

## MPAW 07

### Ymateb gan : Grŵp Awdurdodau Perthnasol Ardal Cadwraeth Arbennig Sir Benfro Forol Evidence from : Pembrokeshire Marine Special Area of Conservation (SAC) Relevant Authorities Group (RAG)

#### Question 1

Has the management of Welsh seas received sufficient resource and strategic direction to enable sustainable management that supports the well-being of current and future generations? (250 words)

No.

Resources for marine work are insufficient and under continuing and ever increasing pressure (for NRW plus the knock-on effect to the Relevant Authorities Groups (RAGs) that exist around the coast and others doing marine work). The Pembrokeshire Marine SAC RAG (PMSACRAG) formed in 1999 and since then its members (apart from Trinity House) have all paid consistent contributions into a common 'pot' with the exception of CCW who significantly reduced their generous contribution in 2011. Then with the formation of NRW the combined contribution from CCW/EA from 2014 was almost halved, and then ceased in 2016. The PMSACRAG has kept going due to the fact that its SAC Officer is part-time plus opportunistic funds have been accessed for related project work. Less (pro)active management can be achieved in these circumstances. Reduced management progress is exacerbated by the fact that evidence gathering, monitoring and enforcement in the marine environment are challenging and particularly expensive. Sustainable marine management requires proper forward planning and involvement which needs secure long-term resourcing in order to begin to meet the needs of current and future generations. Where adequate resources are available (e.g. staffing, byelaws, enforcement, monitoring, education work at Skomer MNR/MCZ) the benefits are clear (good stakeholder relations, improvements in marine biodiversity, pioneering marine research knowledge...).

We appreciate that funds for environmental work are stretched as other issues (health, flooding...) are prioritised. That is why pooling resources and joint working are so important; this is imperative for marine work.

Strategic direction on marine management in Wales has been lacking, although the Wales MPA Management Steering Group has the potential to make real improvements. Historically CCW and JNCC have provided most marine advice and steer in Wales. There have been insufficient Welsh Government marine dedicated staff; this has improved in recent years but the emphasis is heavily biased towards fisheries.

With the exception of Skomer MNR, the EU Habitats Directive and proposal/designation of SACs/SPAs was the first major strategic marine exercise and this was largely reactive.

We recognise that a large proportion of Wales' coastal and marine waters are designated in recognition of their conservation value and, for example, we generally welcome the recent extensions in recognition of harbour porpoise and seabirds. But whilst designations may be plentiful in Welsh seas, management measures in all these areas are, at best, patchy.

Designations are almost meaningless unless active management measures are in place. Some sectors are being suitably regulated or undertake their activities in a way that tries to be sympathetic to the features (e.g. the water sector, navigational dredging in the Port of Milford Haven); others seem to escape appropriate control (e.g. bait diggers).

We understand that the Welsh Government has to make a careful balance between the social, economic and environmental benefits of Wales' seas and that, for example, it is keen to foster the fishing sector. The



Welsh Government does, though, have obligations (and has made commitments to sustainable management of natural resources through the Well-being of Future Generations (Wales) Act 2015 and the Environment Act 2016) to ensure the resilience of nature for this and future generations, including marine biodiversity, and it needs to provide greater leadership in this area if it expects others to follow suit.

## Question 2

How should Area Statements, to be developed by Natural Resources Wales, cover Welsh seas? (*For example should the sea adjoining each Welsh Local Authority be included in its Area Statement, or should the marine environment be considered separately in one or more marine Area Statements?*) (250 words)

Much still seems to be undecided about the role, number and timing of the Area Statements. Subject to that caveat, we anticipate that their focus will be landscape scale, terrestrial, and extending into the marine environment.

Whilst it makes sense to consider the marine system as one 'unit' from an ecological, coherence, ownership and implementation point of view, it does not make management sense to separate consideration of marine and terrestrial issues. Marine management is intrinsically linked to land management (e.g. agricultural run-off, point source discharges, recreational access, coastal development...). For these reasons we can see the necessity for a dual approach – both incorporating marine issues into Area Statements as well as an additional Area Statement to cover Welsh seas as a whole.

In addition, Area Statements will need to be compatible and dovetail with Welsh Government's Marine Plan, as well as documents such as the River Basin Management Plans prepared by NRW to comply with the Water Framework Directive. It is essential that natural resources policy and marine planning are joined up.

## Question 3

How well are Wales' MPAs currently being managed? (*This can include aspects such as the condition of sites, staffing to deliver management, surveillance and enforcement activities and the data on the extent of activities taking place in MPAs*) (250 words)

Wales' MPAs are currently being managed as best they can in light of insufficient resource (both for staffing and funding management implementation work), political will (to drive policy changes) and against a background of lacking information and poor general awareness for why MPAs are important and what they can provide. There are some good networks and practices, but we could certainly do better in terms of successful delivery and strategic overview and direction.

That Wales's MPAs are not currently being managed well enough is reflected in the generally unfavourable feature condition (for SACs) reporting to Europe and SoNaRR reports. We have not received feature condition assessments for individual PMSAC features since the 2006 reporting round, and even then any detail was lacking. We can infer from national JNCC mega-spreadsheets that most marine features in Wales were assessed as unfavourable in the 2013 reporting round, but lack of knowledge on feature condition seriously hampers site management. As statutory marine managers with responsibility for ensuring the protection of the PMSAC features, we need to be able to assess the success of management measures where they are able to be put in place, and that requires knowledge of feature condition and status on our sites. If it is not improving we need to know from the statutory conservation advisors why not, and what needs doing to ensure future improvement. This is not the sort of information that we can collect individually especially when marine monitoring and surveillance is so expensive and niche. We know that NRW have worked hard to collect monitoring data and collate site-based feature condition reports, so it is frustrating that they have still not yet been shared. The next reporting round to Europe (probably the last?) is 2020. Fortunately we have our collective local experience and knowledge upon which to inform our management efforts, but in the continuing absence of expert marine advice and data (notwithstanding current insufficient resources) we know that we will ultimately fall short of UK Government's EU Habitat Directive obligations.

The PMSACRAG brings together a multi-sectoral approach to marine management with strong local



stakeholder engagement and information to ultimately drive forward well-informed, accepted and targeted marine management. This is local in nature but more often (as many marine issues are not simply constrained to individual sites) can inform and be informed by regional/national and international marine work. We have significantly informed national work (e.g. NRW's Natura 2000 LIFE project developing site Prioritised Improvement Plans, the Wales MPA Management Steering Group, Marine Biodiversity Restoration and Enhancement Task & Finish Group, research into the impacts and legality of intertidal collection, and also DEFRA studies into anchoring/mooring and bait collection).

It is important to note that although SACs brought with them statutory responsibilities for Relevant and Competent Authorities, they brought no additional powers. Marine management tools are limited. Overlapping jurisdictions and gaps in responsibility complicate resolution of marine issues. We have successfully worked together to systematically assess all threats/pressures to the site. We have developed and implemented measures to minimise impacts to features from recreational impacts (e.g. Pembrokeshire Marine Code work, Sensitive Habitat Protection Zones in the Haven, angling and bait digging codes of conduct...) and where we can we have worked with fishermen to influence fishing practices (e.g. Pembrokeshire Sustainable Shellfish Pilot Initiative). There is no doubt that we have achieved collectively far more than we could have progressed individually. Looking too at the other major MPAs in Wales it is evident that conservation work is progressing where resources and partnerships are greatest.

As far as the latest round of SACs/SPAs are concerned, submitted to the EU in early 2017, it should be noted that the same issues of management will apply. The pSACs/pSPAs at present have no management proposals but active management will be essential if they are to contribute to a successful MPA network. Because these lie largely offshore, Welsh Government will not have such good access to widespread stakeholder participation and funding.

## Question 4

What are the key issues affecting the effective management of multi-use MPAs? (250 words)

Key issues affecting effective marine management include:

Lack of general awareness and understanding of the importance, need for, and relevance of MPAs in Wales.

There is a lack of general awareness of what our MPAs contain, and why that is relevant to individuals, sectors and Wales as a whole. There is a lack of understanding about why they are designated and what can and should be done to safeguard them for current and future generations. Improvements to awareness and understanding are needed amongst the general public/communities, users of multi-use MPAs, and marine managers. The economic, social, environmental and cultural benefits that can be derived from them need to be clearly explained. Through awareness comes understanding, and then respect leading to protection; this is a sequential process.

Lack of resource (staff and finance) to collaboratively develop, implement and monitor the effectiveness of agreed management measures. (Touched upon in Q1+10).

Legislative weakness to confidently safeguard features.

There are many tools in the marine management tool box, but they are not all in use (see also response to Q5). Sometimes there are good reasons as to why some tools are not being used and/or implemented. Certainly many byelaws are outdated and in need of review; penalties where they exist may not be sufficient to deter non-compliance. There can be reluctance to introduce a management measure that cannot be followed up (perhaps lack of enforcement capability due to insufficient staff resource). This should not be seen as an excuse to do nothing. Persuading a managing authority to enforce or introduce a new management measure requires confidence in causal relationships and impact evidence; this is not always available and managing authorities may be under pressure to be proactive and utilise the precautionary principle. This can be viewed as a step too far particularly when economic gain is at risk. Ultimately political will is needed in order to push for change be it a new byelaw or a policy amendment.

As an example, there is no effort limitation for the crab/lobster fishery, our largest indigenous fishery. A pot



limitation system would be unlikely to affect many if any individual fishermen in the short term, yet it would ensure a cap to unrestricted exploitation and so provide some reassurance to protect MPAs (and crab/lobster stocks) for future generations.

Lack of adequate baseline information on features, their condition, and conflicting human activities.

Basic “where are the features”, “what adversely affects them” and “where do human activities conflict with habitats/species” information is not always available – this can make marine conservation work ‘vague’ and frustrating to engage with. The reason for the lack in data can be due to the difficulty and expense in data gathering or reluctance from sectors to share information. That said, there is a lot of useful information that can be used, but where it is incomplete expert judgement needs to be applied and accepted. The lack of site condition reporting and its relevance is covered in Q3.

Conflicting priorities can be a problem particularly where a choice needs to be made between short-term economics and conservation. It is interesting to note that in addition to their intrinsic value, there is evidence that the coastal environment and wildlife more generally bring major benefits to the Welsh economy. The Welsh Government’s consultation on a National Natural Resources Policy quotes NRW statistics that show that Wales’ coastal and marine environment contributed £6.8 billion to the economy of Wales, supporting more than 92,000 jobs. The value of wildlife and outdoor activity tourism to Wales is estimated to be in the region of £6.2 billion with an estimated 206,000 jobs across Wales. This compares with total landings by UK vessels into Wales that were estimated at £2.8 million of fish and £12 million shellfish in 2014. These relative contributions need to inform a balanced debate. The Well-being of Future Generations (Wales) Act 2015 should aid such balance by encouraging long-term thinking and planning.

Highlighted also in the Commission’s ‘fitness check’ evaluation of the Habitat and Bird Directives is the conclusion that protected areas across the EU have brought substantial economic benefits (see Q7).

Lack of joined-up decision making. It is vitally important that there is integration between plans and policies that impact upon marine management; there is currently much potential confusion and duplication. An example is Cardigan Bay where Welsh Government chose to ignore the advice of its statutory conservation advisor on the basis of a scientific report commissioned without recourse to the statutory conservation advisor, thereby contravening its own policies with respect to ecosystem resilience and the Well-being of Future Generations (Wales) Act 2015.

Another minor example is that fishing for litter would be more widespread if ports enjoyed an exemption from the associated waste disposal costs of sending these landed items to landfill.

Engagement of key decision makers. Working in an environment that is largely out of sight out of mind is problematic. There is a shortage of marine expertise in Wales. Raising the profile of marine work and securing political will to engage in (and defend) marine conservation effort would improve engagement.

It should be noted that in the PMSAC we have just about every key marine issue going; we have the busiest Port in Wales, thriving coastal-based tourism and recreation industries, diverse commercial fisheries, and just about every conservation label available. We therefore have a high level of understanding of the issues this consultation seeks to address.



## Question 5

Do existing Welsh MPAs currently provide the right protection for the conservation of Welsh marine biodiversity?  
(250 words)

No – not yet.

Conservation of marine biodiversity is problematic even before you start to draw lines on maps. The marine environment is very much a shared resource. Welsh Government may have ultimate responsibility for management of Welsh territorial waters, and the Crown Estate may own the seabed, but access, navigation and fisheries are all common rights that frequently have to be taken into account. The complexity of marine licensing highlights the plethora of legislation and regulating bodies that need to be negotiated in the marine environment.

The dynamic and diverse habitats/species found in the marine environment, coupled with the huge variety of uses to which we subject the marine environment soon start to build an impressive three dimensional view of the importance of our marine environment economically, socially and culturally. Add to this the information known about marine pressures and threats and the widely differing (and often insufficient) management tools available to us, and it soon becomes apparent that one size does not fit all when it comes to practical conservation measures.

Wales is certainly not making full use of all the management tools that are available. Many things are manageable, but not all are actually being managed. For example, management of the majority of recreational activities in the marine environment tends to rely on adherence to voluntary codes of conduct. Whilst for the majority of users this may be sufficient to minimise their potential impacts on MPAs (assuming there is sufficient awareness raising), for those engaged in commercial activity (where there is monetary gain) a voluntary approach may not be enough to secure appropriate protection.

We have nowhere that is protected from all extraction (also known as a no-take zone or fully/highly protected marine area). It is a common misconception that because Wales has a large area of its seas designated as MPA (with varying labels) there exists a great deal of protection. But designation does not equal protection! It could well be beneficial to have no-take zones embedded within other multi-use zones as part of a marine conservation strategy in Wales. High levels of protection are particularly relevant for where activities continue to conflict with sensitive habitats or species. At the very least, having a no-take area that can be a 'control' site where monitoring work can be undertaken to improve understanding of the effects of human activity on the marine environment would be invaluable as we currently do not have one and better understanding of human activity would be very welcome. The advantage of a no-take zone in terms of implementation is that enforcement (as long as there is resource) is easy – it's black and white.

The current MPA network has been established to protect biodiversity. This consultation submission invites commentary on managing MPAs, not just for biodiversity, but also for additional wider economic, social and cultural benefits. When 'providing protection' in the marine environment we need to be clear on what we are actually providing protection for. Conservation for purely biodiversity purposes can be very different to, say, fisheries conservation. Marine conservation for biodiversity seeks to achieve as close to a 'natural' system as possible (a 'natural' system would be one where there is no human interference which is impractical as global effects can have an anthropogenic cause, so the closest we can hope to get is an area with no extraction or direct inputs – our 'control' would offer the closest indication of this). Conversely fisheries conservation can often seek to achieve lots of plate-sized fish as it has a strong economic driver for this. Digging for ragworm produces an environment that is conducive to more ragworm whilst being detrimental to indigenous species – bad for marine biodiversity conservation but good for those collecting ragworm. Restoring a native oyster bed for fisheries purposes would require higher densities of oysters than restoration for nature conservation purposes in order to make it economically sustainable.

Protecting, maintaining and enhancing ('maximising'?) the economic opportunities derived from MPAs, or the social, or environmental or cultural opportunities may involve completely different methodologies if you were to prioritise one over another. As if it wasn't complicated enough...



## Question 6

What lessons can be learnt from current MPA management activity in Wales (including designation, implementation and enforcement)? (250 words)

“Paper parks”. The main lesson is that designations are meaningless unless they are underpinned by adequate monitoring and, where this shows that activities present a threat to features, a willingness to implement meaningful measures to address the threats and so provide some level of protection. Welsh Government should be happy to defend making a decision on environmental grounds, even if that should be unpopular with those who feel that short-term economics are always paramount (note the Well-being of Future Generations (Wales) Act 2015!).

Conversely the Skomer MCZ (previously MNR) has seen full multi-sectoral involvement, and up to now has been consistently well resourced to enable appropriate research and monitoring as well as education and enforcement. *Because of this* it has been able to introduce real management measures (e.g. a no mobile fishing gear byelaw) that have made significant environmental improvements.

Bottom-up approach. A bottom-up collaborative approach to marine management ensures ownership of the issues, ensures greater participation, and leads to more successful management (but this can be time consuming and resource-heavy). (The opposite top down approach was employed during Welsh Governments MCZ consultation in 2012 – no MCZs resulted and we are still dealing with the negative fallout). It is important to dove-tail this approach with strategic overview and direction. Marine management needs to encompass multiple players from different sectors and levels of organisations. In addition it should be noted that whilst eNGOs have an important role (e.g. in raising awareness) they cannot fulfil enforcement etc.

Strategic MPA analysis. Welsh Government and NRW have been working to identify any significant gaps in spatial or habitat coverage within the existing MPA network in Wales. It is important to remember that designated features in SACs/SPAs include everything associated with that feature including all its “typical species”, i.e. they encompass ecosystems.

## Question 7

Are there MPA examples or practices elsewhere that Wales can learn from? (250 words)

No take zones. There are a plethora of case studies across the world that illustrates good practice and the benefits of full protection. Many have overcome strong initial resistance by sectors such as the fishing industry, and succeeded in demonstrating resulting benefits to them, although a long-term view is needed. Whilst these can be useful, it is best to focus on temperate examples. Lundy Island (England) is the most directly comparable for Wales.

The UK Marine SACs Project, reporting primarily in the late 1990s, and subsequent evaluation of the network illustrated that when a site's SAC Officer was lost, so too was the momentum for management action on the site as the focal point for the MPA was gone. As well as being a focal point for the site SAC Officers benefit from ‘neutral’ status (i.e. not being employed directly by the statutory conservation agency or government and not ‘representing’ a single relevant or competent authority) as this helps enormously with stakeholder engagement.

IFCAs in England have been very proactive and productive with regards to marine biodiversity conservation. They are good examples of where locally based knowledgeable staff working directly with relevant stakeholders can produce real management that makes a positive difference; there are direct parallels with RAG ways of working.

The use of voluntary marine management in the protection of UK marine biodiversity was a report by Sian Prior (2011) on behalf of Wales Environment Link. It concluded that voluntary measures are mostly not



good tools for marine management (especially where there are commercial gains).

The EU 'fitness check' on Habitats and Birds Directives formed part of REFIT (part of the Commission's better regulation agenda). This makes sure that EU laws deliver their intended benefits for citizens, businesses and society while removing red tape and lowering costs. The Commission published the 'fitness check' evaluation of the Habitat and Bird Directives in December 2016 and concluded that, within the framework of broader EU biodiversity policy, they remain highly relevant and are fit for purpose. They also stated that full achievement of the objectives of the Nature Directives would depend on substantial improvement in their implementation in close partnership with local authorities and different stakeholders to deliver practical results on the ground for nature, people and the economy. Some statistics from the 'fitness check' include the following:

- In 2011, the Natura 2000 network directly and indirectly supported between 4.5 and 8 million jobs across the EU.
- The estimated cost of implementing Natura 2000 across the EU is at least €5.8 billion (£5.1 billion) per year, **while the benefits are valued at €200 – 300 billion (£173 – 260 billion) per year.**

This is encouraging as it demonstrates that protecting biodiversity can clearly provide substantial economic benefits. Perhaps we can improve further on this?

There is much information held in Wales as well as in the UK and further afield that still remains relevant to current marine management efforts. Shifting staff and changing policies and priorities can inadvertently bury these to the detriment of those whose task it is to pick up the gauntlet and try to make progress. Often the wheel is re-invented; those who have been around for a long time can see the cyclical nature of discussions and the lack of real progress. Unfortunately many experienced staff, experts in the marine field, are being lost as the civil service is streamlined and time simply passes. The PMSACRAG is blessed with many experienced stakeholders who have consistently worked in the marine environment; we would be happy to expand further on useful information sources.

## Question 8

The majority of Wales' MPAs are designated under the EU Habitats Directive. How should the Welsh Government's approach to MPA management take account of the UK's decision to leave the European Union? (250 words)

Currently the main sanction to ensure that Natura 2000 sites are protected is the option for complaints to be made to the European Commission in respect of alleged failings. Such complaints have led to direct action being taken to benefit SAC feature management, not just in other member states but also in Wales (examples include hydraulic dredging, the Pembroke Power Station, scallop fishing, and the recent establishment of SACs to protect harbour porpoise). The loss of recourse to EC infraction processes will close an important mechanism for reminding Government and its regulators of their international nature conservation obligations. It is fair to say that SAC management is often driven by the threat of infraction rather than biodiversity conservation. Wales will continue to need to meet obligations to global agreements and conventions such as OSPAR, but the 'sticks' and therefore any urgency to comply will have reduced.

We are being reassured that as the EU Habitats Directive is transposed into UK law, SACs will continue to be protected post Brexit. A recommendation made by marine SAC Officers to Peter Davies following the MCZ consultation in 2013 was to consider designating all Welsh marine SACs as MCZs (whilst ensuring that Skomer MCZ retained its "special" status) effectively "double badging" them. SACs were selected because they contain habitats and species of European importance – it therefore follows that they are also nationally important. This would simplify matters as there would be no new boundaries (a major exercise conducted in the early 2000s tidied up coastal site boundaries to ensure alignment between the coastal SSSI network and Natura 2000 sites) and it would also enable the use of existing management structures (modified as recommended in the MPA management review). This would provide a firm foundation for managing the existing network and still retain the highly protected MCZ tool as an option for zoning and science.

EU funding, such as Objective One (used to establishment the PMSACRAG and help fund the first 4 years) and LIFE funding has been one of the few avenues for funding measures to protect the marine environment.



Its loss will be unhelpful and Welsh Government should strive to identify alternative funding streams and help to facilitate/support relevant applications. There is potential to develop projects that would enable local businesses to further benefit from marine designations and see designated sites as a positive measure (e.g. consider developing an “eco-label” for products sourced from EMS in genuinely sustainable ways without impacting on site features).

## Question 9

If you had to make one recommendation to the Welsh Government from all the points you have made, what would that recommendation be? (250 words)

That a line on a map does not equal protection; designations without adequate resource to enable active management are meaningless.

Strategic recommendation – If MPAs are to be protected for future generations, their protection needs to be accorded a higher priority.

Local recommendation – The RAG’s experience is that a collaborative “bottom up” approach is the best way of gaining support for and thereby compliance with marine management. Such an approach is easier to dove-tail with strategic guidance than *vice versa*.

## Question 10

Do you have any other comments or issues you wish to raise that have not been covered by the specific questions? (250 words)

The Welsh Government and its regulators have undertaken a series of reviews in recent years looking into the best approach to marine management. They consistently call for a higher priority and more resources to be given to the management of Wales’ MPAs. The most recent report recommended that there should be seven management areas, each of which should have a dedicated officer to act as an advocate and enabler for their areas. Although the findings enjoyed widespread support, they were not taken forward because of the lack of funds to implement them. Currently 5 of these areas have a SAC Officer, experienced RAG and stakeholder network. In April 2018, due largely to cessation of NRW funding, these posts will be under threat and there is a very real possibility that many decades of combined marine experience and expert knowledge could be lost. Not only will this be damaging in terms of consistency of personnel, but local stakeholder relations, and the subsequent trust built up over years could also be lost which could well set-back marine management progress on these sites.

It would be a good use of resources to keep these existing partnerships and structures going with a small amount of annual core funding to each. RAGs offer good value for money and a small amount of funding in will reap a larger benefit out; pooling resources makes economic sense and is the most efficient method for marine management where multiple players are involved. This would not only allow RAGs to continue site-based liaison and improvements, but also to apply to additional funds in order to pursue project-based funding and to input into national strategic discussions. PMSACRAG members and the SAC Officer regularly contribute to national marine work which reduces capacity to push forward local work. We do this because we feel it is important to MPA management in Wales generally and should ultimately prove beneficial to marine management in Pembrokeshire, but as resources get squeezed such inputs will inevitably be at risk. CCW have in the past provided core funding to the RAGs. Welsh Government currently fund the Welsh Fishing Association which in turn passes substantial funds on to locally based fishing associations in order to keep them operating. It is possible, it is a good use of a small amount of public money and it is guaranteed to widely benefit MPA management in Wales.

