

Consultation questions

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)

Wildlife Trusts Wales have previously given evidence to the committee highlighting resource issues for managing the marine environment¹. The lack of resource for both policy and practical implementation has hindered the sustainable management of MPAs. Evidence in the State of Natural Resources Report², further highlights data deficiency (Page 74, chapter 3) and declines in marine species and habitats (p.74). Almost all of Welsh MPAs are in unfavourable condition³ for both the habitats and species they are designated for. Natural Resources Wales (NRW) has had cuts in both resources and staff and a 15% budget reduction in the last two years⁴.

Although there is a raft of developing policy (for example the Wales National Marine Plan and updating of fisheries legislation) there has been a limited amount of policy that is currently being implemented to deliver the sustainable management of the marine environment. This is because of delays in the delivery of some policy for example, the completion of the Welsh MPA network and the Assessing Welsh Fishing Activities work.

The Welsh Government has proactively established the MPA Management Steering Group. The group was established in 2016 to oversee the management of MPAs including all the activities that occur within them. However, since an initial informal consultation on potential new spatial management measures where the outcome was not publicised there has been little communicated.

Independent European Marine Sites (EMSs, also known as Natura 2000 sites) officers, who are responsible for implementing Special Area of Conservation (SAC) management, have lacked secure investment. Funding is often 'piecemeal' in nature, with ramifications for the scope of conservation measures and long term monitoring.

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)

Area Statements (AS) should be developed in a way that addresses the priorities, risks and opportunities (PROs) to ecosystem resilience in order to achieve sustainable management of natural resources (SMNR).

A key priority identified by the Welsh Government, for achieving SMNR will be the Wales National Marine Plan (WNMP) as this will plan for all activities in the marine environment. Although WNMP will cover all Welsh waters it is neither spatially prescriptive enough nor designed to highlight PROs for the marine environment, therefore AS will need to fill these gaps whilst working in conjunction with the WNMP.

The Wildlife Trusts believe that the most effective approach would be to produce two levels of AS for the marine environment. There should be an overarching national marine AS, covering the whole of the Welsh marine environment to ensure effective communication and alignment and a sub-regional AS covering and detailing local areas.

A national marine AS would ensure that there is alignment with the WNMP. It would also enable a national evidence base for proposed 'Blue Growth' to ensure it is not done at the expense of marine ecosystems. It would also identify

¹ <http://www.senedd.assembly.wales/documents/s10700/Consultation%20response%20MP%206%20-%20Wildlife%20Trusts%20Wales.pdf>

² <https://naturalresources.wales/media/679417/chapter-3-state-and-trends-final-for-publication.pdf>

³ M. Hatton-Ellis, L. Kay, K. Lindenbaum, G. Wyn, M. Lewis, M. Camplin, A. Winterton, A. Bunker, S. Howard, G. Barter & J. Jones, 2012. MPA Management in Wales 1: Overview of current MPA management in Wales and a summary of new MPA management tools. CCW Marine Science Report 12/06/01, 56pp, CCW, Bangor

⁴ <http://www.senedd.assembly.wales/documents/s55561/2%20November%202016.pdf>



nationally PROs to create multiple benefits to aid the placement of new industries whilst restoring the marine environment.

Sub-regional AS would cover the land-sea interface and would also enable local authorities to mitigate terrestrial impacts to the marine environment. Due to the different scale sub-regional AS would be able to identify PROs that would be missed in a national AS. These would enable sub-regional AS to inform the national AS.

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)

As previously stated, there is a wider concern of funding for NRW to deliver enforcement and management. In Wales there are European Marine Site (EMS) officers that are funded and employed on behalf of local Regulating Authority Groups (RAGs) to ensure all relevant statutory bodies work in partnership. The EMS officers are responsible for delivering the management plans for the individual Special Areas of Conservation.

The officers lack long-term, secure investment and resourcing for their posts, ultimately affecting their ability to work cohesively and consistently as well as affecting their ability to make longer term plans and initiatives in place to achieve effective management of the sites.

Limited resourcing is available for effective monitoring and enforcement of the sites. Resources should be available for fit for purpose research, data collection, regular monitoring of habitats and species and to ensure full enforcement of activity to inform management decisions.

The recommendations of the 2012, CCW report that highlights that 47% of species and 54% of habitat features³ of Natura 2000 sites were in unfavourable condition, need to be implemented.

Question 4

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

Under the EU Birds and Habitats Directives there are duties to ensure robust consenting processes. This should enable the determination of what plans and projects can take place within MPAs. This in turn would provide for sustainable development within MPAs if the Directives are implemented correctly.

It is identified in the recent SoNaRR report² and CCW report³ that the majority of Wales' MPAs are currently in a degraded state. The Welsh Government and NRW should prioritise the restoration of MPA features to a favourable conservation status. It is key for the Welsh Government to do more to ensure that current levels of activity are not detrimental to restoring and enhancing the features of MPAs to enable long-term benefits. More needs to be done to ensure this and that there are not cumulative and in combination effects from multiple activities. An example, is the recent draft of the Welsh Government's assessment of the impacts of Welsh fishing activities in MPAs, for those activities that are likely to or will have an effect it is not clear what the Government intends to do to prevent damage to MPAs from these activities.

It is important that the 'Blue Growth' agenda does not hinder the achievement of MPA conservation objectives. An example is in the current draft WNMP where opportunity maps have been created for different activities but it is understood that these have not taken into account the environmental needs of MPAs or the wider marine environment. It is important that the Welsh Government ensures that there are no cumulative or in combination of developments such as energy developments in the Severn Estuary.



Question 5

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

The majority of the Welsh MPA network is designated under the EU Nature Directives. The Directives recently underwent the Refit process⁵. This process showed that the Directives are fit for purpose therefore they would provide biodiversity benefit if they are properly implemented. However, currently MPAs are not meeting their conservation objectives with the majority of sites being in unfavourable condition. This would indicate that the Directives are not being implemented properly.

The Welsh Government recently commissioned a report into assessing any GAPS within the MPA network⁶, which found that Wales currently does not have MPAs that protect biodiversity at different depth ranges and offshore sublittoral habitats is under-represented. We welcome the designation of new European sites for harbour porpoise, and seabirds but these sites do not include other mobile species. We would welcome the designation of further sites for mobile species as this was another gap identified.

Species and habitat protection measures outside of protected sites must also be effectively resourced to support an ecosystem approach and the coherence of the MPA network, as well as a greater understanding of how MPAs can be enhanced through wider marine management, including the Marine Plan, the Marine Strategy Framework Directive etc. A range of management measures are needed to support mobile species (e.g. increasing the selectivity of fishing gears and reducing pressures from underwater noise), and further investment towards understanding how multiple benefits can be derived from 'Blue Growth' initiatives (e.g. aquaculture) to support areas of sea outside of MPAs. This reflects the need to consider ecosystem health and resilience, and the importance of SMNR in the marine environment.

Question 6

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

Despite a large area of inshore waters being included within MPAs³, the marine environment around Wales continues to decline with few features in favourable conservation status, indicating that designation without investment is failing in the delivery of conservation objectives.⁷

EMS Officers, though chronically under-resourced, are critical in bringing together all the local stakeholders in delivering the MPA management plans. The EMS officers also deliver a huge number of initiatives, such as, guidelines for sustainable intertidal bait and seaweed collection in Wales⁸, this enable cross sector relationships.

Stakeholders are key to effective management of MPA and it is important to involve a wide stakeholder base in decisions affecting MPA management. In Wales the eNGOs provide data and resource to aid in the effective designation, implementation and enforcement of MPAs. An example is the work the Wildlife Trust of South and West Wales's Cardigan Bay Marine Wildlife Centre which conducted over 1,618 hours of surveys in New Quay from 2013-2015 contributing over 80% of the data to the Dolphin Watch Project which is used to assesses the effectiveness of the voluntary code of conduct along the Ceredigion coastline⁹ and helps informs the management of the Cardigan Bay SAC.

Although 35% of the Welsh inshore is within the boundary of a protected site, this metric gives a false picture of the level of protection afforded to the site. MPAs and their management are designated and designed to protect certain features and sub features within a site instead of protected the entire site. Therefore although 35% of the inshore is within a designation it is not all being protected or managed. More needs to be done in terms of public awareness of

⁵ http://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm

⁶ http://jncc.defra.gov.uk/pdf/JNCC_NetworkProgressWelshWaters_Final.pdf

⁷ Acknowledging that some threats cannot be mitigated through site management alone.

⁸ Pembrokeshire Marine Special Area of Conservation (SAC) Relevant Authority Group (RAG) Annual Report 2014

⁹ Perry, S.L (2016). Dolphin Watch: Bottlenose dolphins and boat traffic on the Ceredigion coast, west Wales 2013-2015. Report by the Wildlife Trust of South and West Wales for Ceredigion County Council, 33pp.



what the different types of designations mean and what the desired outcomes of the protection are.

Question 7

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

MPA and different ways of marine management are not new concepts, however there is no single example of best practice and management often has to be tailored to the specific needs of individual sites or networks.

New Zealand have been pioneers in the development of MPAs and deriving multiple benefits from designations¹⁰. As of 2014 New Zealand had 35 Marine Reserves that are operated on a strict no-take bases but still allowing scientific research and no-disturbance recreational use¹¹. Although initially there was resistance from certain interests, it has been shown that this protection, along with full monitoring and evidence has had biodiversity benefits but also social and economic benefits, through tourism and recreation and indirectly to fisheries through overspill effects.

It is important to understand how success of the MPAs are measured, and the overall priorities for the site. It is clear from the example from New Zealand that improving biological condition can have positive social and economic benefits, however these secondary benefits cannot be measured on the same time scale as the biodiversity as they come as a result of the primary benefit of biodiversity restoration.

Examples from New Zealand and the Philippines¹² show that it is important from the beginning of the process through to the management of the sites to have full engagement of the local community and all relevant stakeholders, to enable the best management of the sites.

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)

¹⁰ Ballantine B. (1995). Networks of "no-take" marine reserves are practical and necessary. Marine protected areas and Sustainable fisheries 300pp

¹¹ Ballantine B. (2014) Fifty years on: Lessons from marine reserves in New Zealand and principles for a worldwide network. Biological Conservation 176 pp297-307

¹² Christie P. White A. Deguit E. (2002) Starting point or solution? Community-based marine protected areas in the Philippines. Journal of Environmental Management 66 pp 441-454



With the exception of Skomer and coastal/intertidal SSSIs, all of Wales' MPAs are Natura 2000 sites – designated under the EU Habitats and Birds Directives, transposed into domestic law via Regulations. It is imperative that these Regulations, supporting site designation and management, are not lost with the UK's exit from the EU. It is important to note that, unlike the majority of terrestrial Natura 2000 sites which are underpinned by SSSIs, European Marine Sites are not underpinned by any domestic designation.

The how and why behind effective management of MPAs did not change on the 24th of June¹³. However, in leaving the EU, Wales will almost certainly lose the European Commission and European Court of Justice as powerful tools in accountability and in driving forward the implementation of EU laws. There must be a replacement, affordable way of access to justice to enforce protection. The UK will still be subject to the Aarhus convention on access to environmental justice. The need to restore and enhance the environment and not downgrade on current levels of protection must be central to the negotiating process.

Cross-border collaboration around the UK for the establishment of an ecologically coherent network of MPAs remains critical. WWF's report¹⁴ shows that significant gaps exist in the Celtic Seas MPA network, particularly in the offshore area, highlighting the need for Governments across the UK, Ireland and France to work together to coordinate their work to deliver an ecologically coherent network.

Wales, and the UK, is also likely to lose access to an evolving knowledge base and guidance in monitoring and enforcement processes, as developed under the MSFD, as well as financial support for wider marine management e.g. the eventual loss of European Marine Fisheries Fund (EMFF). For example, the EU commission will draw up plans to improve implementation and increased investment, following the Nature Directives fitness check²⁰. Proper implementation of what we have, targets for consistent and effective MPA management, as well as transparent partnership working with industry, NGOs and other stakeholders to fulfil monitoring and enforcement needs, will be important moving forward.

As well as shoring up current levels of protection conferred by European legislation, Wales must fully utilise domestic legislation and the Marine Conservation Zones designations, whilst still driving for stronger, better standards. Current predictions indicate that the 2020 Aichi Biodiversity targets¹⁵ globally won't be met and Wales has already missed the OSPAR 2016 deadline of a well-managed ecologically coherent network of MPAs¹⁶. However research has demonstrated that if provided with good management, MPAs can bring economic, social and environmental benefits¹⁷.

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)

¹³ <http://www.waleslink.org/publications/by-work-area/11>

¹⁴ Rees, S., Foster, N., Langmead, O., Griffiths, C. (2015). Assessment of the Ecological Coherence of the MPA Network in the Celtic Seas: A report for WWF-UK by the Marine Institute, Plymouth University and The Marine Biological Association of the United Kingdom. pp 165.

¹⁵ <http://www.birdlife.org/campaign/national-commitments-fall-short-action-needed-safeguard-nature>

¹⁶ Given that the JNCC assessment of Wales' network of MPAs was published in December 2016, Wales has also missed the OSPAR target for designating as ecologically coherent network of MPAs by 2012 and to ensure it is well-managed by 2016.

¹⁷ <http://www.piscoweb.org/publications/outreach-materials/science-of-marine-reserves>



The Welsh Government must ensure that there is sufficient resource and prioritisation to not only to complete Wales MPA network but to ensure sustainable management to restore and enhance marine ecosystems. This will include full investment in the designation of sites (including the recently consulted on proposed Special Protection Areas and proposed Special Areas of Conservation).

As previously stated although 35% (in area) of the Welsh inshore is designated as MPAs this is only to protect certain features and not the entire area. Of these features that are protected the majority are in unfavourable condition. It is vital to ensure proper management of the Welsh MPA network which includes prioritisation of resources to ensure long-term monitoring and strict enforcement, both at the licensing stage and at sea. Resources are needed for European Marine Site officers to fully implement the site management plans and work with others to conduct restoration work.

More work should be done by the Welsh Government and Natural Resources Wales to ensure that there is transparency in relation to implementation and enforcement, as well as ensuring that decisions are made with the engagement with all relevant stakeholders.

Finally, a greater understanding of ecological processes and the relative success or failure of management of MPAs in relation to their conservation objectives is essential. Recognising that this is an expensive and difficult barrier to working in the marine environment, solutions must be found and adapted over the short, medium and long-term.

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 issue of MPA management is not a new issue but were identified using data from ten years ago³. There needs to be clear and better links between new policy and legislation that actually translates to real conservation work.

It is important to ensure that proactive work to improve the conservation status of site features is prioritised by the Welsh Government and NRW with buy in from local stakeholders. Therefore it is important for continued scrutiny of the delivery of MPA management.

The Welsh Government need to prioritise long-term benefits over short term gain. There is currently a drive for 'Blue Growth' including renewables¹⁸, tourism and aquaculture¹⁹ where there is a commitment to double production by 2020. Given this push for growth in different marine sectors it is important, (especially given the requirements of the Wellbeing of Future Generations and Environment Acts) that this growth is viewed in a more long-term way that will aid in the recovery of marine biodiversity and habitats so that the social, environmental and economic benefits may be maximised from them.

Under the new Well-being of Future Generations and Environment Acts there it a duty to ensure that there is not work in siloes, whilst we are starting to see this in other areas there still seems to persist that marine matters are siloed from other departments.

As previously stated the recent SoNaRR identified that there are large evidence gaps in the Welsh marine environment. It is important that the Welsh Government employ the Precautionary Principle to decision making, and prioritise resources for evidence and research where there are known gaps.

¹⁸ <http://www.marineenergypembrokeshire.co.uk/welsh-government-launch-new-energy-strategy-and-lead-the-drive-to-develop-a-competitive-marine-energy-sector-in-wales/>

¹⁹ <http://gov.wales/topics/environmentcountryside/marineandfisheries/SeaFisheries/aquaculture/?lang=en>

