

Climate Change, Environment and
Rural Affairs Committee

**Turning the tide?
Report of the inquiry into the
Welsh Government's approach
to Marine Protected Area
management**

August 2017



National Assembly for Wales
Climate Change, Environment and Rural Affairs Committee

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The Committee was established on 28 June 2016 to examine legislation and hold the Welsh Government to account by scrutinising expenditure, administration and policy matters, encompassing (but not restricted to): climate change; energy; natural resources management; planning; animal welfare and agriculture.

Current Committee membership:



Mike Hedges AM (Chair)
Welsh Labour
Swansea East



Gareth Bennet AM
UKIP Wales
South Wales Central



Jayne Bryant AM
Welsh Labour
Newport West



Huw Irranca-Davies AM
Welsh Labour
Ogmore



Siân Gwenllïan AM
Plaid Cymru
Arfon



David Melding AM
Welsh Conservative
South Wales Central



Jenny Rathbone AM
Welsh Labour
Cardiff Central



Simon Thomas AM
Plaid Cymru
Mid and West Wales

The following Members were also members of the committee during this inquiry.



Mark Reckless AM (Chair)
UKIP Wales
South Wales East



Vikki Howells AM
Welsh Labour
Cynon Valley

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Chair's foreword

The Welsh marine environment makes up over half the area of Wales and is home to some of the most biologically diverse habitats and species in Europe. To reflect the importance of protecting these species, two-thirds of Welsh waters are designated in some way.

The current condition of our Marine Protected Areas (MPAs) needs to be addressed urgently. Wales needs a bold and ambitious vision for protecting our seas for future generations. We face a significant challenge but Wales has the opportunity to show global leadership in this area.

We carried out this inquiry to see whether or not that protection is being properly delivered by a range of management authorities, with the Welsh Government ultimately responsible.

Our key recommendation is that the Welsh Government must provide the necessary political priority, leadership and funding to enable action nationally and locally. We have recommended that a Marine Protected Areas Strategy is drawn up to demonstrate how these areas will be dealt with nationally and locally. The Welsh Government must ensure that there is sufficient staffing resource, both on the ground and internally, to be able to progress this agenda.

In the longer term, the withdrawal from the European Union (EU) will bring opportunities and challenges. It is vital that we in Wales can design policies that are tailored to protect our seas, but there must be no reduction in, or loss of, protection. Importantly, this will require funding and we need to know that it will be available in the future.

We know that the people of Wales value the Welsh Government's commitment to sustainable development and appreciate the delicate balance which has to be struck between protecting fragile ecosystems and ensuring Wales can benefit from the economic opportunities offered by the marine environment. The Environment (Wales) Act 2016 and the Well-being of Future Generations (Wales) Act 2015 are designed to meet this challenge and should be the framework for ensuring the biodiversity of Welsh seas is maintained and enhanced for people to enjoy in the future.

We thank all those who participated in this inquiry and the Committee will return to some of these topics as we look into the implications of leaving the EU in more detail. The National Marine Plan for Wales is a test of how we implement the environmental legislation passed by the National Assembly for Wales, so it will also be assessed as part of our ongoing post-legislative scrutiny work.

Recommendations

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.

..... Page 21

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;
- bring forward proposals for funding an area-based approach, with each management area having a dedicated officer; and
- 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. Page 21

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. Page 21

Recommendation 4. The Welsh Government should develop an enforcement strategy, based on risks, which addresses all pressures on MPAs - including water quality; litter; recreational pressures; fisheries and unregulated marine resource gathering - and should move quickly to implement management measures in MPAs where there are known risks. Page 22

Recommendation 5. The availability of data, evidence and research is central to MPA policy development and management. The Welsh Government should establish a Wales marine science partnership to bring together industry, academia and stakeholders. The Welsh Government must also ensure it has in

place effective data and research for MPA management, including monitoring and surveillance. Page 30

Recommendation 6. When designating MPAs in the future, the Welsh Government should set out the resources necessary for the associated management, monitoring, surveillance and enforcement that site(s) will require and how such resources will be provided. Page 30

Recommendation 7. The Welsh Government should define its understanding of an Ecologically Coherent Network of MPAs in Welsh waters and work with stakeholders to address gaps in the network. Page 30

Recommendation 8. A cornerstone of MPA management is recourse and access to justice. The Welsh Government must ensure that future arrangements in are in line with the Aarhus Convention and not prohibitively expensive for applicants. Page 35

Recommendation 9. The Welsh Government must assess the likely impact of exiting the European Union on Welsh MPAs, including whether designation and management can be harmonised, and commit to no loss of protection under future arrangements. It must also seek agreement with the UK Government about how marine environmental protections will be managed coherently in cross-border marine areas. Page 36

Recommendation 10. 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. Page 36

Recommendation 11. The Welsh Government should work with the UK Government to ensure Wales’ fisheries resources and the interests of the Welsh fleet are fully protected in Brexit negotiations. Future Welsh fisheries management arrangements should take into account the Wales National Marine Plan and a Welsh MPA strategy. Page 36

Recommendation 12. The Welsh Government must explain how it intends to address the potential shortfall in funding for MPA work that is currently met by EU funds, such as the European Maritime and Fisheries Fund and LIFE-Nature. Page 36

01. Methodology and terms of reference

Introduction

1. Marine Protected Area (MPA) is the collective term for all forms of protected nature conservation sites in the marine and coastal environment. They are geographically defined and formally recognised through legal or other effective means, such as voluntary approaches. MPAs are the primary tool to conserve biodiversity whilst acknowledging the multi-use nature of the marine environment through the sustainable management of natural resources.

Terms of reference

2. The purpose of the inquiry was:

- to assess the management of Welsh Marine Protected Areas with a view to identifying opportunities to maximise the economic, social, environmental and cultural benefits that can be derived from them; and,
- to understand what the implications of exiting the European Union will be for Marine Protected Areas and to identify any issues that will need to be addressed during the exit process.

Approach

3. The Committee received 23 written responses and invited witnesses to meetings to explore in more detail the issues raised in those responses. These witnesses are listed at Annexes A and B.

4. In addition, 859 responses were submitted to the public survey which ran from 2 January to 23 February 2017. This survey is published on the Committee’s web pages.

5. In January 2017, a Committee delegation visited Dublin to discuss marine policy issues with the Marine Institute.¹

6. In March 2017, the Committee visited Milford Haven to learn more about the Welsh Government’s enforcement and surveillance responsibilities and operations; meet key stakeholders associated with the Pembrokeshire Marine Special Area of Conservation (SAC), and to examine local management issues within the site.

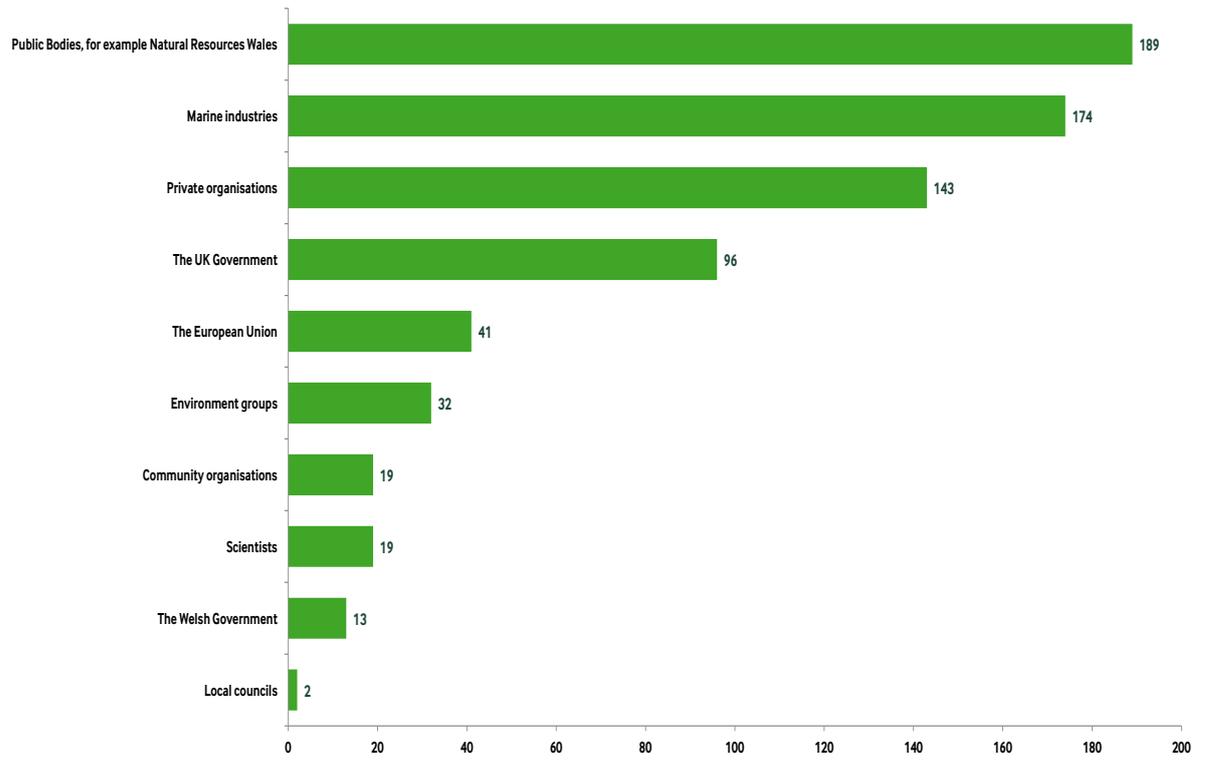
Survey responses on managing Welsh seas²

We carried out a public survey to ask people in Wales their opinions on Marine Protected Areas in the Welsh seas. When we asked them the question “When it comes to managing and protecting our seas, who is best placed to do it?”, the majority said public bodies and marine industries should take the lead. The first chapter of this report deals with leadership.

Total number of responses: 728

¹ www.marine.ie

² Source: National Assembly for Wales Outreach Team Survey, June 2017



02. Strategic direction and leadership

In this chapter, the Committee considers the role of the Welsh Government in providing leadership and the steps that should be taken to improve the future of MPA management in Wales. The Committee also sets out how engagement with individuals and organisations can be improved.

Strategic direction

7. The Welsh Government explained the structure for the management of MPAs in Wales:

“Welsh Ministers have overall responsibility for securing effective management of our MPAs, however, no one organisation is responsible for managing our MPAs. Management is the responsibility of a number of organisations generally known as management authorities, who have statutory obligations to manage our seas or are significant seabed or coastal land owners.”³

8. Natural Resources Wales (NRW) explained that the overall purpose of MPA management is:

“... to achieve and sustain favourable condition of the features and sites; this in turn has an impact on the health and functioning of the whole marine environment.”⁴

9. Responsibility for the identification, designation and management of Welsh MPAs is complex due to the range of designations, their mixed domestic and European legal underpinnings and the spread of competence across UK and devolved administrations for different marine areas.

10. Welsh Ministers are currently responsible for MPAs within Welsh territorial waters only (Welsh inshore waters from the mean high water mark to the 12 nautical mile territorial seas limit). The UK Government is currently responsible for Welsh offshore waters (waters between the 12 nautical mile territorial seas limit and the UK Ireland median line or the Northern Ireland adjacent waters limit). The Wales Act 2017 sees further devolved powers pertaining to the marine environment, including powers to designate Marine Conservation Zones (MCZs) in the Welsh offshore region.

11. As the nature conservation body in Wales, NRW is responsible for the identification and provision of advice in respect of marine nature conservation designations in the Welsh inshore waters. The Joint Nature Conservation Committee (JNCC) is currently responsible for identifying and providing conservation advice on MPAs in UK offshore waters. JNCC provides advice to the UK Government and the devolved administrations on marine Special Areas of Conservation (SACs), marine Special Protection Areas (SPAs) and Marine Conservation Zones (MCZs) for these areas.

12. In 2014, the Welsh Government established an MPA Steering Group comprising the main management authorities. The purpose of the group is ‘championing and providing strategic oversight for MPA management’. Its remit is:

“To secure effective management of MPAs in Wales that ultimately improves the condition of our MPAs by assisting with the delivery of MPA management

³ Welsh Government written evidence

⁴ Natural Resources Wales written evidence

actions, safeguarding marine biodiversity, the wider ecosystem and the socio-economic benefits for Wales.”⁵

13. The Steering Group includes representatives from local government, National Park Authorities, water and sewerage bodies and port and harbour authorities. A Special Area of Conservation (SAC) Officer also sits on the group to provide technical advice and support.⁶ The group has been tasked with producing an MPA management improvement plan which has not yet been produced.

14. There was a strong call from contributors to the inquiry for greater strategic leadership from the Welsh Government. There have been calls for greater leadership for some time. In its evidence to the predecessor Environment and Sustainability Committee’s inquiry into marine policy in 2012, the Countryside Council for Wales sought a greater lead from the Welsh Government on MPA management. The report of the Committee’s inquiry concluded that there was a:

“... need for a stronger lead in MPA management to achieve a more coherent and focused approach to management of the network.”⁷

15. In response to this current inquiry, Professor Warren from Aberystwyth University commented that the Welsh Government is not “strong enough in its ideas as to what it actually wants at the moment to be able to give the lead to people to do that”.⁸ Alec Taylor from Wales Environment Link (WEL) said:

“... there could be more joined-up thinking at the higher level to actually give marine protected areas the attention and the priority that they perhaps deserve.”⁹

16. Sue Burton and Alison Palmer Hargrave, European Marine Site Officers, reiterated the opinion that there should be more joined-up thinking, and added that improved leadership and strategic direction by the Welsh Government was necessary to support local delivery of MPA management. Gill Bell from WEL said:

“... we now have the Wales marine plan being developed, which is great; we also have the natural resources policy; and [the Cabinet Secretary] also mentioned that we have a fisheries policy. My concern is that there isn’t this overall strategic plan as to how all those are going to work together.”¹⁰

Staffing and resources

17. There was a consensus in the evidence about the need for greater resource, in terms of staffing and finance, to enable sustainable management of MPAs. Wildlife Trusts Wales commented that those officers who are responsible for implementing Special Areas of Conservation management “have lacked secure investment. Funding is often ‘piecemeal’ in nature, with ramifications for the

⁵ Welsh Government written evidence

⁶ Welsh Government written evidence

⁷ Environment and Sustainability Committee, [Inquiry into Marine Policy in Wales](#), January 2013

⁸ CCERA, 1 February 2017, para 87

⁹ CCERA, 30 March 2017, para 7

¹⁰ CCERA, 30 March 2017, para 9

scope of conservation measures and long term monitoring”. It highlighted that “NRW has had cuts in both resources and staff and a 15% budget reduction in the last two years”.¹¹

18. The Seabed User & Development Group said:

“We believe that more could be done to provide strategic direction, but that it is not just a matter of more resources, it is also about more effective use of existing resources and better use of information; but we would also say that there is insufficient of either at present to do the job properly.”¹²

19. In terms of the impact which this has had, ClientEarth commented on the effect of a lack of resources on leadership:

“The management of Welsh seas has not received sufficient resource and strategic direction. Both the Welsh Government and Natural Resources Wales (NRW) have suffered cuts and are seriously under-funded in the area of marine management. Combined with voluntary redundancies and staff re-structures resulting in a loss of resources and expertise, this has led to a serious loss of strategic direction.”¹³

20. Practitioners expressed frustrations that resources were inconsistent across MPA sites. For instance, Sue Burton, European Marine Site (EMS) Officer, said:

“... if you look at the resource particularly within Welsh Government at the marine and fisheries division, there are many more staff on the fisheries side than there are in the marine conservation area. There are quite a few marine expert staff within NRW, but, again, the capacity for them to be proactive in their work programme when they’re having to be firefighting and dealing with casework, and other things, is still a problem.”¹⁴

21. Pembrokeshire Marine SAC Relevant Authorities Group (RAG) said it believes that the balance of resources within the Welsh Government was “heavily biased towards fisheries”.¹⁵

Management frameworks

22. Management is a shared responsibility with the management of the different types of MPAs directly influenced by their associated legislative frameworks.

23. Witnesses discussed the need for sound management of MPAs that requires the implementation of effective management tools, locally and nationally. In written evidence, NRW advised:

“In summary, whilst the current management regime provides the tools for sustainable management of the marine environment, there remain delivery

¹¹ Wildlife Trust Wales written evidence

¹² Seabed User & Development Group written evidence

¹³ ClientEarth written evidence

¹⁴ CCERA, 30 March 2017, para 141

¹⁵ Pembrokeshire Marine SAC Relevant Authorities Group written evidence

challenges in relation to resources and prioritisation, and also the application of new legislation in the marine environment.”¹⁶

- 24.** The Committee heard evidence from Pembrokeshire Marine SAC RAG of a ‘lack of integration of plans and policies’ and of the need for greater integration between the various pieces of MPA related legislation, policy and action. For instance, NRW said “The different types of legislation and duties can lead to confusion or lack of understanding of an organisation’s responsibilities”.¹⁷ The Committee heard that, as work streams under the Marine Transition Programme, marine nature conservation, fisheries policy and natural resources policy are currently being taken forward in isolation of each other.
- 25.** Alec Taylor said he was ‘disheartened’ that the Wales National Marine Plan, being drawn up by the Welsh Government, appeared to be based around ‘strategic resource areas’. He thought that this approach did not take sufficient account of the impact of activities on Marine Protected Areas.¹⁸ Gill Bell said she considers that the plan will not give MPAs the “attention and the priority that they perhaps deserve”.¹⁹
- 26.** However, NRW considers that the forthcoming Marine Plan will be a key mechanism for MPA management, providing “integrated management frameworks”.²⁰
- 27.** NRW gave evidence on how it is addressing these gaps through its MPA Condition Improvement Project.²¹ This identified key challenges facing Welsh MPAs and the action needed. NRW explained to the Committee that, of the 200 identified prioritised actions, 70 are underway. It was not able to advise on delivery timescales.²²
- 28.** A commonly cited area of good practice, in terms of management and implementation, was the Relevant Authorities Group (RAG) model. However, stakeholders voiced concern that current piecemeal resourcing was threatening such activity. Alison Palmer Hargrave, EMS officer, explained, “we need sufficient funding and commitment to ensure an effective long term programme”.²³
- 29.** In terms of extending this good practice, the MPA Steering Group carried out a consultation of its members on how Welsh MPA management could replicate this area based approach. This included a number of options, including a local approach with seven management areas or a regional approach with two or four management areas.
- 30.** The EMS Officers, Sue Burton and Alison Palmer Hargrave, told the Committee that stakeholders had a preference for seven management areas in Wales, each with a site officer. This had been approximately costed at £50,000 per site, with additional monies required for delivering specific projects or outputs.

¹⁶ NRW written evidence

¹⁷ NRW written evidence

¹⁸ CCERA, 30 March 2017, para 6

¹⁹ CCERA, 30 March 2017, para 7

²⁰ NRW written evidence

²¹ <https://naturalresources.wales/about-us/our-projects/life-n2k-wales/life-n2k-reports/>

²² CCERA, 5 April 2017, para 180

²³ Pen Llŷn a'r Sarnau SAC RAG written evidence

31. Gill Bell commented that, despite the suggestion from the MPA Steering Group to move to a local area based approach of seven management areas each with an officer, the Welsh Government was unable to provide the necessary resources to enable such a move. She said:

“... that group has effectively had its hands tied because, although it made the recommendations that we had the seven special areas of conservation, and we had a consultation on it, they effectively have no resources in order to be able to implement that.”²⁴

Calls for regulation to manage pressures

32. The Cardigan Bay Special Area of Conservation RAG noted that current voluntary approaches to managing pressures within MPAs, such as Marine Codes of Conduct, required strengthening with statutory measures. This included tighter regulation of wildlife trip operators. The Pembrokeshire Marine SAC RAG considered that Wales “is certainly not making full use of all the management tools that are available”²⁵ to manage aspects such as recreational activities. The Cardigan Bay SAC RAG noted that the voluntary Marine Codes of Conduct required strengthening through statutory measures to support enforcement.²⁶

Enforcement

33. Half of those who responded in writing expressed significant concerns regarding a lack of surveillance and enforcement in Welsh MPAs. In reference to enforcement, Sue Burton, EMS Officer for Pembrokeshire Marine SAC, said:

“... there’s your hard enforcement and your soft enforcement. Hard enforcement comes down to Welsh Government and marine enforcement officers. It’s great to see that £5.8 million has been directed to some new enforcement vessels. So, that money has come from somewhere. I’m saying that’s a good thing, but it’s still a lot of money spent on enforcement, and it still needs to be continuous.”²⁷

34. Blaise Bullimore indicated that patrol days at sea by the South Wales Fisheries Patrol Vessel had dropped from a minimum of 100 days per annum under the previous Sea Fisheries Committees, to 32 days per annum in both 2013 and 2014, and to just 17 in 2015. ClientEarth stated it believes the Welsh Government has insufficient funds for adequate surveillance and enforcement, particularly in relation to fishing vessels under 12 metres in length, and a lack of data on fishing effort.²⁸

35. In response to a question on the enforcement action taken, an official from the Welsh Government, Andy Fraser, stated:

“In terms of overall figures for 2015, in terms of Welsh Government fisheries patrol vessels days at sea, the Welsh Government was only third to the Royal

²⁴ CCERA, 30 March 2017, para 48

²⁵ Pembrokeshire Marine SAC RAG written evidence

²⁶ Ceredigion County Council, Pembrokeshire Coast National Park Authority & Dŵr Cymru, of the Cardigan Bay Special Area of Conservation Relevant Authorities Group’s written evidence

²⁷ CCERA, 30 March 2017, para 180

²⁸ ClientEarth written evidence

Navy, and their two river-class vessels that patrol UK waters, and the Southern IFCA in England. For 2015, that's 89 days at sea for 2015 overall."²⁹

Area Statements

36. NRW has responsibility to produce Area Statements (AS)³⁰ under the Environment (Wales) Act 2016.³¹ Officials from NRW told the Committee it is awaiting the publication of the Natural Resources Policy before finalising its approach to producing Areas Statements. They told the Committee:

“There are differences between land and marine ecosystems and related management regimes that need to be recognised and may lead to ASs being developed differently for the marine environment to support sustainable management of marine resources. For example, the scale at which marine ecosystems function, and the dynamic and interconnected nature of the environment is very different to that on land ... we currently foresee the need for overlapping boundaries between a single marine AS that sits alongside, and integrates with, a number of terrestrial AS that also look out to sea providing catchment to coast management.”³²

On the issue of how Area Statements should cover Welsh seas, eight respondents supported the development of a national marine Area Statement, with the majority also suggesting that terrestrial Area Statements with a coastal frontage must consider marine issues. Two respondents - Wildlife Trusts Wales (WTW) and WEL Marine Working Group - suggested that in addition to a national marine Area Statement, there should be “sub-regional Area Statements covering and detailing local areas”.³³ In relation to the role of a national marine Area Statement, the WEL Marine Working Group told us “A national marine Area Statement would provide an evidence base to better understand and mitigate the impacts of ‘Blue Growth’... through addressing cumulative pressures ...”³⁴.

37. In contrast, the Welsh Fishermen’s Association stated “it would appear sensible to align Area Statements with Welsh local authority boundaries”. It cited three reasons for this view: firstly, the need to integrate them with planning consenting authorities; secondly, to maintain and enhance the existing link with SAC site officers and RAG structures; and, thirdly, given the highly dynamic nature of the marine environment, the scale of a national marine Area Statement would not work.³⁵

Survey responses on whether enough is being done to manage Welsh seas for the benefit of the people of Wales and future generations

Our survey respondents told us that not enough is being done to protect our seas.

Total number of comments: 576

²⁹ CCERA, 14 June 2017, para 43

³⁰ Area statements were brought in under the Environment (Wales) Act 2016 and are described as ‘Area Statements will be an important evidence base for bodies operating within an area as they will include information on the natural resources and the priorities, risks and opportunities for sustainably manage natural resources’.

<http://gov.wales/docs/desh/publications/160321-frequently-asked-questions-en.pdf>

³¹ www.legislation.gov.uk/anaw/2016/3/pdfs/anaw_20160003_en.pdf

³² NRW written evidence

³³ WTW written evidence

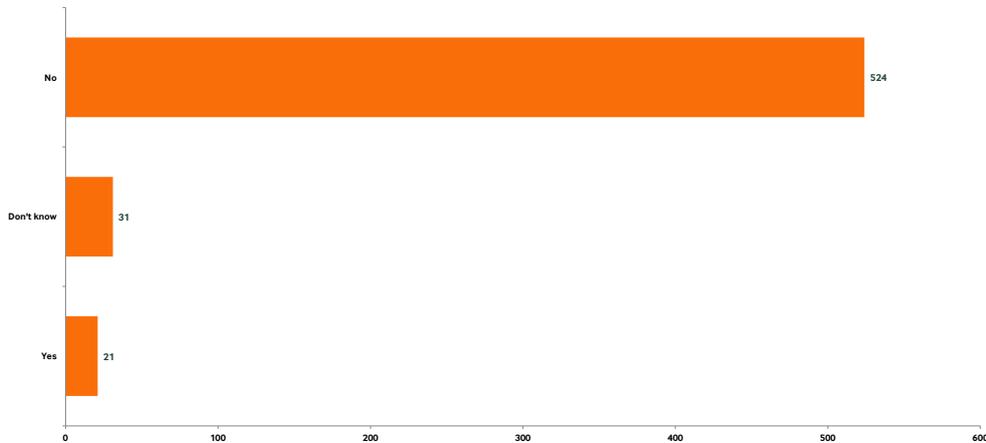
³⁴ WEL Marine Working Group Written evidence

³⁵ Welsh Fishermen’s Association written evidence

Yes: 21

No: 524

Don't know: 31



Stakeholder engagement

38. The critical importance of stakeholder engagement in MPA management was highlighted by respondents during this inquiry. Some witnesses, including Jim Evans of the Welsh Fishermen’s Association, said they feel that engagement practices by the Welsh Government and NRW have improved considerably since his experience of the highly protected MCZ consultation process.³⁶ Several witnesses, however, felt there was a need for the Welsh Government to do more to improve its culture of stakeholder communication and engagement. Wales Environment Link felt that it was “patchy, frustrating and ineffective”.³⁷

39. ClientEarth noted that engagement is one of the key issues affecting MPA management:

“A failure to adequately engage with and achieve buy-in from local communities affected by management decisions and failure to implement early and adequate consultation about proposed management measures with a wide range of stakeholders, including industry representatives and NGOs, to enable their effective participation in the decision-making process.”³⁸

40. Both Gill Bell and Alec Taylor spoke of the goodwill between stakeholders in Wales on marine management. However, Gill Bell advocated earlier consultation with conservation groups. She said:

“So, from an MCS point of view, what would be really useful is if we could have conservation groups, maybe three of them - north, mid and south Wales - where we get the relevant people together, the relevant authorities - NRW, Welsh Government - and just sit in a room and talk, because that’s the way that decisions are made. If people feel that they are included in the decisions, then you have less need for the enforcement and people are more likely to agree with any of the management options that you go up to.”³⁹

³⁶ CCERA, 30 March 2017, para 259

³⁷ Wales Environment Link written evidence

³⁸ ClientEarth written evidence

³⁹ CCERA, 30 March 2017, para 123

41. The Committee heard concerns about the number of stakeholder meetings associated with the Welsh Government’s Marine Transition Programme, which has numerous sub groups, often operating in isolation. Blaise Bullimore considered that engagement is close to “an industrial scale”, and in danger of being “an end in itself and a displacement activity” but that such activity, “doesn’t replace management”.⁴⁰ Some witnesses, such as Gill Bell, raised issues around transparency and accountability of these groups, including a lack of access to minutes of the MPA Steering Group. She said:

“I do feel that there’s an issue with transparency with regard to a lot of the stakeholder involvement. The key issue that I can find is that the minutes, any of the presentations - all of that is missing from Welsh Government. There is no paper trail, there is no accountability. We need those on the website.”⁴¹

Greater public understanding of MPAs

42. Stakeholders suggested that there is limited public understanding of the purpose and benefits of MPAs. To address this, there should be better engagement on this issue between the Welsh Government and the public and businesses.

43. The Pembrokeshire Marine SAC RAG commented on the need for greater awareness, amongst the people of Wales, of the designations and what needs to be done to protect them for future generations. It said:

“There is a lack of general awareness of what our MPAs contain ... Improvements to awareness and understanding are needed amongst the general public/communities, users of multi-use MPAs, and marine managers ... Through awareness comes understanding, and then respect leading to protection; this is a sequential process.”⁴²

44. NRW commented that one of the lessons learnt from the last ten years of MPA designation was the need for effective and timely engagement:

“The need for good public engagement, both locally and nationally, is key to MPA management, with strong clear transparent messages and open dialogue. Early, active engagement on the possible new SACs for harbour porpoise created an open dialogue with stakeholders, locally and nationally, and ensured people were well-informed once the consultation commenced and potential issues were readily resolved.”⁴³

45. Witnesses noted there has been no communication by the Welsh Government to the general public (or businesses) of the benefits of MPAs to Wales. As such there is limited public buy-in or awareness – this was felt to be counteracted where there are site officers in post as part of Relevant Authority Groups (RAGs). These partnership models were regularly cited as good practice in local stakeholder engagement, providing a forum for engagement, information exchange and relationship management. The Pembrokeshire Marine SAC RAG explained that they:

⁴⁰ CCERA, 5 April 2017, para 93

⁴¹ CCERA, 30 March 2017, para 109

⁴² Pembrokeshire Marine SAC Relevant Authority Group written evidence

⁴³ NRW written evidence

“... bring together a multi-sectoral approach to marine management with strong local stakeholder engagement and information to ultimately drive forward well-informed, accepted and targeted marine management.”⁴⁴

Welsh Government response

46. In responding to the Committee’s questions as to whether the Welsh Government is providing clear leadership and sufficient resource, the Cabinet Secretary said:

“I think we are giving the leadership. I think it’s a much more strategic approach that the group have brought forward, which—as I say, I do support and I respect their view. In relation to funding, well, you know, I’ve only got what I’ve got, and I have to make sure that I support every part of the portfolio, but I didn’t think that the funding was a particular issue that had come out.”⁴⁵

47. When asked about the level of dedicated resource for marine conservation in the Welsh Government, she informed the Committee that it was not possible to calculate the exact resource as officials worked on too many different aspects of marine policy.

48. The Cabinet Secretary indicated that the Wales National Marine Plan, which had been due for consultation in summer 2017, was delayed. She explained that this was due to the Welsh Government awaiting the UK Government’s response to the Hendry Review on tidal lagoons. However, despite the delay, the plan would be issued for consultation by “September or October at the latest”.⁴⁶

49. On the issue of enforcement of EU, UK and Welsh fisheries legislation within Wales and the Welsh Zone⁴⁷ by the Welsh Government, the Cabinet Secretary provided evidence of recent investment in fisheries vessels.

50. In discussing the funding for RAGs, she indicated that NRW had moved from a core funding model to project-based activity.⁴⁸ Reflecting on this change, she advised, “we’ll have to look at it and continue to monitor it”. She said she had recently written to all Relevant Authorities so that “they’re aware of their roles and responsibilities”.

51. In relation to the decision not to move to a model of seven management areas, each with a full-time member of staff, the Cabinet Secretary stated:

“Yes. I support the recommendations that have come out of the steering group ... and certainly, I think, they’ve looked at what the priorities are. They’ve worked with NRW to have a forward work programme, if you like, about what the priorities are from NRW’s point of view. I also mentioned, or Graham mentioned, about the JNCC as well—working with them. So, yes, I absolutely support the work that the group does.”⁴⁹

⁴⁴ Pembrokeshire Marine SAC Relevant Authority Group written evidence

⁴⁵ CCERA, 14 June 2017, para 22

⁴⁶ CCERA, 14 June 2017, para 55

⁴⁷ The Welsh Zone is the area of UK territorial seas beyond Welsh waters, out as far as the median line with the Republic of Ireland and the Isle of Man, for which the Welsh Government has responsibility for fishing, regulating fisheries and fish health.

⁴⁸ When giving oral evidence to the Committee, Martin Evans from NRW stated that the decision on core funding was made by Welsh Government, who directed NRW not to give core funding to bodies in Wales.

⁴⁹ CCERA, 14 June 2017, para 14

52. When asked if the Welsh Government supported the MPA Steering Group’s recommendation for seven management areas, the official accompanying the Cabinet Secretary said:

“The group felt that would have been an ideal approach, but were concerned that, because the responsibility for looking after unprotected areas is shared across a number of management groups, the groups would not be able to find the funding to achieve that outcome. And also they were a bit concerned that maybe the appetite wasn’t there across all of the management groups to move in that direction.”⁵⁰

53. In response to whether she considered NRW’s funding to be sufficient for its MPA-related duties, the Cabinet Secretary said, “Yes, I do, because obviously, it’s part of their statutory responsibility”.⁵¹ She advised that she would raise this matter with NRW directly via their monthly meetings.

54. The Cabinet Secretary discussed the use of marine stakeholder groups and the importance of collaborative working under the Wellbeing of Future Generations (Wales) Act 2015. When asked whether the use of such groups was effective and transparent, she said:

“I suppose that then relies on those people who attend the stakeholder groups going back and disseminating the information to their network ... I think that is an area that could perhaps be improved, and a bit more openness and transparency.”⁵²

55. The Cabinet Secretary confirmed that the minutes of the MPA Steering Group would be made publicly available. Furthermore, she agreed to share with the Committee the minutes of the Scallop Task and Finish Group.⁵³

56. The Cabinet Secretary agreed that the RAG model was successful. The Committee heard that the funding model has changed from core funding to project based funding which has meant less funding as the RAG adjusts its funding applications. This was done to increase transparency with regards to monitoring and evaluating RAG activity. The Cabinet Secretary has said this situation will continue to be monitored.⁵⁴

57. The Cabinet Secretary also indicated that more could be done, and consideration was being given to potential opportunities to use the 2018 Year of the Sea to raise awareness of the benefits of Welsh MPAs. She said:

“One of the opportunities that I do think we have is that next year is the Year of the Sea. So, I know officials are already working across the department with economy and infrastructure officials to see what more we can do there to show that it is a really positive thing, and to make people more aware of the benefits...”⁵⁵

⁵⁰ CCERA, 14 June 2017, para 20

⁵¹ CCERA, 14 June 2017, para 102

⁵² CCERA, 14 June 2017, para 141

⁵³ CCERA, 14 June 2017, para 143

⁵⁴ CCERA, 14 June 2017, para 114

⁵⁵ CCERA, 14 June 2017, para 147

Our view

Strategic direction

Management is a shared responsibility with the management of the different types of MPAs, directly influenced by their associated legislative frameworks. This is a complex legislative and policy framework. The Welsh Government must provide clear strategic direction and political leadership to ensure that a coherent management system is in place and that it is understood clearly. This is vital to ensure that all management authorities, such as Relevant Authorities and Competent Authorities, deliver their MPA responsibilities and meaningfully engage and 'buy-in' to site management processes.

In order to fulfil this leadership role effectively, the Welsh Government must ensure that it allocates sufficient resources, including staffing resources to its Marine and Fisheries Division. Teams within this Division work collectively to support MPA management. The Committee was not sufficiently reassured by the Cabinet Secretary's evidence that there is sufficient staffing resource within the Welsh Government to deliver Welsh Government's marine conservation responsibilities.

There is evidence of effective local partnership working by several Relevant Authority Groups, including the work of European Marine Site Officers. We believe that an area based approach for MPA management in Wales, with a dedicated officer for each area, would strengthen local delivery, cross-site collaboration and national delivery. However, we are concerned that there is insufficient funding available locally to enable this approach. The Welsh Government should address this as a matter of urgency.

The Committee is clear that implementation of a Wales National Marine Plan will be a vital component of the marine regulatory framework and encourage the Welsh Government to progress this matter with urgency. However, we believe that a dedicated MPA strategy is needed, to work alongside the Wales National Marine Plan, Natural Resources Policy and Area Statements.

Management frameworks

Management of the marine environment is delivered using a range of management tools and regulatory regimes including marine nature conservation byelaws, voluntary codes of practice, licensing, permitting and fisheries management.

Marine enforcement can take various forms, often involving a combination of statutory and voluntary mechanisms. However, there are concerns about a lack of surveillance and enforcement of regulations and the licensing system by the Welsh Government and Natural Resources Wales.

Although the Committee is reassured by the recent investments in new fisheries patrol vessels, we would encourage better use of other available enforcement tools, including 'soft' enforcement such as education through the presence of site officers. Given the concerns heard that voluntary measures are not in all instances being adhered to, we believe management authorities, including the Welsh Government, should consider making these statutory through regulation.

The Committee notes the work of NRW on the previous LIFE Natura 2000 Prioritised Improvement Plan project. However, we believe that NRW must allocate sufficient resources to deliver the actions arising from that project. If it cannot do so, it must raise that issue with the Cabinet Secretary as a

matter of urgency. Furthermore, we note that many of the priority actions arising from the current MPA Condition Improvement Project will require securing additional resource; for example, via European funding. We are concerned that a lack of resources will have a negative impact on NRW's ability to deliver its MPA-related activities in the immediate and medium terms.

Stakeholder engagement

Stakeholders' experiences of the various marine fora in Wales was variable, with scope to improve participation and communication. We share stakeholders' concerns that engagement practices associated with the Welsh Government's Marine Transition Programme are not as integrated or streamlined as they could be. Effective engagement and partnership working is critical.

Many stakeholders believe some of the groups being operated by the Welsh Government are not transparent. We welcome the Cabinet Secretary's commitment to publish the minutes of the MPA Steering Group. We encourage her to extend this commitment to other groups under the Marine Transition Programme, particularly those that are advising Welsh Ministers on technical management measures, such as the Scallop Task and Finish Group. The Committee should be kept informed of the activities and outputs of these groups.

The Committee believes that Wales should be proud of its marine and coastal environment and consider MPAs as tools to support healthy seas that in turn support coastal tourism and other sectors such as fisheries. We believe that the Welsh Government should develop the public's awareness of Welsh marine biodiversity and the value of MPAs.

The Committee notes that local engagement is found to be effective where there is an MPA site officer in place. However, limited resources constrain such outreach activities and there is not Wales-wide coverage by site officers.

Recommendations

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.

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

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

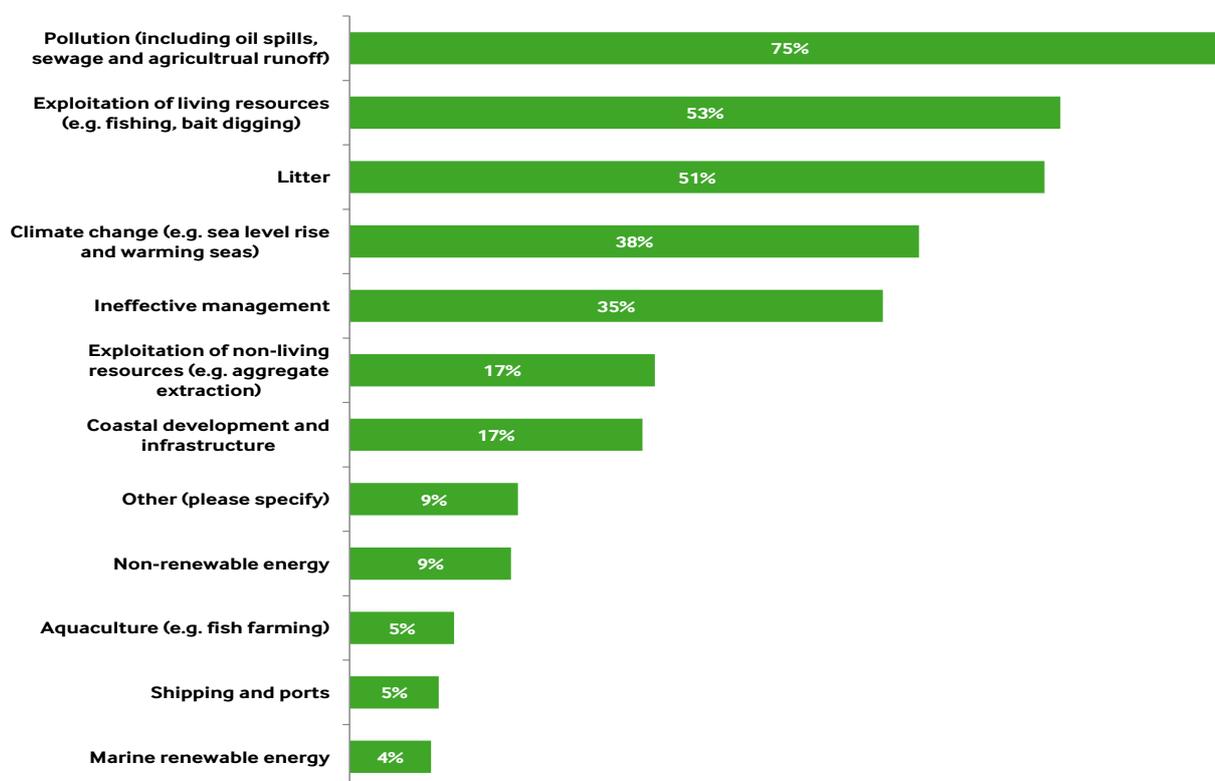
specialist groups it leads and ensuring stakeholders are fully engaged in the development of the MPA strategy.

Recommendation 4. The Welsh Government should develop an enforcement strategy, based on risks, which addresses all pressures on MPAs - including water quality; litter; recreational pressures; fisheries and unregulated marine resource gathering - and should move quickly to implement management measures in MPAs where there are known risks.

Survey responses on the biggest threats facing Welsh seas

We know that there are many challenges to keeping Welsh seas in a favourable condition for all the marine life they support. We asked people to tell us where the danger comes from and the most popular response named pollution as the biggest threat.

Total number of responses: 727



03. The condition of the Welsh Marine Protected Areas Network

This chapter sets out the legislation which creates Marine Protected Areas in Wales. It also addresses the extent to which MPAs are successfully delivering the protection they are designed for and the commitments the Welsh Government has made to ensuring this happens. It also addresses the issues which arose about the use of data and evidence in MPA management.

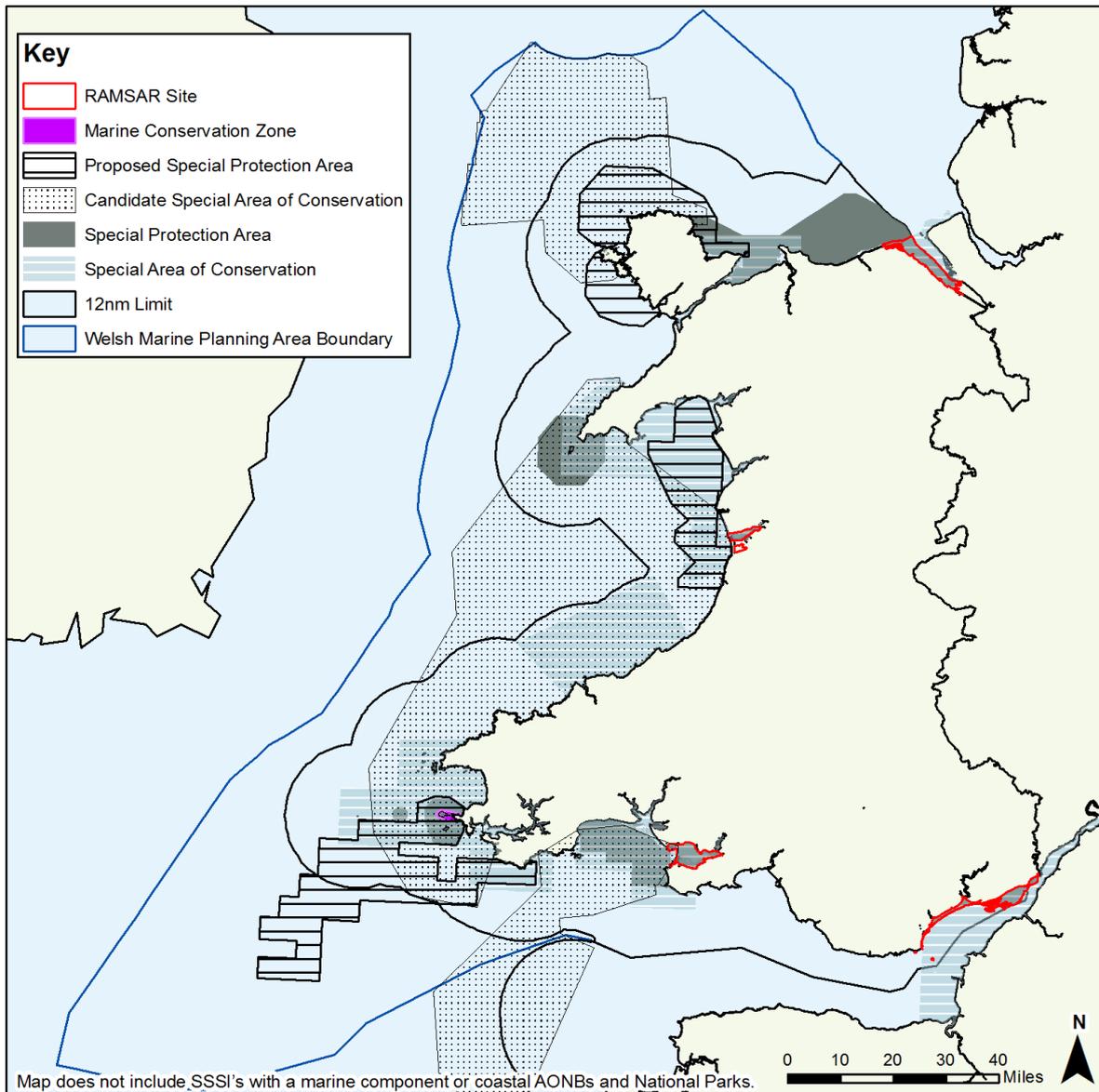
The network of Marine Protected Areas in Wales

58. The Welsh marine environment makes up over half the area of Wales and is home to some of the most biologically diverse habitats and species in Europe, a fact reflected in the number of Welsh MPAs. According to NRW, there are a total of 132 MPAs in Wales, covering over 5,500 square miles, or 50% of the Welsh seas and 75% of the coastline.

59. MPA designations stem from a number of legislative commitments and policy drivers, as set out in Table 1 below:

	Designation / type of MPA	Associated legislation
Domestic legislation	Marine Conservation Zones (MCZs)	Part 5 of the Marine and Coastal Access Act 2009 (commenced December 2014). Currently Welsh Ministers have powers to designate in the Welsh inshore region. Powers to designate in the Welsh offshore region are due to come into force April 2018 under the Wales Act 2017.
	Sites of Special Scientific Interest (SSSIs)	The Wildlife and Countryside Act 1981
European Level	Special Areas of Conservations (SACs)	The Directive on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) 1992. Welsh Ministers may submit candidate sites to the European Commission for designation.
	Special Protection Areas (SPAs)	The Directive on the conservation of wild birds (Birds Directive) 2009. Welsh Ministers may decide whether to classify or make changes to SPAs.
International conventions	Ramsar sites	Designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971.
	OSPAR (Oslo and Paris conventions)	The UK is one of fifteen Contracting Parties of the Convention for the Protection of the Marine Environment of the North-East Atlantic (the ' OSPAR Convention '). The OSPAR Convention commits Contracting Parties to delivering a network of ecologically coherent and well-managed MPAs across the OSPAR Maritime Area by 2016.

Figure 1: Types of Marine Protected Areas in Wales



60. Several contributors to the inquiry indicated that it had been their experience in Wales that MPA designation has not translated into effective management and, in some cases, no management process at all. The Committee was told of the challenges facing the effective management of Welsh MPAs, including the condition and conservation status of sites, site management and enforcement and the lack of an Ecologically Coherent Network.⁵⁶

61. A failure to support MPA designation with adequate resources for implementation at a site-level was a common comment, with Wales said to be in danger of having 'Paper Parks'.⁵⁷ Blaise Bullimore explained:

⁵⁶ In 2012 the Welsh Government and the other UK administrations published a [joint statement \(PDF 106KB\)](#) on the expected UK contribution to an ECN of MPAs in the north-east Atlantic under the '[OSPAR Convention](#)'. Its states "A well designed network will contain MPAs of different sizes for different habitats and species, connected through movements of adult species and larvae, with a range of protection levels, to protect biodiversity".

⁵⁷ Where the designation of a site creates an illusion of protection and management that exists merely on paper.

“...there’s vanishingly little new management come in since designation, and if there’s no management, there can be no improvement, and there can be no benefit.”⁵⁸

62. Gill Bell explained that ineffective management meant that MPAs were not delivering the anticipated benefits arising from the recovery of the marine environment. She explained:

“But the key issue ... identified in the SoNaRR (State of National Resources Report) for marine is that the benefits of the ecosystem services are not currently being optimised. That’s quite concerning to us, because that is then followed forward into the draft natural resource policy, in that they then say the benefits of marine national resources and we need to optimise their use. And yet, we haven’t taken that step back first to make sure that we have recovery and enhancement before we start optimising.”⁵⁹

63. A major concern for stakeholders related to Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) not having Favourable Conservation Status (FCS), as required by the European Nature Directives. In relation to the condition of these sites, NRW representatives told the Committee:

“Current condition of network of sites is variable, as is evidence on the relationship between some activities and site condition. NRW is currently engaged in the production of a full suite of indicative reports on site condition for all our European marine sites, and these will be published in summer 2017.

In 2016 all EMS in Wales were assessed for their management effectiveness as part of a very high-level assessment of the management of MPA across the whole of the OSPAR network. All Welsh sites were assessed at a level of ‘partial’ in the overall assessment, which reflects the fact that some management mechanisms are in place but there is still progress to be made variably across the network. This result was in line with other sites across the UK.”⁶⁰

64. However, Wildlife Trusts Wales indicated that:

“Almost all of Welsh MPAs are in unfavourable condition for both the habitats and species they are designated for.”⁶¹

65. Blaise Bullimore stated:

“...if we look at the current condition, and the 2014 report on the condition of marine SACs, all five of the major habitat-based features are unfavourable, and three of those are still declining.”

⁵⁸ CCERA, 5 April 2017, para 14

⁵⁹ CCERA, 30 March 2017, para 42

⁶⁰ Natural Resources Wales, written evidence

⁶¹ Wildlife Trusts Wales, written evidence

66. Gaps in the Welsh MPA network were discussed. NRW highlighted where the gaps are for particular habitats and species and how they could be addressed by greater MPA coverage. NRW's assessment of the overall picture was positive in terms of coverage. It said:

“Overall the MPA network in Welsh waters has very good coverage with some gaps in habitats and species that are relatively small in terms of both number and area coverage targets compared to the existing network.”⁶²

67. Under the Wales Act 2017, the Welsh Government will have additional powers to designate new MPAs in the Welsh offshore area. However, there was concern that the Welsh Government should focus on the management of existing sites before considering any new designations. Blaise Bullimore commented that, if this course of action is not pursued, MPA designation would be merely “stamp collecting”.⁶³

68. Several witnesses, such as WEL Marine Working Group and Wildlife Trusts Wales, said they believe there are gaps in the Ecologically Coherent Network,⁶⁴ relating to highly protected sites (reference areas), sites for mobile species and offshore sites for muddy and sandy habitats.

69. NRW told the Committee that it has:

“...determined the pressures and threats affecting the condition of features in EMS and identified the actions required to address them ... NRW has put in place the MPA Condition Improvement Project to prioritise and take forward actions that can deliver tangible benefits in terms of improvement in feature condition for these key issues.”⁶⁵

70. NRW indicated that, due to “current resourcing challenges”, external funding is key to the successful delivery of the work programme, with a number of funding bids being prepared.

Data and evidence

71. During its inquiry, the Committee heard about the importance of up-to-date, relevant data and evidence in MPA management and decision-making. It also heard about the need for effective analysis of available data and for accurate and regular condition reporting of European Marine Sites (EMS).

72. In its 2015 Wales Marine Evidence Report, the Welsh Government referred to a lack of such information. It stated:

“A remaining issue for MPA management is the lack of detailed information on the extent of activities that occur within the network and how they impact the features of interest. Improved information would support more robust decision-

⁶² Natural Resources Wales, written evidence

⁶³ CCERA, 5 April 2017, para 36

⁶⁴ In 2012 the Welsh Government and the other UK administrations published a [joint statement \(PDF 106KB\)](#) on the expected UK contribution to an ECN of MPAs in the north-east Atlantic under the '[OSPAR Convention](#)'. It states “A well designed network will contain MPAs of different sizes for different habitats and species, connected through movements of adult species and larvae, with a range of protection levels, to protect biodiversity”.

⁶⁵ NRW written evidence

making regarding the use of the MPA network and thus enable better management.”⁶⁶

73. The Committee heard from stakeholders about the lack of marine evidence and the need for further investment in marine monitoring. Alec Taylor commented:

“... it’s concerning in terms of looking at the direction of travel for funding monitoring, even basic baseline monitoring - the fact that we struggle even to get resources for the simple stuff that will tell us, for example, how our seabirds have been reacting to climate change over 30 or 40 years. We have really good long-term data sets, which are always under pressure from funding cuts.”⁶⁷

74. A number of witnesses suggested that existing data could be better analysed for MPA management purposes. Blaise Bullimore spoke to the Committee about the Milford Haven Waterway Environmental Surveillance Group. This is a partnership of industry regulators, the local authority and the national park. The group has been operating for 25 years as, “a scientific, technical, non-political information and knowledge working group”.⁶⁸ The need to use the best available evidence and the precautionary principle was also discussed by witnesses.

75. Many respondents to the Committee’s call for evidence expressed frustrations regarding a lack of condition reporting of EMS. The Committee heard that information on the condition and status of marine species and habitats has not been available since 2012, and the information that is available was based on 2006/7 assessments. Blaise Bullimore stated that, consequently, management authorities are being asked to, “work blind”.⁶⁹ NRW advised that a regular programme of site condition reporting “has been a big challenge and a big difficulty for us to resource”,⁷⁰ with shrinking budgets creating “very, very difficult times”.⁷¹ It indicated it is its intention to produce a full suite of indicative site condition reports this year.

76. The Welsh Fishermen’s Association highlighted a range of initiatives underway to use trained Welsh fishermen, their vessels and equipment - such as camera and sonar - to undertake marine ecological surveys and monitoring. NRW indicated that, in light of austerity, monitoring would have to be targeted, including the use of citizen science, with prioritisation of efforts around pressures and risks.

77. Gill Bell noted that the Welsh Government has tasked NRW with assessing the impacts of high risk fishing activities on MPAs. However, unlike Defra for the UK Government, the Welsh Government has not taken the decision to suspend high risk activities whilst this assessment is being undertaken. She indicated that this project is taking considerable time due to insufficient resources, with MPAs being subject to known risks in the meantime. In respect of this ‘Assessing Welsh Fisheries Project’, ClientEarth told the Committee:

⁶⁶ Wales’ Marine Evidence Report, October 2015, page 11

<http://gov.wales/topics/environmentcountryside/marineandfisheries/marine-planning/other-supporting-evidence/wales-marine-evidence-report/?lang=en>

⁶⁷ CCERA, 30 March 2017, para 98

⁶⁸ CCERA, 5 April 2017, para 69

⁶⁹ Blaise Bullimore written evidence

⁷⁰ CCERA, 5 April 2017, para 209

⁷¹ CCERA, 5 April 2017, para 258

“While the initiation of this project is most welcome, insufficient funding and resource has been allocated to this project, meaning that progress is moving at a glacial pace.”⁷²

Welsh Government response

78. The Welsh Government set out the purpose of the MPA network as follows:

“As opposed to halting or restricting any or all activity within protected areas, the purpose of MPA management is to ensure activities are undertaken in a way that protected areas and their features are able to achieve and/ or maintain a favourable condition.

An effectively-managed network of MPAs which is in or moving towards favourable condition plays an important role in ensuring healthy, connected and resilient marine ecosystems which support our coastal communities, the well-being of the people of Wales and those who visit our shores. The current condition of our MPA network features is variable, however, we do know the suite of sites is able to support significant populations of seabirds and marine mammals. Natural Resources Wales is preparing indicative site condition reports for all our SACs and SPAs which will be available in the summer.”⁷³

79. The Welsh Government described how it will implement international, domestic and EU legislation in Wales:

“Through full implementation of the EU Marine Strategy Framework Directive and completion of an ecologically coherent and well managed network of marine protected areas, we will deliver resilient marine ecosystems. Publication of the Welsh National Marine Plan and our continuing role in marine licensing policy will support sustainable marine growth, and as fisheries managers we will continue to deliver sustainable, productive and prosperous fisheries. The broad aims of this work are wholly in line with our international, EU and domestic commitments, including the Marine and Coastal Access Act 2009, the Environment (Wales) Act 2016 and Well-Being of Future Generations (Wales) Act 2015.”⁷⁴

80. When asked what she considered to be success in terms of MPA management, and how it could be measured, the Cabinet Secretary for Environment and Rural Affairs responded:

“... it is really important that we do raise favourable areas, that we maintain the condition of favourable areas, and that we look if there’s anywhere negative that needs to be improved.”⁷⁵

81. In relation to the network, she confirmed the Welsh Government’s commitment to the reporting duties associated with the OSPAR network. The official accompanying her said:

⁷² ClientEarth written evidence

⁷³ Welsh Government written evidence

⁷⁴ Welsh Government written evidence

⁷⁵ CCERA, 14 June 2017, para 11

“In terms of the network and its contribution, that’s really important in terms of our OSPAR commitments, and we have to maintain the network and make sure it’s functioning effectively.”⁷⁶

82. The Welsh Government stated:

“The current condition of our MPA network features is variable ... Natural Resources Wales is preparing indicative site condition reports for all our SACs and SPAs which will be available in the summer.”⁷⁷

83. Its evidence to the Committee also outlined the Assessing Welsh Fishing Activities Project, of which Phase 1 has been completed. It advises that a second phase is underway to assess high risk activities. The Welsh Government will then consider the assessment and “decide upon the need to adopt and implement appropriate management solutions”.⁷⁸

84. When asked about the deficiencies identified in the Wales Marine Evidence Report, the Cabinet Secretary said:

“We do a great deal of monitoring, et cetera. If I needed specific science, evidence, we would commission it. So, I’m not quite sure about the criticism of deficiencies. So, for instance, the Bangor University evidence that was done into scallop dredging—. So, when I came to make a decision - I mean, I hadn’t started that evidence, it was started before I came into portfolio, but that’s the type of thing that we would do to fill gaps, if we felt there was a gap or a deficiency.”⁷⁹

Our View

Welsh Marine Protected Areas Network

In many instances the designation of MPAs in Welsh waters has not equated to protection or translated into management. Effective MPA management must mean more than merely designation. It must involve an ongoing and active process of site management, including monitoring and enforcement.

We recognise that management is delivered by several management authorities, both locally and nationally, and that this necessitates resource and commitment. Without a clear, coordinated and consistent approach to Welsh MPA management, there is a serious risk of ineffective management. This will, in turn, lead to further deterioration in the condition of MPAs and site features.

The Committee is of the view that before designating new sites, the Welsh Government must ensure that the current suite of Welsh MPAs are brought into effective management.

The Committee welcomes the commitment from the Cabinet Secretary to fulfil national and international obligations relating to an Ecologically Coherent Network of MPAs in the UK. However,

⁷⁶ CCERA, 14 June 2017, para 9

⁷⁷ Welsh Government written evidence

⁷⁸ Welsh Government written evidence

⁷⁹ CCERA, 14 June 2017, para 87

there is a lack of clarity as to what form a Welsh Network would take. The proposed MPA strategy (Chapter 2) should provide a clear definition of an ambitious Ecologically Coherent Network.

We support the Welsh Government working closely with stakeholders to address gaps in the network, including future sites in the Welsh offshore region.

Data and evidence

Effective MPA management is supported by robust data and evidence. Marine science - such as site monitoring, assessment and surveillance - is challenging and expensive, but vital. We note the findings of the State of Natural Resources Report (SoNaRR) and the Welsh Government's 2015 Wales Marine Evidence Report in relation to data and evidence. The latter highlighted the lack of detailed information about activities occurring in Welsh MPAs and advocated improved information to support more robust decision-making and better management.

We were concerned to hear from stakeholders, including MPA site officers, that there has been a lack of European Marine Site condition reporting. Some condition reports have not been available since 2012, and were based on assessments made in 2006/07. We therefore welcome the commitment from NRW that a full suite of indicative site condition reports for all Welsh SACs and SPAs will be made available by August 2017. The Welsh Government must then respond swiftly to the findings of these assessments if Welsh SACs and SPAs are not found to be in favourable conservation status.

The Committee heard about other approaches to marine evidence and data, such as the work of the Marine Management Organisation in England. We also heard of local Welsh initiatives such as the Milford Haven Waterway Environmental Surveillance Group and the Welsh Fishermen's Association. A Committee delegation's visit to Ireland saw Members meet representatives from the Marine Institute which undertakes coordinated marine research and development to support government.

The Committee believes that robust and up-to-date data and research is essential to underpin MPA management and decision-making. We feel there is opportunity for greater collaboration across government, industry and marine stakeholders in Wales to make better use of existing available data and consider future research efforts to address prioritised knowledge gaps.

Recommendations

Recommendation 5. The availability of data, evidence and research is central to MPA policy development and management. The Welsh Government should establish a Wales marine science partnership to bring together industry, academia and stakeholders. The Welsh Government must also ensure it has in place effective data and research for MPA management, including monitoring and surveillance.

Recommendation 6. When designating MPAs in the future, the Welsh Government should set out the resources necessary for the associated management, monitoring, surveillance and enforcement that site(s) will require and how such resources will be provided.

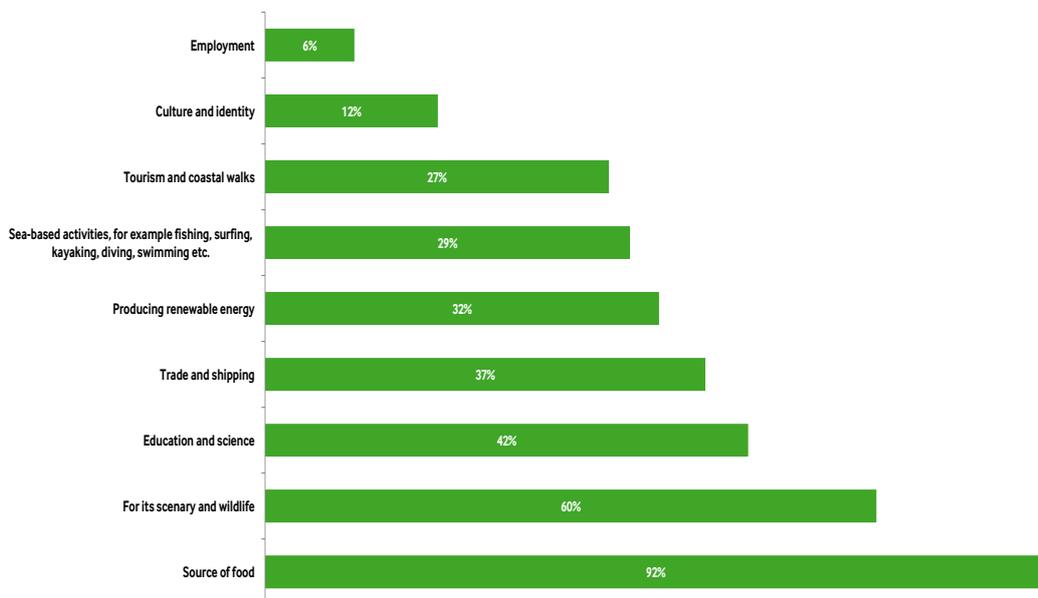
Recommendation 7. The Welsh Government should define its understanding of an Ecologically Coherent Network of MPAs in Welsh waters and work with stakeholders to address gaps in the network.

Survey responses on visiting Welsh seas⁸⁰

We know that people in Wales value marine resources and biodiversity. Our survey showed that what is most important for people is marine life.

We asked respondents ‘Why is the sea important to you? Please choose your top three from the list outlined below.’

Total number of responses: 757



% of responses

⁸⁰ Source: National Assembly for Wales Outreach Team Survey, December 2016

04. Implications of exiting the European Union

This chapter explores the risks and opportunities for Welsh MPAs arising from the decision to leave the European Union (EU).

85. The vote to leave the EU has led to uncertainty about the future status of European Marine Sites. After the UK has left the European Union, the UK and devolved Governments will be able to set their own policy directions in many of the areas which fell under the purview of the European Union.

Legislation

86. In order for the Welsh MPAs which have been designated under the EU Habitats and Birds Directives to retain their existing status and legal underpinning, these Directives will need to be fully embedded into domestic law upon withdrawal from the EU. Alternatively, these sites could, in future, be designated by Welsh Ministers as Marine Conservation Zones. Given the timetable for withdrawal from the EU, relying on Welsh legislation to achieve this level of protection would mean the Welsh Government would have to start this process as a priority.

87. The Committee heard evidence that all existing Welsh MPA designations and associated provisions should be retained, and that there should be no reduction in the protection afforded to these sites following the UK's withdrawal from the EU. For instance, ClientEarth stated:

“... we should not do away with these sites and the framework that helps to protect important parts of our marine ecosystem. Undoubtedly the European Marine Sites are valuable MPAs which protect precious marine habitats and species, many of which are recognised internationally as particularly vulnerable. European Marine Sites secure some of the most important areas for biodiversity ... The management rules relating to European Marine Sites are also robust, which helps to ensure a high standard of protection. These levels of protection should be maintained post-Brexit to secure the continued recovery of historically degraded habitats in many EMSs.”⁸¹

88. There was a call for Wales and the UK to meet ongoing MPA commitments such as those associated with international conventions such as OSPAR. For instance, Alec Taylor said:

“... the power of the European designation process is not just the designation aspects; it's the monitoring requirements, it's the compliance requirements and it's ultimately the legal requirements that, actually, we can get good management of these sites.”⁸²

89. The opportunity to make greater use of Wales specific legislation was highlighted by NRW:

“In exiting the EU, consistency and certainty will be important to ensure continued progress towards effective management of the network of MPAs as well as securing the network of sites that are predominantly created via EU

⁸¹ Clientearth written evidence

⁸² CCERA, 30 March 2017, para 32

Directives. Allied to this, exiting the EU should not result in any lowering of environmental standards/quality.

In Wales we will benefit from strong domestic legislation that supports sustainable management of MPAs, including the Marine and Coastal Access Act, Environment Act and WBFG Act ... [they] collectively provide a key opportunity to enhance the sustainable management of MPAs and the wider marine environment. Legislative change post EU should maximise the opportunities the above legislation offers.”⁸³

Access to environmental justice and recourse

90. Concerns were raised by a number of respondents to the Committee’s inquiry, including environmental groups and the RAGs, regarding a loss of access to environmental justice and recourse. A number questioned what the enforcement procedures might become post-Brexit. The Wildlife Trusts Wales said:

“There must be a replacement, affordable way of access to justice to enforce protection.”

91. Mr Bullimore said:

“Withdrawal from the EU will leave the Welsh (and British) public with no recourse to EU infraction processes or the European Court.”

92. Several witnesses, such as WEL, said fear of infraction proceedings by the European Commission is a significant driver in Welsh MPA management. This was echoed by Mike Lewis, NRW, who said:

“The main implication there is that you’ve lost the big enforcement from Europe, but that’s a bigger question for Government at a UK level as to how that’s dealt with across all European directives, I imagine. But the actual day-to-day enforcement activities we would expect to remain the same.”⁸⁴

93. Those who responded to the Committee’s inquiry expressed concern about the uncertainty caused by the potential loss of accountability mechanisms, for example, through a lack of access to the European Court of Justice.

Opportunity for harmonisation

94. The Welsh Fishermen’s Association highlighted that the decision to leave the European Union could be considered an opportune time for Wales to look at its current MPA arrangements, with a view to seeing if aspects of designation and management could be harmonised.

95. NRW highlighted that European Marine Sites, unlike terrestrial SACs and SPAs, are not underpinned by domestic legislation (i.e. Sites of Special Scientific Interest designation). It said that Wales, as part of the UK, will no longer have to produce reports required by Article 17 of the Habitats

⁸³ NRW written evidence

⁸⁴ CCERA, 5 April 2017, para 219

Directive. This would offer an opportunity to allocate resources to reporting, “more Wales-relevant information on condition, status and management options”.⁸⁵

European funding

96. Some respondents, including NRW, New Economics Foundation and Pembrokeshire Marine SAC RAG expressed concerns around potentially considerable gaps in resources following the loss of EU funding streams such as EU LIFE (e.g. the Natura 2000 Programme) and the European Maritime and Fisheries Fund.

Welsh Government response

97. With regards to transitional arrangements for exiting the EU or plans to maintain protection for sites designated under EU legislation, the Cabinet Secretary indicated that upcoming meetings of the Ministerial stakeholder group, which she attends with her equivalents in the other three UK administrations, had been postponed, with the last meeting held in April. As such she had not had an opportunity to discuss these matters with the newly appointed Secretary of State for Environment.

98. In response to a question about how Wales can ensure that the current protection afforded to sites under EU legislation will be maintained, the Cabinet Secretary said the Welsh Government does not anticipate any changes in designation but emphasised that the Welsh Government is awaiting further detail from the UK Government. The Cabinet Secretary explained:

“... it depends on the great repeal Bill, really, because we just don’t know what’s going to be happening in relation to that now.”⁸⁶

99. The Cabinet Secretary affirmed that the Welsh Government will continue to achieve or maintain good environmental status by 2020, which is required under the EU Marine Strategy Framework Directive. She said:

“Yes, we have agreed in principle to continue our work. And you will have heard me say in other parts of the portfolio that we don’t expect to see any drop in environmental standards, and the same goes for this part of the portfolio as well.”⁸⁷

100. In terms of the work done by the Welsh Government to assess the likely implications and the impact of exiting the EU on Welsh MPAs, the Cabinet Secretary commented:

“... work is already under way and we’re harmonising designation and management as part of the designation process. It’s really important that we have those conversations...”⁸⁸

101. When asked whether the Welsh Government intends to seek to achieve or maintain the target of good environmental status by 2020, as currently required by the EU Marine Strategy Framework Directive, the Cabinet Secretary replied, “Yes, we have agreed in principle to continue our work”.⁸⁹

⁸⁵ CCERA, 5 April 2017, para 221

⁸⁶ CCERA, 14 June 2017, para 178

⁸⁷ CCERA, 14 June 2017, para 154

⁸⁸ CCERA, 14 June 2017, para 156

⁸⁹ CCERA, 14 June 2017, para 154

102. The official accompanying the Cabinet Secretary commented that funding will be the biggest challenge arising from the UK exiting the EU, “because a lot of the European designations and, you know, in terms of fisheries as well, there is a lot of funding that is provided to support a lot of that activity”.⁹⁰

Our View

Implications of exiting the EU

The majority of Welsh MPAs have been designated under European legislation in the form of European Marine Sites under the EU Habitats and Birds Directives. The Committee is clear that in exiting the EU Welsh MPAs should see no reduction in protection. Furthermore, ongoing reporting commitments and targets, such as those under the EU Marine Strategy Framework Directive, should be maintained.

Given the current complexity of MPA designations, the Committee sees the potential of rationalising the existing regime after exiting the EU without reducing levels of protection. This would provide greater clarity about the types of MPAs and their associated management. Sue Gubbay and Professor Lynda Warren presented to the Committee proposals for a two-tier system of MPAs. We feel there is merit in considering such a simplified framework.

We were disappointed to hear that a fear of infraction proceedings by the European Commission is a significant driver in Welsh MPA management. Ownership and responsibility for effective management should ultimately lie with the Welsh Government. The Committee considers that access to environmental justice, challenge and review is essential and shares stakeholders’ concerns regarding the possible future loss of access to the European Court of Justice. The Committee wishes to see the continued adherence to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, known as the Aarhus Convention.⁹¹

The Committee notes the recent announcement concerning the UK Government’s intention to withdraw from the 1964 London Fisheries Convention that provides access to UK waters by foreign fleets. This is a matter to which the Committee will return in due course.

The Welsh Government must ensure that MPA management and Welsh fisheries interests are emphasised and protected during negotiations with the UK Government on any future funding or regulatory frameworks after the UK exits the EU. Given the nature of the marine environment, effective cross-border arrangements must be put in place to secure coherent marine environmental protection in areas such as the Dee and Severn Estuaries.

Recommendations

Recommendation 8. A cornerstone of MPA management is recourse and access to justice. The Welsh Government must ensure that future arrangements in are in line with the Aarhus Convention and not prohibitively expensive for applicants.

⁹⁰ CCERA, 14 June 2017, para 209

⁹¹ In 2005 the UK became party to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, known as the [Aarhus Convention](#).

Recommendation 9. The Welsh Government must assess the likely impact of exiting the European Union on Welsh MPAs, including whether designation and management can be harmonised, and commit to no loss of protection under future arrangements. It must also seek agreement with the UK Government about how marine environmental protections will be managed coherently in cross-border marine areas.

Recommendation 10. 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.

Recommendation 11. The Welsh Government should work with the UK Government to ensure Wales' fisheries resources and the interests of the Welsh fleet are fully protected in Brexit negotiations. Future Welsh fisheries management arrangements should take into account the Wales National Marine Plan and a Welsh MPA strategy.

Recommendation 12. The Welsh Government must explain how it intends to address the potential shortfall in funding for MPA work that is currently met by EU funds, such as the European Maritime and Fisheries Fund and LIFE-Nature.

Annex A – Written evidence

The following people and organisations provided written evidence to the Committee. All written evidence can be viewed in full at: [Consultation Responses](#)

Organisation / Name

Individual - Bill (William) Glyn Miller-Jones

New Economics Foundation (NEF)

Individual – Karl Fry

Lynda Warren – Aberystwyth University

North Western Inshore Fisheries and Conservation Authority

Wales Environment Link Marine Working Group

Pembrokeshire Marine Special Area of Conservation (SAC) Relevant Authorities Group (RAG)

Marinet Limited

Ceredigion County Council, Pembrokeshire Coast National Park Authority & Dŵr Cymru, of the Cardigan Bay Special Area of Conservation Relevant Authorities Group

Seabed User & Developer Group (SUDG)

Individual

Brian Saunders – Porthcawl Environment Trust

Wildlife Trusts Wales

Pen Llŷn a'r Sarnau

European Subsea Cables Association

ClientEarth

Royal Yachting Association & Royal Yachting Association Cymru Wales

Welsh Fishermen's Association

Pembrokeshire Coast Park Authority & Snowdonia National Park Authority

Individual – Blaise Bullimore

Natural Resources Wales

Welsh Relevant Authorities Groups (RAGs) / European Marine Sites Officer Key Achievements

Welsh Government

Annex B – Oral evidence and Committee visits

The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed in full at: [Transcripts](#)

1 February 2017

Witness	Organisation
Tim Glover	Blue Marine Foundation
Dr Sue Gubbay	Marine Environment Consultant
Professor Lynda Warren	Aberystwyth University
Dr Steve Fletcher	Head of Marine Programme, UN Environment Programme

30 March 2017

Witness	Organisation
Alec Taylor	Wales Environment Link
Gill Bell	Wales Environment Link
Sue Burton	Pembrokeshire Marine Special Area of Conservation Officer
Alison Palmer Hargrave	Pen Llŷn a'r Sarnau Special Area of Conservation Officer
Jim Evans	Welsh Fishermen's Association

5 April 2017

Witness	Organisation
Blaise Bullimore	Marine Scientist
Mike Evans	Head of Evidence, Knowledge and Advice, Natural Resources Wales
Dr Mary Lewis	Marine Advice Team Leader, Natural Resources Wales

14 June 2017

Witness	Organisation
Lesley Griffiths AM	Cabinet Secretary for Environment and Rural Affairs
Graham Rees	Head of Marine and Fisheries Division, Welsh Government
Andy Fraser	Head of Fisheries, Deputy Head Marine and Fisheries Division, Welsh Government

On 26 January, a Committee delegation met Dr Terry McMahon at the Marine Institute, Ireland