explain what the marine transition programme is?

[98] **Dr Ball:** Yes. The marine transition programme is effectively the programme that brings together all of the work of the marine and fisheries unit into one coherent process. So, it identifies six different key projects—marine planning for instance, marine protected areas, the marine strategy framework directive, and the effective evidence base. So, it brings together those projects into a coherent whole. Now, with the squeeze on public spending, the time frame for delivery of this marine transition programme is challenging as it is, but we're very concerned that we hear that the funding for the marine transition programme has been cut. Now, we haven't quite ascertained the extent of those cuts at the moment, but it will surely have severe repercussions for the delivery of the marine transitions programme, and it will necessitate some decisions on which of those projects within the programme are prioritised to be taken forward.

[99] **Russell George:** Before we move on to other points, can I just also ask this? You've raised concerns about the draft vision and objectives proposed for the marine plan, particularly I think around the weight and the balance because there was some talk about new jobs creation. I thought, 'Well, that's a good thing', but I think you were saying that perhaps you think that the weighting is wrong on the balance on that, and I just wanted you just to talk to that point.

[100] **Dr Ball:** Yes, certainly. We felt that the vision, as it was stated, included reference to several important themes, such as jobs and growth, but we didn't feel it was a very visionary statement of the desired state of the marine environment in 2035. We felt it was too generic, overly long and, as you point out, didn't seek to integrate the three aspects of sustainable development in an equitable way. So, in that respect, it's not consistent with the marine policy statement or the UK sustainable development strategy, or indeed the principles of ecosystem-based management. The overriding impression we got was that marine planning was presented as a socioeconomic tool, as opposed to a tool to deliver sustainable development of the marine environment and to achieve good environmental status.

[101] **Russell George:** What was Welsh Government's or, with the groups that you were working with, what was their response to that when you raised that with them?

[102] **Dr Ball:** I think it's fair to say that they reacted very positively to these concerns, both in our discussions through the stakeholder reference group and also in private discussions with the Welsh Government. I understand that our concerns are being addressed and that the vision is being reworded, but we've yet to see the revised version, so we look forward to seeing that.

[103] **Alun Ffred Jones:** Antoinette is next, and if somebody else wants to respond—

[104] **Antoinette Sandbach:** I'm going to ask Scott, because you're dealing with the evidence side of things. Natural Resources Wales, in their evidence to us, have said that there's still work to do to clarify specific evidence needs to support the marine plan policy delivery. So, are you saying that the evidence base for this high-level document is not in place, and if so, what needs to happen in order to get it into place? You also have raised concerns about the evidence base.

[105] **Mr Fryer:** We know that, as part of the marine transition programme, the effective evidence base is a very important strand of that work. The main aspect of this is the evidence portal, which is on the Welsh Government website. From discussions within the Wales marine strategic advisory group, we know that this is still currently a work in progress, and it needs the correct resourcing, not only in monetary terms, but also, in knowledge base and expertise, within both NRW and Welsh Government, to complete this bit of work.

[106] **Antoinette Sandbach:** So, it is actually that, although the portal has been set up, it's not effective?

[107] **Mr Fryer:** It is to a certain extent, but I think Clare and Iwan could give you more detail on that.

[108] **Ms Reed:** Yes, so the portal at the moment is still being developed. I think, in order for this to be effective and to be used by—

[109] **Alun Ffred Jones:** Sorry, can you explain what you mean by 'portal'?

[110] **Ms Reed:** It's basically the spatial mapping of the marine environment in Wales. The portal itself would be used by planning authorities, by those wishing to introduce new plans or projects into the environment, and all stakeholders, but, in order for it to be usable, it needs to be live—new data need to be inputted in as data layers to the portal, and it needs to be updated over time, and whether or not there is the resource to do that is one of the concerns that we have.

[111] **Antoinette Sandbach:** Is it not live, then?

[112] **Ms Reed:** At the moment, it is on the Welsh Government website. It's not the easiest portal to find right now, but I think there is a recognition that there is still work being done on it to improve the portal as it stands. The strategic scoping exercise, which was effectively the evidence base that underpinned both the portal and what the plan will deliver, was consulted on back in summer 2014, and we were actually quite impressed with the substantial amount of evidence that Welsh Government had brought together on all aspects of the marine environment—you know, socioeconomic, the natural environment, et cetera. But, I think, again, there needs to be some sort of clear mechanism to update the evidence base for marine planning in order for it to be reviewed and for the plan to be reviewed over time.

[113] **Antoinette Sandbach:** So, it's gone live; it's not been updated despite a whole new load of evidence coming in and it's not adequately resourced in order to do that updating. Is that right? I can see Gareth nodding.

[114] **Mr Cunningham:** I suppose what we're saying is that, as it is currently, it's a very good stand-alone product, but what it needs is to be able to be updated and, as you've said, this is going to require resources down the line. As evidence comes forward from Natural Resources Wales, from Joint Nature Conservation Committee and cross-border sites and all that sort of thing, you need to be able to have a proactive approach of collaborating on that data and put them in a single place for everyone who needs to draw on this sort of thing for all sort of things from spatial planning to town and country planning, integrated coastal zone management—all of these things. But what we haven't seen yet is a forward work programme that will actually tell us how it's going to go forwards.

[115] **Dr Ball:** If I could perhaps give some examples relating to the data portal, it has the potential to be a very useful tool, and it was designed as a decision support tool, but it's not functioning like that at the moment. At the moment, its usefulness is limited by its functionality. So, there are some key things that need to happen. At the moment, it's not

possible to interrogate the data, but that will happen in due course, where you will be able to right click on a data point and I think that will then take you to the underlying data for that data point. You can't dig very deeply—you can't dig beyond two layers at the moment, so you can't look for national and international marine protected areas designations, for instance. And not all the metadata are there to support the data. The metadata are the data on the data: who collected the data, how they were collected and when. So, your data are only as good as the metadata, really, that support them. So, all that information needs to be verified and proofed and inputted to the portal and written in a way that makes sense to anybody interrogating the portal.

[116] **Alun Ffred Jones:** Could I just clarify who's supposed to do that?

[117] **Dr Ball:** That'll be Welsh Government's responsibility.

[118] **Alun Ffred Jones:** Not NRW, but the Government itself.

[119] **Dr Ball:** Yes.

[120] **Ms Reed:** And I could also add that, given that we're aware that there's a paucity of data in the marine environment compared to that of the terrestrial environment, there needs to be a clear process going forward as to how research and development needs are going to be met to further inform the portal.

[121] **Antoinette Sandbach:** One of the suggestions from the Welsh Fishermen's Association is that fishermen themselves can actually help with data collection. Have you seen any news from Welsh Government to support that?

[122] **Mr Cunningham:** There has been some—. Obviously some of the work that Jim, the chair of the WFA, is talking about is a project that was set up—I think it was about four years ago—to help develop drop-down cameras on the back of fishing vessels. Obviously, that collects a lot of data, but it does need someone there to sit and analyse the data and, like any evidence from any source, it needs to be scrutinised to make sure it fits with the other existing ones. So, they need to be on the same scale, whether that's a kilometre square or six or whatever, so they can actually talk to each other. I think it's a very sensible way of approaching evidence, using other stakeholders to gather and collect it. As long as it's fit for purpose, then why not?

10:15

[123] **Antoinette Sandbach:** Well, if they've got a role in collecting it, couldn't you have a role, given your levels of expertise across your organisations? You could well have a role in collating it.

[124] **Mr Cunningham:** I think there's also a role for the academic institutions—Bangor school of ocean sciences and Swansea as well—I mean, they've got the experts who do peer review papers. Why not draw on that as well?

[125] **Alun Ffred Jones:** Julie Morgan, you wanted to—.

[126] **Julie Morgan:** Yes, I do. I wanted to follow up Russell George's questions, actually, about the marine planning and the issue about your concern that, currently, the vision seems to favour jobs and growth, rather than social issues and the environment. I think you say somewhere that:

[127] 'It is our view that marine planning should support sustainable development, not

growth at any cost.’

[128] Do you feel that, as it is now, before there’s any change, that’s what it is: jobs at any cost?

[129] **Ms Reed:** I think that perhaps there needs to be a greater recognition in the vision about the need to support a healthy marine environment in order to achieve sustainable development. I’m not sure if that quite comes across clearly in the vision as it stands.

[130] **Dr Ball:** There’s no reference in the vision, as it stands at the moment, to improving the health of our seas and to achieve a desired state of restored biodiversity. So, highlighting things like the need to maximise the economic and social potential of our seas, without referencing the need to maintain and, where appropriate, restore biodiversity—you know, that doesn’t sound like a balanced ambition to me.

[131] **Julie Morgan:** This seems a very crucial area to me, but you are confident that this is going to be improved.

[132] **Ms Reed:** We’re aware that it’s being redrafted, but, again, we haven’t seen what the redrafted version looks like. It may not be until the draft plan is consulted on that we’ll see that.

[133] **Dr Ball:** In fact, we’ve been working with Welsh Government to help them redraft the vision, but, of course, that needs to go through the final processes.

[134] **Mr Cunningham:** It’s probably important to note that, with the future generations Bill and looking at the environment Bill, they all have, you can see, the same basic approach enshrined within. So, that needs to be within the spatial plan as well. Otherwise, they’re not going to be compatible, and that will cause problems down the line.

[135] **Julie Morgan:** Yes. Thank you.

[136] **Alun Ffred Jones:** Llyr.

[137] **Llyr Gruffydd:** Well, that was going to be my next question, actually. Do you have a feel for how all of these pieces of legislation come together, with a particular focus on the marine environment?

[138] **Mr Cunningham:** Do you want me to start on that? We’ve probably all got comments to make on that. Interestingly, in their evidence, Natural Resources Wales picked up on this as well. Obviously, with the environment Bill, we’re getting these natural resources management plans. Currently, we’re unaware of how this is going to match with the marine environment. In terms of the planning Bill that’s going through, that doesn’t really touch on spatial planning: it’s put it to one side and said, ‘that will deal with it’. So, it’ll be very interesting to see how all of these things come together by 2016. Hopefully, they will, and, hopefully, they will be all interrelated and delivered properly, but, at the moment, it’s quite a bit of a minefield of different things going forward, and I think we could do with a bit of steer on what the plans are for this.

[139] **Ms Reed:** I can also touch on the environment Bill, as well. We’re aware that Wales is one of the first Governments to introduce natural resource management in legislation, which is fantastic. So, we obviously see the opportunity there to implement this effectively through the environment Bill, but one thing that isn’t particularly clear in the draft Bill, as it stands, is how natural resource management would integrate with the marine environment and, in particular, with marine spatial planning. We’ve yet to see how that’s going to happen.

[140] **Dr Ball:** Perhaps I could make a more general point about integration of marine more generally. I think we are assured that a more integrated approach to delivery of marine policy is being put into place by Welsh Government. That was one of our main concerns when we last presented evidence to the inquiry. This started, going back two years now, with the creation of the marine and fisheries division looking at bringing together the marine and fisheries management functions into one department. It's been taken forward in a relatively co-ordinated way through the marine transitions programme. In particular, there is a high-level cross-government marine strategic governance board to support delivery of the marine transition programme at that very senior level, so that is pulling in the various interests from other Government departments to ensure that marine is being mainstreamed.

[141] **Alun Ffred Jones:** Could I just suggest something? When I read the evidence, it just seems to me that it's—how can I say this? There's a plethora of boards and panels and strategies and plans, and it's—. I just couldn't get my head around it. I have to admit, as Chair, that I just couldn't get my—. Are you clear about how this is proceeding, you know, that at the end, in 2016, everything will be revealed, and there will be a structure to everything?

[142] **Dr Ball:** I think that we're probably as clear as we can be without being inside Government, but please remember that we do deal with these boards and fora and advisory groups and strategies on a daily basis, so we are, perhaps, a little more informed than the average member of the public. I would like to think so anyway. [*Laughter.*]

[143] **Alun Ffred Jones:** I'm sure you're far more informed. What I'm trying to imply is that it doesn't seem to me that there is, well—. Can I just quote the Welsh Fishermen's Association, that what they were looking for was:

[144] 'transparent work programmes with clear delivery timelines'.

[145] Would you agree with that?

[146] **Mr Cunningham:** Yes.

[147] **Ms Reed:** I mean, we have the overarching objective to meet good environmental status by 2020 and I suppose all the different strands of the marine transition programme are heading towards that. Within that, there are targets for when a marine protected area coherent network needs to be in place, and when, in Wales, the marine planning needs to be in place, but I think you're right in suggesting that we perhaps could do with, you know, an annual sort of, a bit more of a clarity on—.

[148] **Dr Ball:** Well, I guess we do have that in some respects, because the marine transition programme gives effect to the marine and fisheries strategic action plan, which was launched back in—

[149] **Ms Reed:** In 2013, yes.

[150] **Dr Ball:** —November of 2013, and that set six-month targets, priorities for that coming six-month period, and then that was updated in—when was it?

[151] **Ms Reed:** July last year, wasn't it?

[152] **Dr Ball:** July. We were due another update and a progress update in November, which we haven't yet received from Welsh Government, so we look forward to receiving that. But let's not fool ourselves: this is a very ambitious and challenging timetable for delivery,

and, you know, it's very resource intensive, and, in the current climate of public sector cuts and a squeeze on spending, we are very concerned about the future of the marine transition programme.

[153] **Alun Ffred Jones:** Right. A number of Members are lining up to come in, so, Jeff first, William Powell and then Joyce.

[154] **Jeff Cuthbert:** Thank you. I'm tempted to call for an average member of the public just to test that, but never mind. But earlier—. I want to return to the issue that you mentioned of jobs at any cost, and I don't think that any rational person would ever support the notion of jobs at any cost, and you'll be aware that, in the Well-being and Future Generations (Wales) Bill, there are two goals: one very much for a prosperous Wales, which focuses on highly skilled, high-tech jobs for the future, people being well trained, and then, of course, about a sustainable Wales and putting sustainable development at the heart of the programme. Do you see, in terms of what we're talking about today, any contradiction or gap in terms of what we're planning for marine policy and the anticipated outcomes of the future generations Bill?

[155] **Ms Reed:** Within the draft objectives of the marine plan, the draft future generations Bill goals are actually highlighted as their high-level objectives, so there is integration there. Now, whether the future generations Bill goals then integrate with the high-level marine objectives that are set as part of the marine policy statement—. It's difficult to understand, really, the integration between the two. I think we were a little unclear when we were responding to the consultation.

[156] **Jeff Cuthbert:** Okay.

[157] **Dr Ball:** Yes. The objectives of the draft plan, as they're currently worded, are, I think, confusing at best. We're faced with two sets—.

[158] **Jeff Cuthbert:** Sorry, of which?

[159] **Dr Ball:** Of the draft marine plan.

[160] **Jeff Cuthbert:** The plan. Right.

[161] **Dr Ball:** Yes, because we're faced with two sets of objectives now. There are programme for government objectives, which talk about growth and tackling poverty, quite rightly, and then there are the high-level marine objectives that were agreed by the joint administrations back in 2009. The two sets of objectives don't really sit comfortably, in our view, alongside each other. So, it's a little bit confusing as to which set of objectives takes priority over the other and how—[*Inaudible.*—]—can be used to define—

[162] **Jeff Cuthbert:** Well, clearly, you would want consistency.

[163] **Ms Reed:** Yes, absolutely.

[164] **Jeff Cuthbert:** So, you're saying clearly, I think, that there's more work to be done to achieve that consistency.

[165] **Ms Reed:** Yes, I would agree with that.

[166] **Jeff Cuthbert:** Thank you.

[167] **Alun Ffred Jones:** William.

[168] **William Powell:** Diolch, Gadeirydd, and good morning, all. Could you please share with us your priorities for the improvement of Welsh sea fisheries legislation?

[169] **Mr Cunningham:** I suppose that the first place to start is, obviously, back in 2009, we got the Marine and Coastal Access Act 2009. In 2010, the Welsh Government set out priorities to amend all of the existing bye-laws—we used to have bye-laws for the north and bye-laws for the south—turning these into new fisheries Orders. So, to date, we haven't actually had an awful lot of progress on that. We are expecting the first one to pass around September; that will be the crustaceans—so, applying to crabs. Obviously, if you want to manage your fisheries, you need to have the right legislation in place. I sit on the all-Wales—. What's it called? The Wales marine fisheries advisory group. Pretty much at every single meeting, we have discussions about whether progress is going to happen and when it's going to take place. There's problems with enforcement, and we're not entirely clear whether this is a problem where the legislation's been transposed; there's a bit of a discussion at the moment around whether we can use emergency measures to close the fisheries for 12 months, which is something that's come forward from some of the fisheries, so that we can actually get them in a decent condition to have a sustainable future. The Welsh Government don't seem particularly clear if they can do that, because they don't have the Orders in place. So, it would be very useful if we could find out where they stand.

[170] Scotland has recently used these powers to close a scallop fishery to allow it to recover to ensure that there's a fishery there in the future, and a very similar situation is potentially going to happen in Cardigan bay. So, there are elements of that. Obviously, within their evidence, the WFA and the mussel producers touched on the several Orders issue, which we share. Currently, you can have a several Order, but it won't have a management plan. If it's within an existing European site, it needs to have a management plan in order to be compliant with the habitat regulations. Again, it's a mismatch of the legislation, and, as I understand it, that's going to be picked up within the environment Bill, but, personally, I think the environment Bill should just have a good look through all of the fisheries legislation, bearing in mind that some of this is from the 1970s and some of it is from the 1960s—and look at what doesn't actually work. Some of it's from national, some of it's devolved: tidy it up, repeal what needs to be repealed, and give us the powers so that we can actually regulate and manage our fisheries properly.

[171] **William Powell:** So, thus far, have you had any meaningful discussions about the potential of the environment Bill as a vehicle to actually flesh out some progress?

[172] **Mr Cunningham:** We've started touching on it. So, probably last month, we had the last marine fisheries advisory group meeting. So, we've started discussions, but, to date, I don't think we've got any solutions.

[173] **William Powell:** So, between now and the environment Bill coming before the Assembly, we need to see some progress.

[174] **Mr Cunningham:** Yes. There's definitely some work to be done.

[175] **William Powell:** If we could return to the issue of enforcement, you said that there had been some issues there. Could you expand a little on that, and also comment on the adequacy of the fleet that we currently have to assist in that process?

[176] **Alun Ffred Jones:** I'm not sure that fleet is quite the right word. [*Laughter.*]

[177] **William Powell:** Well, I'm aware of the aspirations of the former Minister to develop a fleet; maybe I'm over-egging it somewhat.

[178] **Mr Cunningham:** In terms of enforcement, obviously, it's not just the inshore waters that we need to enforce. The Welsh Government now covers out to the median line, so it's a very large area of sea. That involves, of course, enforcing the legislation under the common fisheries policy, which, I know, takes up an awful lot of time. So, that's Belgian, French, Spanish, English and Scottish vessels landing in Milford Haven—they have to make sure that they're compliant. There are, as I understand, currently nine fisheries enforcement officers to cover the entirety of Wales. So, obviously, there's a bit of an issue there in terms of actual manpower to do this. In fairness, they are taking a risk-based approach. So, the high-level crimes—there is no other way, really, of saying it—of illegal fishing, they pursue those, because, obviously, you need to go through courts and it's a long process. But we've got issues with—this comes up pretty much every time we have a meeting—bass. There is a large amount of bass sold, and it is, in comparison to large-scale fisheries, an individual selling illegally to restaurants and so forth, but what would be really useful is if we could see the enforcement officers, not just from Welsh Government, talking to the environmental health officers and food standards and trying to collaborate together to try and address this. It probably isn't the best way to deal with it as illegal fishing on the site, but perhaps we can deal with it at the restaurant level.

10:30

[179] **William Powell:** If I could pursue that a little, do we need to see a greater level of co-ordination with terrestrial authorities in terms of local authorities, trading standards and so on to achieve greater co-ordination—

[180] **Mr Cunningham:** I think that's the most sensible way of approaching this.

[181] **William Powell:** Finally, Chair, if I may, on the issue of the Welsh Government stated targets for the development and increase of aquaculture, I wonder whether you or other colleagues on our panel could speak to that point.

[182] **Mr Cunningham:** Yes, so this was in the statement in July or November—

[183] **Mr Fryer:** In July.

[184] **Mr Cunningham:** So, it was basically doubling the aquaculture. So, finfish I think was going to 4,000 tonnes from 2,000 and shell fisheries were going from 8,000 to 16,000. We have no problem with increasing aquaculture, as long as it's done in a sustainable way. It needs to take on board the principles of an ecosystem-based approach. I know the fishing industry are concerned that, while an increase is absolutely brilliant for them, they need to address the problems that they've currently got in terms of licensing and several Orders. If they can't currently get a several Order for the fisheries they've already got, ambitions to expand that process need to come in due course: deal with the issues now, and move on to that.

[185] **Alun Ffred Jones:** Joyce, do you want to come in?

[186] **Joyce Watson:** I want to talk about marine protected areas. Within your paper, you do raise some concerns about marine protected areas and the review thereof. Do you want to say something about those concerns?

[187] **Mr Cunningham:** I think it's back to me again. Obviously, this week we've heard announcements that they're looking to identify some new sites for seabirds and some for harbour porpoise, which we fully welcome and, in many cases, it's long overdue. Back in 2013, there was a review by a special task and finish team across Government and across the shared administrations to look at how we progress work from the highly protected marine

conservation zones. The recommendation from that was to work with the Joint Nature Conservation Committee and the Department for Environment, Food and Rural Affairs to identify the gaps within the network. To date, we haven't had an awful lot of progress on that. I noticed in the NRW evidence that they're now suggesting that this work will be completed in 2016, which, unfortunately, is the same deadline by which we were meant to have identified the sites to fill the gaps within the network. So, there's a bit of a mismatch there. We understood that the work was going to be carried forward in tranches. To date, we've not actually seen any output on them, so it would be very useful, when you've got NRW sitting here later on, to find out if there is a clear timeline for that, when they expect to be able to take it forward, and to share that widely with all the stakeholders that have been involved in that process. The WMSAG, which is the Wales marine strategic advisory group, is predominantly the same members who were on that previous task and finish group—all still very much engaged in the process. So, it's important to keep people on board and to keep them informed.

[188] **Joyce Watson:** Have you raised these concerns with the Government?

[189] **Mr Cunningham:** Yes, we've raised them both with Welsh Government and with JNCC. It is unclear as to who's the lead on this piece of work. Neither seems to be able to give us an actual answer on who's leading on the work, whether it's JNCC leading on it for the whole of the UK or Welsh Government leading on it for Wales. Unfortunately, no-one seems to be giving us an exact answer of due dates for the work to be completed, who's going to be taking it forward and how it's going to be implemented. So, while we're having discussions, they're not actually giving us an awful lot to go on.

[190] **Joyce Watson:** Have they given any reason as to why they're not able to give you a date?

[191] **Mr Cunningham:** From what I understand—I mean, obviously, it's a fairly large area of sea to cover—it's got to be looked at in terms of a network across the UK, which is fine. You know, it's Wales contributing to a UK network; it's not Wales doing it on its own. So, they need to consider what they've already got. There is a range of new sites coming across the UK, which may cover some of this. But, as you've seen, with the marine conservation zone process that's going on in England, some of the sites that were put forward on the boundaries of Wales are now being dropped, pending the review of the Silk commission. So, obviously there are elements like that that are going to influence what comes out of this. Yes, it's a long piece of work that needs doing, but I think resourcing is probably, again, the issue. It's going to keep coming up that we need more.

[192] **Joyce Watson:** Can I ask another related question? We mentioned data earlier on, and my opinion is that, if there is one area where you really need some data, it would be to put forward a case for a marine protected zone. Do you think that that might be part of the reason for delay?

[193] **Mr Cunningham:** I think it's definitely a contributing factor. Obviously, collecting data in the marine environment is more expensive and there haven't been vast amounts of data collected. I know we're doing a lot now in terms of the common fisheries policy, so we're looking at the pelagic fisheries, which is great, because we can use that for an awful lot of things, rather than just the CFP. I know Welsh Government's looking at that. But data collection is—. We've touched on this with the marine strategy framework directive—last year there was a consultation on the measures to gather evidence to inform that piece of work, and, unfortunately, the ambition from across the UK is to pretty much use the existing data monitoring that we currently have to inform future decisions. There doesn't seem to be any ambition to do additional monitoring.

[194] **Joyce Watson:** Finally, my question will be about good environmental status 2020, I think—I read it somewhere in this plethora of information, but I remembered it. Is there any chance that we're going to reach that?

[195] **Ms Reed:** Well, we welcome the ambition from Welsh Government to seek to achieve GES by 2020 and also the commitment that they've made to work with DEFRA, the other UK devolved administrations, and with neighbouring member states to co-ordinate their measures to help to achieve GES. But, that said, we are currently very concerned about the lack of ambition from DEFRA and the devolved administrations to actually implement any new measures within their current consultation on the MSFD programmes of measures. The existing measures that they've put forward, which will contribute towards GES—so, for instance, marine protected areas, when completed as a network, marine planning, and the common fisheries policy—will all contribute towards achieving targets for these different descriptors under the MSFD. But, for some descriptors, new measures will, we feel, be required. So, for example, marine litter, which is one of the descriptors, has had less targeted management across the UK than some of the other descriptors and we feel this will need additional measures put in place in order to achieve GES by 2020. We're aware that lack of data may be put forward as a proposed exemption from actually being able to implement or meet the targets for that particular descriptor and a couple of the others. But, I mean, we're very clear, and the MSFD is very clear, that, in such cases, a precautionary approach should be taken and that measures should be implemented to reduce the risk of human activities on the marine environment.

[196] **Joyce Watson:** This is my final, final—

[197] **Dr Ball:** May I interject there for a moment? I think it's probably worth telling the committee, too, that we have drafted a paper identifying potential measures that Welsh Government can take forward to help them achieve good environmental status.

[198] **Alun Ffred Jones:** Are those papers available publicly?

[199] **Dr Ball:** It's still in a draft format. We have shared drafts with Welsh Government, but I'm sure we could make it available to the committee.

[200] **Ms Reed:** Yes, I agree.

[201] **Joyce Watson:** My final question—my final, final question, I suppose—. You mentioned marine litter and you mentioned human activity on the water. Are you convinced that there is enough join-up between the thinking, the policy, and the reality to give consideration to that level of interaction between who is contributing towards the litter and what sort of activity should be allowed on the water or guarded against? Do you think that those are necessarily coming forward to produce good policy?

[202] **Ms Reed:** Within the DEFRA-led MSFD programmes part of consultation, which is currently being consulted on, there are existing measures that have been listed as good examples of where different devolved administrations are actually contributing to GES. So, for instance, Northern Ireland and Scotland both have a marine litter strategy at a national level. I think one of the concerns we have is that there is less clarity on actually whether there will be an onus on each individual devolved administration to actually implement those good examples within their own waters. It's not very clear within the consultation and we feel that might be a missed opportunity to actually have that co-ordination that might be needed to make sure that we collectively achieve GES within the UK.

[203] **Mr Cunningham:** Just to come back to your point about integration, obviously, at the moment, there's the review of the river basin management plans under the water

framework directive. There are going to be elements within that that will help achieve good environmental status in the marine strategy framework directive and, you know, eutrophication is one of the descriptors under the marine strategy framework directive, which, predominantly, will come from land-based sources. Therefore, the water framework directive and river basin management plan is a sensible place to address that, as an issue. We'd like to see some measures within the river basin management plan to address the marine issues. Obviously, everything that goes in the river ends up in the sea. So, dealing with it at point would make the most sense.

[204] **Dr Ball:** Yes, but I'd like to say too, on integrated coastal zone management, you know, recognising that what happens on land has an impact on what happens at sea and vice versa. Of course, since the last inquiry, we've had the adoption of a new marine spatial planning directive at European level and that has put in place certain minimum requirements on member states to deliver with regard to marine planning, including the need for member states to take account of land and sea interactions. Originally, it was much stronger than that in the original proposal for a directive, and there was quite a focus on integrated coastal zone management, but that's been reduced—watered down—to this requirement to take account of land-sea interactions.

[205] **Ms Reed:** Just adding to that, we are aware that, within the MSFD, marine strategies, such as marine planning, are needed to support delivery of good environmental status. It's very clear within the UK marine policy statement that marine planning should be a measure in itself to support the different descriptor targets within the MSFD. Like Iwan said earlier, we have produced a report to look at how marine planning can support delivery of the different descriptors, because I think there's a general understanding that although the marine planning signposts MSFD and MSFD signposts marine planning, there's perhaps less guidance on the area around actually how that will happen.

[206] **Dr Ball:** I think it's fair to say that that report has been received quite favourably by Welsh Government and NRW, and, in fact, we'll be convening a workshop based on the report with Welsh Government and NRW next month—

[207] **Ms Reed:** Next month, yes.

[208] **Russell George:** We've spoken about resources a fair amount, but I wanted to ask you about your resources, as third party organisations. A lot of work is, perhaps, expected of you, to help develop Welsh Government policy. You want to engage with them, but I wanted to ask you about your resource and capacity to do that.

[209] **Mr Fryer:** Well, obviously, within the WEL marine working group, we have three marine officers—me, Gareth and Clare, and Iwan as our chair—so, we are working on marine policy every day, producing these reports like the one on marine planning and good environmental status. We try to integrate with the Welsh Government and NRW as much as possible to aid them in this very challenging time frame. In terms of resource, I think, within marine, it is quite challenging for everyone, because resources are so scarce.

[210] **Alun Ffred Jones:** Right, before you come back, NRW, I think, in their paper, say that they need to work in partnership, otherwise they will not be able to achieve their objectives, because they don't have the necessary resources. So, are they referring to you?

[211] **Mr Cunningham:** I think it's referring to all the stakeholders. It's probably useful to comment that we put in a joint bid between ourselves, the fishing association, Gwynedd council and Seafish—the nature fund, you know—

[212] **Alun Ffred Jones:** But, the nature fund bid failed.

[213] **Mr Cunningham:** It did, yes.

[214] **Alun Ffred Jones:** Sorry, Russell, I interrupted you.

[215] **Antoinette Sandbach:** Can I just very quickly come in on that? We heard about the Crown Estate coastal communities fund; did you put the same bid in to them?

[216] **Mr Cunningham:** We haven't yet. Unfortunately, bids take an awful lot of staff time—

[217] **Antoinette Sandbach:** But, if you've pulled it together and you've got one that hasn't been successful, what's stopped you putting it into the—

[218] **Mr Cunningham:** We are in discussions. I mean, we spoke last week about this, so, it's not off the table and we are looking at other funds like INTERREG as well, but obviously, it's when they come on and when we're able to submit.

[219] **Russell George:** That goes back to my original question, which was about your ability and time to—. Because, there are all sorts of things you might want to do, but I'm questioning your ability to respond to, perhaps, what Welsh Government want and Natural Resources Wales want, because you want to engage, but have you got that capacity, yourself, to do that?

10:45

[220] **Mr Fryer:** We do engage with them through the Wales marine strategic advisory group. This was set up last year. We think it's a really good structure. We would like to see it being used to its full potential, so, with the creation of task and finish groups on particular issues like marine protected areas and MSFD, because there is a lot of knowledge and expertise within not only the third sector, but the fisheries communities and other stakeholders that we believe are not being used to their full potential. We believe that things like task and finish groups really help the Welsh Government to get the knowledge and expertise to meet their targets.

[221] **Dr Ball:** We're very fortunate, I guess, in link in that we have been successful in attracting charitable trust funding for the last seven years or so, which has enabled us to appoint the three marine officers within the host organisations within WEL. So, that's greatly improved our capacity to engage with all of these structures and working groups that the Chair mentioned earlier. You know, we do feel stretched at times. It sometimes feels like a case of consultation overload, and a bit of fatigue sets in. I'm sure that's probably very true of other stakeholders—a lot more so.

[222] **Russell George:** Following the Chair's question, do you feel that Natural Resources Wales—they've got their own statutory obligations to meet—are perhaps putting pressure on you to help them meet those statutory obligations?

[223] **Mr Fryer:** I wouldn't say it's pressure. We do aid them, whenever we can, because, obviously, there are a lot of cross-cutting themes. We have at least six-monthly meetings with the NRW team to discuss where our goals align and where we can actually aid each other in those goals.

[224] **Russell George:** Perhaps 'pressure' was the wrong word. Perhaps I'm saying Natural Resources Wales have suggested they're not going to meet their statutory obligations, and they're relying on you to help them meet their statutory obligations.

[225] **Dr Ball:** No, I think that'd be unfair—

[226] **Russell George:** It would be—

[227] **Dr Ball:** Co-production is the buzzword right now.

[228] **Russell George:** That's fine. Perhaps, finally, as we are speaking with Natural Resources Wales next, with regard to resources, specifically, are there any areas that you think we should be challenging them on?

[229] **Mr Cunningham:** I mean, there's probably a long list of things that would definitely benefit from additional resource. I think they probably agree—monitoring, because, obviously, it is a large area, if not only just to fill the statutory duties around protected areas, of which, obviously, every six years, we need to report the condition. Also, enough staff to engage with people. I know they've recently appointed a staff member to deal with the new protected areas, and his sole purpose is to engage with people, which is excellent. Unfortunately, it's only one person, so perhaps additional capacity—

[230] Another point, which is very alive at the moment, is the review of the management of the marine protected areas. Currently, NRW joint funds some positions around Wales. Whatever comes out of this process, there are likely to be new officers or existing officers transferred to a new role to look at distinct regions. It's unclear how many regions we'll have, but we do need these fully funded officers if we want to engage from the stakeholder level down to the local level to get that level of involvement, so it isn't just high level. But, equally, the national organisations, like Welsh Water and the Crown Estate, don't want to be at every single stakeholder meeting. They want a single point of contact. So, it is very important that we have enough staff, whether within NRW or funded by Welsh Government and NRW and the local authorities. It doesn't really matter where the funding comes from, so long as that physical person is there to deal with this work. I don't think there is capacity within Wales at the moment to deliver that. If that's the ambition for marine management, then we need to make sure that there are people there to deal with the work.

[231] **Alun Ffred Jones:** Antoinette, on this point, and then Jenny Rathbone.

[232] **Antoinette Sandbach:** I wanted to come in on NRW, because, certainly, the evidence we've had from the Welsh Fishermen's Association is that there was inaccurate information submitted in the Article 17 report—the Marine European N2K sites. Are you aware of that? Have you got concerns as well about the information that went in in that report?

[233] **Mr Cunningham:** I'm, obviously, having meetings with the WFA and NRW about this. Currently, I couldn't answer as to what's come out of that report. Unfortunately, the data go into the European Union as a nation, so it goes in as Great Britain. It hasn't been broken down yet to what current sites are within Wales. I know there are concerns, and the problem, in a nutshell, is that they're unable to monitor the entire site. So, they monitor areas of the sites and use that as indicative figures. Where that's fit for purpose or not is obviously down to scientific research and down to the criteria that the EU puts on this. Let's be honest, they have to monitor in a particular way for the EU. There isn't much wriggle room in that, so we need to find ways to do this properly and which satisfy all the stakeholders.

[234] **Antoinette Sandbach:** Okay. Secondly, in relation to the staffing issues around NRW, there have clearly been problems in south Wales between NRW staff and fishermen. Have environmental organisations played a role in mediating between them?

[235] **Mr Cunningham:** Can you just say which issues you're talking about?

[236] **Antoinette Sandbach:** The evidence that we have is that there's a history of difficulty with current NRW and ex-Countryside Council for Wales staff in south Wales. Whilst a proactive approach to dealing with fishing-related issues and development exists in north Wales, this doesn't appear to be the case in the south.

[237] **Mr Cunningham:** Right, I'm only guessing, but it's probably more related to several orders and—

[238] **Alun Ffred Jones:** So, the only question is: have you been involved in these?

[239] **Mr Cunningham:** 'No' is the simple answer. [*Laughter.*]

[240] **Alun Ffred Jones:** Jenny Rathbone.

[241] **Jenny Rathbone:** My main focus is on how we improve enforcement, because of the industrial-scale plundering of our fishing resources by some people. On co-production, I absolutely agree that that has to be the name of the game, particularly around marine protection. I was surprised to hear the Crown Estate say that protecting and enforcing, and taking action against plunderers of the sea bed, was not their duty. They've been given the duty to protect the sea bed on behalf of the nation, and yet enforcement is not their area. Could you just explain how that is?

[242] **Mr Cunningham:** The Crown Estate, obviously, is in charge of the sea bed, so any fisheries matters are completely separate.

[243] **Jenny Rathbone:** Sure, but these scallops sit on the sea bed.

[244] **Mr Cunningham:** Yes. A lot of it will go back to the things like the Magna Carta. Fisheries are an open resource; it's not like the land, where there is ownership. So, there are issues around that. The Crown Estate itself is not an enforcement body. Those powers are devolved to Welsh Government. So, in those instances, it comes to the Welsh Government to enforce. It's not down to the Crown Estate.

[245] **Dr Ball:** It's the way in which the organisation is set up. It's purely a function of their remit—

[246] **Jenny Rathbone:** Fine. Just going back to the portal, which is a work in development, I completely understand the need to have a really good evidence baseline of what the current state of the marine is so that we can test whether or not environmental measures are improving things or making them worse. How do you prevent this portal being used by the wrong sort of people—that is, the people who want to plunder resources—and enabling them to pinpoint exactly where they need to go?

[247] **Ms Reed:** I think the portal should be something that can be used by everyone as a guide, for instance, that signposts, perhaps, where appropriate development, plans or projects should take place and gives more spatial clarity to planning authorities and regulating authorities. So, I would actually advocate that it should be a tool that should be used by everyone. I do think there would be sensitivity, potentially, around some of the data—for instance, fisheries data—but I probably couldn't comment any more on that.

[248] **Dr Ball:** Yes, ultimately, it's a decision support tool.

[249] **Jenny Rathbone:** Okay. So, it could be that it'll be restricted in some form.

[250] **Dr Ball:** I don't think that's the intention. I think that the data, where sensitivity allows, will be made available to the public. How that information is used in terms of licensing decisions is, of course, Welsh Government's responsibility. Their decisions will, of course, be informed by policies within the marine plan.

[251] **Jenny Rathbone:** Okay. Just going back to the point you made earlier about the lack of clarity about whether or not Welsh Government has powers to, for example, close a scallop bed to enable it to recover, obviously, we'll be asking the Welsh Government about that, but how come your organisations, some of which are very large—. Don't you have legal backing to know whether that's the case?

[252] **Mr Cunningham:** Certainly, we have legal advice. We don't have vast ranks of staff, unfortunately. Advice is extremely expensive and, to be honest, we generally pay external professionals to do this because legal advice is so complicated, especially when the legislation spans number of years, with repeals and different Acts interconnecting. It's a bit of a minefield, basically.

[253] **Jenny Rathbone:** Thank you for that clarification.

[254] **Alun Ffred Jones:** Right, we've got a few minutes left. You mentioned timetables have slipped over the past few years, and resources are scarce. Can I ask you, to achieve the various and numerous targets and objectives within marine policy, what do you think needs to happen?

[255] **Mr Fryer:** Last year, the Welsh Government marine fisheries team actually had a ring-fenced budget of around, I think, £1 million, and this actually enabled them to enact the marine transition programme and actually get a lot of traction on the various work streams, and to progress a lot of the work. With things like marine planning, we've seen the most amount of progress in the last year. So, I think budgetary requirements are very important to the work they do, especially with the target of 2016 for an ecologically coherent network of marine protected areas, so they need to do a lot of work around actually figuring out where these sites need to be, consulting on them, holding stakeholder events and getting stakeholder views. That takes a lot of time and resource for both NRW and the Welsh Government. So, it is a challenging time frame, but if they're resourced in the correct way, not just monetary but also with the right knowledge base and the right expertise, then they can achieve their targets.

[256] **Alun Ffred Jones:** Any other views?

[257] **Dr Ball:** I think there are some very difficult decisions ahead in light of the financial situation. We're going to have to decide which of those projects within the marine transition programme we want to prioritise. Some of those projects have legislative drivers, such as the marine strategy framework directive. For others, such as marine planning, we have a commitment to produce the plan by the end of this year, so I can see those two taking priority. We also need to look for efficiencies within that programme. It may be possible to combine some of the projects, for instance the sustainable fisheries project and the common fisheries project, but, yes, there are some very difficult decisions ahead.

[258] **Alun Ffred Jones:** Any other views?

[259] **Mr Cunningham:** I think there's also an opportunity to be a bit smarter with the way we use the funding we get. Unfortunately, compared with the terrestrial situation, we don't have masses of amounts of European funding. We get some through the European maritime fisheries fund, but for Wales that's a very small amount stretched over six years. So, we need to be a lot more collaborative, so with LIFE bids and INTERREG bids, working together to

actually try and draw some external funding into Wales to deliver the work that's going to benefit everyone from all spheres of industry to the environment.

[260] **Ms Reed:** Just on that, working smarter also means with regard to implementing and monitoring measures under the European marine strategy framework directive. We're pleased that Welsh Government have said they will be working with the Department for Environment, Food and Rural Affairs and the other administrations and neighbouring member states. Where opportunities arise to actually be able to more closely co-ordinate monitoring and management, we should be jumping on those opportunities, really.

[261] **Dr Ball:** I think our overriding concern is that the effective evidence base project is the one that's going to take the biggest hit here, and, as we've heard this morning, having an effective evidence base is fundamental to making informed policy decisions.

[262] **Ms Reed:** Absolutely.

[263] **Alun Ffred Jones:** Diolch yn fawr iawn ichi am ddod i mewn i gyflwyno'ch tystiolaeth; roedd hynny'n ddefnyddiol iawn. Mi gewch chi gopi o'r *transcript* er mwyn ichi gael sicrhau ei fod o'n gywir. Rydym ni'n ddiolchgar iawn ichi am gyfrannu at ein hymchwiliad ni y bore yma. Mi gawn ni doriad rŵan am 10 munud, ac fe wela' i chi nôl am 11.10 a.m..

Alun Ffred Jones: Thank you very much for coming in to give us your evidence; it has been very useful. You'll receive a copy of the transcript for you to ensure that it is correct. We're very grateful to you for your contribution to our inquiry this morning. We'll take a break now for 10 minutes, and I'll see you back at 11.10 a.m..

*Gohiriwyd y cyfarfod rhwng 10:59 ac 11:10.
The meeting adjourned between 10:59 and 11:10.*

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

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

[264] **Alun Ffred Jones:** Iawn. Fe wnawn ni ailagor y cyfarfod. O'n blaenau ni rŵan mae cynrychiolwyr o Gyfoeth Naturiol Cymru, a chaiff Jenny Rathbone ofyn y cwestiynau agoriadol.

Alun Ffred Jones: Right. Let's restart this committee meeting. Before us now we have representatives from Natural Resources Wales, and Jenny Rathbone will be asking the opening questions.

[265] A gaf i eich croesawu chi'ch dau yma i'n sesiwn casglu tystiolaeth ni ar bolisi morol yng Nghymru? Rwy'n ddiolchgar iawn ichi am eich presenoldeb. A gaf i ofyn ichi yn gyntaf pe baech chi'n cyflwyno'ch hunain ac yn nodi'ch safle o fewn Cyfoeth Naturiol Cymru? Wedyn, fe fyddaf i'n gwahodd yr Aelodau i ofyn eu cwestiynau.

May I welcome you both here to our evidence gathering session on marine policy in Wales? We are very grateful to you for your attendance here. May I ask you first of all if you could introduce yourselves and state your roles within Natural Resources Wales? Then, I will invite Members to ask their questions.

[266] **Mr Davies:** Océ. Diolch yn fawr, Mr Gadeirydd. Diolch am y gwahoddiad. Keith Davies ydw i. Nid yw teitl fy swydd i cweit yn gywir ar y rhaglen. Fi ydy pennaeth cynllunio, tirwedd, ynni a newid hinsawdd Cyfoeth Naturiol Cymru, ac mae fy

Mr Davies: Okay. Thank you very much, Mr chairman. Thank you for the invitation. I am Keith Davies. My job title isn't quite right on the agenda. I'm the head of planning, landscape, energy and climate change for Natural Resources Wales, and my brief

nghyfrifoldebau fi'n cynnwys polisi morol. includes marine policy.

[267] **Alun Ffred Jones:** Dyna ni. Diolch **Alun Ffred Jones:** There we are. Thank you yn fawr. very much.

[268] **Ms Lewis:** Hello. My name's Mary Lewis and I'm the team leader for our marine strategic planning, energy and advice team, which sits within Keith's wider group.

[269] **Alun Ffred Jones:** There we are. Fine. Jenny Rathbone, would you like to come in with a question?

[270] **Jenny Rathbone:** With our earlier witnesses, we've been struggling with an alphabet soup of different strategies, and I just wondered if you could give us your overview of how well we're mainstreaming marine policy and pushing forward on some very urgent objectives.

[271] **Mr Davies:** Okay. That's a very good question. I'll try and answer it in a clear and succinct manner. I think the first point to emphasise is that when the Well-being of Future Generations (Wales) Bill is enacted, that will establish a series of high-level goals, which will provide—on my understanding—the overarching framework for policy and delivery. The other aspect will be the interface between the Wales national marine plan and the natural resources policy for Wales, which a future environment Bill will bring to fruition.

[272] The way we understand it'll work is that the national natural resources policy will encompass the whole of Wales, including the 40% that's sea, and that the Wales national marine plan will be the expression of that natural resources policy for the marine area of Wales. Obviously, for the terrestrial system, the various initiatives that the planning Bill will introduce will provide the context for enacting the natural resources policy in terrestrial Wales.

[273] **Alun Ffred Jones:** Is that clear, Jenny?

[274] **Jenny Rathbone:** No, not particularly, but it's clear in some respects. Obviously, the future generations Bill will provide the overview of the need for a sustainable, as well as a prosperous, Wales, and that, in relation to fisheries, certainly, holds.

[275] I think what we're struggling with is we've got a challenging agenda and limited resources, and my perception is that all the organisations are falling over each other, in too many meetings, and not getting on with the job. You talked about a national marine plan, but we already have this marine and fisheries strategic action plan; you know, is there any difference? Obviously, it'll change: it's evolving. The fishermen's association are saying they want it updated. What is it that they're looking for other than that, of course, it needs constantly refreshing? What's the magic bullet that's missing?

11:15

[276] **Mr Davies:** I think the marine and fisheries action plan is an action plan. The Wales national marine plan derives from legislation, and it will provide a framework for integrating the various initiatives and the various strategies cross-sectorally. It'll set in motion a process whereby the stakeholders across all sectors can sit down, address opportunities and issues, and take those forward in a strategic way. Then obviously that's very different to an action plan, which might be a series of actions.

[277] **Ms Lewis:** To add to what Keith said, the marine and fisheries strategic action plan, while obviously is an internal document, essentially prioritises Welsh Government's key actions, one of which is to deliver a Wales national marine plan, and then that's the external

strategic document—a bit like with land-use planning, but it's the version at sea. So, they're quite different documents, really.

[278] **Jenny Rathbone:** Okay. Thank you for that clarification, but I think there is an urgency about all this, isn't there? Because in the meantime, people are actively plundering our resources, and there's a lack of clarity about whether we have the powers to take enforcement action either to close areas that are under threat ecologically of extinction or, indeed, to effectively pursue the criminals.

[279] **Ms Lewis:** There is a whole suite of powers being used at the moment and all sorts of areas of work being taken forward in terms of marine management. What we're lacking, and what's being worked on this year, is that strategic plan that brings it all together and identifies the key policies and key priorities. So, it's not that the tools aren't there, but the strategy to bring it all together under the one marine plan is what we're all working towards, I think.

[280] **Jenny Rathbone:** So, this update that the fishermen's association is calling for apparently was due to have had a new iteration in November. We're now nearly in March. Any reason why there's been this delay?

[281] **Ms Lewis:** I think what they're asking for is an update of the marine and fisheries strategic action plan, which is Welsh Government's own action plan, so that's really, I suppose, a question directly for Welsh Government.

[282] **Jenny Rathbone:** Fair enough. Okay.

[283] **Mr Davies:** Just to pick up on your point about urgency, I think the Welsh Government are committed to producing the marine plan by the end of December. That is quite a tight deadline, but that reflects the urgency that is seen to get this framework in place, and then the other actions can follow from that.

[284] **Alun Ffred Jones:** Llyr Gruffydd ar y pwynt yma. **Alun Ffred Jones:** Llyr Gruffydd on this point.

[285] **Llyr Gruffydd:** Jest i'w wneud yn glir, os ydym ni'n dweud bod—wel, rŷm ni i gyd yn cydnabod bod adnoddau'n brin a bod y llinellau amser efallai ddim beth yr hoffai nifer ohonom ni iddyn nhw fod, yn y cyd-destun yna felly, ble ŷch chi, fel Cyfoeth Naturiol Cymru, yn gweld y dylai'r flaenoriaeth fod, gan dderbyn nad oes modd gwneud popeth yn syth? **Llyr Gruffydd:** Just to make it clear, if we're saying that—well, we all acknowledge that resources are scarce and that the timelines are perhaps not what many of us would like them to be, in that context, therefore, where do you, as Natural Resources Wales, see that the priority should be, accepting that it's not possible to do everything straight away?

[286] **Mr Davies:** Rwy'n meddwl, o safbwynt y blaenoriaethau, rydym ni'n credu bod sicrhau bod mewnbwn digonol i mewn i'r cynllun morol cenedlaethol yn flaenoriaeth allweddol, ac mae hynny'n golygu gwybodaeth, tystiolaeth a chyngor. Pan fydd y fframwaith yn ei le, mae hwnnw'n gosod cyd-destun wedyn i'r holl weithgareddau a'r strategaethau eraill a fydd yn deillio o'r cynllun morol. Felly, mae hwnnw'n gorfod bod yn flaenoriaeth. **Mr Davies:** I think, in terms of the priorities, we believe that ensuring sufficient input into the national marine plan is a key priority for us, and that means information, evidence and advice. When that framework is in place, that will set the context then for all the other activities and strategies that will emanate from the marine plan. So, that has to be a priority.

[287] **Alun Ffred Jones:** William, on this point?

[288] **William Powell:** No, Chair, not on this point.

[289] **Alun Ffred Jones:** Right. Russell George.

[290] **Russell George:** Good morning. Mr Davies, you just referred to there being perhaps quite a tight schedule to have the marine plan in place by December this year, but that's the Welsh Government's intention. So, what steps specifically do you think that the Welsh Government need to take to keep to that intention of theirs?

[291] **Mr Davies:** Okay, well, obviously, I think the intention is to work to produce a consultation draft of the plan in the late spring/summer, and obviously that will entail working across sectors with stakeholders to ensure that they're aware and able to input into the process. I think that the Welsh Government themselves see that as a priority to ensure that that process does happen.

[292] **Russell George:** You mentioned working with stakeholders and partners, and I'm also just questioning as well the reliance, if you like. The Welsh Government are relying on third parties and their partners and stakeholders in order to achieve their intention to have the marine plan in place by the end of the year, and perhaps the capacity of other organisations as well.

[293] **Mr Davies:** I think, in producing the plan, the process of producing a plan involving stakeholders is quite often as important as the document itself, and, if you engage with stakeholders, they are aware of the issues and able to provide their perspectives and their input at an early stage. Hopefully, then, all parties can contribute any resources they might have towards achieving the outcome of a plan. There is a stakeholder group, which is established to actually provide advice and input into that process and other marine-related issues. So, I think that in itself will help them when the plan itself is finalised. I think it's fair to say that it'll be an iterative process. The first plan will be there and then, obviously, that will evolve over time.

[294] **Russell George:** You said that you think it's quite a tight deadline. Do you think that they will have the plan in place by the end of the year?

[295] **Mr Davies:** I personally think they will, but, again, that's a question you will need to direct to Welsh Government.

[296] **Russell George:** Yes, and, what I'll direct to you, then, I suppose, is: what do you believe are the potential barriers of its not being achieved by the end of this year?

[297] **Mr Davies:** Potential barriers—

[298] **Russell George:** What would stop it happening by the end of this year, or prevent it from being in place by the end of this year?

[299] **Mr Davies:** I think, obviously, the key issue is to make sure that all parties have sufficient resources to actually help take the process and the plan forward.

[300] **Russell George:** And have they got sufficient resources?

[301] **Mr Davies:** I think organisations are prioritising to make sure of that. Within the resources available to the public sector in particular, there is a question of prioritisation and, therefore, the importance of ensuring that there is a plan in place means that we had to

prioritise to ensure that resources were there to help support and inform that process.

[302] **Russell George:** You also believe that clarifying the relationship between the marine plan and the natural resources management plans is going to be challenging for Welsh Government. I wonder if you could just talk to that point.

[303] **Mr Davies:** The issue, I think, is the respective timescales of the marine plan and the environment Bill. Therefore, the marine plan will need to be finalised before the environment Bill is enacted. Obviously, the environment Bill will provide an opportunity to set out in legislation the interrelationships and the linkages, but they won't be in place by the time the Wales marine plan is enacted. Therefore, I think it is important to make sure that there is clarity about, you know, the policy links I mentioned in my first answer to the first question.

[304] **Russell George:** Finally, you mentioned the environment Bill, but also is there sufficient co-ordination between the marine planning process and the Planning (Wales) Bill as well?

[305] **Mr Davies:** I believe there is now and I think the planning Bill does make provisions for the interrelationship between marine planning, marine plans and the land-use planning system. Therefore, I think that relationship is being clarified.

[306] **Alun Ffred Jones:** Nid wyf yn siŵr am y dystiolaeth am hynny, ond a gaf i ofyn hyn i chi: efo'r cynllun morol, beth yw eich rhan chi yn natblygiad y cynllun morol, fel Cyfoeth Naturiol Cymru?

Alun Ffred Jones: I'm not sure about the evidence with regard to that, but can I ask you this: with the marine plan, what is your role in the development of that plan, as Natural Resources Wales?

[307] **Mr Davies:** Mae gennym ni sawl cyfrifoldeb a sawl rôl. Rydym ni'n cynnig cyngor o safbwynt ein cyfrifoldebau ni ac rydym ni'n rhan o'r grŵp sy'n cynghori ar ddatblygiad y polisi. Rydym ni'n cyfrannu tystiolaeth i sicrhau bod y cynllun yn seiliedig ar y wybodaeth orau posib. Mae gennym ni rôl arall hefyd, lle rydym ni'n paratoi, ar ran y Llywodraeth, yr asesiad cynaliadwyedd a'r asesiad amgylcheddol ar gyfer y cynllun. Felly, pan fydd y cynllun yn cael ei gyhoeddi, mi fydd yna asesiad cynaliadwyedd ac asesiad amgylcheddol strategol ynghlwm ag e.

Mr Davies: We have many responsibilities and many roles. We offer advice from the viewpoint of our responsibilities and we're part of the group that offers advice on the development of the policy. We contribute evidence to make sure that the plan is based on the best information possible. We have another role also, where we prepare, on behalf of the Government, a sustainability assessment and an environmental assessment for the plan. So, when the plan is published, there will be a sustainability assessment and a strategic environmental assessment linked to that.

[308] **Alun Ffred Jones:** A chi fydd yn gyfrifol am hwnna. A ydych chi'n ddigon gwrthrychol fel corff? A ydych chi'n ddigon pell o'r Llywodraeth i gynnig cyngor gwrthrychol, annibynnol?

Alun Ffred Jones: And you will be responsible for that. Are you sufficiently objective as a body? Are you far enough from the Government to offer that objective, independent advice?

[309] **Mr Davies:** Rydym ni'n sicrhau bod gyda ni brosesau yn eu lle fel bod y ddau broses yn hollol ar wahân yn fewnol. Wedyn, mi fydd tîm gwahanol yn cynnig ymateb i'r materion yna. Mae gennym strwythurau i sicrhau nad oes torri ar draws y cyfrifoldebau yna.

Mr Davies: We ensure that we have processes in place so that both processes are completely separate internally. Then, a different team will be offering a response to those issues. We have structures to ensure that there is no run through of those responsibilities.

[310] **Alun Ffred Jones:** Iawn. Diolch yn fawr. Antoinette. **Alun Ffred Jones:** Right. Thank you very much. Antoinette.

[311] **Antoinette Sandbach:** I wanted to move on to data and evidence, and I don't know if your colleague, Mary Lewis is maybe—we haven't heard from her this morning—in a good position—

[312] **Alun Ffred Jones:** We have heard from her this morning.

[313] **Antoinette Sandbach:** Okay. In a good position to be able to comment on it. There's a real concern about the scoping exercise and what's needed in terms of data and evidence from NRW in terms of scoping. What work still needs to be done in relation to that?

[314] **Ms Lewis:** Okay. We have provided information obviously to Welsh Government on all the evidence and data that we hold, so, obviously, we've contributed to this existing strategic scoping exercise, which, essentially, I suppose, identifies all the data and evidence that are available to help inform the marine plan. I think the next most important stage for us as an organisation is working in our advisory capacity to help develop the policies and the plan, and they should then inform further evidence, prioritising the further evidence that we should be providing. So, I think it's sort of, again, an iterative process. We need to see the policies to direct our further evidence provision work. We have started a project within NRW already to start to identify our evidence priorities across a number of drivers, one of which is marine planning, others would be the marine strategy framework directive, et cetera, so that we can start to tease out where to—obviously, we talked earlier about limited resources—put our existing resources to most effect. And that would include helping to understand how we deliver the plan policies.

[315] **Antoinette Sandbach:** In terms of putting the evidence and data forward that you have, have you identified key gaps? Because we've heard about key gaps in measurement and data for example around marine waste. What have NRW done to look to identify the gaps, and have you asked Welsh Government for additional resources in order to gather evidence, or looked at working with other partners?

[316] **Ms Lewis:** Okay. So, the project that I just mentioned to identify evidence priorities is exactly doing that, which will be the key gaps that we may have. It's certainly the case that our evidence base at sea is thin compared to our evidence base on land, and there are lots of reasons I'm sure that you know and may have been talked about in this committee previously, in terms of the technical and cost difficulty of getting it. So, we know that we have some substantial, basic gaps, but we use the best available evidence where we can. I think the stage we're at now is working very closely with Welsh Government to identify what the key gaps might be rather than in separation.

[317] **Antoinette Sandbach:** Obviously, from where I sit, I can't see whether or not you were in the gallery in the earlier evidence session.

[318] **Ms Lewis:** No, we were travelling down from north Wales.

[319] **Antoinette Sandbach:** Right. So, there were concerns expressed about the development and the functionality of the marine data portal, in particular, that you can't click and drill down into the data and that it's not sufficiently layered. Are those concerns that you've raised with Welsh Government, or do you recognise those concerns from your own use of that portal?

[320] **Ms Lewis:** I think, probably at this stage, we recognise that that's a tool that's still in

development, so, yes, there will be teething problems and those will be identified and dealt with, we hope. From the point of view of the use of it ourselves, I think we're yet to really get going using it as a tool, but we would hope to do so. But we haven't raised any particular concerns over it at this stage because we know that it's in development and we will be working closely with Welsh Government on that.

[321] **Antoinette Sandbach:** And, finally, Welsh fishermen clearly have an ability to contribute towards data collection. It's encouraging to hear that you travelled down from north Wales, so, presumably, you're aware of the project with Bangor University and the Welsh Fishermen's Association.

[322] **Ms Lewis:** Absolutely, yes.

[323] **Antoinette Sandbach:** Are you looking at those sorts of links being established in south Wales to aid you in your data collection? There certainly seems to be evidence on issues around the fisheries enforcement in south Wales, which I put on the record earlier; I don't know whether you heard that.

[324] **Ms Lewis:** No, we didn't hear the earlier sessions. But, certainly, as you identify, there are opportunities to work with others to provide evidence, and also, there are projects in north Wales to start that process and there's also been training to help individual fishermen to understand how to collect evidence in the right sort of systematic way when they are out doing their own work. That's all very helpful, and, yes, there's an opportunity I think we need to develop to roll that out more widely. The key thing from our point of view is the way in which data are collated so that they can be used consistently alongside other information, so there's systematic collection rather than too many ad hoc pieces of data that it's hard to bring together into one coherent piece of evidence to help give our advice to Governments.

11:30

[325] **Antoinette Sandbach:** Okay, and one of the points that has been raised is that the article 17 data in relation to a report that was submitted at UK level has been challenged by the Welsh Fishermen's Association, and that's particularly an issue, as I understand it, with data from NRW. What have you done to resolve that?

[326] **Ms Lewis:** Yes, it was challenged at the time, two years ago now, I think. That was followed up, and it is our understanding that those issues had been resolved at the time—a year ago now. They haven't been re-raised with us since, so, if there are ongoing issues, I think it needs to be re-raised directly with NRW. A wider issue related to that is the fact that, now, there is this wider stakeholder advisory forum that the Welsh Government established, which gives us the opportunity to flag up reporting rounds that are coming before they actually happen, so we can, hopefully, have pre-emptive discussions with sectors before we commence reporting in future.

[327] **Antoinette Sandbach:** Finally, in relation to all these plans, which one hopes are evidence-based plans, which is why I'm asking about data and evidence, high-level plans are only as good as the implementation on the ground. Now, again, in the evidence from the Welsh Fishermen's Association, there's been a very strong indication that some of the good working relationships that have been established up in north Wales have not been replicated with NRW and, they expressly say, former Countryside Council for Wales staff in south Wales. Is that something that you are aware of? And, if you are aware of it—and I don't know which of you two needs to answer that—what is being done to overcome the fact that there clearly is an issue? I'll read you the quotation. It says:

[328] 'There is a history of difficulty with current NRW and ex-CCW staff in South Wales.

Whilst a proactive approach to dealing with fishing-related issues and developments exists in North Wales, this doesn't appear to be the case in the South.'

[329] **Mr Davies:** Okay. They haven't raised that issue specifically with us. Therefore, we will go back to them and ask them to clarify what the concerns are. I think it's fair to say that we initiated the work in north Wales with a view to seeing it replicated throughout the rest of Wales, and we're in the process of learning lessons on how that can best be done. And I think that that particular project, that relationship, has been really good in terms of making sure that we can jointly work together on shared outcomes, and that brings us back to the comments and the questions from Russell George in that we think that the value of the process of getting the different stakeholders together to understand common issues, understand difficulties and perhaps share information and evidence within the framework of the marine plan will produce a product that will benefit all sectors, eventually.

[330] **Antoinette Sandbach:** I understand that, but it's concerning if you're saying that it hasn't been raised with you, that it hasn't been picked up on by you, and it is being raised with us.

[331] **Ms Lewis:** I think we're probably aware generally that there may be a concern. As Keith was saying, it's about bringing that formally to the organisation, but we've also identified—last year, we created a new post in NRW to provide operational advice on casework across the whole of Wales to provide some consistency. So, as that gets going, that should perhaps help with some of those concerns they may have as well.

[332] **Antoinette Sandbach:** Thank you.

[333] **Alun Ffred Jones:** We'll turn to Joyce Watson now, who'll be taking about MPZs.

[334] **Joyce Watson:** I'll be talking about marine protected areas, and thank you, Chair. I want an explanation, if you have one, why there has been a delay in the review of the existing marine protected areas, and do you have a timeline for the completion of the review and when you expect to provide advice on any gaps in the network to Welsh Ministers?

[335] **Ms Lewis:** So, this relates then to the stock take of existing marine protected areas around the UK—I think that's what you're referring to—which was a commitment given by Welsh Government after the review following the previous MCZ process. The commitment was to participate in a UK stock take of all the marine protected areas in the UK, what features are protected, et cetera. That is work that's under way with all the nature conservation bodies around the UK. That's the first step—to identify what is protected at a UK level. It proved to be a more complex piece of work than we originally anticipated, partly to do with the four different administrations working to slightly different priorities, et cetera, around the UK. Therefore, there were slightly different views on exactly the features that you're looking at as part of that stocktake. But that work is progressing, and colleagues of ours in NRW are actively working on the stocktake now, and we expect the stocktake part of the work to report in stages over this year. It's dealing with habitats and then mobile species, et cetera, to give you the full picture of the whole UK network of marine protected areas.

[336] The second stage, then, which is one of the ones that's, perhaps, been difficult to scope out, but we're getting there now, is the analysis of actual gaps. That work is going to be done at an England-Wales level, rather than a UK level. That will be where we will then finally identify if there are any further gaps in features protected by the network of MPAs that should potentially be plugged by sites in Welsh waters. We expect that process to conclude next year, now. So, there has been a delay. It's partly complexity, partly available resources and pressures in other areas of MPA work as well. I appreciate that it's made it longer than when we'd hoped to be able to report, but it is in hand; it is in progress.

[337] **Joyce Watson:** Sorry, can I ask? There's also a further complication that seems to be on the table, and that is DEFRA's announcement that sites in the Welsh offshore zone won't be considered until there's been a response to the Silk commission unknowns. What is your view on that?

[338] **Ms Lewis:** Okay. Those sites are identified through the English and UK offshore projects, which also then looked at Welsh offshore waters. So, in a sense, we don't have a direct role at this point in time in contributing to the identification of those sites, and I understand that it's a discussion between Governments, if you like, to keep those sites on reserve until the Silk commission recommendations have been reported on and concluded. Otherwise, it's bringing forward sites in an area that is sort of up in the air in terms of whose jurisdiction it might be in the future. So, we understand that there are obviously those issues, but from an NRW perspective, we would imagine then, once those decisions had been made, that we would be looking at gaps in the potential network across the whole of the Irish sea. So, possible offshore sites that have been identified but, if you like, are in reserve, would be assessed as part of this analysis of gaps that we've just discussed.

[339] **Joyce Watson:** Would you have the capacity, the NRW and Government, following the review, the Silk commission, if we have greater powers or greater jurisdiction? Have you got the capacity to move those designations and do the work to produce designations?

[340] **Ms Lewis:** I think it's fair to say that, at the moment, NRW's role is to advise on marine conservation out to 12 nautical miles. Beyond that, it's the joint nature conservation committee. If, in the future, our role is extended, then that would need to come with additional resources.

[341] **Joyce Watson:** Also, I think there is a question here about the Welsh Fishermen's Association, about the accuracy of article 17, reporting under the habitats directive. Have you any—

[342] **Ms Lewis:** Yes, we've obviously touched on that already. As far as we're aware, we feel those issues have been resolved, but if they need to be brought up again, then obviously the Welsh Fishermen's Association can bring those back to NRW.

[343] **Joyce Watson:** The final question from me is about marine litter. You know, when you're looking at protected areas and protecting seas, are you giving consideration to marine litter and any policies that need to be brought forward—because this is what we're talking about: policy development—in that area?

[344] **Ms Lewis:** There are two particular areas—and I'm not sure whether you've had discussion on this already this morning. One, then, more broadly, is that marine litter is one of the descriptors under the marine strategy framework directive. So, there are measures identified in the consultation that's out at the moment to try and begin to reduce marine litter at sea from various different sources. I appreciate there are a variety of different views on how effective they may be, but those are out to consultation at the moment. So, that, then, is more broadly about marine litter in the whole environment, but obviously that has an effect on marine protected areas as well. Then, more specifically, Natural Resources Wales has been part of a project, and it's still ongoing, called the Life N2K project, which is identifying priority actions that are needed to improve the condition of all our special protection areas and special areas of conservation at sea. It has identified a number of key themes, one of which is marine litter, and that project is in the final phases of a prioritised action framework across Wales to identify what needs to be done to reduce those impacts.

[345] So, there is work ongoing, but it will be a while, I guess, before those are all actually

implemented and embedded and then seeing results.

[346] **Alun Ffred Jones:** Diolch yn fawr. Resources. Are you picking this up or is someone else picking it up?

[347] **Antoinette Sandbach:** Well, we know that there are going to be large cuts to the NRW budget, and I think you've already talked about the prioritisation of the aims. What do you think the impacts will be on your marine work?

[348] **Mr Davies:** Okay. Obviously, we're faced with, on one level, an ambitious and exciting programme of work establishing a new framework of policy in Wales, but we're doing that in the context of the austerity context of resources. Therefore, it's clear from the remit letter for 2015-16 that Welsh Government expect our contribution to the marine work to be seen as a priority in terms of how we allocate resources. Therefore, as part of our business planning process, obviously the marine work will be given priority in that context, which means other parts of the business might not get similar levels of funding as in the past.

[349] In terms of how we organise our marine work, we're establishing a marine programme to oversee the marine activities within Natural Resources Wales. That then will help us keep an overview of pressures, demand, resource allocation and allow us to identify gaps, issues and risks and allocate resources as appropriate to meet the priorities we feel need meeting, and obviously the marine plan process is one of those priorities we'll be seeking to fund and support.

[350] **Antoinette Sandbach:** Given your role as regulator as well as adviser to Welsh Government, so you're regulator of the industry, the fisheries industry, certainly, and enforcer, potentially, certainly on, for example, upstream, where you've got tidal rivers, and given your obligation to keep separate your regulatory arm from your advisory arm, and that when you're talking about allocation of resources, you're effectively talking about manpower—that's what it is—how are you ensuring that there is no conflict in those two roles, and that your Chinese walls are effective?

[351] **Mr Davies:** We do have structures in place to make sure that the different roles don't cross each other, and I think those structures and those processes are clear.

[352] **Antoinette Sandbach:** So, what are those structures?

[353] **Mr Davies:** It's the way that the teams and the groups are established and set up.

[354] **Antoinette Sandbach:** Okay, so you're saying there's a group that deals with this, but if you need to reallocate resources, you then can't reallocate them across, can you?

[355] **Mr Davies:** No, but the reallocation would come from the appropriate people able to provide input into particularly the marine plan and evidence process, so we are able to do that in a programmed way.

[356] **Antoinette Sandbach:** We've heard some evidence from the Crown Estate about your marine licensing team. Do you think that they are sufficiently resourced and have sufficient expertise to be able to deal with current demand issues around marine licensing?

[357] **Ms Lewis:** The marine licensing team, it is fair to say, are at all full stretch and working incredibly hard. They are dealing with all the licences within the timescales that they're required to, et cetera. Since the function moved into NRW, there has been almost a doubling of staff capacity in that team, but that's not to suggest that they are not still at full stretch because, obviously, there are a lot of new developments and quite novel new

technologies, like new renewable energy proposals, that create increasing demands.

11.45

[358] So, yes, they're at full stretch, but they are managing the work as it stands. Also, it's probably worth pointing out that they sit in a particular part of the organisation, and separately, they would then consult and be advised by specialist advisers elsewhere in the organisation, including our group and my team, to provide them with the technical advice they need to assess potential impacts on habitats, species et cetera. So, whilst it's important to assess the capacity of the marine licensing team, their ability to do their job is also directly linked to the ability of the special advisers to provide advice. We're aware of all of that and those interdependencies in NRW.

[359] **Antoinette Sandbach:** Okay. We've had evidence from Wales Environment Link and the Welsh Fishermen's Association to say that they are concerned about Welsh Government's ability to deliver in the time frame hoped for—and I think we dealt with this slightly earlier on—without the investment of further resource. Could you comment on that? It's Welsh Government resource I'm talking about here.

[360] **Mr Davies:** I think that's a matter to raise with Welsh Government themselves.

[361] **Antoinette Sandbach:** Well, you're the advisers. You're the advisers to them on how they're going to implement this policy, and you're their specialist advisers, so what's your advice on that issue?

[362] **Mr Davies:** As I mentioned previously, we think that the Welsh Government will deliver on the plan.

[363] **Antoinette Sandbach:** Can I just clarify? I'm talking about resource and additional resource.

[364] **Alun Ffred Jones:** I don't think Government resource is going to be a matter for NRW.

[365] **Antoinette Sandbach:** No, but do they think that they would—

[366] **Alun Ffred Jones:** I think that's an unfair question.

[367] **Antoinette Sandbach:** I disagree, but there we go.

[368] **Alun Ffred Jones:** I'm Chair. *[Laughter.]*

[369] **Antoinette Sandbach:** I know that. *[Laughter.]*

[370] **Alun Ffred Jones:** Russell, you want to come in.

[371] **Russell George:** Sure. In your response to us, you've also said that it's your view that limited resources mean that increased partnership working with stakeholders will be needed if marine targets are to be delivered. From that, I wanted to ask how much reliance on partnership and stakeholders you are depending on to meet your statutory obligations.

[372] **Mr Davies:** Is that we as NRW, or the Government—

[373] **Russell George:** You as NRW. I'm talking about NRW now. The response I gave is your response to us in your evidence. You said that limited resources mean that increased

partnership working with stakeholders will be needed if marine targets are to be delivered. That's what you told us. So, I'm asking on that basis.

[374] **Mr Davies:** Okay. Yes, I think it is important to note that, even if resources weren't driving certain aspects of work, working collaboratively with partners does enable a better understanding of issues and a common understanding and sharing of information and evidence. I think that the work we've done, for example with the fishermen's association in north Wales, is a good example of how we collectively can share information, share our understanding of issues and move forward to a common understanding of priorities and how we are going to operate in the future.

[375] **Russell George:** Then my question was about your reliance, really, on third party organisations, as partners and stakeholders, to meet your statutory obligations.

[376] **Alun Ffred Jones:** It's a question.

[377] **Ms Lewis:** I will perhaps say something in response to that. It's not so much, I think, reliance; it's the fact that if we work more proactively with our partners from the very beginning of any initiative, we will be much more efficient in delivering them. So, for example, just recently, we've started a process of informal engagement with our partners and stakeholders on possible new special protected areas and special areas of conservation at sea, but we've chosen to go out and speak to our partners at the very early stages, before we reach a formal consultation, to identify issues for them and concerns for them, so that when we come to a formal consultation, we are answering the issues that partners need us to be addressing, and hopefully, therefore going through a much more efficient, targeted process. So, it's those sorts of things I think are partly what's behind the comments in our evidence.

[378] **Alun Ffred Jones:** To avoid the situation that arose with the MPZs then.

[379] **Ms Lewis:** Exactly, because you're partly learning from previous experiences on how to be more efficient in how we work with partners, and identifying common goals rather than working in isolation.

[380] **Russell George:** And when you refer to your partners, your partners also, very often, have their own resource issues as well, as we heard earlier on in our evidence session. So, are you content that they've got the resources available to them to help support you as well?

[381] **Mr Davies:** I think the key issue is, by working together, we can avoid duplication and identify gaps that jointly we can fill together, and that, at the end of the day, will help ensure that we're able to prioritise and move work forward. I think it's also fair to say that we need to have strong partnership arrangements with the Crown Estate and we're able to work with them strategically on a number of issues and that works very well in terms of providing an evidence base that enables the right activity in the right place.

[382] **Alun Ffred Jones:** Jenny Rathbone did you want to come in?

[383] **Jenny Rathbone:** Yes, I do.

[384] **Alun Ffred Jones:** And then Jeff Cuthbert to finish off.

[385] **Jenny Rathbone:** Given the limited resources, particularly from public budgets, you mention in your paper the continued interest in major renewable energy generation schemes, but how can those renewable energy generation schemes, assuming they come to fruition, make a contribution to both the advisory role that you are obliged to provide and also the regulation work, because it's very important that we know what impact, if any, these large-

scale energy generation schemes have on the marine environment?

[386] **Mr Davies:** That relationship works on several levels. First of all, we work with the Crown Estate at a strategic level. Their process is for actually identifying areas suitable for their leasing process. It's very strategic and involves quite a lot of discussion and stakeholder engagement in producing evidence, and that evidence is available in all the ways that the public sector can use. And then in terms of working with major developers in that context, obviously that relationship can be time-consuming and resource-intensive. We have had discussions with developers to see if they could contribute towards helping ensure that we can provide advice that's required. So, there's that contribution from developers towards providing the advisory service.

[387] **Jenny Rathbone:** So, you're able to recover the costs, are you, of providing this advice?

[388] **Mr Davies:** Yes. And then there's a similar, but separate, process in terms of the charging for some of our regulatory activities; we consulted recently on that. Again, that's on a cost-recovery basis—so, if we charge for something, it pays for the service and it's not used then to cross-subsidise other parts of the business; it's for that particular aspect of regulation.

[389] **Jenny Rathbone:** So, do you regard this as an opportunity, then, to enhance your skill base? If you've got these new businesses coming on-stream, they will provide an income for some of the important work that you need to do.

[390] **Mr Davies:** It's a way of ensuring that we act to our capacity to provide that specialist advice into that particular project and then that perhaps eases the pressure on the other specialist in the business, who might be engaged in the licensing of the marine plan or the proposed MPAs.

[391] **Alun Ffred Jones:** Right, I'm keen to get Jeff Cuthbert in just to wrap this up.

[392] **Jeff Cuthbert:** Thank you very much. Stakeholder engagement: I think we've dealt with it to a fair extent, but, nevertheless, it's worth making the point, of course, that, when there is less public money about, as you've made the point clear, partnership work becomes even more important so that the scarce resources are used to the very best effect. So, is there anything more that you feel can be done, whether it's the Welsh Government or some of the other key partners, to make sure that the quality of work is at the highest level under the circumstances? For example, the Wales Environment Link have suggested that the marine stakeholder advisory group could be developed further. Do you have any views on that? Then, finally, on the Well-being of Future Generations (Wales) Bill, which you have alluded to, its provisions are due to come into force in April of next year, which will demand great collaboration by public bodies and, indeed, other bodies that will associate themselves with the public services boards, perhaps. So, do you think that your organisation is geared up for that to happen? If not, what further steps have to be taken?

[393] **Mr Davies:** Okay, thank you. I think the setting up of the Wales stakeholder group has been an important initiative, because I think, for the first time, it does bring together the different stakeholder interests who are engaged with the marine around the same table at the same time and that's then able to provide commonality of message and avoid duplication and sharing resources, and that's, I think, at the first stages of its evolution, and then we think that, possibly, that might then evolve to perhaps being a more interactive process whereby partners—touch wood—can produce material, bring papers to the board and use that to actually move forward that stakeholder process.

[394] On the future generations Bill work, obviously we're aware that that will be

introducing an emphasis on greater collaboration and greater partnership and we're in the process of establishing our ways of working, our mechanisms for actually ensuring that we as an organisation and our staff are well resourced and are able to actually engage in the external processes that the Bill itself will introduce. At the end of the day, I think engaging with, for example, the public services board process, will be an important way to both inform the work of others, but also for others to inform our work, particularly in terms of how we interact with communities, for example.

[395] **Jeff Cuthbert:** If I just make— Do you think that all the potential partners, stakeholders, are as aware of the obligations and provisions of the FG Bill as you appear to be, or is there development work that needs to be done, and is that something that you should lead?

[396] **Mr Davies:** Good question. I think that's something I'll take back. It maybe that certain sectors are plugged into the FG process; others might not be. Therefore, that's something that we can perhaps facilitate.

[397] **Alun Ffred Jones:** Diolch yn fawr iawn i chi am ddod ger ein bron ni heddiw ac am eich tystiolaeth. Mi gewch chi gopi o'r cofnod, wrth gwrs, er mwyn i chi sicrhau cywirdeb, ac rŷm ni'n ddiolchgar i chi am y cyfraniad. Un peth oedd yn fy nharo i wrth wrando ar y trafodaethau: tybed a fyddai o'n beth defnyddiol i ni weld eich rhaglen waith chi, o safbwynt datblygu polisi morol, i weld pa grwpiau a phaneli sy'n weithredol yn y maes gennych chi, ac—os oes gennych chi amserlen—mi fydden ni'n ddiolchgar. Rwy'n derbyn bod lot o hwn yn llaw'r Llywodraeth, ond, os ydych chi'n gweithio i amserlen, yna mi fydden ni'n ddiolchgar. Mi fyddai hynny, efallai, yn rhoi gwell darlun i ni o'r hyn sydd yn digwydd o'ch safbwynt chi a rhai o'ch partneriaid chi.

Alun Ffred Jones: Thank you very much for coming before us today and for your evidence. You'll receive a copy of the record for you to check its accuracy, and we thank you for your contribution. One thing struck me as I listened to the discussions: I wonder whether it might be useful for us to see your work programme, in terms of developing marine policy, to see what groups and panels are active in the area that you're in charge of, and—if you have a timetable—we'd be grateful. I accept that much of this is in the hands of the Government, but, if you work to a timetable, then we'd be grateful. That might give us a better picture of what's happening from what you're doing and some of your partners.

[398] **Mr Davies:** Rwy'n meddwl, Mr Cadeirydd, y medrwn ni wneud hynna, ond efallai y gwnawn ni o ar gyfer y flwyddyn ariannol sydd i ddod. Wedyn, mi fydd hwnna yn ei le cyn diwedd neu ganol mis nesaf.

Mr Davies: Yes, Chair, we can provide that, but perhaps we'll do it for the coming financial year. That will be in place before the end of next month.

[399] **Alun Ffred Jones:** Iawn, diolch yn fawr iawn i chi, a diolch yn fawr i'ch dau unwaith eto.

Alun Ffred Jones: Fine, thank you very much, and thank you to both of you once again.

11:58

Papurau i'w Nodi Papers to Note

[400] **Alun Ffred Jones:** Iawn, fe wnawn ni symud ymlaen felly at eitem 5: papurau i'w nodi. A ydych chi'n hapus i nodi'r papurau? Diolch yn fawr.

Alun Ffred Jones: Right, we'll move on therefore to item 5, which is papers to note. Are we happy to note these papers? Thank you very much.

[401] Wedyn, mae eitem 7: ymchwiliad i gynigion arfaethedig y Comisiwn Ewropeaidd i wahardd pysgodfeydd rhwydi drifft. A oes rhywun eisiau dweud rhywbeth? Alun? O, sori, rŷm ni'n mynd i sesiwn breifat yn gyntaf.

Then we have got item 7: inquiry into the European Commission's proposed prohibition of driftnet fisheries. Does anybody want to say anything? Alun? Oh, I'm sorry, we're going into private session first.

11:59

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r
Cyfarfod**

**Motion under Standing Order 17.42 to Resolve to Exclude the Public from the
Meeting**

Cynnig:

Motion:

bod y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheolau Sefydlog 17.42(vi).

that the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Orders 17.42(vi).

*Cynigiwyd y cynnig.
Motion moved.*

[402] **Alun Ffred Jones:** A ydy pawb yn hapus i ni fynd i sesiwn breifat?

Alun Ffred Jones: Is everyone content for us to move to a private session?

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11:59.
The public part of the meeting ended at 11:59.*