

## **Written Response by the Welsh Government to the report of the Climate Change, Environment and Rural Affairs Committee entitled “Turning the tide? Report of the inquiry into the Welsh Government’s approach to Marine Protected Area management”**

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I welcome the Committee’s report which supports the Welsh Government’s vision for clean, healthy, safe, productive and biologically diverse seas.

As I confirmed in my written evidence and remarks to the Committee, the Welsh Government is progressing a broad range of policy initiatives in this area, in close liaison with stakeholders and partners to deliver on this vision. This includes the development of Wales’ first National Marine Plan, our ongoing role in setting marine licensing policy, continued implementation of the Marine Strategy Framework Directive, the sustainable management of our fisheries and the contribution to a network of well-managed marine protected areas. In delivering this work, we are embracing the principles of the Well-being of Future Generations (Wales) (WFG) and Environment (Wales) Acts in addition to fulfilling wider domestic legislative requirements and our international obligations.

Working with the Marine Protected Area (MPA) Management Steering Group, the Welsh Government is leading on the production of an MPA Management Priority Action Plan. The Plan will set out both the strategic context and specific delivery requirements. It will articulate the Group’s collective vision for the management of the MPA network in Wales. Group members have agreed their respective MPA management roles and responsibilities and progress the prioritised actions needed to help bring the MPA network into favourable condition. Successful delivery will contribute to the Welsh Government’s stated ambition to make our contribution to the wider ecologically coherent and well managed network of MPAs. This, together with the other collaborative work highlighted above, will support the sustainable management of our seas and contribute to resilient and productive marine ecosystems to support sustainable growth and use of our seas now and for the future.

As we prepare to exit the European Union, I will continue to work closely with the UK Government and other Devolved Administrations to seek to ensure the right legislative and financial levers are available to Wales to continue to strive toward our vision..

I have set out below my response to the Committee’s specific recommendations.

**Detailed Responses to the report’s recommendations are set out below:**

### **Recommendation 1**

The Committee recommends that 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.

### **Response: Accept**

I accept this recommendation. The Welsh Government is committed to an effectively managed MPA network which provides the full range of ecological and societal benefits. The Welsh Government will continue to provide leadership through the Marine Protected Area Management Steering Group. Working with it, we will finalise the MPA Management Priority Action Plan to agree the strategic direction and refocus our collective work on the prioritised management actions needed to achieve and/or maintain favourable condition. I expect the Action Plan will be in use from next April.

**Financial Implications** – None. Any additional costs will be drawn from existing programme budgets.

### **Recommendation 2**

The Committee recommends that 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.

### **Response: Accept in principle**

I accept this recommendation in principle.

The breadth of the Welsh Government's Marine and Fisheries Division responsibilities means all staff are involved in sustainable marine management to some extent, whether through fisheries management, marine licensing or marine planning. As I explained to the Committee, departmental budgets remain very tight but I will keep this under review should funding become available from elsewhere across my portfolio.

The MPA Management Steering Group has already considered the proposals for funding an area based approach to management. 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. These projects will be included in the MPA Management Priority Action Plan. I wrote to relevant authorities earlier this year to remind them of their statutory obligations and to promote the opportunities for authorities to work together as required by the Well-being of Future Generations (Wales) Act. 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.

Natural Resources Wales (NRW) will continue to fulfil its statutory duties from within its funding allocation. I meet with the Chair and Chief Executive of NRW regularly and I will discuss any concerns or issues NRW might have in meeting its obligations.

**Financial Implications** – None. Any additional costs will be drawn from existing programme budgets.

### **Recommendation 3**

The Committee recommends 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 22 specialist groups it leads and ensuring stakeholders are fully engaged in the development of the MPA strategy.

### **Response: Accept**

I accept this recommendation. I am committed to engaging and working with external partners and stakeholders to develop and deliver the work of my portfolio. In addition to the MPA Management Steering Group, the Welsh Government has established the Wales Marine Advisory and Action Group (WMAAG) (formerly Wales Marine Strategic Advisory Group) and the Wales Marine Fisheries Advisory Group (WMFAG). These high-level stakeholder fora ensure effective and meaningful engagement in relation to the delivery of marine and fisheries work and are an important mechanism for informing and formulating our policies, plans, strategies and legislation to help meet our strategic objectives for this area.

Updates and key messages from meetings of these groups are shared on our website and via members' networks. Full notes of the Wales Marine Stakeholder Advisory and Action Group and the Wales Marine Fisheries Advisory Group are available on request. To ensure transparency, copies of minutes from other stakeholder meetings and workshop reports such as the Marine Planning Stakeholder Reference Group and the Whelk Task and

Finish Group are also available on request. These present a summary of discussions held. I have already committed to publishing the minutes of the MPA management Steering Group and the Scallop Task and Finish Group. The intention is to publish summary points of stakeholder meetings and workshops on the Welsh Government's Marine and Fisheries website page with immediate effect.

Regarding wider engagement on our MPAs, the Year of the Sea campaign 2018 provides a great opportunity to promote the value of our MPAs. 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.

**Financial Implications** – Any additional costs, which are expected to be minimal, will be drawn from existing programme budgets.

#### **Recommendation 4**

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.

#### **Response: Accept in principle**

I accept this recommendation in principle. The Welsh Government already operates a risk-based and intelligence-led approach to marine enforcement, which will continue. A new strategy is unnecessary therefore.

The National Plan for Managing our Network of MPAs is structured around five areas identified as priority for MPA management. These are:

- Water management
- Pollution and waste, including marine litter and water quality
- Access and Recreation
- Marine fisheries
- Invasive non-native species

Actions have been identified to focus our support on targeted intervention for those features most at risk from associated pressures. The Welsh Government and NRW will continue to work with relevant enforcement agencies, providing support where possible.

**Financial Implications** – None. Any additional costs will be drawn from existing programme budgets.

#### **Recommendation 5**

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.

**Response: Accept in principle**

I agree the availability of robust data and evidence is vital to ensure effective management and sustainable use of our seas. We have much information already available to us from a wide range of sources and our marine scientists collaborate with a range of partner organisations. 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.

**Financial Implications** – Any additional costs will be drawn from existing programme budgets.

**Recommendation 6**

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.

**Response: Accept**

I accept this recommendation. As far as is possible, the Welsh Government already identifies potential management measures, monitoring and enforcement requirements and associated indicative costs as part of the Impact Assessment process when proposed sites are consulted upon. The Impact Assessment forms part of the consultation package for proposed sites.

**Financial Implications** – Costs for preparing Impact Assessments are met through existing budgets.

**Recommendation 7**

The Committee recommends 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.

**Response: Accept**

I accept this recommendation. An MPA network can be considered ecologically coherent if it protects a range of marine habitats and species which are representative (native) of our waters, is resilient to withstand, adapt or recover from impacts and connects areas to allow linkages and provides species with protection through their different life stages.

The Welsh Government is already making a substantial contribution towards an ecologically coherent network of MPAs in UK waters. Our network, as a whole, is well connected. The majority of broad scale habitats and species, with limited or low mobility, are represented and where possible replicated. This provides network resilience.

Earlier this year, I made a written statement about our network contribution and set out my commitment to work with stakeholders to address the small network gaps identified.

**Financial Implications** – None. Any additional costs will be drawn from existing programme budgets.

### **Recommendation 8**

The Committee recommends that 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.

### **Response: Accept**

I accept this recommendation. The principles of the Aarhus convention are important pillars of sustainable natural resource management and we will want this to continue. At this stage it is too early to know what form it may take.

**Financial Implications** – None. Any additional costs will be drawn from existing programme budgets.

### **Recommendation 9**

The Committee recommends that 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.

### **Response: Accept**

I accept this recommendation. I have consistently emphasised to the UK Government, our commitment to ensuring the protections and standards, which benefit Welsh citizens and the well-being of society as a whole, are not eroded as a result of exiting the EU.

In our on-going discussions with the UK Government and Devolved Administrations, we will continue to actively reflect the needs of Wales. I also agree it is important we collectively agree a mechanism to continue the management of cross-border marine areas, once we leave the EU.

**Financial Implications** – None. Any additional costs will be drawn from existing programme budgets

### **Recommendation 10**

The Committee recommends that 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.

### **Response: Accept in principle**

I accept this recommendation in principle. The Welsh Government will continue to meet its reporting requirements to the National Assembly for Wales under section 124 of the Marine and Coastal Access Act 2009 and provide a report every six years on the condition of our MPA network. Wales will continue to contribute to the OSPAR Commission's Quality Status Report which will include an assessment of the status of the network.

Natural Resources Wales is developing indicative Site Condition Reports, which will provide us with an evidence base to support management and inform reporting requirements. Whilst not a statutory requirement, Natural Resources Wales plan to produce site condition reports on a more regular basis. A project is currently underway to consider how this can be achieved. Reports will be shared with stakeholders as a matter of course.

**Financial Implications** – None. Any additional costs will be drawn from existing programme budgets.

### **Recommendation 11**

The Committee recommends that 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.

**Response: Accept**

I and my department will continue to work with the other Devolved Administrations and the UK Government to secure the future of the Welsh fishing industry.

Fisheries and aquaculture will feature in the first Welsh National Marine Plan alongside other priority sectors. Our approach to fisheries management will continue to be sensitive to the features of marine protected areas, and to the wider ecosystem, through the principles of the Marine Strategy Framework Directive.

**Financial Implications** – None. Any additional costs will be drawn from existing programme budgets with the expectation, when the UK leaves the EU, current funding streams will remain.

**Recommendation 12**

The Committee recommends that 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.

**Response: Reject**

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.

**Financial Implications** – None for the Welsh Government.

Lesley Griffiths AM, Cabinet Secretary for Environment and Rural Affairs