



Lesley Griffiths AM
Cabinet Secretary for Environment and Rural Affairs
National Assembly for Wales
Cardiff Bay
CF99 1NA

19 September 2017

Dear Ms Griffiths,

RE: CCERA Committee report: 'Turning the Tide? Report of the inquiry into Welsh Government's approach to Marine Protected Area management

Following the publication of the report from the Climate Change, Environment and Rural Affairs (CCERA) Committee: 'Turning the Tide?', Wales Environment Link (WEL) would like to take this opportunity to provide you with our reflections regarding some of the Committee's recommendations, for your consideration ahead of publishing your response to the Assembly.

In particular, we would like to draw your attention to the following suggested interventions which would help to address some of the Committee's recommendations:

- A new MPA strategy for Wales with a vision that promotes the benefits of marine ecosystem recovery and protection for sustainable management of natural resources and the wellbeing of future generations and includes a commitment to no loss of protection under future arrangements following the UK leaving the European Union.
- For the opportunity of the Visit Wales initiative 'Year of the Sea' to be seized and maximised to support Welsh Government's work on Marine Protected Area management and designation.
- A review of funding for Marine Protected Area management to include:
 - Welsh Government marine staffing, including consideration of the impact of new offshore powers following implementation of the Wales Act
 - funding for an area-based approach, with each management area having a dedicated officer
 - funding for Natural Resources Wales to produce thorough site condition reports for all marine protected areas (and for consideration of this becoming a statutory requirement)
 - further funding for the MPA Condition Improvement Project (CIP) led by Natural Resources Wales
- Publication of MPA Steering Group minutes and for stakeholders to be invited as observers to this group

Below, we have assessed each of these recommendations in turn.

Recommendation 1: For Wales to realise the benefits of its MPAs, sites must be managed effectively. The Welsh Government must provide leadership on this matter by developing, as a matter of urgency, an MPA strategy and ensuring that all management authorities, including the Welsh Government, are actively engaged in MPA management and fulfilling their duties and responsibilities.

Whilst the management of MPAs in Wales is a shared responsibility, the Welsh Government has overall responsibility for Wales's compliance with EU and international obligations (including OSPAR) towards MPAs in the Welsh inshore area (as reflected within the Annex your letter on the 8th May 2017¹). WEL therefore welcome your recent letter to all the Competent Authorities reminding them of their statutory duties with regards to MPA management and your written statement of the 2nd May² outlining your commitment to completing the Welsh contribution towards an ecologically coherent, well-managed network of Marine Protected Areas in the UK.

However, as outlined by the Committee, further action is needed from Welsh Government to demonstrate leadership on this matter. We agree with their conclusion that an MPA strategy would be a welcome first step towards this.

MPA management is key to the achievement of the UK Shared Vision³ for 'clean, safe, healthy, productive and biologically diverse oceans and seas'. WEL suggest that this message should be championed through the creation of a MPA strategy and promoted to relevant authorities, stakeholders, and the Welsh public.

This message should also provide clarity on how protection and recovery of MPAs is key to the achievement of Sustainable Management of Natural Resources, the Wellbeing Goals and the many benefits that a well-managed network can bring to the people of Wales. More needs to be done to enhance the recognition of both the intrinsic value of our seas but also the socio-economic benefits that flow from marine protected areas.

The 'Year of the Sea' Visit Wales initiative could be one mechanism by which to celebrate how diverse our seas are and to show further commitment to the message that protection of this unique environment is essential for the wellbeing of current and future generations in Wales.

Through the creation of an MPA strategy, WEL would recommend that the Welsh Government also assess the likely impact of exiting the European Union on Welsh MPAs. We agree with the recommendation of the Committee that Welsh Government should commit to no loss of protection under future arrangements.

To ensure this, Welsh Government should support the faithful conversion of (and entirety of) the Bathing Waters Directive, the Urban Waste Water Treatment Directive, the Water Framework Directive, the Marine Strategy Framework Directive and the Habitats and Wild Birds Directives, whilst also ensuring EU jurisprudence and EU law principles are maintained in EU law. This includes the precautionary principle, the 'polluter pays' principle and the principle of prevention at source. Welsh Government should also seek agreement with the UK Government about how marine environmental protections will be managed coherently in cross-border marine areas. In addition, it is critical that the 'right to challenge' remains and that future arrangements in are in line with the Aarhus Convention and not prohibitively expensive for applicants.

¹ Letter from the Cabinet Secretary for Environment and Rural Affairs to Local Authority Leaders and Directors of the Environment, 8th May 2017

² Written Statement – Completing the Welsh contribution towards an ecologically coherent, well-managed network of Marine Protected Areas in the UK, Lesly Griffith, Cabinet Secretary for Environment and Rural Affairs, 2nd May 2017

³ Our seas – a shared resource. High Level Marine Objectives, HM Government, 2009

Recommendation 2: MPAs cannot be managed effectively without the appropriate level of resources, including funding and staffing. The Welsh Government must:

– ensure it has sufficient staffing to deliver its marine conservation responsibilities.

The Welsh Government must ensure that marine management is given sufficient priority within the Food, Agriculture and Marine Directorate, by providing the resources required to enable marine conservation responsibilities to be carried out thoroughly and in a timely manner. The fundamental role of MPAs is the protection and management of marine habitats and species and, only once sufficient management and improvement projects are implemented, will we begin to achieve resilience of our marine ecosystem and truly realise the social and economic benefits that derive from our seas.

As of April 2018, implementation of the Wales Act will devolve marine licensing functions and nature conservation functions for the offshore area (the sea beyond 12 nautical miles to the median line) to Welsh Ministers. This will mean that the Welsh Government will have new management responsibilities for marine licensing functions in the offshore area, and for the protection of habitats and species, including the creation and management of new MPAs. The identification, designation and management (including monitoring and enforcement) of new MPAs will undoubtedly be a large new area of work for the Marine and Fisheries Division of Welsh Government, and we are therefore keen to see the additional resource required for this workload recognised and reflected in the Welsh Government's 2018-19 budget.

– bring forward proposals for funding an area-based approach, with each management area having a dedicated officer

An area-based approach with dedicated officers is key to effective management of marine protected areas. This is evidenced within Natural Resources Wales' supplementary evidence⁴ to the committee. Within this, Natural Resources Wales list 3 case studies and 9 supplementary examples of marine protected area management taking place in Wales. Out of these 12 examples, 6 of the projects are taking place in the Pen Llŷn a'r Sarnau SAC and are dependent on the presence of the full-time SAC officer. Another 3 of these 12 examples are of the work of Skomer Marine Conservation Zone staff. Two further examples are dependent on the SAC officers in Pembrokeshire Marine SAC and the Severn Estuary EMS. Therefore, out of these 12 examples, 11 of the management examples are dependent on local staff.

WEL therefore thoroughly supports the Committee's findings that the Welsh Government should bring forward proposals for funding an area-based approach to MPA management, with each management area having a dedicated officer so that more marine protected areas are covered by projects such as those highlighted by NRW. This approach to MPA management would provide a range of benefits, including; supporting the control of activities that are not regulated (e.g. those which do not require a marine licence); provide much needed support for the development habitats and species recovery projects; provide local liaison with stakeholders; and help to meet MPA monitoring needs.

It is our understanding that it is the funding model that was rejected by the Welsh Government's MPA Steering Group and not the principle of having these officers for each area. We therefore urge the Welsh Government to re-allocate budgets to finance this much needed approach. From listening to witnesses, it appears to be a shared view that it is only once the Welsh Government demonstrates a greater financial commitment to managing MPAs can they expect relevant authorities to give their legal duties a similar level of priority and, ultimately, identify ways to also resource this need.

⁴ Briefing note: Management of Marine Protected Areas in Wales, Natural Resources Wales, June 2017

– ensure that Natural Resources Wales has sufficient resources to undertake its responsibilities for MPA management and improvements to the condition of the Wales Natura 2000 Network

With regards to NRW's resourcing, we heard in their evidence that NRW's budget is "*shrinking*" and that, despite this year being a respite that they must still downsize their organisation. This is a big concern for MPA management given they have highlighted in subsequent written evidence that NRW's marine monitoring programme is currently running at a "*minimum service*" and that "*resources are challenging*".

Site condition reporting is also highlighted by NRW as being an area that is challenging to resource. Whilst not a statutory requirement, site condition reports are the tool that most partners, management authorities, and the Welsh Government, request from NRW to support effective MPA management decisions. The lack of ability to resource this work is therefore very alarming and hampering the very authorities Welsh Government have tasked to undertake these duties. WEL would welcome a prioritisation of site condition reporting within the MPA strategy, to include funding prioritisation and consideration of whether they should become a statutory requirement. This is also highly relevant to recommendation 10 of the Committee: "*the Welsh Government should ensure that reporting of Welsh MPA site condition and status currently required under European legislation is undertaken regularly after the UK exits the European Union, with reports published and provided to management authorities in a timely manner.*"

In addition, since NRW commenced work on its MPA Condition Improvement Project (CIP) in 2016, for the majority of these actions identified, funding has yet to be found to complete delivery. To provide some examples as listed in their supplementary written evidence⁵; less than half the actions are underway for invasive species, pollution and waste and water management, and many are yet to be progressed with regards to actions needed to manage coastal access and recreation. WEL therefore suggest that funding for the MPA Condition Improvement Project (CIP) is also prioritised.

We therefore strongly agree with the conclusion reached by the Committee that the Welsh Government needs to provide sufficient resources to NRW in order to undertake its responsibilities for MPA management and improvements to the condition of the Wales Natura 2000 Network.

Recommendation 3: The Welsh Government must increase public awareness of MPAs and improve its engagement with stakeholders and the public. It must also operate in a more transparent and efficient way, publishing information about the activities of the specialist groups it leads and ensuring stakeholders are fully engaged in the development of the MPA strategy.

We welcome your commitment to publish information, including the reports, minutes and the agendas of the Welsh Government's MPA Steering Group on the Welsh Government's website. Some witnesses in the Committee's evidence sessions suggested that there are times that discussions and the resolutions of the group are not being accurately reported within the minutes, so we request that this is looked into further. As yet, we have not been alerted as to where these minutes are located and we feel that this needs to be relayed to marine stakeholders.

Given that the MPA Steering Group is the mechanism by which a large amount of decision making is taking place, we feel that such meetings should be subject to full scrutiny. We ask that interested stakeholders be able to sit on this group as observers going forwards.

In addition, we would request greater transparency and accessibility to the documents associated with additional stakeholder groups (in particular the (WMAAG/WMSAG and WMFAG), where stakeholders cannot access electronic copies of minutes nor presentations retrospectively, and these are often only circulated via email at a much later date.

⁵ Briefing note: Management of Marine Protected Areas in Wales, Natural Resources Wales, June 2017

The 'Year of the Sea' provides the Welsh Government with a fantastic opportunity to raise the profile of Marine Protected Areas in 2018. We hope that the Cabinet Secretary will use this opportunity to promote MPAs, including why they need our protection, and the vast benefits that effective management can bring to people and visitors to Wales.

We look forward to hearing your response to the Committee's report and hope you find these considerations useful.

Yours Sincerely,

Gill Bell
 Chair, WEL Marine Working Group

Wales Environment Link (WEL) is a network of environmental, countryside and heritage Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is officially designated the intermediary body between the government and the environmental NGO sector in Wales. Our vision is a healthy, sustainably managed environment and countryside with safeguarded heritage in which the people of Wales and future generations can prosper.

