

The Welsh Government's progress on Marine Protected Area management

November 2019



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The Welsh Government's progress on Marine Protected Area management

November 2019



About the Committee

The Committee was established on 28 June 2016. Its remit can be found at:
www.assembly.wales/SeneddCCERA

Committee Chair:



Mike Hedges AM
Welsh Labour

Current Committee membership:



Andrew RT Davies AM
Welsh Conservatives



Llyr Gruffydd AM
Plaid Cymru



Neil Hamilton AM
UKIP Wales



Jenny Rathbone AM
Welsh Labour



Joyce Watson AM
Welsh Labour

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



John Griffiths AM
Welsh Labour



Dai Lloyd AM
Plaid Cymru

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Recommendation 2. The Welsh Government should discuss with the MPA Management Steering Group how it can receive input from a broader stakeholder base and additional MPA management authorities. This could include broadening the group out to include additional members or the creation of relevant sub-groups. The Welsh Government should report back to this Committee on the outcome of those discussions..... Page 14

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Recommendation 13. The Welsh Government should ask the Task and Finish Group to consider, as part of its work, the need for highly-protected MCZ designations. This consideration should be informed by extensive consultation with interested parties, such as fishers. Page 31

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Introduction

Approach and terms of reference

- 1.** In August 2017, the Committee published its report, “Turning the tide? Report of the inquiry into the Welsh Government’s approach to Marine Protected Area management”. The report made several recommendations which sought to address issues such as limited resourcing, leadership and enforcement.
- 2.** The Committee wanted to assess what progress had been made by the Welsh Government since the publication of its report. The Committee did not hear oral evidence from the Minister as part of this inquiry but intends to do so in due course, in the light of the Committee’s findings.
- 3.** A list of participants who provided oral and written evidence to support the Committee’s work is included at Annex A.

1. Strategic direction and leadership

5. Marine Protected Area (MPA) is a collective term for all forms of protected nature conservation sites in the marine environment. MPAs are geographically defined and formally recognised through legal or other effective means, such as voluntary approaches. MPAs may be designated for a variety of reasons, including marine conservation and fisheries management. The majority of MPAs in the UK allow a range of activities to take place within them, with management of activities being determined according to the features and objectives of the site.

6. 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. According to the Welsh Government, there are a total of 139 MPAs in Wales covering 69 per cent of the Welsh inshore waters (the mean high water mark to 12 nautical mile territorial seas limit) and 50 per cent of all Welsh waters.

7. In its initial report, “Turning the Tide”, the Committee recommended:

“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.”

8. This recommendation was accepted by the Welsh Government.

Who is responsible for managing MPAs?

9. Responsibility for the identification, designation and management of Welsh MPAs is a complex issue. The MPA management framework for Wales 2018-2023 states:

“Although the Welsh Government has overall responsibility for ensuring Wales’ network of MPAs is effectively managed, the delivery of management is a shared responsibility across a number of organisations. In this Framework these are referred to as management authorities. Management authorities are organisations with statutory responsibilities in relation to any type of MPA, or who are significant seabed or coastal land owners.”

10. Some management authorities have established Relevant Authority Groups (RAGs). These are voluntary working arrangements established by some management authorities to help them deliver their responsibilities for MPA management. Dedicated officers (European Marine Site Officers) work closely with RAGs in the management of some of Wales' largest MPAs (SACs).

11. Due to the remit and responsibilities of NRW as the statutory nature conservation advisor to the Welsh Government, it plays a significant role in the management of MPAs. It is responsible for evidence and advice on the condition of MPAs, assessment of and advice on effective management, and delivery of a variety of advisory and regulatory functions. NRW is also a site manager for some MPAs, including the Skomer Marine Conservation Zone.

Enforceable duties

12. During this inquiry, several stakeholders stressed that a lack of “enforceable” duties on the Welsh Government in the *Marine and Coastal Access Act (2009)* had hindered progress on marine management and leadership. The Blue Marine Foundation stated:

“Since taking over direct responsibility for the Welsh marine environment, the Welsh Government has failed to integrate fisheries management and marine conservation as effectively as has been achieved by relevant English authorities, particularly Inshore Fisheries and Conservation Authorities (IFCAs).”

13. It explained that:

“In relation to Wales, [the *Marine and Coastal Access Act, 2009*] MCAA is silent as to duties equivalent to those imposed on [Inshore Fisheries and Conservation Authorities] IFCAs: in other words, in Wales, there is no statutory requirement to manage the exploitation of the fishery resource, or to further the conservation objectives of MCZs, or to co-operate with adjoining English IFCAs.”

14. Evidence submitted by Blaise Bullimore also highlighted the difference in enforceable duties between the Welsh Government and IFCAs and stated that, as a result, “the inshore fisheries management regime responsible for managing some of the most damaging impacts in marine protected areas, has side-stepped its responsibilities with respect to improving their management and condition by failing to implement less damaging fishing activities”.

15. Dr Alan Terry suggested that duties imposed on IFCAs in England had led to a much greater “rate of progress” in marine conservation zone designation and that similar duties should be introduced for the Welsh Government “as a matter of urgency”. This was supported by Professor Warren.

16. The Blue Marine Foundation wrote that the National Assembly for Wales could address this by “bringing forward primary legislation setting out a more robust statutory framework for Wales with enforceable duties placed on the Welsh inshore fisheries manager, including mechanisms to deliver conservation objectives and to work collaboratively with other marine managers”.

MPA Management Steering Group

17. The MPA Management Steering Group was established in June 2014 to champion effective MPA management, and increasing buy-in from management authorities and stakeholders. It consists of representatives from some of the MPA management authorities, including NRW, National Park Authorities, the Welsh Government and local authorities.

18. Several contributors to the inquiry said that the establishment of the Steering Group had been a positive step and had provided a focus for the delivery of the framework and action plan. However, others acknowledged that the Steering Group had faced challenges, including a lack of momentum when first established. Pembrokeshire Coast National Park Authority acknowledged this, but said that “quite a bit of progress has been made...since your initial review two years ago”.

19. The Port of Milford Haven reminded the Committee that the purpose of the Steering Group was to consider and prioritise actions, rather than scrutinising the Welsh Government’s policy decisions.

20. Contributors to the inquiry raised questions about the membership of the Steering Group. Professor Warren said that it was surprising that its membership was limited to bodies with management responsibilities, given that one of its purposes was “to increase buy-in from management authorities and wider stakeholders”. Professor Steve Fletcher also suggested that the membership of the steering group was limited and “perhaps missing on a broader pool of talents”.

21. During this inquiry, WEL highlighted that a significant number of Welsh MPA statutory management authorities were not members of the MPA steering group. In response to the Committee’s earlier inquiry, the Minister wrote: “my department will seek the views of the Steering Group to assess whether there is more we can

do collectively to encourage management authorities to work collaboratively or share best practice”.

MPA network management framework and action plan

22. In September 2018, the Steering Group published an MPA Network Management Framework for Wales 2018-2023. This set out information on MPAs, how they are managed and by whom, and plans for improvement.

23. The annual action plan sits alongside the framework and details the actions identified by the Steering Group as priorities to improve MPA management and condition. The most recent action plan was published on 1 August 2019 for the 2019-2020 period. Alongside this, an annual report was published detailing progress towards delivery of the actions included in the previous action plan. The annual report highlights that several projects from the 2018-2019 action plan are ongoing and have been rolled into the 2019-2020 action plan. The Minister also wrote to all management authorities for MPAs to highlight these new publications.

24. Despite the introduction of the framework and action plan, several stakeholders expressed disappointment at the lack of progress since the Committee published its report. MCS said that “we haven’t seen a fundamental shift in the way that Welsh Government are undertaking marine and fisheries”. This was echoed by Professor Warren, who said that “the main thing that’s happened, as far as I can see, is the production of this framework for Wales and the action plan, and the best thing I can say about it is, ‘isn’t it nice to see all these names at the bottom signed up to it?’”.

25. The framework and action plan take a network-wide perspective on MPA management rather than focusing on MPAs individually. The Port of Milford Haven, a member of the steering group, explained: “that group has produced a network-level action plan, and a management framework, which is intended to address network-level issues, or strategic-level issues that need to be addressed at a national level”. It also said, “there is only so much that you can achieve at a strategic level... it indicates to me that a lot of the outcomes and products of that group will need to be delivered more locally”. The Port suggested that “there needs to be more drive from NRW and Welsh Government in local delivery and in bringing local delivery agencies and actors along with that”.

26. Pembrokeshire Marine Special Area of Conservation Relevant Authorities Group (PMSACRAG) agreed that “the plan does not comprehensively cover delivery of management action”. WEL said, “we’ve heard a lot that it’s about taking

a network-level approach and, ultimately, that's because NRW and Welsh Government don't have the resources and capacity, so they're looking at how they can prioritise". Similarly, Blaise Buillimore wrote:

"the Welsh Government] WG routinely focus on their responsibility toward network management, and in doing so disregard and deflect attention from their responsibilities for activity management for the protection of MPAs"

27. Some stakeholders also suggested that the action plan and framework were not the same as a strategy. WEL said they have given the "MPA steering group direction, but it's a direction that is based on their current resources and capacity, rather than a "strategic and ambitious vision". Similarly, Professor Fletcher described the objectives as "a little bit procedural" and suggested that the framework needed to express a more ambitious vision of the Welsh Government's policy objectives.

28. However, NRW said that the Framework had provided a focus "to allow Welsh Government to provide leadership". The Port of Milford Haven also commented that the action plan had "produced some action" and had "drawn some funding from Welsh Government for certain projects aimed at addressing strategic network-level issues".

Our view

When this Committee first looked at the subject of Marine Protected Areas in 2017, we were surprised that this was a policy area that had, arguably, been neglected by the Welsh Government for several years. Our report, *Turning the Tide*, was welcomed by stakeholders at the time of publication for shining a spotlight on this neglected policy area. In this follow up inquiry, we have considered how our work can, again, provide an impetus for further development.

Despite the concerns expressed by some stakeholders about the pace of progress since the publication of that report, we believe it is important to recognise the progress that has been made. We have seen the publication of a MPA network management framework and an associated action plan.

In our initial report, we recommended that an ambitious MPA strategy was necessary. Such a strategy would clarify the Welsh Government's ambitions in this policy area. The Welsh Government accepted this recommendation. We do not believe the framework, produced by the Steering Group, constitutes the

strategic document that we envisaged or believe is necessary. We believe that the strategy should underpin the MPA management framework and action plan. It must be developed in full consultation with interested parties and must be brought forward as a matter of urgency.

We note the comments from stakeholders that duties placed on IFCA in England has led to a greater focus on the management of MPAs, particularly in relation to fisheries and improved collaboration. We believe that there is merit in the Welsh Government exploring this matter further.

We note the comments made by members of the Steering Group that it had found a new momentum since the publication of the report. We welcome this progress and believe that the Steering Group needs to build on it. We note the comments from academic experts and stakeholders about the limited membership of the group. We believe that input from a wider range of MPA management authorities and a wider stakeholder base would be valuable. We believe that the Steering Group should consider how it can broaden its membership. This could take different forms, including through including additional members, with member or observer status, or through the establishment of a subgroup of stakeholders.

Recommendation 1. The Welsh Government should bring forward as a matter of urgency an ambitious strategy for MPAs. It should do so by summer 2020. The strategy should focus on the need to take both local and network-scale approaches and to deliver the conservation objectives of individual MPAs, where applicable. The framework and action plan should sit under the strategy. The strategy should be accompanied by an explanation of how the Welsh Government plans to fund MPA Management on an ongoing basis. The strategy should be subject to full consultation and should be refreshed periodically.

Recommendation 2. The Welsh Government should discuss with the MPA Management Steering Group how it can receive input from a broader stakeholder base and additional MPA management authorities. This could include broadening the group out to include additional members or the creation of relevant sub-groups. The Welsh Government should report back to this Committee on the outcome of those discussions.

Recommendation 3. The Welsh Government should explore whether duties for Welsh Ministers, similar to those placed on English Inshore Fisheries and Conservation Authorities under the Marine and Coastal Access Act (2009), should be introduced in Wales and should report back to the Committee on this matter.

2. Staffing and resources

29. In its initial report, “Turning the Tide”, the Committee made the following recommendations in relation to staffing and resources:

“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.”

“The Committee recommends that 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.”

30. Both recommendations were agreed by the Welsh Government.

31. For many contributors to the follow-up inquiry, staffing and financial resources continued to be a cause for concern. In a letter to management authorities, dated 1 August 2019, the Minister for Environment, Energy and Rural Affairs said that in that year the Welsh Government would fund four of the actions at a cost of £138,500.

32. The Minister also said in a letter to the Committee that the Marine and Fisheries budget had been increased to:

“...support our extended functions in the offshore marine area. There is an additional allocation of £600,000 for the 2019-2020 financial year. Elements of this extra funding will support the identification and designation of new protected areas in the deeper offshore marine region, as needed, to complete our contribution towards a well-managed ecologically coherent network of MPAs.”

33. In reference to the funding provided to support the delivery of the Action Plan, Natural Resources Wales (NRW) emphasised that this was the first time that a central fund had been directed at "priority MPA management activity". Further, the Action Plan had enabled NRW to identify key projects and it had "given out £250,000 of grants that support projects by other organisations that aren't statutory management authorities, which are all delivering MPA management benefits". Professor Fletcher noted that the Framework did not contain an objective relating to resources. He believed that this was a serious omission which would impact on authorities' ability to deliver MPA policies. There was "overwhelming evidence" that, "without a decent resource base, none of the other stuff gets delivered".

34. Pembrokeshire Coast National Park Authority (PCNPA) and Snowdonia National Park Authority (SNPA), said they believed that the Welsh Government, either directly or through NRW, should "provide the principal core funding for MPA site management, including EMS officer posts, with relevant authorities continuing to make additional contributions".

35. PCNPA suggested that a wider view of the benefits of MPA management was necessary, in particular, those benefits linked to tourism. This would enable more funding to be directed towards MPA management. It used the Year of the Sea as an example:

"I can only assume that the amount of money spent on promoting Wales to the world via the sea last year was in millions. We seem to be having discussions about the core element of that—the management of marine protected areas—in the thousands or the tens of thousands. So, I entirely agree with your point about the lack of funding, and challenges on funding, but, arguably, we need to take a different view."

An area-based approach

36. In 2015 the Steering Group considered options for managing the MPA network in Wales, with the preferred approach being a local approach with seven management areas. The group also considered an approach of four management areas with more than one officer, depending on the area's needs. However, it concluded, "neither option would be feasible to implement at this time due to lack of resources". These approaches are referred to as an "area-based approach".

37. In her response to the previous inquiry, the Minister stated: "I support the outcome of this work where the Steering Group concluded it would be more

cost-effective, and provide better value for money, to focus on specific projects which will have the greatest impact on feature condition”.

38. However, this Committee heard overwhelming support from contributors to the Committee’s original inquiry and during this follow-up work to an area-based approach, including from members of the Steering Group.

39. The Port of Milford Haven, a member of the Steering Group, said that the current focus on funding short-term projects should be reconsidered in favour of funding for ongoing management activity by Relevant Authority Groups (RAGs) supported by local officers. They felt this approach provided better value for money and was more efficient, since applying for project funding regularly was extremely time-consuming for local officers:

“the RAGs as they exist in Wales...have demonstrated that having a local officer, co-funded by the various management authorities to deliver their responsibilities collectively, has been a cheap and effective model for MPA delivery. Now, at the moment, NRW contributes a small amount of funding to a couple of RAGs. Welsh Government contributes no direct funding to RAGs, but other local management authorities do.”

40. MCS stated that “local independent site officers, or ‘boots on the ground’ are vital to MPA management”. Dr Terry said that “site officers make a lot of sense”:

“They know their patch, they see how things are changing over time and they liaise with stakeholders, and so on, and monitor long-term changes. So, it does make a lot of sense to move towards an area base.”

41. NRW explained that an area-based approach had been considered by the steering group, but that:

“in reviewing the final outcomes, we were of the view that it wasn’t affordable but that we’d keep it on the table just in case funds allowed. But then, in a review of the final outcomes, we realised that we needed to look across all of the network, rather than just focus on the areas, and that was the only sustainable way to take the network forward.”

42. However, the PMSACRAG explained that the decision was a result of funding: “NRW and Welsh Government were of the opinion at the time that they could not fund the proposed MPA network and so further discussion on area-based funding was shelved”. Further, the PMSACRAG highlighted the proposal presented was “that NRW only put in the same amount towards MPA management across the whole of Wales as a single local authority or port”.

43. The Pembrokeshire Coast National Park Authority also appeared to suggest that the decision by the steering group might have been different, had funding been available. It said:

“Going back to that time, I would almost say that, if there was a sum of money available to support this work, then a discussion by that group about how you would best spend those resources could well come to a different conclusion.”

44. The Blue Marine Foundation highlighted that the Welsh Government has a different duty as a “competent authority” to other fisheries managers (such as IFCA in England) and the relevant authorities in Wales. They suggested that this had led to a lack of Welsh Government participation in the work of RAGs in Wales. They said the “loss of the Welsh fisheries management authority from RAG membership undermines fully integrated and collaborative management approaches”.

Welsh Government staffing

45. Some contributors continued to express concern about the capacity of the Welsh Government's staffing resource, in terms of numbers and expertise. Blaise Bullimore said in his written evidence that:

“The number of [the Welsh Government's] WG staff specifically tasked with marine conservation and biodiversity has increased marginally since 2010, but it is still not enough and just a tiny fraction of the hugely increased complement of the WG's Marine and Fisheries Division - just four (including a secondee from the UK Joint Nature Conservation Committee) of the 104 posts identified in the most recent M&FD structure chart.”

46. Dr Terry recognised that there was a lack of transparency around the staffing and financial resources devoted to fisheries and conservation.

Natural Resources Wales

47. Professor Warren recognised that NRW had limited resources and an “enormous” workload, but questioned whether it was giving sufficient focus to marine issues, given that “more than 50 per cent of the area that NRW has to look after is marine”.

48. NRW told the Committee that the Welsh Government has been providing it with support since 2015 for “capacity to help deliver a variety of priority work areas

across the wider programme of marine work in Wales. This includes 2 posts that, amongst other areas of marine programme work, deliver MPA management evidence and action projects”.

49. NRW said that following a recent organisational redesign in NRW, 60 posts would be dedicated to marine work. This did not constitute a change to the “resource envelope”, but was the result of the consolidation of “lots of bits of marine activity in different parts of the organisation” into a marine operation service and two strategic teams – one focused on policy and the other on technical matters. This meant that NRW was “moving to a much stronger position to deal with both the network and the more area and local issues together”.

50. In a letter to the Committee, dated 1 April 2019, NRW highlighted the impact of “the reduction in Grant in Aid” which had meant they had to “reduce work across a range of services” including a “reduction of monitoring of terrestrial and marine biodiversity”.

Our view

As with our initial inquiry, staffing and resources continued to be issues about which stakeholders expressed concern.

In relation to the Welsh Government's funding of this policy area, the Committee recognises that additional funding has been made available to deliver projects and actions included in the action plan. However, we also note the comments from stakeholders about the limitations of a funding approach that is focused only on the delivery of specific projects, particularly in terms of delivering value for money in the long-term.

We note that stakeholders continue to overwhelmingly support the area-based approach, with local site officers. Indeed, the members of the steering group told us that, had funding been available to make an area-based approach viable, with the Welsh Government and NRW contributing the lion's share, the group's decision about whether to pursue this approach would likely have been different. Stakeholders were clear that an area-based approach was their preferred option and would deliver better outcomes and value for money.

Further, we note the view of stakeholders that further consideration needs to be given to how MPA site management is funded. In particular, we note the suggestions that the Welsh Government and NRW should be contributing a larger proportion of funding towards management, in line with their

responsibilities. We believe that now is an appropriate time to reconsider the approach to funding.

We agree with stakeholders about the benefits of an integrated approach to management and suggest that there would be advantages if the Welsh Government's Marine and Fisheries Division were to consider with RAGs how they can work in a more integrated way.

Stakeholders continue to point to a lack of transparency in relation to Welsh Government staffing numbers and arrangements for marine conservation. We believe it would be useful for the Welsh Government to clarify this matter.

Recommendation 4. The Welsh Government should develop proposals, in consultation with the MPA Management Steering Group, for an area-based approach that would see management authorities put in an amount of money to the pot which is proportionate to the protected area for which they have responsibility. The funding for this should be in addition, rather than instead of, funding for actions in the Action Plan.

Recommendation 5. The Welsh Government should consider how the Marine and Fisheries Division will, in discussion with the five Welsh Relevant Authority Groups (RAGs), develop a more integrated approach to working with RAGs.

Recommendation 6. The Welsh Government should identify the specific number of staff in the Marine Conservation Branch of the Marine and Fisheries Division and report back to this Committee.

3. Public and stakeholder engagement

51. In its initial report, “Turning the Tide”, the Committee recommended that:

“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.”

52. This recommendation was accepted in principle by the Welsh Government.

Engagement with stakeholders

53. In addition to the matters relating to the membership of the Steering Group, which were addressed in Chapter 1 of this report, a lack of engagement with stakeholders continued to be an issue for some contributors.

54. MCS believed it was important that stakeholders should be able to influence the development of the Action Plan and support delivery, and pointed to examples where organisations with expertise in specific areas could have made a positive contribution to the Steering Group's work:

“They're looking at community litter projects—the MCS weren't there to help....They've already looked at how they're going to do it without actually involving the stakeholders who could provide that information.”

55. WEL said it believed that NRW and the Welsh Government had recognised that engagement with stakeholders could be improved and were exploring ways to achieve that. One suggestion had been the establishment of “a biodiversity subgroup of the WMAAG marine stakeholder forum”. WEL added that “the key with that will be to make sure that it is a team collaborative effort where everybody suggests what should be on the agenda, rather than it being Welsh Government dictating what the meetings are about”.

Engagement with the public

56. In the Minister's response to the original inquiry she referred to the 2018 Year of the Sea, saying:

“My department is working with internal and external stakeholders to ensure we maximise the opportunities this campaign offers to improve public awareness of our sites”.

57. Several contributors highlighted that the 2018 Year of the Sea had provided an opportunity to increase public engagement in marine issues. However, many questioned the extent to which this had been realised. The PMSACRAG suggested that other priorities, such as Brexit, had impeded progress and said that the “understanding of MPAs, their purpose and benefits, still appears low amongst the general public”.

Our view

We note stakeholders' comments about the lack of impact arising from the 2018 Year of the Sea. This is disappointing, particularly given the Minister's emphasis on this as an opportunity to increase public engagement with MPA policy in response to our initial Report.

The Minister should provide us with an assessment of the impact of the Year of the Sea initiatives, with a specific focus on its impact on MPAs and conservation.

The Welsh Government has added biodiversity to its priorities for its budget preparations. The Welsh Government must ensure that MPAs are a key consideration in relation to this priority.

Given the value of the Welsh coast to the tourism sector in Wales, we also believe that the Welsh Government should ensure that biodiversity and conservation, in particular, concerning MPAs, are reflected in its forthcoming tourism strategy.

To ensure that an integrated approach is taken and that MPAs are reflected appropriately in tourism and other, related, strategies, we believe that consideration should be given to inviting wildlife tourism sector representatives to participate in the Welsh Marine Action and Advisory Group (WMAAG).

Recommendation 7. The Welsh Government must ensure that marine biodiversity and conservation are reflected in its forthcoming tourism strategy.

Recommendation 8. The Welsh Government should write to marine wildlife tourism sector representatives to invite them onto the WMAAG (Wales Marine Action and Advisory Group) and should provide an update on the progress of the establishment of a Biodiversity sub-group of the WMAAG.

4. The condition of the Marine Protected Areas Network

58. In its initial report, “Turning the Tide”, the Committee made the following recommendations in relation to the condition of the Marine Protected Areas Network:

“The Committee recommends that 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.”

And

“The Committee recommends that 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.”

59. Both recommendations were agreed in principle by the Welsh Government.

Enforcement and implementation of management measures

60. In written evidence, NRW highlighted work on management measures under the Assessing Welsh Fisheries Activities (AWFA) Project:

“The Welsh Government and NRW are undertaking a comprehensive project to assess the impacts of all marine fisheries activities from licensed and registered fishing vessels on protected features of European Marine Sites in Wales...NRW is leading on the production of these fishing gear assessments...Welsh Government will use the assessments to consider any management which may be required to address potential impacts on a site-by-site or all-Wales basis. The project's outputs will be used to support the aims of The Habitats Directives/Habitats Regulations, The Environment Act and The Wellbeing of Future Generations Act.”

61. The AWFA project had commenced at the time of the Committee's first inquiry into MPA management. The first assessments by NRW, for the purple "high-risk" interactions between fishing activities and MPA features, were published in 2017. Several contributors commented on a lack of progress made by the Welsh Government on the AWFA project since the last inquiry. WEL explained that "there remains no management in place" under the project.

62. MCS stated in their written evidence that:

"MCS is extremely concerned that there has been management inaction by the Welsh Government, that could have resulted in better management of MPAs, namely the Assessing Welsh Fishing Activities (AWFA) project."

63. The PMSACRAG also highlighted that the AWFA would result in "direct site management improvements" but that the project had been "overshadowed since Brexit began". MCS also highlighted this, saying "the reason we're given [for the lack of management implementation] is because there isn't time".

Marine biodiversity monitoring

64. In response to the Committee's initial inquiry, the Minister stated:

"We and NRW are working closely with the Joint Nature Conservation Council (JNCC) and other country nature conservation agencies to develop a consistent and evidence based approach to the monitoring and surveillance of our sites. This work is due to conclude next summer. We will review our approach to site monitoring further when this work is complete. I will provide the Committee with an update once proposals are fully formed."

65. NRW described this programme, which covers marine monitoring inside and outside of MPAs, in their written submission to the inquiry. They said the objective is to "fulfil nature conservation obligations for monitoring in a more coordinated, cost effective manner, taking a risk-based approach to programme design". NRW also described a range of monitoring and reporting that will feed into this programme, including Article 17 reporting under the Habitats Directive. They said:

"This round of Article 17 reporting has not been published or submitted to Europe yet and the assessments are not completed at the country level. However, after the Article 17 reports are submitted it is anticipated, depending on resources, that Wales will produce some

country level reports to aid understanding of the state of Annex I and Annex II habitats and species in Welsh waters.”

66. Additional reporting has been carried out in accordance with the Convention for the Protection of the Marine Environment of the North-East Atlantic (the “OSPAR Convention”). Commenting on OSPAR monitoring, NRW said:

“In 2018 the second OSPAR MPA management effectiveness assessment of Welsh EMS was carried out. This is part of a very high-level assessment of the management of MPAs across the whole of the OSPAR network. All Welsh sites were again 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.”

MPA site condition monitoring and reporting

67. NRW has produced indicative feature condition assessments for features in Wales’ European Marine Sites (EMS), which include all marine SACs and SPAs. These assessments considered the conservation status of the features (species and habitats) at the site level. They found that 45% of all designated features are in favourable condition, whilst 45 per cent are in unfavourable condition, with varying degrees of confidence in the assessment.

68. Professor Fletcher said that the site condition assessments were “surprisingly poor, given the time over which the MPAs have already been designated”. Given that some designations had been in place for over ten years, it was surprising that so many of the site condition reports came under the “unfavourable” or “no information” categories. Further, he explained that “The condition report assessment...doesn’t really say what the condition was previously”. This made it difficult to judge the impact of management.

69. The Port of Milford Haven explained that “a great many of these conservation designations and marine protected areas have no direct active management”. Blaise Bullimore commented that as “more data and information are added, the evidence grows that the condition of the features being monitored, particularly habitat features, are worse than previously assumed and, in some cases, apparently continuing to deteriorate”.

70. In reference to the impact of the Framework and the accompanying Action Plan, NRW explained that it will take time to detect any changes in feature conditions as a result of actions taken, and therefore:

“...it is too early to say definitively whether any action in the MPA management action plan has led to improved condition – even major changes in activities can take many years to show a change in condition due to the time needed to show change and the difficulty of monitoring change.”

71. PMSACRAG also highlighted the need for a long term approach, “Because multiple issues are affecting feature condition, and because improvements can take time to manifest”. However, it emphasised that:

“According to NRW’s indicative site condition reports and our own observations, site features within the Pembrokeshire Marine SAC have generally not shown improvement since site designation.”

72. The Minister informed this Committee that a “project to develop a permanent, sustainable, site-level feature condition reporting process is on track to deliver recommendations in early 2022”. However, NRW has said that:

“It is unlikely that resources and suitable evidence sources will all be available at any given time to monitor and report on all features, or to report with the same level of confidence. Our aim, however, is to develop, over the coming few years, an assessment and reporting process that is of practical use in informing effective site management.”

73. WEL said it was concerned that given the “site condition reports are not a statutory requirement, they will cease or be de-prioritised”. They cited previous evidence from NRW, which stated:

“Site Condition Reports are the tool that most partners, management authorities, and WG, request from NRW to support effective MPA management decisions. This is a challenge for NRW to resource as there is no statutory requirement to produce such reports or collect the relevant monitoring information.”

Marine evidence strategies

74. In September 2019 the Welsh Government published a Welsh Marine Evidence Strategy, developed with NRW. The Strategy’s specific purposes are to identify the high level, strategic marine evidence priorities needed to support marine policies and plans of the Welsh Government and NRW through:

- providing a framework to support the collection and improved use of marine evidence;

- guiding the implementation, monitoring and review of actions to meet evidence priorities;
- improving collaboration, co-ordination and sharing of scientific knowledge among Wales' marine evidence stakeholders; and
- helping align and develop Wales' marine evidence capacity and promote innovation.

75. Whilst the evidence strategy had not been published at the time of the Committee's inquiry, WEL welcomed the upcoming Welsh Marine Evidence Strategy, because it "represents a positive opportunity for the Welsh Government's Marine and Fisheries Division to shift to having a central focus for its evidence base, with a clear and shared strategy supporting its wide marine management portfolio from marine planning, to MPA management". The MCS said that the evidence strategy:

"...should address marine biodiversity evidence gaps that are hindering conservation efforts. However, this should not have a focus on fisheries management but rather on marine management overall, with fisheries as one of the activities."

76. The Welsh Government was developing a Fisheries Evidence Plan with the Centre for Environment, Fisheries and Aquaculture Science (Cefas) which, the Minister informed the Committee, would "produce a baseline of current evidence and outline priorities for 2019-20 onwards".

Our view

We note the comments from some stakeholders that outcomes of the site condition assessments were disappointing, particularly given that some designations have been in place for many years. We recognise, however, that actions will take time to demonstrate results, sometimes over many years. However, it is reasonable to conclude, from the assessments, that despite there being some active management in place, there has been inconsistent progress across the MPA network.

We are concerned about the lack of progress with the Assessing Welsh Fishing Activities (AWFA) project. The assessments for high-risk activities have been published since 2017. We believe that this should be progressed as a matter of urgency. The Welsh Government must also ensure that NRW has sufficient

resources to complete the remaining assessments under the project as soon as possible.

We believe that site condition reporting is a vital part of the monitoring process for MPAs. We note that the Minister has said that a project to deliver a sustainable site-level reporting process is due to make recommendations in early 2022. But we are also concerned by NRW's suggestion that, given the resource implications, there is a risk that future arrangements will be less robust. We believe the Welsh Government should consider ways to ensure that the integrity of site condition reporting is maintained, and this should include consultation about whether requirements to report and collect data on MPA feature condition, at the site-level in Wales, should be placed on a statutory footing.

In relation to evidence and data about MPAs, we believe that MPA evidence gaps should be addressed through the Marine Evidence and the Fisheries Evidence Plans, particularly as this work is intended to produce a baseline to inform future policy priorities.

Recommendation 9. The Welsh Government should explain why management has not yet been implemented as a result of the AWFA assessments for high-risk activities, which were published in 2017. It should bring forward a consultation on management options for those activities as a matter of urgency. The Welsh Government should agree a timetable with NRW for the completion of the remaining assessments, but this should be no later than January 2021. The Welsh Government should assess the level of resources that will be needed by NRW to complete this work.

Recommendation 10. The Welsh Government should explore the desirability of making the production of site-level feature condition reports and the collection of relevant monitoring information a statutory requirement.

Recommendation 11. The Welsh Government should ensure that MPA evidence gaps are addressed through the implementation of the Marine Evidence and Fisheries Evidence Plans.

5. Completion of an ecologically-coherent network

77. In its initial report, “Turning the Tide”, the Committee recommended that:

“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.”

78. The Welsh Government accepted the recommendation.

Marine Conservation Zone designation

79. There is currently one Marine Conservation Zone (MCZ) in Wales; the waters around Skomer Island in Pembrokeshire. Skomer was converted into an MCZ from a Marine Nature Reserve. The *Marine and Coastal Access Act 2009* introduced new powers for the Welsh Ministers to designate Marine Conservation Zones in the Welsh inshore region. The Act also includes a duty to designate MCZs to form part of the wider UK MPA network (Section 123).

80. In 2012, the Welsh Government consulted on options for highly protected MCZs. The then Minister for Natural Resources and Food, Alun Davies AM, commented that this “...generated a substantial response that expressed divergent and strongly held views”. In response, a Task and Finish Group, supported by a Stakeholder Focus Group, was established to consider and advise the Welsh Government on taking forward MCZs in Wales. The team published its report and recommendations in 2013.

81. The analysis of progress towards the development of an ecologically coherent network of MPAs in Wales was published in 2016. Shortly after, the Wales Act 2017 extended powers to designate MCZs in the Welsh offshore region (area of Welsh waters beyond the 12 nautical mile territorial sea limit).

82. In a letter to this Committee, dated 17 April 2019, the Minister for Environment, Energy and Rural Affairs, Lesley Griffiths AM, confirmed that MCZ designation would be considered to address gaps in the MPA network. She said:

“The work currently underway to identify MCZs is focusing, in the first instance, on delivering the results of the 2016 network assessment, which considered the role of habitats and species of limited mobility within the network. The next phase of MCZ work will consider whether

there is a need for further spatial protection for highly mobile species, such as seabirds and cetaceans.”

83. A new Task and Finish Group, including stakeholders, has been established by the Welsh Government to identify potential MCZs. The Group met for the first time in April 2019 and the minutes of the meeting were published in July 2019.

84. Sue Burton, European Marine Site Officer, commented:

“I think the only logical and really productive addition to the network would be some highly protected areas where we can properly understand marine ecological functioning. So, concentrate on what we’ve got, try and improve what we’ve got, add some highly protected areas and focus on research in those areas to help the network as a whole, and don’t spread yourself any thinner than that.”

85. Professor Warren presented a similar view in her written evidence, stating “there is also much merit in establishing some highly protected sites either within existing MPAs or as additional sites”. MCS also shared this view.

86. In written evidence, WEL recognised a need for new MCZ designations and said it had waited two years for the “Welsh Government to convene a MCZ Task and Finish Group”. It highlighted that the identification, designation, and management of MCZs would require significant resources.

87. The Royal Society for the Protection of Birds (RSPB) said: “we’ve been very concerned with the marine conservation zone task and finish group because, currently, the intention is not to consider mobile species within the work to designate MCZs”. Similarly, WEL wrote: “it is our understanding that this is due to resource constraints, despite the ecological need being apparent”.

Our view

We welcome the establishment by the Welsh Government of a new Task and Finish Group, including stakeholders, to identify potential MCZs. We note, however, that the minutes of its first meeting were published in July 2019. We are somewhat disappointed that it has taken so long since the publication of our first Report for the Group to be established. We would be grateful for an update from the Minister on the Group’s progress in due course.

As part of its work, we believe the Task and Finish Group should consider the need for highly-protected MCZ designations. We recognise this has been a particularly contentious matter in the past, but that should not mean that this

important matter cannot be considered again. We believe that, as part of this consideration, the Task and Finish Group will need to consult extensively with stakeholders and those that could be affected, including fishers.

We note the concerns that mobile species may not be considered as part of the work to designate MCZs. We think this is an omission that should be addressed. Any MCZ proposals brought to consultation should include information on the mobile species in that area and an assessment of the merit of adding those mobile species as designated features within the site.

We would welcome an update from the Minister on the timetable for the completion of the Group's work. We believe that now it has been established, momentum should be maintained. We believe that the Group should bring forward proposals for consultation as soon as it can, but, in any event, we expect it should be no later than February 2020.

Recommendation 12. The Welsh Government should report back on the progress of the work of the Task and Finish Group established to identify potential MCZs. The Welsh Government should ask the Task and Finish Group to bring forward proposals for consultation as soon as possible, but no later than February 2020.

Recommendation 13. The Welsh Government should ask the Task and Finish Group to consider, as part of its work, the need for highly-protected MCZ designations. This consideration should be informed by extensive consultation with interested parties, such as fishers.

Recommendation 14. The Welsh Government should ask the Task and Finish Group to develop a plan for designating MCZs for mobile species.

6. Implications of exiting the European Union

88. In its initial report, “Turning the Tide”, the Committee made the following recommendations in relation the implications of leaving the EU:

“The Committee recommends that a cornerstone of MPA management is recourse and access to justice. The Welsh Government must ensure that future arrangements are in line with the Aarhus Convention and not prohibitively expensive for applicants.”

“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.”

“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.”

“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.”

89. The first two recommendations were accepted by the Welsh Government. The penultimate recommendation was accepted in principle. The fourth recommendation was rejected.

90. The majority of Welsh MPAs have been designated under the EU Habitats and Birds Directives. In order for these designations to retain their existing status and legal underpinning, these Directives will become retained EU law upon withdrawal from the EU.

91. Natural Resources Wales (NRW) told the Committee that the Framework and Action Plan will “remain relevant in its current form pre and post EU Exit as it builds on and utilises powers and responsibilities that will be retained in their current form post EU exit”. However, exiting the EU will present challenges for the

management of MPAs given the predominance of EU derived legislation currently underpinning the management regime.

92. On 1 May 2019, Welsh Government published its consultation on marine and fisheries policies after Brexit, "Brexit and our seas". The consultation stated:

"There will be no roll back on our commitments or standards in the marine environment as a result of Brexit... The Welsh Government is committed to completing its contribution to the wider network and continuing to ensure its contribution is well managed. We will use the combination of powers available through the Marine and Coastal Access Act 2009 (MCAA) and the various Regulations implementing the Nature Directives to continue to fulfil this commitment."

93. Although topics such as ecosystem resilience were included among the consultation questions, the consultation did not include any specific questions on MPAs.

94. Professor Fletcher said that the ambitions of the EU had been the greatest driver for improvements in marine conservation in recent years. He suggested that one of the challenges after the UK exits the EU would potentially be the lack of leadership, in the absence of such a driver. This was echoed by NRW, which expressed concern that "although we're saving all the European legislation, it potentially loses its impetus and its drive". This was concerning because the EU legislation "underpins our designations and our drive for better MPA management".

95. Milford Haven Port Authority said it believed it was very important "that Wales retains access to European research, European involvement, and understanding of how the European network is operating".

National MPA network

96. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 explanatory memorandum makes it clear that, following EU exit, UK SACs and SPAs will no longer contribute to the EU Natura 2000 protected sites network. It states that under the regulations:

"A national site network is created to retain the concept of a UK network of sites. The 'national site network' is defined as including Natura 2000 sites designated prior to EU exit and those Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated post EU Exit."

97. Pembrokeshire Coast National Park Authority said, “there is a risk when you move from an international network to something more nation based—does that change the situation?” Milford Haven Port Authority added:

“certainly, having the Welsh network of MPAs extracted from the broader European Natura 2000 network potentially could change what our priorities are. Now, whether that should be the case is a whole different can of worms. I think what's very important is that Wales retains access to European research, European involvement, and understanding of how the European network is operating, because it would be very foolish to imagine that there are borders in the sea. That's very clear.”

Funding

98. In her response to the original inquiry, the Minister said:

“It is not for the Welsh Government to explain what it is going to do to replace funding lost as a result of exiting the EU. The Welsh Government has been very clear it is for the UK Government to deliver on the referendum promise made by the Leave campaign that Wales will not lose a single penny as a result of leaving the EU.”

99. Over the last ten years, the Welsh Government has reported that European funding pots, such as the European Maritime and Fisheries Fund (EMFF) and the LIFE programme fund, have provided over £5 million for projects related to marine biodiversity conservation and Marine Protected Area management by the Welsh Government and Natural Resources Wales.

100. In a letter to this Committee, dated 17 April 2019, the Minister for Environment, Energy and Rural Affairs stated:

“I expect the UK Government to honour its commitment to guarantee all of the EU funding programmes in full once we exit the EU. This includes meeting the costs of administering the programmes and the use of an appropriate exchange rate. In terms of all funding arrangements after we exit the EU, I am clear that Wales must not receive a penny less as a result of exiting the EU.

The UK Government has guaranteed that, in a no deal scenario, LIFE projects currently supported by EU funding will continue to be funded by HM Treasury for the lifetime of the projects. If a deal is struck, then they will continue to be funded by the EU for the lifetime of the

projects. HM Treasury are considering options to replace LIFE funding in the longer term following our exit from the EU. My officials are pressing HM Treasury to make this funding available to the Welsh Government.”

My officials continue to play a full role in the discussions of the UK EMFF Senior Steering Group. This Group recently discussed vulnerabilities in the event of a no deal scenario, and proposals for the administration of the additional funding for the fishing industry announced by the Secretary of State for Environment, Food and Rural Affairs last December.”

101. Dr Terry expressed concern about future funding arrangements, given the extent of the current contribution from EU funds. He said:

“For example, the European maritime and fisheries fund—there was about £2.25 million between 2007 and 2013. The European contribution was 75 per cent. The same fund from 2014 to the present was nearly £700,000, and the European contribution 79 per cent. The LIFE programme from 2012 to 2015 was £1 million, and the EU contributed 50 per cent, and the LIFE programme from 2015 to the present is £4 million, and the EU contributed 75 per cent.”

102. He referred to the sector's reliance on these funds and his concern that “there are no public reassurances by the Welsh Government that those funds are going to be made up once we leave”.

103. WEL expressed similar concerns about the extent to which future iterations of the Action Plan would be funded, given the reliance on EU funds, such as the EMFF, which was “funding the vast majority of NRW's actions in the MPA action plan, and yet there doesn't seem to be much consideration going into how they will continue to fund actions like that going forward”. It went on to refer to the EU LIFE fund, which had been used to fund both NRW and third sector work and expressed concern about whether such funding would continue.

Our view

We agreed with the view expressed by one participant in the Committee's inquiry that the ambitions of the EU have been “the greatest driver for improvements in marine conservation in recent years”. We share stakeholders' concerns about the potential gaps that might arise after the UK leaves the EU. In particular, one of the challenges the Welsh Government will face after Brexit will be maintaining the impetus and drive that resulted from EU membership.

Furthermore, there will be other challenges arising from working with other UK governments, with potentially different emphases and priorities.

As we set out in our initial report, we believe that “a cornerstone of MPA management is recourse and access to justice”. We have recently published a report on the subject of Environmental Principles and Governance in Wales after the UK leaves the EU, and which includes several detailed recommendations on this matter that we believe are relevant in relation to MPAs.

We share the concerns expressed by stakeholders about the potential loss of access to European research, the impact of departing the Nature 2000 network and the loss of funding from the EU EMFF and Life Fund and the impact these losses will have on MPA management in Wales. We believe the Welsh Government should report to this Committee on its assessment of any such impact and should provide information about the mitigating actions it is taking or is intending to take.

Recommendation 15. The Welsh Government should undertake or commission an assessment of the impact on MPA management of leaving the EU, including a potential loss of access to EU research, institutions and funding. In so doing, it should explain how it will mitigate any such impact.

Annex A: Written consultation responses

Reference	Organisation
MPA 01	Natural Resources Wales
MPA 02	Marine Conservation Society
MPA 03	Individual
MPA 04	Pembrokeshire Marine Special Area of Conservation Relevant Authorities Group
MPA 05	Wales Environment Link
MPA 06	Dŵr Cymru Welsh Water
MPA 07	Pembrokeshire Coast National Park Authority and Snowdonia National Park Authority
MPA 08	Aberystwyth University
MPA 09	Port of Milford Haven
MPA 10	Blue Marine Foundation
MPA 11	Wales Environment Link: additional information

Annex B: Oral evidence

Date	Name and Organisation
22 May 2019	<p>Professor Stephen Fletcher, Professor of Ocean Policy and Economy - University of Portsmouth</p> <p>Sue Burton, SAC Officer – Pembrokeshire Marine Special Area of Conservation</p> <p>Jonathan Monk, Environmental Manager – Port of Milford Haven</p> <p>Tegryn Jones, Chief Executive – Pembrokeshire Coast National Park Authority</p>
6 June 2019	<p>Professor Lynda Warren, Emeritus Professor – Aberystwyth University</p> <p>Alan Terry, Blue Marine Foundation</p> <p>Dr Mary Lewis, Marine and Coastal Policy and Planning Team Leader – Natural Resources Wales</p> <p>Rhian Jardine, Head of Service for Marine – Natural Resources Wales</p> <p>Gill Bell, Wales Environment Link</p> <p>Emily Williams, Wales Environment Link</p>