Agenda – Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig

Lleoliad:
Ystafell Bwyllgora 3 – y Senedd
Dyddiad: Dydd Mercher, 28 Mehefin 2017
Amser: 09.30

I gael rhagor o wybodaeth cysylltwch a:
Marc Wyn Jones
Clerc y Pwyllgor
0300 200 6363
SeneddNHAMG@cynulliad.cymru

1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau

2 Papurau i'w nodi

Tystiolaeth ysgrifenedig ychwanegol oddi wrth Cyfoeth Naturiol Cymru ar reoli ardaloedd morol gwarchodedig yng Nghymru

(Tudalennau 1 – 6)

Llythyr gan Blaise Bullimore yn dilyn sesiwn tystiolaeth lafar gydag Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig ynghylch Ardaloedd Morol Gwarchodedig

(Tudalennau 7 – 13)

Llythyr oddi wrth Cyswllt Amgylchedd Cymru i Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig ar ddyfodol rheoli tir yng Nghymru

(Tudalennau 14 – 18)

3 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer y busnes a ganlyn:

4 Y wybodaeth ddiweddaraf am adael yr Undeb Ewropeaidd

(09.30 – 09.50) (Tudalennau 19 – 34)

5 Papur am yr ymchwiliad i bolisi ynni

(09.50-10.05) (Tudalennau 35 - 39)

6 Paratoi ar gyfer sesiwn graffu ar Lywodraeth Cymru

(10.05 - 10.35) (Tudalennau 40 - 44)

Egwyl

(10.35 - 10.45)

7 Crynodeb o ganfyddiadau'r arolwg cyhoeddus 'Gwarchod Moroedd Cymru' fel rhan o'r ymchwiliad i reoli Ardaloedd Morol Gwarchodedig

(10.45 - 11.05)

8 Ymchwiliad i reoli ardaloedd morol gwarchodedig yng Nghymru - papur materion allweddol

(11.05 - 12.15) (Tudalennau 45 - 59)

Cyfoeth Naturiol Cymru
Natural Resources Wales

Management of marine protected areas in Wales

Briefing note: June 2017

Introduction

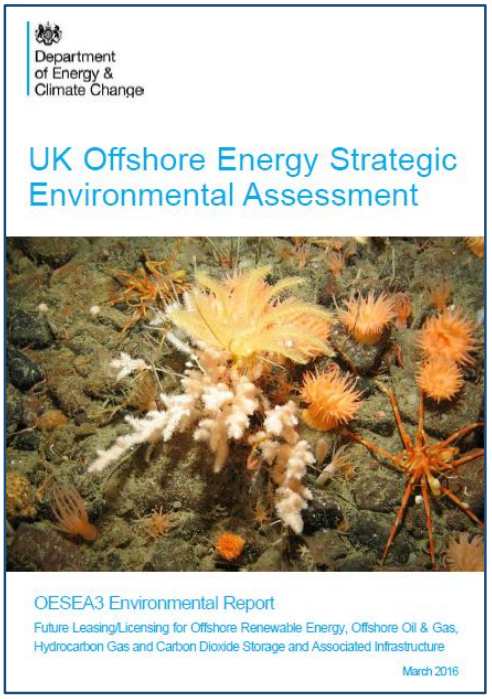
Effective management of marine protected areas (MPAs) is essential to achieve the conservation objectives set for individual sites and to meet Government's obligations to secure an ecologically coherent and well managed network of MPAs. Effective management of MPAs also helps to maximise the contribution the MPA network makes to the health and resilience of, and the societal benefits from, the marine environment as a whole.

Management of MPAs takes numerous forms, with some management activity applying to individual sites, and other management to activities or uses across the network. Effective application of planning and regulation is the primary mechanism for MPA management to secure the conservation objectives of sites and wider benefits of the network, and prevent negative impacts. Other forms of MPA management focus on unregulated activities, and delivery of local site-specific management actions such as a code of conduct handed out to marine users in Cardigan Bay Special Area of Conservation (SAC) or specified visitor moorings in Skomer Marine Conservation Zone (MCZ).

This briefing note provides some more details on MPA management activity in Wales.

Strategic planning

Strategic planning ultimately aims to guide development to locations which maximise the use of available resources, whilst minimising adverse socio-economic and environmental impacts, including those on MPAs. Examples of strategic plans that take account of Welsh MPAs are the Welsh National Marine Plan, currently being developed by Welsh Government, and plans published by The Crown Estate in support of their strategic seabed leasing programmes for renewable energy and aggregate extraction.



Formal development plans and programmes are typically subject to Strategic Environmental Assessment (SEA), which is the process of appraisal through which environmental protection and sustainable development are considered, and are factored into national and local decisions regarding Government (and other) plans and programmes.

The potential for a plan or programme to adversely affect MPAs designated under the EU Habitats and Species and / or Bird's Directives will also be assessed through a plan level Habitats Regulations Appraisal (HRA).

Regulation

Development projects in Welsh waters are subject to a range of regulatory regimes including 'marine licensing' under the Marine & Coastal Access Act (2009). Marine licences apply to certain activities proposed within Welsh waters that typically involve the deposit of substances or objects into the sea or onto the sea bed, construction, improvement or alteration works, and any form of dredging. Marine licensing is delivered by Natural Resources Wales (NRW) on behalf of Welsh Ministers, and 65 licences were granted for activities occurring within MPAs in Wales last year.

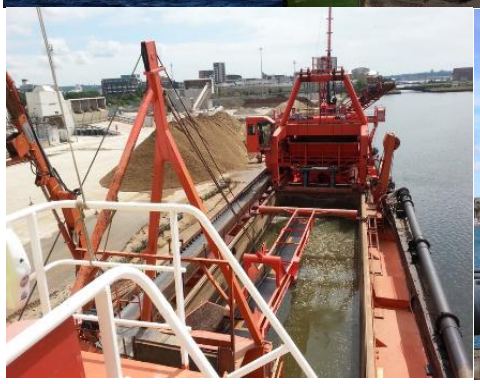
Advice is given to developers before activities occur and, depending on the location and nature of a project, the potential impacts of proposed developments are assessed through an Environmental Impact Assessment and / or a Habitats Regulation Assessment (HRA) before any development occurs. Many of these developments are innovative, novel ways of using the sea and careful consideration of the effects they may have on our protected habitats and species is needed. Depending on the outcome of these assessments, mitigation and compensatory measures may be required before a development can be approved.

A large range of activities are assessed this way including:

Offshore wind

Coastal development

Coastal defence



Aggregate extraction

Tidal stream

Cable laying

Case study: Adaptive Management - DeltaStream Tidal Energy project

Significant lessons were learnt through the consenting process for Tidal Energy Limited's (TEL) DeltaStream project in Ramsey Sound in managing risk and uncertainty within acceptable limits and the role of a 'deploy and monitor' based approach, implementing adaptive management as a way of dealing with uncertainty about impacts.

Ramsey Sound, in which the device was to be installed, lies within Pembrokeshire Marine Special Area of Conservation (SAC) which was designated to protected grey seal and reef habitat among other features. Habitats Regulations and Environmental Impact Assessments concluded that, provided certain conditions were adhered to, the device would not adversely affect marine wildlife. These conditions were detailed within the various licences and permits issued for the project.

A collaborative approach was taken between TEL, NRW and other relevant bodies in the form on an Environmental Management Committee, which oversaw the development of a Collision Risk and Adaptive Management Plan. This crucial document detailed the measures to be taken to protect marine wildlife from adverse effects and how these conditions of the various licences and permits would be met.

This project was ground breaking in this respect, and the important steps TEL and DeltaStream made will inform the development of future proposals for commercial scale tidal energy projects.

Other management action

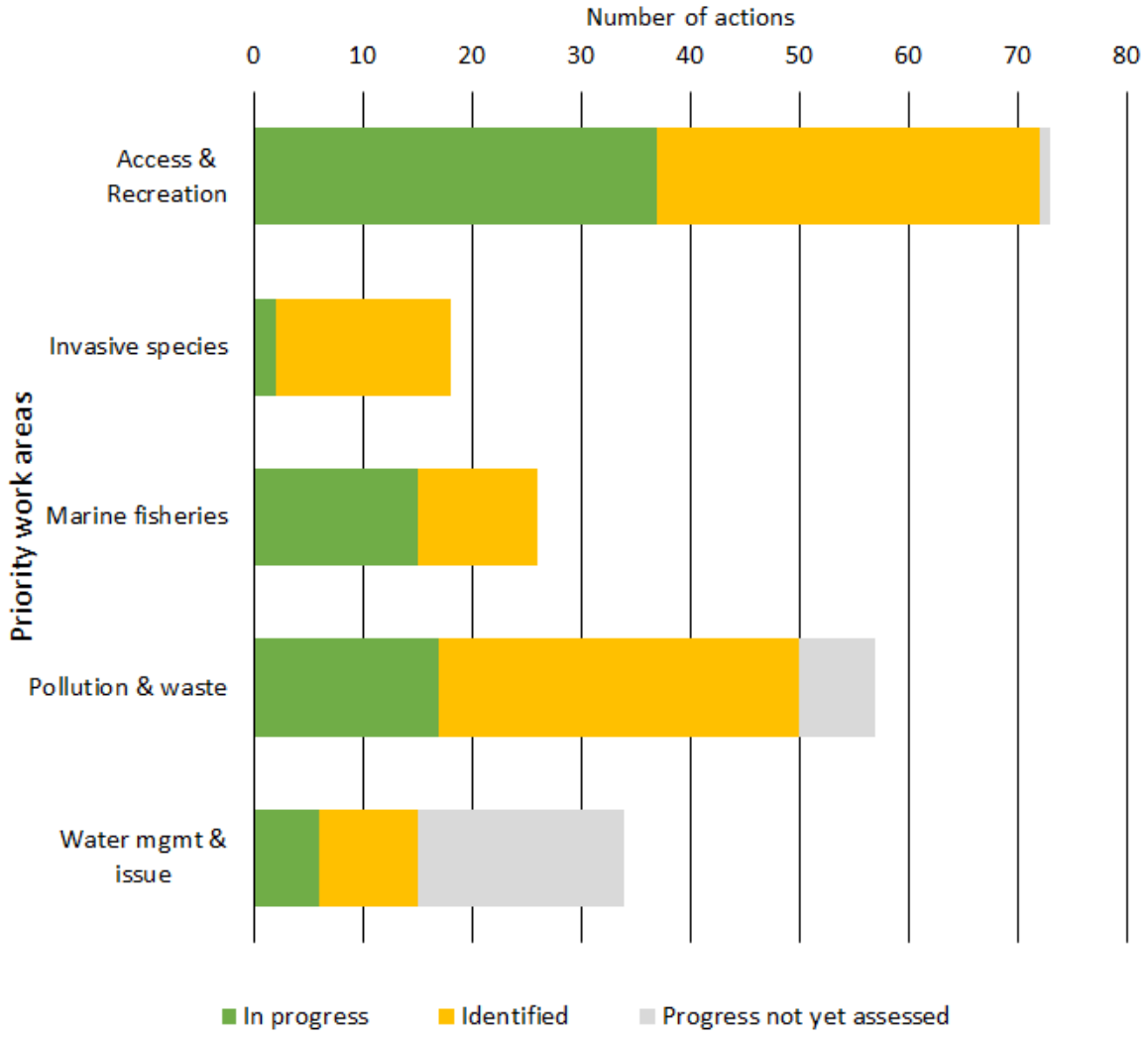
Some other areas of MPA management focus on activities that are not regulated via the routes described above; for example, recreational activities tend to be unregulated. There are many examples of how unregulated activities are being actively managed in Wales to avoid impacts on MPA features, whilst allowing for access to and enjoyment of our seas and wildlife. Further details of the variety of MPA management work undertaken in Wales, in addition to core management via planning and regulation, are provided here.

In 2016, NRW commenced work on its Marine Protected Area (MPA) Condition Improvement Project (CIP) based on the outputs of the LIFE Natura 2000 Programme for Wales (2012-2015). The overarching aim of the MPA CIP is to develop and deliver a prioritise work programme focussing on actions that deliver maximum impact on the condition (or maintenance of condition) of marine features across Wales' Natura 2000 network.

The MPA CIP has identified five priority work areas and the list below provides examples of the pressures and threats for which actions have been identified:

1. Access and recreation (e.g. damage to habitat features or disturbance of species features);
2. Invasive species (e.g. marine non-natives)
3. Marine fisheries (e.g. potting and netting activities)
4. Pollution and waste (e.g. marine litter and diffuse water pollution)
5. Water management and issues (e.g. coastal squeeze)

The chart below shows the number of actions identified under each priority work area and delivery progress to date. Many of the "in progress" actions are being taken forward through existing partnerships and some are being funded through NRW's competitive grant fund or directly by Welsh Government. However, some of these actions further funding is still required to complete delivery, and NRW and external partners are working to develop proposals for external funding to enable this and the delivery of other prioritised actions.



Examples of the projects being delivered under the MPA CIP and a flavour of other management activities being delivered for MPAs across Wales are provided overleaf.

Example of priority projects contributing to the MPA Condition Improvement Project

Cross-Wales case study: Assessing Welsh Fishing Activities project

Welsh Government and NRW are undertaking a comprehensive project to assess the impacts of all marine fisheries activities from licensed and registered fishing vessels on protected features of European Marine Sites in Wales. There are 525 assessments to undertake which **have been** prioritised **based on** risk. Welsh Government will use the assessments to consider any management which may be required to address potential impacts on a site-by-site or all-Wales basis. The project's outputs **will** be used to support the aims of The EU Habitats Directives, The Environment Act and The Wellbeing of Future Generations Act.

Multi-site case study: Litter projects in Pen Llyn a'r Sarnau & Cardigan Bay SACs

Two litter projects on two European Marine Sites are working collaboratively to deliver results. The projects are working with businesses in two villages (Criccieth & Llangrannog) to investigate the source of litter and try innovative ways to reduce litter including:

- Reducing packaging
- Using biodegradable packaging
- Not using straws
- Providing a water fountain instead of selling plastic bottles
- Running a return your bottle scheme
- Providing information to customers

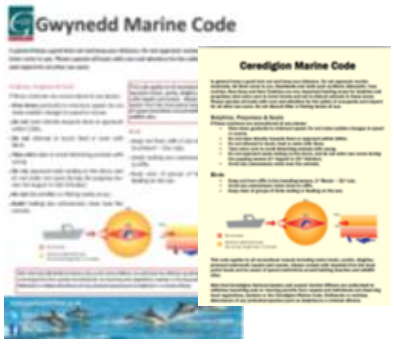
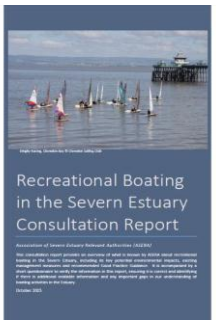
They are also working with other organisations to deliver more traditional marine litter activities including beach cleans and awareness raising. The projects are funded under the NRW competitive grant scheme and will be completed in March 2018.

Single site case study: Porthdinllaen Sea Grass project

The aim of this project is to develop and implement management options that will improve the condition of the seagrass whilst allowing the existing use of the bay to continue. The aim is to develop and implement these management options in full partnership with stakeholders. This project has several strands:

- Adaptation of existing moorings
- Preparation of a mooring replacement plan for the inner harbour
- Investigate the impact of vehicles on the intertidal seagrass and possible solutions
- Determining the responsibility for the outer harbour
- Review and disseminate information about the project
- Stakeholder engagement and raising awareness

Examples of other MPA management work being taken forward in Wales

Visitor moorings to protect seagrass beds at Skomer MCZ	Morfa Gwyllt lagoon project: working to improve the condition of the lagoon in Pen Llŷn a'r Sarnau SAC	Citizen science at Skomer MCZ: showing how the site's scallop population is increasing
 Gwynedd and Ceredigion Marine Codes to protect dolphins in Pen Llyn a'r Sarnau SAC, Cardigan Bay SAC and surrounding areas	Bait digging code of conduct to protect features in Pembrokeshire Marine SAC	Llŷn Marine Ecosystems Project: working with stakeholders to improve the marine environment of the Llŷn Penisula
Skomer MCZ team raising awareness of the sites boating zone.	 Assessment of recreational boating at the Severn Estuary EMS.	Dolphin watch: assessing impacts of recreational boating on dolphin behaviour in Pen Llŷn a'r Sarnau SA

[redacted] **Haverfordwest, Pembrokeshire,** [redacted]

Climate Change, Environment and Rural Affairs Committee
National Assembly for Wales
Pierhead Street
Cardiff
CF99 1NA

22 June 2017

Dear CCERA Committee Chair and members,

INQUIRY INTO THE MANAGEMENT OF MARINE PROTECTED AREAS IN WALES

Further to my letter of 14 April commenting on NRW's evidence to the Committee, having now watched the Cabinet Secretary's appearance before the Committee on 14 June, I again feel compelled to write drawing attention to misleading and disingenuous statements.

I had hoped for a far more positive and relevant contribution from the Cabinet Secretary (CS). Sadly she appeared both unfamiliar with most of the issues and poorly prepared. She both made errors and seemed dependent on Graham Rees (GR) putting words into her mouth. These shortcomings were magnified by plausible-sounding, but nevertheless misleading and disingenuous contributions made by GR.

The avoidance and circumvention of questions, or simply going off at a tangent, by both the CS and GR in their responses was both obvious and unacceptable. Many responses were disordered and full of displacement activity. Conscious this inquiry is into MPA management, I struggle to recall either of them actually speaking about MPA management at all. "Sir Humphrey triumphant" neatly summed it up.

I have every confidence that you and your fellow Committee members saw through much of the dissembling; however, my conscience obliges me to make the following comments.

Lack of focus on MPA management

Despite being given every opportunity, the CS failed to actually address MPA management. From the answer to the Chair's very first question, which failed to identify any legislation that requires designation and management of MPAs or marine environmental protection, her responses were focused on fisheries and the National Marine Plan rather MPA management.

Despite references to maintaining and enhancing the resilience of marine ecosystems (very roughly paraphrased from OSPAR targets) and "correct and healthy networks" to protect seas (possibly paraphrased from the UK High Level Marine Objectives) her answers also focused on the socio-economic benefits that might be provided by MPAs rather than achieving the conservation goals of MPAs.

The CS referred several times to "balance" between the economy and conservation. However, although she emphasised economic activity she failed to provide any counter balance about how protection and conservation might be achieved.

The subject of the inquiry was repeatedly avoided through references to the long overdue national marine plan (the drafts on WG's website are economically focused with little reference to MPA management) and vague references to undefined strategic solutions.

When her responses came close to addressing MPA management, they were non-specific, repeatedly referring vaguely to a "strategic" approach (despite being pressed for clarification of what this meant), and it was not made clear which MPAs were under consideration (*ie*, whether it was the suite of marine Special Areas of Conservation and Special Protection Areas (European Marine Sites, EMS) designated under the European Habitats and Birds Directives well over decade ago, or possible new MCZs designated under the Marine and Coastal Access Act (MaCAA)). Wales' only existing MCZ, the re-designated Skomer MNR, which is well managed and successful albeit hampered by limited protection measures, did not get a mention (I refer to my letter of 14 April in respect of responsibility for its management).

Her response to the question how the Cardigan Bay scallop dredging decision aligned with the principles of the WBFG Act listed social and economic considerations, and "supporting coastal communities", but unacceptably made no mention of environmental protection or MPA management, despite again identifying the need for balance between the economy and conservation.

Her response to a question on engagement by stakeholders was limited only to consideration of fishing interests despite being brought back to MPA management through a follow up question.

WG's failure to provide any explanation or examples of MPA management effort to deliver the objectives and meet the targets of the Convention of Biological Diversity, OSPAR, the Marine & Coastal Access Act, the Habitats Directive or the UK High Level Objectives and Marine Policy Statement, all of which WG has publicly committed to, was unacceptable in the context of the inquiry.

Regardless of the objectives – environmental, social or economic - as made clear by Lynda Warren, Sue Gubbay and myself in evidence, if there is negligible input to MPAs by way of management, nothing will come out in terms of benefit – neither environmental, social nor economic.

Responsibilities for MPA management

The focus on the "relevant authorities" responsibilities for MPA management was misleading and created a false premise for the discussion and understanding of other issues.

Although not specified, WG's use of the term "relevant authority" was clearly in the context of EMS management under the Habitats Regulations [1].

The Regulations unmistakably identify where responsibilities for management lie:

- Regulation 9(1): "The appropriate authority and the nature conservation bodies must exercise their functions under the enactments relating to nature conservation so as to secure compliance with the requirements of the Habitats Directive".
- Regulation 9(3): "A competent authority must, in relation to a marine area, exercise any of their functions which are relevant to marine conservation so as to secure compliance

[1] The original *Conservation (Natural Habitats, &c.) Regulations 1994* and current consolidated amended *Conservation of Habitats and Species Regulations 2010;* relevant clauses are reproduced in annexe to this letter.

The concept of "relevant authority" in other MPA legislation is elastic; it is defined in several different ways in the MaCAA, where clause 125(11) specifically identifies as a relevant authority "in relation to an MCZ in Wales, the Welsh Ministers" in specific circumstances.

with the requirements of the Habitats Directive".

The Welsh Ministers are unambiguously identified as both "appropriate" and "competent" authorities by Regulations 3(1) and 7(1)(b) respectively.

The responsibilities of competent authorities (CAs) for MPA management depend on their functions. CAs with limited functions in respect of marine environmental management (*eg* local authorities and even NRW, which actually has very few [2]), have correspondingly limited EMS management functions.

The CS's assertions about NRW statutory duties were misleading. Whilst she clearly – and correctly - stated that NRW need to fulfill their statutory responsibilities first, she appeared unaware of the limited nature of NRW's statutory responsibilities for MPA management and implied that those duties are greater than they actually are.

WG have crucial relevant functions, *eg* as fisheries manager and the responsibility for marine spatial planning; consequently it is indisputable that they have fundamental responsibilities for MPA management, as indeed the context of several of the Committee's questions clearly recognised.

Relevant authorities (RAs) are simply a subset of competent authorities. The status of "relevant authority" assigns no more responsibility or duty than is assigned to all "appropriate" and "competent" authorities by the Habitats Regulations. The only difference is that they are provided with the option (Regulation 36), of exercising their functions "so as to secure .... compliance with the requirements of the Habitats Directive" through a management scheme. Working together as RAGs is simply an efficient way of integrated and collaborative working and was recommended by government guidance.

Relevant authority groups (RAGs) have no statutory basis and no legally defined constitution, remit or authority. There is nothing inherently magical about them; they are simply a good practice means of collaborative working. In England these groups chose to call themselves management groups and many of them have government departments and other "non-RAs" as members.

On several occasions whilst a RAG EMS Officer, I attended meetings or presentations in which WG officials repeatedly stated that WG was not an RA, as if this implicitly absolved it from management responsibilities and prevented it working collaboratively with RAGs. GR repeated this claim, in the same context during this session.

However, in response to further questioning, GR's statements that "WG are one of the management authorities, alongside all of the others" and that "Within that {Management Steering} Group we're all jointly responsible for management of MPAs" revealed his clear awareness and understanding that WG does indeed have direct management responsibilities relevant to MPAs. Nevertheless, throughout the session both he and the CS spoke as if WG were almost bystanders compared to the other authorities.

The constant repetition that WG is not an RA is a red herring, an irrelevant distinction that appears intended to distract from WG's responsibilities. Given that WG have more functions relevant to marine conservation (not least fisheries management), than any of the other competent authorities including NRW, WG's attempts to imply that failures to undertake

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[2] The *Natural Resources Body for Wales (Functions) Order 2013*, as amended by the *Environment (Wales) Act 2016*, section 5; the only specific duties for NRW in the Habitats Regulations additional to the general requirements of Reg 9(1) are the provision of conservation objective advice (Reg 35), and some duties for condition assessment (Regulation 48(4)), including carrying out monitoring <u>if directed by WG</u> (Reg 48(6)).

appropriate MPA management lie with authorities with lesser management responsibilities are indefensible.

Further, given the efforts and financial contributions to support collaborative working made by relevant authorities over the last two decades, that the Cabinet Secretary has written to the very authorities struggling to make collaboration on MPA management work to "remind them of their responsibilities", whilst defaulting on WG's own, is reprehensible.

MPA Management Steering Group (MSG)

Given that the MSG is the Group that the CS claims to rely on most, it is disappointing that she seemed to know so little about it (or that she or even the Group's chair were able to correctly identify how long it has been in existence).

The MSG is not just chaired by WG, but its membership is loaded with WG Marine and Fisheries Division staff, who also provide the secretariat. Independent stakeholders (excluding NRW) representing local authorities, National Parks, ports, water authorities comprise well under half the membership, but have considerable relevant experience and expertise having been engaged in EMS management for almost two decades as members of one or more RAGs.

These independent MSG members regularly commented to myself, when an RAG EMS officer, and to other EMS officers, that the minutes of the Group's meetings often poorly reflected their recollections and notes, and poorly represented discussions and agreements.

Given the heavy numerical skew of the membership toward WG and NRW and that WG both drive the agenda and maintain the official record, assertions about Group agreements and advice need to be treated with caution and carefully scrutinised to ensure that independent members' views and advice have not been not overridden and their presence in the Group not exploited as a mechanism to rubber-stamp WG officials' views and proposals for presentation to the CS, particularly in the context of the CS's claimed "absolute" support for the Group and acceptance of its advice.

The specific assertion by GR that there was a lack of appetite amongst the MSG members for a proposed seven area funding model, because it was "too challenging for the management authorities", and the implication that the Group unanimously reject that option in favour of a "strategic" all-Wales solution was disingenuous and misleading since:

- both WG and NRW are two of those management authorities on the MSG and had considerable influence over the decision;
- the specific formula proposed equal contributions from all authorities regardless of their geographical or functional involvement in MPAs; thus a local authority with very limited relevant functions in a part of one MPA would have been required to contribute the same as authorities with functions across all MPAs (including NRW) and the list of proposed contributors excluded WG. It was this proposed formula that the independent members considered unfeasible rather than the principle of the seven area approach.

GR's clear evasion of Simon Thomas's direct question whether WG were prepared to make a financial contribution was indefensible.

Resources

The CS appeared to make contradictory assertions about whether she perceived funding for MPA management to be an issue or not, twice reversing her statements following input from

GR. This inconsistency undermines confidence in her statements.

The CS's assertions that NRW have sufficient resource to undertake their monitoring functions and other statutory duties, despite the evidence to the contrary from NRW and other witnesses to the inquiry, were misleading, unsupported by evidence and unsustainable. Her casual dismissal of NRW's and other witnesses' identification of resource shortfalls for site condition monitoring as "special pleading" was unacceptable.

WG's responses to questions about RAG funding, performance and spending were wholly uninformed:

- Throughout my time as a RAG EMS officer and, I understand, since, WG M&FD and NRW were kept fully appraised of what RAGs and their officers were doing, how they were working and what they were delivering; therefore the assertions that WG did not understand what they were doing are unjustifiable.
- The CS's claim that WG did not understand what RAGs (or their officers) were doing or delivering can only mean that she had not been informed by her officials.
- The attempt to suggest that money was being wasted on paying for office space when officers of all RAGs have been hosted as in-kind contributions by various relevant authorities around Wales for two decades is unacceptable.
- The assertion that some RAGs failed in NRW's bidding process for "project based" funding was entirely misinformed and inaccurate. No opportunity had been available to amend bids and, despite formal complaints, NRW had not permitted any appeal against rejections of bids.
- The reference to "NRW's" "prioritized improvement plans" failed to acknowledge that the information base for them was drawn mostly from RAG management schemes and the crucial role which RAG EMS officers had played in the prioritisation process.

Other comments

Through her reference to "favourable areas", a phrase which has no meaning in this context, the CS's inability to identify even one kind of MPA by name suggests poor knowledge and understanding, and that she regards the issue with inadequate seriousness.

WG's response to the question on the division of responsibilities between conservation and other functions within M&FD was scarcely credible. Whilst the CS was unable to make a split, GR claimed that the whole Division is engaged in the conservation function in one way or another but gave no explanation or evidence in support. My personal experience of the Division since it's creation makes his statement very difficult to accept. However, GR's response to the follow-up question ("it's all about sustainable management of natural resources") emphasizes the points made above, that WG's focus is on economic outcomes from MPAs at the expense of the conservation and environmental protection objectives of MPA legislation and conventions.

The CS's reference to commissioning research was an inappropriate answer to the question about site condition monitoring and it suggested a lack of knowledge or understanding of the range and amount of marine environmental monitoring carried out to enable reporting on the condition of designated MPAs.

The reference to collaboration with the JNCC (Joint Nature Conservation Committee, not, as stated, Commission) and the country conservation agencies in respect of condition monitoring and beginning work which will bear fruit later this year is misleading. The

agencies have been collaborating and working to common standards for almost 20 years; it is therefore unclear to what GR referred.

Whilst Jenny Rathbone made it clear the fisheries protection vessel days-at-sea statistics I had referenced were for the former South Wales SFC district, the figures Andy Fraser quoted in rebuttal were for overall, all-Wales, days at sea (*ie*. including former North Wales SFC district); *ie* they are not comparable.

Throughout my time as a RAG EMS officer, WG officials repeatedly claimed during meetings that they simply represent their Minister's views and were unable to make to agreements without Ministerial clearance. Of course it was recognized that such "Sir Humphrey" assertions of merely being humble functionaries belied the influence of civil service officials. Nevertheless, it was transparently clear during this session how much they influence and shape those Ministerial views.

Since it appears that the CS is so highly dependent on her civil servants for advice, guidance and information, I can only assume that the errors and misrepresentations she made during this session were largely based on briefings from her M&FD officials. I find it both very difficult to understand why, and indefensible that civil servants should be so disingenuous and labour so transparently to circumvent both the letter and spirit of the relevant marine environmental legislation (both UK and international) and cherry-pick objectives from WG legislation (particularly WBFGA) and policy.

To be brutally frank, I find the obvious dishonesty exhibited to be an insult not only to the intelligence of the Committee, but also to the honorable witnesses that gave scrupulous evidence during this inquiry, to the hard work and effort of the many officers and management authority representatives that have striven to deliver MPA management for many years whilst being undermined by WG officials and, lastly, to the future generations whose living environment the WBFG Act is intended to protect.

To fully identify all the dissembling from the WG session would take me several more pages but I am conscious I have trespassed on your patience sufficiently already. I would be pleased to expand on or further explain any of the foregoing points on request.

Should this letter be placed on the public record, I would be grateful if my personal contact details were redacted.

Yours sincerely,

[redacted]

Blaise Bullimore

Annexe. Extracts from the **CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010**

Interpretation
3.—(1) In these Regulations—
"the **appropriate authority" means** the Secretary of State in relation to England, and the **Ministers in relation to Wales**

Competent authorities
7.—(1) For the purposes of these Regulations, "competent authority" includes—
(a) any Minister of the Crown (as defined in the Ministers of the Crown Act 1975(**a**)), government department, statutory undertaker, public body of any description or person holding a public office;
(b) the **Welsh Ministers**;

Exercise of functions in accordance with the Habitats Directive
9.—(1) The **appropriate authority** and the nature conservation bodies **must exercise their functions under the enactments relating to nature conservation so as to secure compliance with the requirements of the Habitats Directive.**

(3) **A competent authority must, in relation to a marine area, exercise any of their functions which are relevant to marine conservation so as to secure compliance with the requirements of the Habitats Directive.**

36.—(1) The relevant authorities, or any of them, **may** establish for a European marine site a management scheme under which their functions (including any power to make byelaws) are to be exercised so as to secure in relation to that site compliance with the requirements of the Habitats Directive.

Cysylltu Amgylchedd Cymru
Wales Environment Link

Baltic House / Tŷ Baltic, Mount Stuart Square / Sgwâr Mount Stuart, Cardiff / Caerdydd, CF10 5FH
☎ : 02920 497 509 www.waleslink.org enquiry@waleslink.org

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

11 May 2017

Dear Cabinet Secretary,

Wales Environment Link has developed its Key Asks for Sustainable Land Management (as previously shared with you and attached). We also endorse the following principles for securing a sustainable future for our countryside, developed in collaboration with environmental NGOs across the UK.

1. **A shared countryside**
We all have a stake in our countryside. We need an open and inclusive debate about its future to develop policies that reflect society's shared needs.

2. **Nature everywhere**
We need a healthy, thriving natural environment across the whole of the countryside, not just in protected areas. Public policy is integral to efforts to halt declines in wildlife and the wider environment, and should drive restoration at a landscape scale.

3. **For future generations**
Policies must ensure that our countryside is managed in a way that addresses the challenges of the future, particularly climate change, so that each generation leaves the environment in a better state than they found it.

4. **Value for money**
Taxpayers' money should be invested in public benefits that the market does not provide, including healthy soils, abundant wildlife, better animal welfare and beautiful places for people to enjoy. In the long term, the market needs to better complement public funding, making it profitable and rewarding to manage land sustainably for both private and public benefit.

5. **Unacceptable to harm nature**
We need a strong legislative baseline to safeguard the natural environment, and protect the interests of society. These simple rules should apply everywhere irrespective of payments, with properly resourced and effective enforcement.

6. **Easy to help nature**
Simple systems for accessing the right financial support, underpinned by trusted advice, will make it easier for farmers, foresters and land managers to restore and integrate the environment into their businesses. Rewards should be related to outcomes: those that deliver greater public benefit should receive greater public support.

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7. **Fair to farmers**
The government should ensure farmers receive a fair share of the profit generated in the supply chain, creating more resilient farm businesses. We must all contribute toward greater public understanding of where food comes from, and how it is produced.

8. **Built on strong evidence and past success**
Future policies should build on successful agri-environment schemes, drawing on evidence and experience of how to reverse declines in nature, and secure ecosystem services vital to farming and wider society. A well-resourced programme of research and monitoring will facilitate continuous improvement.

9. **Coherent with other policy areas**
There must be clear and coherent objectives, targets and milestones that are much better aligned with other areas of policy such as trade, food procurement, public health, heritage, tourism and climate change.

10. **The right action at the right scale**
By using data to understand the environmental, social and cultural value of different places, we can ensure action is targeted in the right way. Coherent action at landscape scale, for instance a catchment-based approach, would make sure policy was relevant to local needs and contributed towards regional and national environmental objectives.

Wales Environment Link's Land Use and Biodiversity Working Group were pleased to input to the Climate Change, Environment and Rural Affairs Committee's Inquiry into the Future of Agricultural and Rural Development Policies in Wales. Whilst we feel the Committee's report, *The Future of Land Management in Wales* (March 2017), could have gone further, we would like to take this opportunity to comment on certain recommendations that were made.

Recommendation 15. *The Welsh and UK Governments should ensure a transition period for future funding arrangements equivalent to the duration of the remainder of the current and the next CAP funding cycles.*

WEL supports the need for a transition period that is sufficient to foster active adaptation amongst land managers to new arrangements.

Recommendation 16. *The Welsh Government should develop a system of basic support that is more aligned to sustainable outcomes whilst producing high quality food. The introduction of such a system should be subject to a transitional period through to the end of the next CAP cycle.*

WEL believes that support should be on the basis of public benefit, as per our principle 4. Therefore, we endorse the part of this recommendation that emphasises alignment with sustainable outcomes.

Recommendation 17. *The Welsh Government should prepare a plan for the dairy industry, in consultation with producers, distributors and retailers. This plan should identify how the sector can make the transition from the current funding model to a system of support based on sustainable outcomes.*

We endorse this recommendation, which we believe should have a beneficial impact in making the dairy industry's impact on water quality in Wales more sustainable. This recommendation should be widened to other sectors to ensure removal of externalised costs is embedded in a sustainable future and the cumulative effects of agricultural intensification on our natural resources are recognised and mitigated or prevented.

Recommendation 18. *The Welsh Government must ensure that future funding for land managers is based on the delivery of outcomes which contribute to the ambitious targets for climate change adaptation and mitigation set out in Welsh legislation such as the Environment (Wales) Act 2016 and the Well-being of Future Generations (Wales) Act 2015.*

We fully endorse this recommendation.

Recommendation 19. *The Welsh Government must progress as a matter of urgency its proposals on natural flood mitigation and prevention.*

We endorse this recommendation, which should provide impetus for important natural mitigation and prevention measures, such as the restoration of peatland and an increase in native woodland cover.

Recommendation 23. *Future funding for land managers should support the delivery of outcomes which maintain and enhance biodiversity in Wales and also promote a spatial approach to land management, any such approach should support the delivery of the objectives of the Welsh Government's Nature Recovery Plan.*

We fully endorse this recommendation.

Recommendation 24. *We recommend that future support for land managers in Wales rewards land managers for improving access to the countryside. Funding should also reflect the extent to which access routes are maintained and promoted.*

We fully endorse this recommendation.

WEL hopes that the aspects of the recommendations endorsed above can be taken forward. We see the new Natural Resources Policy and forthcoming Area Statements as mechanisms for doing this, which should enable Wales to fully integrate its land management aspirations and environmental responsibilities for the benefit of present and future generations.

Yours sincerely

Russel Hobson
Chair of WEL's Land Use and Biodiversity Working Group

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Key headline asks for future land management support in Wales

24th November 2016

Set out below are six key asks calling for a future land management system in Wales that applies the principles enshrined in Welsh law to all forms of land management. As we transition out of the EU, we must move towards new policies and payment systems that enable Wales to fully implement these principles in order to support a biodiverse natural environment with healthy functioning ecosystems.

1. The Welsh Government must be able to set land management support in context of its own legislation – the Well-being of Future Generations Act and the Environment (Wales) Act - and provide a place-based approach through the National Natural Resource Policy and Area statements.
2. We want to see environmental standards that are stronger than they are now, and the Welsh Government calling on the UK Government to provide strong leadership on environmental standards at an international level.
3. There should be a financial settlement for Wales to enable the full delivery of environmental objectives. A settlement based on the Barnett formula would result in less funding than currently comes to Wales and consequently would be an insufficient allocation of funds to enable the transition to a sustainable future for the Welsh environment.
4. Pillar 1 payments are unsustainable and should not be taken forward into future support mechanisms. In the context of Welsh legislation, public money should only be made available for delivery of public benefits. There should be an end of support to farming and forestry that externalises costs as this compromises Wales' ability to deliver sustainable management of natural resources and invest in restoration of ecological resilience to deliver the greatest public benefit.
5. Build a robust and well-resourced enforcement system based on high minimum standards.
6. Alongside delivery of public benefit, there should be a move to developing new and innovative supply chains for existing and new quality sustainable products. This will require upskilling of land managers to encourage innovation.

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

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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.

This paper represents the consensus view of a group of WEL members working in this specialist area. Members may also produce information individually in order to raise more detailed issues that are important to their particular organisation.

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