

## MPAW 17

Ymateb gan : Cymdeithas Hwyllo Frenhinol & Cymdeithas Hwyllo Frenhinol Cymru Wales

Evidence from : Royal Yachting Association & Royal Yachting Association Cymru Wales

### 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)

It is difficult to comment on whether there are sufficient resources to deliver sustainable management of Welsh seas whilst at this stage of the implementation of the Marine and Coastal Access Act in Wales. We know that the development of the Welsh National Marine Plan is progressing at pace and within the timescales set out in the Act. The designation of Marine Conservation Zones was delayed until the receipt of the JNCC gap analysis; therefore, the revised approach for designation is yet to begin.

In terms of management of MPAs in Wales, we are not aware of any statutory management measures affecting recreational boating at present. However, there are voluntary schemes in place in a number of sites. The success of this kind of approach can be seen within Skomer MCZ, where recreational boating activity is successfully managed under a voluntary regime. However, this approach requires not insignificant resource, with NRW staff on site providing advice from vessels, including at weekends, along with ongoing maintenance of moorings etc. by commercially qualified divers. This kind of support within an MPA is welcome; however, it is unclear if this resource will be extended where similar management may be implemented elsewhere.

Statutory management measures should not be imposed unless it can be demonstrated that they are enforceable and will be enforced. Such measures must be effectively communicated to those likely to be affected, using methods appropriate to the activity. If appropriate resource is not available for this, it will reduce efficacy of the measures dramatically.

### 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)



We do not have any specific comments regarding the approach to Area Statements. However, it is clear that recreational boating activity requires landside facilities (such as clubhouses, boat storage), good access to the sea (such as slipways, pontoons and marinas), along with a suitable and safe marine environment. Our members, as stakeholders in this process, will have an interest in both the estuarine/coastal area and the marine environment and any solution should ensure close join up between the two, along with ensuring effective engagement with local user groups.

#### 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 stated above, in terms of management of MPAs in Wales, we are not aware of any statutory management measures affecting recreational boating at present. There are a number of voluntary initiatives in place, including local codes of conduct and the voluntary management implemented at Skomer. Statutory management measures should not be imposed unless it can be demonstrated that they are enforceable and will be enforced. Such measures must be effectively communicated to those likely to be affected, using methods appropriate to the activity. All options for voluntary initiatives such as those actively promoted by The Green Blue<sup>1</sup> should be exhausted prior to consideration of statutory management measures.

<sup>1</sup> The Green Blue is a joint initiative by the Royal Yachting Association and British Marine. The project helps boat users, boating businesses, clubs, and training centres to reduce their environmental impact on coastal and inland waters.

#### Question 4

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

In the RYA's view, three key issues are critical to recreational boating interests in both the designation and management of MPAs. These are:

1. The impact of MPAs on legitimate uses of the sea
2. The need for objective and robust evidence in the decision-making process
3. The proportionality, enforceability and effectiveness of proposals

*1. Impact on legitimate uses of the sea*

- The public right of navigation (which includes anchoring) should be respected and upheld and the safety of navigation should not be adversely impacted.
- When considering management options for an MPA, all relevant economic and social consequences should be taken into account. Impacts on the wider vicinity



around the MPA, along with indirect effects on sectors which support recreational boating, should be included.

- All options for voluntary initiatives such as those actively promoted by The Green Blue should be exhausted prior to consideration of statutory management measures.

## *2. The need for objective and robust evidence*

- At all stages, decisions on MPA designation and management should be based on sound, objective and robust evidence. This evidence should be up-to-date and from a reliable source.
- A site should not be designated for a specific feature (e.g. species or habitat) unless it has been established that the feature is present in the area to be protected.
- Management measures affecting recreational boating activity should not be introduced or retained unless it can be demonstrated that the protected feature and the activity cannot reasonably co-exist in a particular area. The implementation of any management measures should be subject to regular review and there should be no presumption that such measures should apply for the lifetime of the MPA.

## *3. Proportionality, enforceability and effectiveness*

- MPAs should be no larger than required to protect the features which they are intended to protect, and there should be no unnecessary duplication of statutory controls already in place.
- Any proposed management measures restricting recreational boating activity should be proportionate to the impact of the activity to be restricted. Management measures to protect a particular feature should only apply to the part of the MPA in which the feature is located and there should be no presumption that such measures should apply uniformly across the whole of the MPA.
- Statutory management measures should not be imposed unless it can be demonstrated that they are enforceable and will be enforced. Such measures must be effectively communicated to those likely to be affected, using methods appropriate to the activity. Where statutory management measures are introduced, they should include a general due diligence defence.

### Question 5

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



The RYA supports the UK and Devolved Governments' shared vision for clean, healthy, safe, productive, and biologically diverse oceans and seas. We recognise that establishing an ecologically coherent network of MPAs would contribute towards achieving this vision. The RYA believes that in most cases this vision can be achieved without any adverse effect on either the public right or the safety of navigation for recreational boating. This question is, however outside of the RYA's remit and our comments are focussed on where MPA site management is of relevance to recreational boaters.

#### Question 6

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

The RYA and RYA Cymru Wales have been engaged with the recent designations of European Marine Sites in Wales. Only relevant scientific considerations can be taken into account by government in deciding whether to designate or extend SPAs and SACs. Information and views on economic and social considerations can help inform future decisions about the way in which the sites should be managed, but cannot influence decisions on the designation of SPAs and SACs or the determination of their boundaries. The scientific basis of the decision to designate lies outside the remit of the RYA and we did not respond to the consultations in relation to these issues. Our comments therefore focussed on where proposals for site management were of relevance to recreational boaters and any subsequent potential economic and social impacts. We had no objections to the proposals in principle, we would be very concerned if the designations or extensions resulted in any additional proposals for management of recreational activities within and around the proposed sites, given the assurances set out in the consultations. While these sites have since been approved and submitted to the European Commission (EC) for approval, as yet we have received no feedback on our consultation response.

During the HPMCZ process in 2012, the RYA and RYA Cymru Wales raised strong objections to some of the proposals, which included the implication that the right to make passage through an HPMCZ may be compromised, along with proposals to ban navigational aids within the sites and restrictions on anchoring. It was not clear from the consultation what socio-economic data was used to draw up the list potential sites and how if at all, site selection took account of economic impacts on coastal communities around Wales. There was strong criticism across Wales of the way in which the consultation was carried out. Stakeholder engagement was very limited with local communities, including sailing clubs, being asked for their input very late in the day. We welcomed the statement in 2013 that the approach was to be revised, and following significant delay the gap analysis has now taken place to enable the process to restart. We hope that lessons will be learned from the previous process in Wales, along with those in England, Northern Ireland and Scotland and we look forward to working with



Welsh Government as the new designations progress.

Question 7

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

Lessons could be learned from the process in Northern Ireland, where the level of engagement with stakeholders during the MCZ designation process has been very helpful where the (then) DOENI were very open about their intentions in the run up to the formal consultation. Stakeholders were fully aware of which sites would be proposed prior to consultation, along with what the likely management would be.

In England, the lack of openness on what management might be needed within proposed MCZs has resulted in sites becoming both locally and nationally contentious. If proposals were made clearer, early on in the process, stakeholders would be able to work together to find mutually beneficial solutions and be more likely to be able to fully support designation. It is clear that the most difficult and contentious sites have been delayed until the final tranche of designations, and during this time the economic and political landscape has changed significantly. Government has committed to taking into account the economic and social consequences of potential designations and while they have increased the amount of investment in ecological data collection, the same cannot be said for socio-economic data. There is no lead Government agency responsible for this data collection or analysis and this area of work is under resourced. The importance of good socio-economic data is twofold. Firstly, to enable an accurate impact assessment which considers the direct and indirect effects of designation (for example on the recreational use and the businesses that rely on this use) and secondly, good activity data is one of the first steps to understanding what management may need to be put in place.

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)



In our view, MCZs offer an adequate mechanism for protecting marine habitats and species in the absence of any future European Marine Sites. One of the strengths of the MCZ designation process, in contrast to the designation of Birds and Habitats Directive sites, is that it takes into account socio–economics as well as environmental factors.

For those sites already designated under these European directives, the Welsh Government will need to provide clarity to stakeholders regarding their status during and after the transition period. This is particularly important for those planning or carrying out assessments for proposed plans or projects within the sites. The Birds and Habitats Directives have a long history of case law that provides certainty to those carrying out works, and therefore the Regulations are well tested and there is a good awareness of their requirements.

#### 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)

Welsh Government will need to strike a balance between activities such as recreational boating, including their importance for wellbeing and the economy, and the value of the environment in the context of the wider network of existing protected sites. The lack of openness on which sites might be designated, and what management might be needed, has often resulted in sites becoming both locally and nationally contentious. If proposals are made clearer, early on in the process, stakeholders will be able to work together to find mutually beneficial solutions and be more likely to be able to fully support designation and any subsequent management. The collection of good socio–economic data will be key to this. Firstly, to enable an accurate impact assessment which considers the direct and indirect effects of designation (for example on the recreational use and the businesses that rely on this use) and secondly, good activity data is one of the first steps to understanding what management may need to be put in place.

#### 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 RYA and RYA Cymru Wales welcome this opportunity to submit evidence to the Climate Change, Environment and Rural Affairs Committee inquiry into the management of marine protected areas in Wales.

The RYA is the national body for all forms of recreational and competitive boating under sail or power. It represents dinghy and yacht racing, motor and sail cruising, RIBs and sportsboats, powerboat racing, windsurfing, inland cruising and personal watercraft. The RYA manages the British sailing team and Great Britain was the top sailing nation at each of the 2000, 2004, 2008 and 2016 Olympic Games and at the 2012 Paralympic Games.

The RYA is recognised by Government as being the primary consultative body for the activities it represents. The RYA currently has over 107,000 personal members, the majority of whom choose to go afloat for purely recreational non-competitive pleasure on coastal and inland waters. There are an estimated further 350,000 boat owners nationally who are members of over 1,400 RYA affiliated clubs and other organisations.

The RYA also sets and maintains an international standard for recreational boat training through a network of over 2,300 RYA Recognised Training Centres over 55 countries. On average, approximately 160,000 people per year complete RYA training courses. RYA training courses form the basis for the small craft training of lifeboat crews, police officers and the Royal Navy and are also adopted as a template for training in many other countries throughout the world.

RYA Cymru Wales is recognised by Sport Wales, Welsh Government and UK Sport as a national Governing Body and was established to promote the sport of sailing, windsurfing and power boating in Wales and acts as the RYA Council for Wales. RYA Cymru Wales is consulted by the Welsh Government, the Crown Estate, Local Authorities and other non-governmental bodies on a range of issues affecting recreational boating. There are approximately 85 RYA-affiliated sailing clubs, with over 21000 members and 65 RYA Recognised Training Centres in Wales.

