



EVIDENCE TO THE ENVIRONMENT AND SUSTAINABILITY COMMITTEE INQUIRY INTO MARINE POLICY IN WALES

24th January 2014

Wales Environment Link (WEL) is a network of environmental and countryside 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. Its vision is to increase the effectiveness of the environmental sector in its ability to protect and improve the environment through facilitating and articulating the voice of the sector.

This evidence is submitted by WEL's Marine Working Group (MWG) consisting of the following member organisations – Marine Conservation Society (MCS), RSPB Cymru, WWF Cymru and Wildlife Trusts Wales.

WEL welcomes this opportunity to present written evidence to the Environment and Sustainability Committee's review of progress with marine policy in Wales. We have focused our comments on the top-line issues and the progress made since the Committee published its recommendations in January 2013. We look forward to elaborating on our written submission at the Committee's oral evidence session.

General Comments

WEL believes that the publication of the Welsh Government's Marine and Fisheries Strategic Action Plan represents progress and presents positive opportunities to sustainably manage the land and sea in an integrated manner through an ecosystem based approach (EBA). However, we are disappointed that these initiatives are not reflected in the Government's wider programme of work on the environment and natural resources in Wales (e.g. the Environment Bill) and we feel that the consultations associated with these work areas have not given sufficient consideration to the marine environment.

WEL has previously expressed these concerns to the Committee, and we would like to reiterate that the Welsh marine environment, at over 15,000km², both represents a considerable component of Wales' geographical area and provides a wide range of valuable ecosystem goods and services essential to the Welsh economy and the nation's health and well-being. WEL believes that it is critical that marine management be afforded the necessary level of political focus and vital resources to ensure effective management of Welsh seas, in order to deliver UK and Welsh Government's shared vision of clean, healthy, safe, productive and biologically diverse seas.

Marine Planning

WEL welcomes the proposals within the Wales Marine and Fisheries Strategic Action Plan to start on the process for marine planning this financial year. Scotland have already consulted upon their National Marine Plan and the MMO have started their second round of marine planning, with a focus on England's south coast. The previous administration consulted on Wales' approach to marine planning in February 2011, but we have seen little evidence of progress since then.

We are encouraged, therefore, that Welsh Government intends to develop a Welsh National Marine Planning Process (WNMP) by 2015, although we remain deeply concerned over Welsh Government's ability to deliver a meaningful, fit-for-purpose plan within this challenging timeframe. Based on evidence from the first round of marine planning on the English east coast the MMO have revised their timescale for marine plan production to 2 years and 9 months to allow more time to develop the evidence base, engage and involve stakeholders, make planning decisions and plan production.

WEL is keen that the WNMP, despite its inevitable high-level strategic focus, will add real value to the existing Marine Policy Statement and provides a useful framework for sustainable decision-making for Welsh seas. We therefore support Welsh Government's intention and remain committed to working with Government and other stakeholders in elaborating the plan.

WEL is concerned by the frequent references made by Welsh Government to *Blue Growth* in the context of marine planning. Marine planning should support sustainable development, not growth at any costs; it should be recognised that in some instances development may not always be possible or advisable in the context of achieving sustainability. It should also be recognised that healthy ecosystems provide the foundation for sustainable development and lasting economic benefit. It is critical therefore that marine planning adopts an EBA to the management of human activities, by strategically considering the in-combination and cumulative impacts of different uses within the marine environment.

Marine planning should introduce an evidence-based system for the sustainable management of marine resources. It goes without saying that marine planning should always rely upon the best available data and we welcome Welsh Government's intention to undertake a strategic scoping exercise to identify the evidence base for marine planning; we look forward to engaging in that exercise. It should be recognised that there are still significant uncertainties and gaps in our understanding of ecosystem functions and the cumulative impacts of our activities. In such cases marine planning should adopt a precautionary approach until such gaps in our understanding are addressed.

Welsh Government should not underestimate the extent of public interest in the marine planning process. The recent MMO consultation on the East Coast Marine Plans generated more than 100 responses, containing over 2,000 individual comments. Many groups, organisations and individuals were also involved in public drop-in sessions held during the summer throughout the East plan area, ensuring as many people as possible had chance to contribute to the planning process. It is essential therefore that Welsh Government learn the lessons from the failed MCZ engagement process and set out the appropriate stakeholder engagement arrangements for marine planning in the Statement of Public Participation. We look forward to commenting on this consultation in the coming weeks.

In WEL's view the recent Welsh Government's consultation on the Environment Bill White Paper failed to make the links clear between the area-based approach for the sustainable

management of natural resources and the importance of embedding any marine action within the evolving marine planning process. In the same way, whilst the recently published 'Wales Marine and Fisheries Strategic Action Plan' sets out the Welsh Government's approach to implementing an ecosystem-based approach in the marine environment, the links to the wider natural resource management agenda need to be much more explicit. An important component of this area-based approach for the marine environment is the contribution that an ecologically coherent network of Marine Protected Areas (MPAs) can make to ecosystem based management goals, specifically by reducing the cumulative impacts of stressors on marine ecosystems.

Delivering towards Ecologically Coherent Network (ECN)

Welsh seas have a pivotal role in contributing to an Ecologically Coherent and Representative Network of well-managed Marine Protected Areas as required under the Marine Strategy Framework Directive (MSFD). Marine Protected Areas (MPAs) are essential to the conservation and recovery of the marine environment and the wildlife it supports, whilst allowing sustainable and legitimate use of our seas to continue. Independent research has demonstrated that healthy marine ecosystems play a direct role in supporting key marine industries, including fisheries and tourism.

Such a network needs to include representative, rare, unique and nationally important species or habitats. Under the Marine & Coastal Access Act, Welsh Government originally expressed their intention to identify and designate protected sites by 2012, to contribute to a UK-wide, well-managed and Ecologically Coherent Network (ECN) of MPAs. The ecologically coherent MPA network is to be made up of sites of national importance, i.e. Marine Conservation Zones (MCZs), and sites of EU importance, i.e. Special Protected Areas (SPAs) and Special Areas of Conservation (SACs) designated under the EU Birds and Habitats Directives respectively, as well as marine components of existing Sites of Special Scientific Interest (Wildlife & Countryside Act 1981) and Ramsar sites (Ramsar Convention), plus MPAs in Scottish territorial waters (under the Marine (Scotland) Act 2010) and sites to be designated in Northern Ireland's territorial waters.

The MSFD requires delivery of a well-managed ECN by 2016 in order to contribute to the achievement of Good Ecological Status (GES) of our seas by 2020. Therefore it is paramount that Wales works closely with the UK to ensure that sites are identified, designated and have the management and enforcement proposals in place to meet these important deadlines. We are aware that discussions are happening at a UK level between the UK Government, devolved administrations and JNCC in relation to the coherence of the MPA network, including important research that will allow us to assess the adequacy of the network based on existing and proposed sites.

Welsh Government is still to enact part 5 of the Marine and Coastal Access Act, and is awaiting the findings of the JNCC work on delivering a UK ECN before doing so. WEL is concerned that slow progress in gathering the evidence needed and the actual delivery of future sites, including potential MCZs, to complete the network will hamper efforts to achieve the 2016 and 2020 MSFD targets.

MPA management

The EU Habitats and Birds Directives form the cornerstone of Europe's nature conservation policy. The Habitats Directive states "*A coherent European ecological network of special areas of conservation shall be set up under the title Natura 2000*", however Wales has still to

complete the network of marine Natura 2000 sites, with a number of European Protected Species, including seabirds and cetaceans, lacking adequate protection.

An incomplete Ecologically Coherent Network has further ramifications for Wales' ability to meet requirements of the EU Marine Strategy Framework Directive (MSFD). The first of which is to "*Establish spatial protection measures that contribute to a coherent and representative network of marine protected areas, adequately covering the diversity of the constituent ecosystems*", with a statutory duty to report on progress towards this requirement by 2013. It is our view that the EU Habitats and Birds Directives are key delivery mechanisms for this, and as such effective management of the Welsh MPA network is essential.

Whilst progress appears to have begun on delivering against targets for additional sites, management of existing sites is also needs to be addressed. It is therefore essential that Welsh Government makes urgent progress in securing effective management, monitoring and enforcement of existing sites. If the right approach is taken, with the correct management structure in place, Wales will be in a strong position to deliver the EU MSFD target of GES for Welsh waters by 2020.

Evidence Collection

Within the Committee's recommendations there was a clear wish for Welsh Government to identify existing data sources to underpin the marine planning process in Wales. The committee also recommended Welsh Government explored opportunities to work with industry, university research centres and the Third sector to co-ordinate data collection efforts.

Proposals for the UK's Marine Monitoring Programme under the MSFD are currently being consulted upon, which seeks views on whether proposed monitoring programmes are sufficient to meet the requirements of the Directive. The consultation presents a number of proposals to utilise existing monitoring programmes to fulfil these requirements as well as the need for additional programmes to monitor progress towards GES. WEL will be contributing from a Welsh perspective to a Joint Links response to this consultation.

Whilst Welsh Government has commissioned new research on target and non-target fish stocks, the reliance on existing data gathering techniques limits the opportunities to inform other important policy areas such as the development of marine spatial planning and protected site management. The development of a publicly available marine data portal, hosted by NRW or Welsh Government with data sources checked and quality-assured, would in our view help to develop a shared, standardised marine data resource to inform and support delivery of Welsh marine policy. It would also help identify knowledge/data gaps ensuring that resources can be better targeted to where they are most needed.

During the Environment and Sustainability Committee evidence session on the Environment Bill White Paper, the option for NRW to recoup costs on marine licence fees was explored. We support the option of cost recovery through this, and hope that licence fees can be varied to incentivise applicants to submit more sustainable projects. It is our view that data collected to support a marine act licence application should be shared within such a portal, commercial sensitivity limitations allowing, to ensure the database is holistic and representative.

Stakeholder engagement

The task ahead of Welsh Government and its statutory body, to deliver the objectives of MSFD, marine planning, and its obligations under existing legislation such as the Habitat

Regulations, and the Water Framework Directive, is a large task requiring adequate resourcing and decisive leadership.

We strongly believe that there is need to identify a clear and permanent mechanism for stakeholders' views to be heard and incorporated into the development of the marine governance programme. It is only with stakeholder 'buy in' that Welsh Government will deliver on its legal requirements, given the lack of resources available and financial austerity. Currently, stakeholders are fully engaged with the marine "process" through mechanisms such as the Stakeholder Focus Group established in response to the Marine Conservation Zone (MCZ) Project, and we feel it is important to ensure that the positive momentum achieved through this group is maintained. The role of this group in relation to the Wales Coastal and Maritime Partnership (WCMP), which was put on hold since March 2013, needs to be further considered and made clear to stakeholders.

The Welsh Government MCZ Task and Finish Team (TFT) report in 2013 constructively highlighted a need for Welsh Government to continue working collaboratively with stakeholders in delivering the marine programme in Wales and, in particular, the recommendation that "Major stakeholder groups should be represented in the project governance structure to give guidance at each step of the process."

We hope that the upcoming Statement on Public Participation (SPP), the first step in the development of the Wales Marine Plan, identifies mechanisms required to actively engage and utilise stakeholder knowledge and understanding of the Welsh marine environment. WEL also feels that better use should be made of existing multi-interest groups such as the Inshore Fisheries groups, Wales Marine and Fisheries Advisory Group, and local coastal forums (such as Pembrokeshire Coastal Forum and the Severn Estuary Partnership). These groups represent a diverse range of interests, and should in our view have specific work programmes that help deliver/add value to Welsh Government's priorities set out in the Marine and Fisheries Strategic Action Plan.

Resourcing

The comments made above have obvious implications for resource allocation within Welsh Government if it wishes to fulfil its statutory obligations. Since the Environment and Sustainability Committee made its recommendations in January 2013, there have been positive changes within the delivery teams of the Marine and Fisheries divisions; namely a merger of the two marine and fisheries teams and secondment of a number of NRW staff to aid in the delivery of the Marine and Fisheries Strategic Action Plan. We welcome these changes, which we consider to be important for integrated policy-making, and the consequent increase in capacity within the new Marine and Fisheries Division.

However WEL is concerned that without additional resourcing, clearly allocated within the relevant budget, there is a real risk that the ambitious targets and objectives set out within the Marine and Fisheries Strategic Action Plan, will falter.

Whilst we appreciate that in these austere times additional resource is difficult to guarantee, we would ask Welsh Government to consider the delivery of the marine programme of work in the wider context and across the cabinet portfolio. By recognising, and investing, in the delivery of the marine programme, Wales will be able to realise the wide range of valuable ecosystem goods and services critical to the Welsh economy and the nation's health and well-being delivered from a healthy marine ecosystem.

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