

Environment and Sustainability Committee

Meeting Venue:
Committee Room 3 – Senedd

Meeting date:
18 October 2012

Meeting time:
08:30

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



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Agenda
Budget scrutiny

Private pre-meeting 08.30 – 09.30

1. Introductions, apologies and substitutions

2. Welsh Government Draft Budget 2013–2014 – Scrutiny of the Deputy Minister for Agriculture, Food, Fisheries and European Programmes (09.30 – 10.30) (Pages 1 – 14)

E&S(4)–25–12 paper 1

Alun Davies AM, Deputy Minister for Agriculture, Food, Fisheries and European Programmes

Andrew Slade, Director of EU Policy and Funding and Head of European Programmes Group

Rob Hunter, Director, Finance and Performance

3. Welsh Government Draft Budget 2013–2014 – Scrutiny of the Minister for Environment and Sustainable Development (10.30 – 11.30) (Pages 15 – 25)

E&S(4)–25–12(paper 2)

John Griffiths AM, Minister for Environment and Sustainable Development

Matthew Quinn, Director, Environment & Sustainable Development

Dr Christianne Glossop, Director, Office of the Chief Veterinary Officer

4. Motion under Standing Order 17.42(vi) to exclude the public from the meeting for item 5 (11.30)

Private session

5. Welsh Government Draft Budget 2013-2014 – Consideration of evidence (11.30 – 12.00)

Break 12.00 – 13.00

Public session

6. Inquiry into Marine policy in Wales – Oral evidence from Wales Environment Link (13.00 – 15.00) (Pages 26 – 67)

E&S(4)-25-12 paper 3 – Wales Environment Link

E&S(4)-25-12 paper 4 – RSBP Cymru

E&S(4)-25-12 paper 5 – Wildlife Trusts Wales

E&S(4)-25-12 paper 6 – WWF Cymru

E&S(4)-25-12 paper 7 – Marine Conservation Society

Gareth Cunningham, RSPB Cymru

Beth Henshall, Wildlife Trusts Wales

Dan Crook, WWF Cymru

Gill Bell, Marine Conservation Society

7. Motion under Standing Order 17.42(vi) to exclude the public from the meeting on 24 October (15.00)

Environment and Sustainability Committee

E&S(4)-25-12 paper 1

Welsh Government Draft Budget 2013-14 : Paper from the Deputy Minister for Agriculture, Food, Fisheries and European Programmes

Memorandum on the Business, Enterprise, Technology and Science (BETS) - Rural Affairs

Draft Budget Proposals for 2013/14 and 2014/15

Environment and Sustainability Committee – 18th October 2012

Introduction

1. This paper provides information on the BETS budget for Rural Affairs proposals as outlined in the draft budget announced on 2nd October 2012.

Summary of Budget Changes

2. In overall terms, the total BETS MEG budget allocations for the Rural Affairs Spending Programme Area for have decreased by £0.176m in 2013-14 and decreased by a further £2.9m in 2014-15, when compared to the June 2012 Supplementary Budget allocation of 2012-13, as shown in the table below.

	2012/13 Supplementary Budget £'000	Changes £'000	2013/14 Proposed Budget £'000	Changes £'000	2014/15 Indicative Plans £'000
Revenue	74,004	870	74,874	(200)	74,674
Capital	15,469	(1,046)	14,423	(2,700)	11,723
Non Cash	242	0	242	0	242
DEL	89,715	(176)	89,539	(2,900)	86,639

3. The total draft budget for 2013-14 amounts to £89.5m compared to £89.7m in 2012-13. Revenue funding has increased by £0.9m to £74.9m (+1.2%). Capital Funding has decreased by £1m to £14.4m (-6.8%). The capital budget for 2013-14 includes a specific additional allocation from reserves of £2.7m for Rural-On Line Services project.

4. The rural budgets within BETS are set out in a Draft Budget which is broadly in line with previous indicative allocations at Action level, according to the Government's strategic priorities for rural development. Budgets have been mapped to the commitments in the Programme for Government. The evidence is provided in a supplementary paper – Alignment and Delivery of Programme for Government Commitments .

Rural Spending Programme by Area

Action	Expenditure Category	2012/13 Supplementary Budget £'000	Change	2013/14 Proposed Budget £'000	2014/15 Indicative Plans £'000
Responsibility and Costs Sharing Agenda	Revenue	20	0	20	20
	TOTAL	20	0	20	20

5. The Responsibility and Cost Sharing budget is designed to enable officials and key stakeholders in the Welsh farming industry to agree proposals for taking forward the Responsibility and Cost Sharing Agenda under the Working Smarter programme. There is no proposed change from 2012-13.

Action	Expenditure Category	2012/13 Supplementary Budget £'000	Change	2013/14 Proposed Budget £'000	2014/15 Indicative Plans £'000
Making Payments in accordance with EU and WAG rules	Revenue	7,355	(5)	7,350	7,350
	TOTAL	7,355	(5)	7,350	7,350

6. A key priority is to administer the CAP Single Payment Scheme (SPS) effectively. The SPS payments are 100 per cent funded by the EU, totalling some £260 million in 2012-13. If we do not meet the stringent requirements set by the European Commission for the effective management of the EU funds, there is the risk of disallowance i.e. the Welsh Government is penalised. Compared to other administrations in the UK, Wales has a good track record on compliance, and in reassuring the Commission on how we deploy EU resources.

7. There is a minor decrease of £5k in the budget to reflect administrative savings for the Single Payment Scheme.

8. Disallowance remains a live risk and, as such the budget for investment in IT systems has been protected. This is contained within the SP Administration Revenue BEL.

Action	Expenditure Category	2012/13 Supplementary Budget £'000	Change	2013/14 Proposed Budget £'000	2014/15 Indicative Plans £'000
Delivering the	Revenue	61,818	1,175	62,993	62,993

programmes within the RDP	Capital	14,269	(846)	13,423	10,723
	TOTAL	76,087	329	76,416	73,716

9. As part of the Common Agricultural Policy the delivery of the Rural Development Plan (RDP) 2007-2013 is a key priority. The Plan is worth £847m in total over the 7 year period, of which Welsh Government must contribute approximately £550m. With effect from 2012, the existing agri-environment schemes contained within the Plan were replaced by a new sustainable land management scheme, *Glastir*, to deliver on climate change, carbon/water/soil/habitat management and bio-diversity priorities. It has four elements – Glastir Entry, Glastir Advanced, Efficiency Grants and Glastir Woodland. The Glastir Entry element provides a highly accessible land management scheme which will allow far larger numbers of farmers and far greater areas of farmland to be brought under land management than was the case with Wales' previous land schemes. The Advanced element focuses on three specific areas: soils and soil carbon management, water management and the management of biodiversity.

10. There is an increase (2014-20) in the revenue budget of £1.175m for preparatory costs for the successor RDP which cannot be funded from EU Technical Assistance under the current Plan, and a small capital reduction of £0.8m based on the requirements to deliver the plan. The capital allocation for 2013-14 includes £2.7m for the last tranche of the CRC funding of £8m to deliver the Rural-On Line Payments project.

11. Food and Farming has been aligned to sectoral delivery. The indicative revenue budget of £5m for 2013-14 has been maintained.

Action	Expenditure Category	2012/13 Supplementary Budget £'000	Change	2013/14 Proposed Budget £'000	2014/15 Indicative Plans £'000
Evidence based development for Rural Affairs	Revenue	806	0	806	806
	TOTAL	806	0	806	806

12. The funding supports the Farm Business Survey and other commissions which are used to inform policy development, monitoring and evaluation. There is no proposed change under this Action.

Action	Expenditure Category	2012/13 Supplementary Budget £'000	Change	2013/14 Proposed Budget £'000	2014/15 Indicative Plans £'000
Developing, managing	Revenue*	1,542	(100)	1,442	1,442
	Capital	1,200	(200)	1,000	1,000

and enforcing Welsh Fisheries and Aquaculture	TOTAL	2,742	(300)	2,442	2,442
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*includes non cash resource of £242k

13. Funding under this Action includes co-financing for the European Fisheries Fund as well as Welsh Government-funded activity. The small reduction shown relates to the Comprehensive Spending Review.

Action	Expenditure Category	2012/13 Supplementary Budget £'000	Change	2013/14 Proposed Budget £'000	2014/15 Indicative Plans £'000
Meeting the need of rural communities and rural proofing	Revenue	2,705	(200)	2,505	2,305
	TOTAL	2,705	(200)	2,505	2,305

14. Funding of £1.7m supports the Young Entrants Support Scheme (YESS). The scheme has considerable interest and support and the budget for the current year is fully committed. This is an important initiative which will help to address the issue of the ageing farming population.

15. There is a small decrease in the budget of £0.2m which relates to the tapering of funding from DEFRA specifically to continue the animal welfare priorities until 2015.

Impact Assessments

16. We continue to build on the work undertaken in 2012-13. The Department is rolling out a substantial programme of training on human rights and equality. It is recognised that equality considerations in budget allocations will need further development throughout the coming year and we will be focussing on full Equality Impact Assessments in preparation for the successor RDP (2014-2020).

17. BETS contributes to a number of commitments within the Welsh Government's Strategic Equality plan including:

- Work with partners to identify and address the causes of the gender, ethnicity and disability pay and employment differences;
- Tackle barrier and support disabled people so that they can live independently and exercise choice and control in their daily lives.

18. The principles of equality and diversity will continue to be embedded in future budget decisions in collaboration with all delivery partners.

19. In terms of sustainable development, we are working specifically to encourage a low-carbon, low-waste and resource-efficient economy, working closely with businesses, collaborating with key partners and preparing sector strategies. Sustainable development is a core theme running through the Rural Development Plan.

ANNEX A: BUSINESS, ENTERPRISE, TECHNOLOGY AND SCIENCE

Budget Allocations 2013/14 - 2014/15

Departmental Structure		2012/13	2013/14	2014/15
GROUP	SPA	Supp Budget £'000	Proposed Budget £'000	Indicative Plans £'000
		BEL	BEL Name	
Rural	Rural Affairs	2829	Cost Sharing & Responsibility	20
		2274	Sheep Compensation	300
		2786	Single Payment Schemes EU	262,681
		2788	Single Payment Schemes EU	(262,681)
		2790	SP Administration	7,055
				7,355
		2843	RDP Axis 1 Farming Connect	2,111
		2841	RDP General	0
		2844	RDP Axis 1 - Farm Advisory Service	91
		2845	RDP Axis 1 - PMG	0
		2846	RDP Axis 1 - Supply Chain Efficiency	2,923
		2847	RDP Axis 4 - Strategy	1,931
		2848	RDP Axis 4 - Co-Operation	131
		2849	RDP Axis 4 - Running Costs	300
		2921	RDP Axis 2 - Tir Gofal	13,110
		2922	RDP Axis 2 - Tir Cynnal	4,863
		2923	RDP Axis 2 Tir Mynydd	411
		2924	RDP Axis 2 - Improved Land Premium	27
				20
				300
				300,000
				(300,000)
				7,050
				7,350
				2,111
				0
				91
				0
				2,923
				1,931
				131
				300
				13,110
				4,863
				411
				27

2925	RDP Axis 1 - Catchment Sensitive Farming	2,800	0	0
2926	RDP Axis 2 - Organic Farming	4	2,800	2,800
2927	RDP Axis 2 - Other Agri- Environment Sch	302	4	4
2928	RDP Axis 2 - FWS/FWPS	20	302	302
2929	RDP Axis 2 - Axis 2 Review	5,983	20	20
2931	RDP Technical Assistance	3,474	5,983	5,983
2933	RDP Other Expenditure	14,723	4,649	4,649
2871	RDP Axis 2 - All Wales Element	3,303	14,723	14,723
2872	RDP Axis 2 - Glastir Common Land Element	450	3,303	3,303
2873	RDP Axis 2 - ACRES	474	450	450
2874	RDP Axis 2 - Glastir Woodland Creation Scheme	178	474	474
2941	RDP Axis 3 - Diversification into Non Ag	861	178	178
2942	RDP Axis 3 - Support for Business Creati	703	861	861
2943	RDP Axis 3 - Encouragement of Tourism Ac	998	703	703
2944	RDP Axis 3 - Basic Services for Economy	458	998	998
2945	RDP Axis 3 - Village Renewal & Developme	898	458	458
2946	RDP Axis 3 - Conservation & Upgrading of	291	898	898
2947	RDP Axis 3 - Provision of Training & Inf	61,818	291	291
2948	RDP Axis 3 - Skills Acquisition	62,993	0	0
2240	Research & Evaluation	806	806	806
2830	Fisheries Schemes	1,300	1,200	1,200
	Fisheries Schemes - Non Cash	242	242	242
2794	New Farm Entrants	2,705	2,505	2,305

Evidence based development for Rural Affairs
Developing, managing and enforcing Welsh Fisheries and Aquaculture
Meeting the needs of rural communities and rural proofing
LA Animal Health

		(DEFRA Funded)					
Total Group					74,246	75,116	74,916
Departmental Structure							
GROUP	SPA	ACTION	BEL	BEL Name	2012/13 Supplementary	2013/14 Total	2014/15 Total
Rural	Rural Affairs	Delivering the programmes within the Rural Development Plan	2841	RDP General	3900	3,053	353
			2845	RDP Axis 1 - PMG	1,847	1,847	1,847
			2847	RDP Axis 4 - Strategy	1,000	1,000	1,000
			2848	RDP Axis 4 - Co-Operation	80	0	0
			2849	RDP Axis 4 - Running Costs	120	200	200
			2921	RDP Axis 2 - Tir Gofal	1,501	1,501	1,501
			2871	RDP Axis 2 - All Wales Element	1,500	1,500	1,500
			2872	RDP Axis 2 - Glastir Common Land Element	500	500	500
			2873	RDP Axis 2 - ACRES	346	346	346
			2871	RDP Axis 2 - Glastir Woodland Creation Scheme	340	340	340
			2872	RDP Axis 1 - Catchment Sensitive Farming	1,000	1,000	1,000
			2873	RDP Axis 3 - Diversification into Non Ag	200	200	200
			2874	RDP Axis 3 - Support for Business Creati	400	400	400
			2943	RDP Axis 3 - Encouragement of Tourism Ac	400	400	400
			2944	RDP Axis 3 - Basic Services for Economy	250	250	250
			2945	RDP Axis 3 - Village Renewal & Developme	165	165	165
			2946	RDP Axis 3 - Conservation & Upgrading of	300	300	300
			2947	RDP Axis 3 - Provision of Training & Inf	70	70	70
			2948	RDP Axis 3 - Skills Acquisition	350	350	350
					14,269	13,423	10,723

	Developing, managing and enforcing Welsh Fisheries and Aquaculture	2870 Sustainable Environment				
			1,200			
			15,469			
	Total Group				1,000	1,000
					14,423	11,723

SPA	ACTION	BEL	BEL Name	2012/13	2013/14	2014/15
				Supp Budget £'000	Proposed Budget £'000	Indicative Plans £'000
Sectors & Business	Sectors	2970	Promoting Welsh Food	5,000	5,000	5,000

SUPPLEMENTARY PAPER – ALIGNMENT AND DELIVERY OF PROGRAMME FOR GOVERNMENT COMMITMENTS

ENVIRONMENT AND SUSTAINABILITY COMMITTEE 18 OCTOBER 2012

Business, Enterprise, Technology and Science (BETS) - Rural Affairs Budget

This paper addresses the following questions raised by the Committee:

- An explanation of how commitments in the Programme for Government are provided for in the budget, and how these are aligned with the actions presented in the budget.
- Plans as to how the outcomes against those commitments will be monitored/measured against the budget.

This year, the Welsh Government has committed to increasing transparency in relation its budgets and has provided an additional table at Annex A in the draft budget documents published on 2 October that shows how Departments' actions are supporting the strategic outcomes set out in the Programme for Government (PfG).

As part of this, the attached table at Annex A for the Rural Affairs elements of BETS provides the alignment of our financial and activity plans at Action level to PfG as this presents the best level to integrate this detail. The table highlights Rural Affairs actions, PfG commitments and tracking indicators which underpin, in the main, the Chapter sub-outcomes of *a thriving rural economy and ensuring rural communities have access to faster broadband speeds and new digital services*.

It is important to note that whilst the sub-outcomes and indicators for rural broadband services are referenced in this paper, the budget for delivery is managed within the Infrastructure SPA in the BETS MEG and is therefore not reflected in the attached sheets.

Progress being made by BETS and other Departments on delivery of our commitments and monitoring of our tracking indicators is set out in Annual PfG updates, the first of which was published in May 2012. This detail will be supplemented over time with an analysis of outcomes achieved from longer-term investments.

To understand progress, macro-economic indicators are monitored. These form the wider context within which the Welsh Government will deliver its commitments. The PfG identifies the following high-level / macro indicators relevant to Rural Affairs:

- % of rural premises with access to basic broadband
- % of rural premises with access to high speed broadband
- Household incomes in rural areas
- Number of people employed and self employed in rural areas

As the PfG makes clear these high-level/macro indicators should not be considered as those indicators upon which the Welsh Government's policies alone can seek to have direct, obvious or significant influence, particularly in the short-term. The main influences on the Welsh economy in the short-term remain the state of the global economy and the monetary and fiscal policy set by the UK Government.

BETS - RURAL BUDGET ACTION MAPPED TO PROGRAMME FOR GOVERNMENT

Annex A

Budget Action	MEG	DRAFT DEL Budget 2013-14 £'000	Sub-Outcome	Chapter	Programme for Government tracking indicators	Programme for Government Commitments
Cost Sharing & Responsibility	BETS	20	A thriving rural economy	Rural Communities		Work alongside agricultural industry and DEFRA to implement all recommendations of the MacDonald review that are relevant to Wales. Take forward the Williams process to further reduce red tape and review business of government in the sector
Making Payments in accordance with EU and WAG rules	BETS	7,350	A thriving rural economy	Rural Communities	<ul style="list-style-type: none"> •% of Common Agricultural policy direct payments made by 1st December each year. •% of eligible land under Glastir agreements Hectares of agricultural land under Glastir contract 	Continue to support those CAP payments which are essential to the viability of many farmers and communities in rural wales
			Protecting healthy eco-systems	Environment and Sustainability		Deliver Glastir the new agri-environment scheme in support of the Natural Environment Framework
Delivering the programmes within the Rural Development Plan	BETS	76,416	A thriving rural economy	Rural Communities	<ul style="list-style-type: none"> •Monitoring and evaluation of indicators set out in the Wales Rural Development Plan •Wales rural Observatory tri-annual surveys of households, businesses and community councils 	Implement the Commons legislation to ensure the improved management of common land in Wales
						Continue to use the Rural Development Plan for Wales up to 2013 to provide additional funds to support economic activities. This support will be targeted to stimulate economic activity in rural communities and will include a focus on food processing and restoring the manufacturing base in rural Wales
						Represent Welsh interests and work for a CAP reform that is fair to both producers who require stable and predictable income and consumers who need high quality food at a fair price
						Seek to actively support food production and recognise the clear and important differentiation between Pillar One and Pillar Two
						Ensure that the CAP continues to underpin the financial structures that are absolutely vital for sustainable thriving rural communities
						Continue to fight for support for farmers in less favoured areas and will ensure that CAP continues to provide essential support in maintaining the fabric of life in rural communities
						Support a system that provides income support to farmers, sustains food production and encourages sustainable land management
						Through the Assembly Government's Wales rural Development plan build a brighter future for rural communities and the economy of rural Wales
						Undertake a strategic review of land use in Wales to consider changing demands for food production, natural resources and restoring eco-systems and sustainable development
						Work to diversify the rural economy
						Use public procurement imaginatively in ensuring that the needs of the small scale producer or supplier are taken into account by public service providers when issuing procurement contracts. We will seek to strengthen support for local authorities and other public bodies in shaping good practice in the benefits of buying local produce
						Invest in developing and promoting a sustainable fisheries industry under Wales European Fisheries Fund
						Review regulation and administration associated with agricultural industry. First review to be published in 2012
Evidence based development for Rural Affairs	BETS	806	Improving public services for rural communities	Rural Communities		Work with partners to support economic, social and environmental sustainability of Welsh uplands
						Examine how we can develop new models of service delivery in the deep rural areas
						Seek different ways of promoting social cohesion throughout rural and urban Wales
Meeting the needs of rural communities and rural proofing WAG actions	BETS	2,505	Improving public services for rural communities	Rural Communities	<ul style="list-style-type: none"> •Evaluation of effectiveness of rural proofing 	

Budget Action	MEG	DRAFT DEL Budget 2013-14 £'000	Sub-Outcome	Chapter	Programme for Government tracking indicators	Programme for Government Commitments
Developing, managing and enforcing Welsh Fisheries and Aquaculture	BETS	2,442	A thriving rural economy	Rural communities		Work to ensure we have a sustainable food and fisheries industry
TOTAL		89,539				

Developing and marketing Welsh food and drink sector (now Sectors)	BETS	5,000	A thriving rural economy	Rural Communities	<ul style="list-style-type: none"> Monitoring and evaluation of support arrangements in production and marketing of Welsh food and co-operative arrangements Monitoring and evaluation of the delivery plan under the Food Strategy 	<p>Work to diversify the rural economy</p> <p>Continue to support Welsh food producers, processors and distributors and work to strengthen food production and processing in Wales, developing the whole supply chain and investing in increasing the value of Welsh produce</p> <p>Seek to continue developing the existing high quality and variety of food produce. We will seek to build a sustainable food system which balances the challenges of food production, energy needs an environmental protection</p> <p>Use public procurement imaginatively in ensuring that the needs of the small scale producer or supplier are taken into account by public service providers when issuing procurement contracts. We will seek to strengthen support for local authorities and other public bodies in shaping good practice in the benefits of buying local produce</p> <p>Examine how the Welsh Government can apply the successful model of Hybu Cig Cymru to develop, promote and market other Welsh produce</p> <p>Continue to support the establishment of a UK Supermarket Ombudsman who will work to regulate the supply chain and ensure the sustainability of different foods and fair pricing throughout the supply chain</p> <p>Seek to diversify and strengthen the rural economy by the promotion of farmers markets, the pursuit of new markets, the growth of cooperative marketing arrangements and investment in new equipment</p> <p>Work to ensure we have a sustainable food and fisheries industry</p>
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Broadband Indicators - For information

Delivering ICT Infrastructure (Budget held in main BETS)	BETS	0	Ensuring rural communities have access to faster broadband speeds and new digital services	Rural Communities	<ul style="list-style-type: none"> Progress of the Broadband support scheme in addressing basic broadband access Progress of the Next Generation Broadband project in rolling out high 	<p>Seek to ensure that fast broadband access is made available to rural areas</p> <p>Work with Ofcom to ensure that regulation is used as a tool to ensure that rural communities have access to faster broadband speeds and new digital services</p>
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Agenda Item 3

Environment and Sustainability Committee

E&S(4)-25-12 paper 2

Welsh Government Draft Budget 2013-14 : Paper from the Minister for Environment & Sustainable Development

Introduction

1. This paper provides background financial information to the Committee regarding the Department for Environment & Sustainable Development spending plans as outlined within the draft budget, published on 02 October 2012.
2. Annex A gives a breakdown of the Draft Budget, by Action, and by BEL within each Action and Annex B details the budget moves being undertaken as part of this exercise.
3. In preparing the Draft Budget 2013-14 we have conducted a review of our budgets and spending plans to ensure that they are aligned to support delivery of the priorities as set out in the Programme for Government. Our spending plans reflect our commitment to social justice which aims to tackle the impacts of poverty now and prevent poverty in the future. Our flagship fuel poverty energy efficiency schemes NEST and arbed continue to tackle fuel poverty, reducing fuel bills for the most vulnerable and providing a significant boost to the green economy.
4. The Department's budget fully reflects the aim of the department which is to ensure the sustainable development of Wales, particularly through making the best possible use of our natural resources. This includes delivering sustainable outcomes that will enhance the quality of life of the citizens of Wales, now and in the future, in line with the Programme for Government. Our goal is to ensure that all our internal budgetary processes and thinking fully mainstream sustainable development as our central organising principle.
5. We will therefore continue to maximise the resources available to us through our Budget for Growth and Jobs.

Background and Summary

6. The draft budget figures may be summarised as follows:

	Baseline 2012-13 £'000	Draft Budget 2013-14 £'000	Indicative Plans 2014-15 £'000
Revenue	265,183	264,455	265,856
Capital	75,369	62,311	62,267
Total	340,522	326,766	328,123

7. Compared to indicative plans for 2013-14 published in the Final Budget 2012-13, the total MEG allocation for Environment and Sustainable Development has increased by £6.773m in 2013-14 and by £4.684m in 2014-15.

	Draft Budget 2013-14 £m	Indicative Plans 2014-15 £m
Revenue:		
Reprofiling of Central funding to Waste Procurement	(1.300)	(1.833)
Repayment of Single Body Invest to Save funding		(1.512)
Total Revenue	(1.300)	(3.345)
Capital:		
Reprofiling of Central funding for Waste Procurement	(0.927)	(2.971)
Additional Funding for Energy Efficiency (Arbed / Nest)	5.000	5.000
Additional Funding for Flood and Coastal Erosion	4.000	6.000
Total Capital	8.073	8.029
Total	6.773	4.684

8. The following revenue and capital funding adjustments is associated with the following expenditure programmes with Budget Expenditure Lines (BEL's):

- The Manage & implement the Waste Strategy and waste procurement BEL: There is a net decrease to the revenue budget of £1.300m in 2013-14 and £1.833m in 2014-15 and a net decrease to the capital budget of £0.927m in 2013-14 and £2.971m in 2014-15. Significant economies of scale and public value are being achieved through regional consortia for procuring Waste facilities. Financial savings made by the Welsh Government are now being realised and the reprofiling of the original central funding can now be adjusted;

- Natural Resources Body BEL: There is a net decrease to the revenue budget of £1.512m. The 'Invest to Save' funding which is to be allocated to support the IT and HR infrastructure costs of developing the Single Body during 2012/13 will start to be repaid in 2014-15.

Capital Allocations agreed by Cabinet

9. In July and September, Cabinet agreed adjustments to capital allocations based on the proposals submitted by Departments so that spending plans for 2013/14 would continue to support the Programme for Government, deliver a budget for Growth and Jobs which maximises capital investment in line with the priorities set out in the Wales Infrastructure Investment Plan. The additional capital allocations agreed were:
 - To improve the level of flood protection for properties across Wales capital funding has been allocated to the Flood Risk Management and Water BEL. There is an increase to the capital budget of £4m in 2013-14 and £6m in 2014-15 to pay for schemes led by Local Authorities and the Natural Resources Body that will reduce flood risk for a number of communities across Wales;
 - Investing in fuel poverty in housing is one of our investment priorities as set out in the Welsh Infrastructure Investment Plan and to support this delivery an additional £5m Capital to the Fuel Poverty programme has been allocated with a further £5m in 2014-15. This funding will be used within our current flagship schemes NEST and arbed to enable improvements to be made in the energy efficiency of 1,600 Welsh homes.

Programme for Government

10. This budget settlement will enable the Welsh Government to support and deliver our commitments under the Programme for Government. We have particular accountability for ensuring delivery is on track in a number of areas within the programme - most notably in the chapters covering Growth and Sustainable Jobs (1), Welsh Homes (6), Tackling Poverty (9), Rural Communities (10) and Environment & Sustainability (11).
11. We have undertaken a recent review of my budgets in order to ensure that allocations are fully aligned to deliver the priorities set out in the Programme for Government. This has included the reprioritisation of revenue budgets. As a result of reviewing the priorities against current budget allocations, we have created two new programmes as well as a single budget for the new Natural Resources Body for Wales. These new programmes are funded from within the Living Wales Programme (the Natural Environment Framework Restructuring budget) and two new budgets have been created; Urban Environment and Natural Environment.

12. Our poorest communities in urban areas often experience the worst quality local environments with high levels of pollution and lack of access to green space. We are bringing together programmes to support wider and deeper local improvements and are specifically allocating an additional £1m (increasing to £2m in 2014-15) to the renamed Urban Environment budget which will support additional activity in this area.
13. The Natural Environment budget is a new programme for which we will provide £1m of funding during 2013-14 (increasing to £2m in 2014-15) to deliver projects which contribute to improving our ecosystems including supporting our commitments to biodiversity and taking forward priority actions which emerge from the development of the action plan for pollinators.
14. There are no other significant changes from last year's Final Budget; however there are a number of movement between actions in order to realign budgets to their relevant Actions, which have not affected spending plans.

Budget Priorities

15. This draft budget will enable the Welsh Government to continue vital work to eradicate fuel poverty, manage flood risk, tackle climate change, work towards being a zero waste nation, and stimulate Wales' green economy.
16. Managing Flood risk remains a priority and we will continue to invest funding in this area so we can keep building and maintaining flood defences in areas in Wales that are most vulnerable to flooding.
17. The flood and coastal erosion risk management programme has greatly increased the support for communities at risk from flooding compared to historic levels. We have recently launched the first National Strategy for Flood and Coastal Erosion Risk Management which sets out the risks we face.
18. To improve the level of flood protection for properties across Wales the Welsh Government is investing over £140 million in flood and coastal erosion risk management over the life of this Government (£42m for 2013/14), supplemented by a further £50 million from the European Regional Development Fund.
19. We remain committed to tackling fuel poverty and we continue to protect the fuel poverty budgets through schemes such as arbed and NEST both of which help make Welsh homes more energy efficient and reduce fuel bills for the most vulnerable people in Wales. We are also protecting the energy efficiency budget which supports the Carbon Trust and Energy Savings Trust in their efforts to reduce emissions and help stimulate Wales' low carbon economy.

20. *arbed*, our domestic energy efficiency scheme, is investing in improvements to the performance of our housing stock in Wales. *arbed* will improve the energy efficiency of a minimum 4,790 homes in Wales by the end of 2015 and phase 2 which is primarily funded through the European Regional Development Fund with Welsh Government match funding will see an investment of nearly £43m over 3 years.
21. Nest/Nyth (successor to the former Home Energy Efficiency Scheme) is helping to tackle fuel poverty and is expected to help up to 15,000 households in Wales with advice and home energy improvements and we expect to invest up to £100m in this programme over 5 years from 11/12.
22. We are committed to achieve a 55% reduction on carbon emissions over 2006 levels for new housing by 2016. Our funding for 2013/14 covers sponsorship of Constructing Excellence Wales, the Wales Low Zero Carbon Hub and Building Regulations development work aimed at delivering the Programme for Government commitment to improve the emissions performance of new homes.
23. Funding is also allocated to provide for the delivery of the climate change engagement strategy to deliver the behaviour change required to reach these ambitious targets in the strategy. Cynnal Cymru, Keep Wales Tidy, Pathfinders programme are examples of funded organisations which deliver the outcomes from the strategy.
24. Our ambition is to recycle 70% of our waste by 2025 and to be a zero waste nation by 2050 and there has been significant progress on the proportion of waste that is recycled. Wales is out performing the other countries in the UK and as a whole is on track to meet the first statutory recycling target (52% in 2012/13). The Waste Procurement Programme is well advanced in developing further projects that will drive progress to meet these ambitious Zero Waste targets; funding to support these commitments is in excess of £86m for 2013/14.
25. The new Natural Resources Body for Wales will support the conditions for a more streamlined and integrated approach to environment and natural resource management. It will have a key role in protecting and managing our natural resources, helping us simplify the regulatory process. The body will continue to deliver the services of its predecessor bodies while seeking opportunities to improve and rationalise the way these services are provided and the benefits they give to society.
26. Our work to tackle bovine TB continues, and the most recent data shows a very high level of compliance with annual TB testing, which alongside other measures, works to address cattle to cattle transmission.
27. We are working within the Programme for Government commitment to take a science led approach to tackling bovine TB. We have started the badger vaccination programme within the Intensive Action Area and are

well on schedule to complete this year's vaccination work before the closed season of 1 January to 31 April 2013.

Legislation

28. We plan to introduce a Sustainable Development Bill late in 2013, to take forward our Programme for Government commitment to legislate to make sustainable development the central organising principle of the Welsh Government and public bodies in Wales.
29. The Environment Bill, scheduled for 2014/15 will provide an opportunity to consolidate the complex regulatory regimes and ensure they are fit for purpose, bringing together our different management regimes into a simpler process that provides clarity for investors and communities.
30. New planning legislation will draw on the results of our current independent review of how we can improve the effectiveness of the delivery of the planning system. This provides an opportunity to introduce primary legislation which takes forward the reform agenda.
31. The Control of Dogs Bill, which is scheduled for introduction in 2013, will help deal with dogs that are out of control in public and private places.. Existing legislation focuses on certain specified breeds, whereas this Bill will be applied on the basis of a dog's behaviour, regardless of breed. However the emphasis will be on tackling irresponsible dog ownership and prevention rather than cure in the interests of the welfare of the animal.

John Griffiths
Minister for Environment and Sustainable Development

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT MAIN EXPENDITURE GROUP (MEG)											
SPA	Actions	Budget Expenditure Line (BEL)	BEL	Division	2012-13 Suppl Budget June 2012	2013-14 Indicative Plans Final Budget Nov 2011	2013-14 New Plans Draft Budget Changes	2014-15 Indicative Plans Final Budget Nov 2011	2014-15 Changes	2014-15 New Plans Draft Budget	Comments
£000's											
REVENUE BUDGET - Departmental Expenditure Limit											
	Develop and deliver overarching policy and programmes on sustainable development and environment	Environment Legislation and Governance	2812	Sponsorship	190	181		181		181	
		SD Engagement	2810	People & Environment	740	776	-80	696	-80	696	Re-align budget into SD Policy BEL 2811
		SD Policy	2811	SD Climate Change & NRP	80	0	80	0	80	80	Budget Re-aligned from SD Engagement BEL 2810
		Sub Total			1,010	957	0	957	0	957	
	Develop and implement climate change, emission prevention and fuel poverty policy, communications, legislation and regulation	Climate Change Policy	2815	SD Climate Change & NRP	410	0	410	0	410	410	
		Fuel Poverty Programme	1270		3,450	3,450		3,450		3,450	
		Climate Change Action	2816	People & Environment	2,576	2,986	-530	2,986	-530	2,456	1. £120k transferred from BEL 2816 to BEL 2230 to fund Water policy. 2. £410K transferred from BEL 2816 to 2815 - Budgets realigned.
		Energy Efficiency Programmes	3771		5,300	5,300		5,300		5,300	
		Construction Unit	1261	Building Regulations	824	784		784		784	
		Sub Total			12,560	12,520	-120	12,520	-120	12,400	
	Develop and implement flood and coastal risk, water and sewage policy and legislation	Flood Risk Management & Water	2230	Energy, Water & Flood	21,161	27,278	120	27,398	120	27,398	£120k transferred from BEL2816 to BEL 2230 to fund Water policy.
		Sub Total			21,161	27,278	120	27,398	120	27,398	
	Facilitate clean and secure energy and industry investment	Radioactivity & pollution prevention	2817	People & Environment	540	480		480		480	
		Clean energy	3770	Energy, Water & Flood	600	600		600		600	
		Sub Total			1,140	1,080	0	1,080	0	1,080	
	Manage and implement the Waste Strategy and waste procurement	Manage and implement the Waste Strategy and waste procurement	2190	Resource Efficiency	79,984	79,283	-1,300	77,983	-1,833	81,750	Transfer out to Central Reserves Action in respect of Waste Management Programme
		Waste regulation	2194		0	0	300	0	300	300	Moved from 'Manage & implement environmental improvement' Action
		Sub Total			79,984	79,283	-1,000	78,283	-1,533	82,050	
		Total Climate Change and Sustainability			115,855	121,118	-1,000	125,418	-1,533	123,885	
		Sustainable Development Fund Grant	2823		350	350		350		350	Transfer £692k from BEL 2824 to BEL 2490 re SDF
	Deliver nature conservation and marine policies	Environmental Mgt support funding	2824	Land, Nature, Forestry & Marine	1,325	2,017	-692	1,325	-692	1,325	
		Natural Environment	2825		0	0	1,000	1,000	2,000	2,000	New BEL funding to include Ecosystems Resilience and Diversity Fund (ERDF) through the Countryside Council for Wales (CCW). Funding transferred from NEF BEL 2495
		Sub Total			1,675	2,367	308	2,675	1,308	3,675	
	Develop an appropriate evidence base	Environment Research and Evaluation	2819	Land, Nature, Forestry & Marine	874	832	-832	0	-832	0	Redundant Action. Move BEL to 'Developing an appropriate evidence base to support the work of the department' under the Evidence SPA
		Sub Total			874	832	-832	0	-832	0	
	Manage and implement Environmental improvement	Urban Environment	2191	People & Environment	2,900	2,900	1,000	3,900	2,000	4,900	Action name changed; BEL name changed from LEQ & KWT, funding transferred from NEF: BEL 2495
		Waste regulation	2194	Resource Efficiency	300	300	-300	0	-300	0	Moved to 'Manage & implement the Waste Strategy & waste procurement' Action
		Sub Total			3,200	3,200	700	3,900	1,700	4,900	
		Environment									

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT MAIN EXPENDITURE GROUP (MEG)											
SPA	Actions	Budget Expenditure Line (BEL)	BEL	Division	2012-13 Suppl Budget June 2012	2013-14 Indicative Plans Final Budget Nov 2011	2013-14 New Plans Draft Budget	2014-15 Indicative Plans Final Budget Nov 2011	2014-15 New Plans Draft Budget	2014-15 Changes	Comments
Promote protected landscapes and countryside access	National Parks	2490	11,460	Land, Nature, Forestry & Marine	11,417	10,725	692	10,725	11,417	692	Transfer £692k from BEL 2824 to BEL 2490 re SDF
	Access	2494	258	Land, Nature, Forestry & Marine	265	265		265	265		
Sub Total			11,718		10,990	10,990	692	10,990	11,682	692	
Environment	Countryside Council For Wales	2430	36,700		35,501	35,501	-35,501	35,501	0	-35,501	Budget moved to Living Wales BEL 2451 as part of consolidation of the Single Body budgets
	Environment Agency	2450	21,720	Sponsorship	20,758	20,758	-20,758	20,758	0	-20,758	Budget moved to Living Wales BEL 2451 as part of consolidation of the Single Body budgets
	Natural Resources Body	2451	0		0	0	76,959	0	76,959	75,447	1. New BEL to reflect Single Body from 01/04/2013, funded from BELs, 2430, 2450, 2470; 2. £1.512 repay/t of 'Invest to Save' in 2014-15
	Natural Environment Framework: restructuring	2495	5,000		4,000	4,000	-2,000	4,000	2,000	-4,000	Funding transferred to Urban and Natural Environment BEL's after Single Body established. Funding to BELs 2191 and 2825
Sub Total			63,420		60,259	60,259	18,700	60,259	78,959	15,188	
Total Environment			80,887		77,648	77,648	19,568	77,648	97,216	18,056	
Planning	Planning policy development, Planning Inspectorate and regulation		7,403	Planning	7,090	7,090		7,090	7,090		
Total Planning			7,403		7,090	7,090	0	7,090	7,090	0	
Protecting and Improving Animal Health and Welfare	Animal Health and Welfare	2270	600		600	600		600	600		
	Animal Health VLA	2271	17,194		16,835	15,781		16,835	15,781		
	TB Slaughter payments, costs and re	2272	11,660	OCVO	11,660	11,660		11,660	11,660		
	TB eradication	2273	10,000		10,000	10,000		10,000	10,000		
Total Protecting and Improving Animal Health and Welfare			39,454		38,895	38,895	0	38,895	38,041	0	
Evidence Base	Pwlliparian Depreciation	2808	8		8	8		8	8		
	Developing an appropriate evidence base to support the work of the Department	2818	294	Land, Nature, Forestry & Marine	244	244		244	244		
	Environment Research and Evaluation	2819	0		0	832	832	0	832	832	Move BEL from 'Developing an appropriate evidence base' under the Environment SPA
	Sub Total		302		252	1,084	832	252	1,084	832	
Total Evidence Base			354		304	832	304	1,136	832		
Forestry	Protecting plant health and developing GM policies	2821	52	Land, Nature, Forestry & Marine	52	52		52	52		
	Implementing the new Woodland Strategy through Forestry Commission Wales	2470	21,200	Land, Nature, Forestry & Marine	20,700	20,700	-20,700	20,700	0	-20,700	This Action to be deleted: Budget moved to Living Wales BEL 2451 as part of consolidation of the Single Body budgets
Total Forestry			21,200		20,700	20,700	-20,700	20,700	0	-20,700	
Total Revenue - Environment and Sustainable Development			265,153		265,755	269,201	-1,300	264,455	265,856	-3,345	
CAPITAL BUDGET - Departmental Expenditure Limit											
£000's											

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT MAIN EXPENDITURE GROUP (MEG)												
SPA	Actions	Budget Expenditure Line (BEL)	BEL	Division	2012-13 Suppl Budget June 2012	2013-14 Indicative Plans Final Budget Nov 2011	2013-14 Changes	2013-14 New Plans Draft Budget	2014-15 Indicative Plans Final Budget Nov 2011	2014-15 Changes	2014-15 New Plans Draft Budget	Comments
	Develop and deliver overarching policy and programmes on sustainable development and environment	Local Authority General Capital Support	2782	Sponsorship	12,500	12,000		12,000	12,000		12,000	
	Develop and implement climate change, emission prevention and fuel poverty policy, communications, legislation and regulation	Fuel Poverty programme	1270	People & Environment	26,317	18,577	5,000	23,577	18,577	5,000	23,577	Additional capital from Reserves
	Develop and implement flood and coastal risk, water and sewage policy and legislation	Flood Risk Management & Water Local Government Flood & Coast Capital	2230 2234	Energy, Water & Flood	19,659 1,200	9,732 1,100	4,000	13,732 1,100	9,732 1,100	6,000	15,732 1,100	Additional capital from Reserves
	Manage and implement the Waste Strategy and waste procurement	Regional Access Capital Fund	2190	Resource Efficiency	20,899	10,832	4,000	14,832	10,832	6,000	16,832	Transfer out to Reserves for the Waste Management Programme.
	Total Climate Change and Sustainability				10,220	9,146	-927	8,219	9,146	-2,971	6,175	
	Promote protected landscapes and countryside access	National Parks Access	2490 2494	Land, Nature, Forestry & Marine	69,936 350 3,250	9,146 350 2,500	-927 350	8,219 350 2,500	9,146 350 2,500	-2,971 350	6,175 350	
	Sponsor and manage delivery bodies	CCW	2430	Sponsorship	3,600	2,850	0	2,850	2,850	0	2,850	Transfer Capital Budget to Living Wales to consolidate Single Body budgets
	Natural Resources Body		2451		0	0	795	795	0	795	795	New BEL to reflect Single Body from 01/04/2013
	Total Environment				2,000	1,000	-205	795	1,000	-205	795	
	Developing an appropriate evidence base to support the work of the Department	Environment Management	2814	Land, Nature, Forestry & Marine	5,600	3,850	-205	3,645	3,850	-205	3,645	
	Implementing the new Woodland Strategy through Forestry Commission Wales	Forestry Commission Capital	2470	Land, Nature, Forestry & Marine	38	38	205	38	38	205	38	This Action to be deleted: Budget moved to Living Wales BEL 2451 as part of consolidation of the Single Body budgets
	Total Forestry				-205	-205	205	0	-205	205	0	
	Total Capital - Environment and Sustainable Development				75,369	54,238	8,073	62,311	54,238	8,073	62,267	

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT MAIN EXPENDITURE GROUP SUMMARY							
Revenue	265,153	265,755	-1,300	264,455	269,201	-3,345	265,856
Capital	75,369	54,238	8,073	62,311	54,238	8,029	62,267
Total - Environment and Sustainable Development	340,522	319,993	6,773	326,766	323,439	4,684	328,123

Environment & Sustainability Committee

Draft Budget Changes for 2013-14

Reason	From BEL	To BEL	Amount £m
Changes to the ESD Portfolio			
The cost reductions and reprofile of the Waste Management Procurement programme has resulted in this amount being transferred back into the CS&A MEG.	2190	Central Funds Revenue Capital	1.300 0.927
Additional capital allocations from Central Funds (WIIP) to fund the Flood & Coastal Erosion Risk Management scheme.	Central Funds	2230 Capital	4.000
Additional capital allocations from Central Funds (WIIP) to improving Energy Efficiency programmes.	Central Funds	1270 Capital	5.000
Realignments of budgets within Portfolio			
As part of the restructure in ESD during 2011-12 a new BEL was created to deal specifically with Sustainable Development policy and the resources required were transferred from the BEL that previously had responsibility for it.	2810	2811 Revenue	0.080
Also, as part of the restructure a new BEL was created to deal specifically with Climate Change policy and the resources transferred	2816	2815 Revenue	0.410
Also, as part of the restructure it was agreed that the Flood Risk Management BEL would take on responsibility for Water policy and the resources transferred.	2816	2230 Revenue	0.120

This BEL has been moved from the 'Manage and implement Environmental improvement' action to the 'Manage and implement the Waste Strategy and waste procurement' action so that both BELs dealing with Waste are within the same action.	2194	2194 Revenue	0.300
This has been transferred to account for a different way of funding the National Parks in relation to the Sustainable Development Fund. It will be paid to them as part of their GiA.	2824	2490 Revenue	0.692
A new Natural Environment BEL has been set up to deliver projects which contribute to improving our ecosystems, including supporting our commitments to biodiversity.	2495	2825 Revenue	1.000
The renamed Urban Environment BEL (previously LEQ & KWT) has been increased to deal with the effect that high level of pollution and lack of access to green space has on Wales' poorest communities.	2495	2191 Revenue	1.000
This BEL has been moved to the 'Developing an appropriate evidence base to support the work of the department' within the Evidence SPA. This brings together all the budgets dealing with research under the one action.	2819	2819 Revenue	0.832
This brings together all the budgets for CCW, EAW and FCW into one BEL for the new Single Body.	2430 2450 2470	2451 Revenue Capital	76.549 0.795

Cyswilt Amgylchedd Cymru



Wales Environment Link

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Evidence to the Environment and Sustainability Committee inquiry into marine policy in Wales

September 2012

Wales Environment Link (WEL) is a network of environmental and countryside Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is officially designated the intermediary body between the government and the environmental NGO sector in Wales. Its vision is to increase the effectiveness of the environmental sector in its ability to protect and improve the environment through facilitating and articulating the voice of the sector.

WEL welcomes this opportunity to present written evidence to the Environment and Sustainability Committee's inquiry into marine policy in Wales. Given WEL's remit, we have focused our comments on the environmental aspects of the Commission's proposal. Further details on these top-line issues and other elements of the reform package can be found in the evidence papers submitted by individual member organisations from WEL's Marine Working Group. We look forward to elaborating on our written submission at the Committee's oral evidence session.

Key points:

- **Greater recognition of marine work**, with assurance that sufficient resources will be provided within Welsh Government and the Natural Resource Body for delivery of key commitments.
- **Prioritise the formulation and implementation of national marine plans for Wales**, by addressing the apparent marginalisation of marine planning by other policy drivers and recognising the potential benefits of overarching spatially prescriptive marine plans.
- **Creation of an ecologically coherent network of MPAs**, using MCZs to complement existing protected sites, provide a means of designation based on ecosystems and allow protection for rare and nationally important species and habitats.
- **Ensuring all MPAs are well managed, resourced, monitored and enforced in Wales**, to enable those sites that are currently failing to meet key European targets for the protection of the marine environment to succeed.
- **Sustainable management of Welsh fisheries through strong partnerships**, supported by effective communications from and between Government departments.
- **Greater focus on integrated and cooperative working with neighbouring administrations**, by improving existing engagement with neighbouring administrations

on cross-border and UK-wide issues and ensuring adequate representation of Welsh interests to ensure sustainable management of our seas.

- **Improved engagement of stakeholders in marine policy**, to facilitate support for decisions and provide clarity on marine programs.

General Comments

WEL believes that the Welsh Government's emerging environmental legislation presents positive opportunities to sustainably manage the land and sea in an integrated manner through an ecosystem approach. However, we have been disappointed that the consultations associated with these programme of work have not given sufficient consideration to the marine environment. Whilst WEL has previously raised these concerns, we would like to reiterate to the Committee that at over 15,000km², the Welsh marine environment both represents a considerable geographical area and provides a wide range of valuable ecosystem goods and services critical to the Welsh economy and the nation's health and well-being.

Going forward, WEL is concerned that the parallel resource-intensive processes of the creation of the new single body and the introduction of the Living Wales agenda may be to the detriment of the delivery of Welsh Government's existing commitments, notably, the Marine and Coastal Access Act, 2009. WEL believes that it is critical that marine management be afforded the necessary level of political focus and vital resources to ensure effective management of Welsh seas, in order to deliver UK and Welsh Government's shared vision of clean, healthy, safe, productive and biologically diverse seas.

1. What progress has been made in relation to the development of marine spatial plans for Wales?

WEL drew optimism from initial progress in developing Welsh Government's 'Approach to Marine Planning in Wales' through the consultation launched in February 2011 and stakeholder engagement via the Wales Coastal and Maritime Partnerships' Marine Planning sub-group. However, despite a recommitment to marine planning¹ by the current Minister for Environment and Sustainability, progress since the election in May 2011 has been limited. A summary of responses to the consultation has not been issued, while stakeholder engagement has ceased, resulting in diminished public visibility and a perception of reduced prioritisation of marine spatial planning. Such a strategy shift risks the disenfranchisement and disillusionment of previously enthused and engaged stakeholders.

Marine planning is progressing rapidly elsewhere in the UK, with the Marine Management Organisation having commenced planning in four of the eleven English marine plan areas and established a programme for full marine plan coverage of English waters by 2021, whilst a pre-consultation draft national marine plan is progressing in Scotland. It is WEL's belief that further impediments to the process in Wales may deter the Marine Management Organisation from designating a cross-border region with Wales as their next plan area, and therefore could further delay the progression to robust and spatially prescriptive marine plans for the entire Welsh marine environment. Marine planning should be the fundamental and overarching system for delivering sustainable development in the Welsh marine environment, complementing a well-managed network of MPAs. Therefore, WEL is concerned that national marine plans appear to

¹ 16th May Plenary questions to Environment Minister John Griffiths from Russell George AM

have been marginalised by other policy drivers, and indications that the proposed marine planning approach paper is unlikely to go before Cabinet this October do not inspire confidence. This would represent a significant wasted opportunity to capitalise on the mechanism for marine planning set out by the UK Marine Policy Statement and the Marine and Coastal Access Act, 2009. Furthermore, it is not clear to what extent, if any, that Welsh Government has utilised the UK Marine Policy Statement to guide Welsh marine policy development. Given that it is the de facto marine plan for Welsh waters, it would suggest that this document does not provide the appropriate level of detail required to add direction or policy steer within a Welsh marine policy context.

2. What is the current status of marine protected areas in Wales and what role should the new marine conservation zones have in this network of protected areas?

WEL commends the Welsh Government for the coverage of European Marine Sites designated in Welsh waters, a figure which currently stands at over 35%. Existing sites and proposed Marine Conservation Zones (MCZs) will provide an important role in reaching Wales' contribution to an ecologically coherent network (ECN) of protected marine areas around the UK. An ecosystem based ECN should be made up of sites of national importance, i.e. MCZs², and sites of EU importance, i.e. Special Protected Areas and Special Areas of Conservation designated under the EU Birds and Habitats Directives respectively.

Designation without adequate management does not constitute protection; there is an evident need for improved management, resourcing, enforcement and monitoring of all existing and future MPAs. We have concerns that when Welsh Government, reported to the EU commission for the most recent reporting round in 2007, almost half of the species and habitats within existing sites failed to reach Favourable Conservation Status, and that effective management was not in place to maintain or improve condition of the species and habitats. The next reporting round in 2013 will provide a key opportunity to assess current management and the degree to which sites meet their objectives.

A WEL commissioned report² highlighted a number of shortcomings in European Marine Site (EMS) management in Wales, with current management regimes often failing to provide adequate protection for site features. WEL welcomes the recent reports³ undertaken by CCW, in recognition that a review of existing management measures for Welsh MPAs is an essential step towards an improved, ecosystem based approach for the conservation and recovery of the marine environment. However, we now urge Welsh Government for the swift implementation of the recommendations and for a strong commitment to their delivery in the long term, in order for these sites to achieve their conservation objectives, achieve their full potential and make a significant contribution to conservation and improving the health of Welsh seas.

Welsh Government's intention to identify and designate Marine Conservation Zones (MCZs) represented a decisive move towards improved management of habitats and species of national

² Jackson, E., Langmead, O., Evans, J., Ellis, R. and Walters, H.T. (2008) Protecting nationally important marine biodiversity in Wales. The Marine Life Information Network for Britain and Ireland (MarLIN). Report to Wales Environment Link, November 2008.

³ Hatton-Ellis, M et al. (2012) MPA Management in Wales, Reports 1 and 2. CCW Marine Science Report No 12/06/01 and CCW Marine Science Report No 12/06/03

importance within Welsh seas, providing the opportunity to complement existing sites and fill gaps within the existing network. However we are concerned that slow progress will hamper efforts to achieve conservation objectives for MCZs and therefore compromise the establishment of a marine network that is representative of the full range of Welsh features. Under section 124 of the Marine and Coastal Access Act, 2009, Welsh ministers have a statutory duty to report to the National Assembly on the extent to which the objective of creating a network has been achieved, and to identify further steps needed for the achievement of that objective. The first report is due by the 31st December 2012.

WEL is concerned that the designation of highly protected MCZs has demonstrated the lack of capacity within Welsh Government's marine portfolio and this has resulted in the wider issue of marine management, including that of the existing network in Wales, being largely neglected. By failing to protect even our best marine areas, we undermine the creation of an ECN of sites, and the ability of our sea to adapt to the pressures of a changing environment. We also believe there needs to be careful consideration of management options in MCZs; a WEL commissioned report⁴ identified clear findings that the use of voluntary measures is not appropriate for MCZ management in Wales, particularly as these sites are intended to deliver high levels of protection.

3. The development of the Welsh Government's functions in relation to marine licensing and fisheries and whether this has been effective?

Licensing

The new system of licensing that operates under Part 4 of the Marine and Coastal Access Act, 2009 purports to be 'transparent, efficient, fair and effective'. To this end WEL considers the creation of the Marine Consents Unit (MCU) within Welsh Government as a central point of contact for queries on marine licensing a useful development. WEL hopes this type of 'One-Stop-Shop' will not be lost through the proposed transfer of the MCU to the new single body.

The Marine Act requires the establishment of a Public Register containing information on marine licence applications, licences granted and compliance and enforcement, however, at present this takes the form of a pdf document which does not appear to be regularly updated. In contrast, the Marine Management Organisation (MMO) has an online database of marine licence applications that is easily searchable and all current applications are available to view. It is clear that the legislative background makes for a complex picture for licensing in the marine environment, with Welsh Ministers being the licensing and enforcement authority only for devolved matters. WEL considers it vital for there to be effective close working between Welsh Government and the MMO on non-devolved licensing and enforcement decisions to be made within Welsh waters or projects that are otherwise likely to have effects on Welsh waters.

Welsh Government has produced an Interim Guidance document on the licensing process, but its 'interim' status does not appear to increase certainty for applicants. WEL believes that every effort should be made to prioritise the development of marine plans, which would provide the

⁴ Prior, S. (2011) An investigation into the use of voluntary management measures for the protection of UK marine biodiversity. Report for Wales Environment Link

clear spatial context for strategic decision making towards achieving sustainable development. WEL is concerned as to how effectively cumulative impacts on the marine environment are determined, particularly given the number of activities that are exempted from needing a marine licence, such as fishing and aquaculture. Therefore WEL believes that a system of recording and monitoring of cumulative impacts of non-licensed activities over the long term should be introduced, and supported by measures to address activities should they be shown to be having a significant effect. The marine licensing system, whilst guided by the UK Marine Policy Statement, currently operates in the absence of Welsh marine plans. Without a clear spatial context and integrated framework for marine management in Wales, it is questionable if case-by-case decision making is able ensure strategic considerations are made for achieving sustainable development.

Fisheries

The new fisheries management and marine enforcement regime in Wales has seen considerable changes since April 2010. The associated restructure and creation of one unit within Welsh Government responsible for fisheries policy, management and marine enforcement was deemed by WEL an appropriate move. However, WEL believes that sustainability and conservation should be of greater prominence in the training programme and remit of the Fisheries Unit. In addition, it has been the experience of WEL that engagement with and transparency of operations by Fisheries Unit has not been at the same level as that experienced with the Marine Branch, which maintains regular dialogue with marine stakeholders in Wales.

WEL welcomed the establishment of Wales Marine Fisheries Advisory Group and the Inshore Fisheries Groups (IFG) in bringing together cross-sectoral representation from industry, communities in Wales, government and the environment sector; facilitating stakeholder input into fisheries management in Wales. To-date these groups have focused mainly on their constitutional makeup, it is hoped that in the future they will be able to work at a local level to identify objectives and develop management plans for their local fisheries, within the national framework.

The Wales Fisheries Strategy (2008) and its associated Implementation Plans, collectively aim to develop a sustainable fisheries industry in Wales, based on an ecosystem approach. Given the limited progress in delivering the Implementation Plans, the significant changes under the Marine Act and the establishment of A Welsh Zone, WEL welcomes Welsh Government's aim to review and refresh the strategy. However, we would caution that this exercise does not detract from the work needed to strengthen management and enforcement in Welsh waters.

4. What progress has been made by the Welsh Government in the implementation of key European Directives?

The Habitats and Birds Directives form the cornerstone of Europe's nature conservation policy. They are built around two pillars: the Natura 2000 network of protected sites and the system of species protection. All designated Natura 2000 sites are required to reach Favourable Conservation Status (FCS) and the Competent Authority has a duty to establish the necessary conservation measures and appropriate management. As indicated in the 2007 reporting for Welsh EMS, almost 50% of marine habitats and species in Welsh sites are failing to achieve

FCS and, by a significantly larger margin, failing to secure effective management, due in part to inadequate prevention of damaging activities within the sites. WEL is concerned that the currently incomplete network of marine Natura 2000 sites represents a significant failure in the implementation of these Directives, for example due to the lack of progress on the classification of maintenance extensions to breeding colony Special Protected Areas (SPAs) and designation of wholly offshore SPAs.

Under the OSPAR convention⁵ and the Convention on Biological Diversity, the UK is committed to establishing an ECN of marine sites by 2012. Slow progress in the completion of the Natura 2000 network, designation of MCZs under the Marine and Coastal Access Act, 2009, and failure to secure effective site management serve as indications that Welsh Government has failed to achieve this important target. Under OSPAR, all sites designated by 2012 have a subsequent target to be well managed by 2016 i.e. coherent management measures must be set up and implemented effectively. However, as Welsh Government has failed to meet the 2012 target for designation, WEL calls for a commitment to honour the OSPAR 2016 target for well managed sites, including those designated between 2012 and 2016.

WEL is concerned that the currently incomplete network of MPAs and slippages in the implementation of the Marine Act will have further ramifications to Wales' ability to meet requirements of the EU Marine Strategy Framework Directive (MSFD). The Habitats and Birds Directives and the Marine Act will be key delivery mechanisms for meeting our commitments under the MSFD for achieving Good Environmental Status in Welsh seas by 2020. Therefore, WEL recommends that Welsh Government make urgent progress in utilising the tools provided by EU and domestic legislation to create a well-managed network of MPAs, to ensure Wales is in a strong position to deliver Good Environmental Status by 2020.

5. Whether there is sufficient cooperation and coordination between the Welsh Government and its neighbouring administrations in relation to the management of its seas?

WEL believes that opportunities for integrated and cooperative working with neighbouring administrations in various policy streams have not been fully exploited. Whilst there has been some effective dialogue between administrations on the Common Fisheries Policy reform to produce a coherent joined up response, greater focus on cross-border collaboration is required to adequately progress towards sustainable management of the entirety of our seas.

WEL recognises the need for greater representation of Welsh interests in the English MCZ process, particularly given proposed MCZs in the Bristol Channel and Welsh offshore area. Greater coordination and integration is also required in the designation and management of cross-border and neighbouring European Marine Sites. These areas of work will feed directly into Welsh Government's commitment to establish a well-managed Ecologically Coherent Network (ECN) of MPAs.

Furthermore, there are clear requirements under the Marine Strategy Framework Directive for consistency and compatibility throughout the EU, and for trans-boundary impacts and features to be taken into account. WEL believes that coordination of MSFD delivery could be improved by the creation of stakeholder forums across the devolved administrations, enabling cross-

⁵ The OSPAR Convention for the Protection of the marine Environment of the North-East Atlantic – the UK is a Contracting Party.

sectoral collaboration between Governments where activities span national borders. In Wales existing groups such as the Wales Coastal and Maritime Partnership would be well placed for delivery at a national level.

The Marine Management Organisation identified the absence of a border with a devolved administration as a key factor in the selection of the South inshore and offshore areas as their latest marine plan areas. The decision to defer the marine planning approach paper is likely to influence the possibility of a cross-border area with Wales being selected as the next MMO plan area in 2015. WEL feels it is imperative that marine planning progresses sufficiently in the intervening period to ensure this scenario is avoided. The Approach to Marine Planning consultation document makes reference to a proposed concordat with Defra to facilitate a framework for administrative co-operation and management of the marine area, but to WEL's knowledge this has not yet been formalised.

6. Whether the Welsh Government has sufficient financial and staff resource to deliver on its marine policy and legislation objectives?

WEL has campaigned since the passing of the Marine and Coastal Access Act, 2009 for Welsh Government to provide sufficient resource for its effective implementation and to fulfil existing legislative and policy objectives for the Welsh marine area. It is our view that resources should not only cover adequate staff capacity to implement the legislation, but also to provide sufficient funding to enable the investment in understanding marine ecosystems through monitoring and research.

However, since the Act's investment, there has been no notable increase in staff or financial resourcing to ensure the effective delivery of legislation. The Welsh Government marine branch relies on a finite number of staff to deliver emerging policy such as the Marine Conservation Zones, Marine Spatial Planning (MSP) and the Marine Strategy Framework Directive. A similar situation exists within the Marine Consents Unit, despite Welsh Government's ambitious targets for the development of offshore renewable energy. To deliver comparable functions, albeit on a larger scale, in England (and UK offshore areas), the Marine Management Organisation has been established with 250 staff; and set-up costs of an English marine planning system estimated at around £40m, with running costs of £1million per annum⁶.

WEL is concerned that limited resource is constraining the effective management and enforcement of Marine Protected Areas (MPAs), and also preventing comprehensive monitoring to provide information to adequately address the questions posed by the deployment of renewables, MSP and MPA management. To date this is an area of work that is severely limited both in terms of financial resources and staff resource, and as a result has caused the work to be undertaken in piecemeal fashion. The creation of the new single body provides significant opportunity to integrate data sharing and monitoring resources between the Statutory Nature Conservation Bodies. However, it is essential that shared resources and expertise are not lost through the creation of the new single body and instead increased in order for Wales to meet policy and legislative objectives. This should not only be considered during the operational period, but also during the transitional arrangements, when additional strain is likely to be placed on marine resourcing due to increased workloads.

⁶ Defra (2010) *Consultation on a marine planning system for England*. July 2010.

The management review undertaken by CCW on behalf of Welsh Government highlights further resource limitations in the development and delivery of marine management at a local level. Currently this is delivered through the Relevant Authority Groups (RAG) and European Marine Site (EMS) officers, which fulfil a valuable role through the gathering of data that helps to inform site management and the subsequent delivery of management plans at a local level. However, funding for this resource is finite and should be guaranteed to maintain continuity and to safeguard knowledge and experience.

7. Whether stakeholders have been sufficiently involved in the shaping of new policies and the development of legislation?

WEL believes that stakeholder engagement is instrumental to the delivery of successful marine policy. Experience shows that where stakeholders have been given the opportunity to effectively engage and their opinions and needs represented and considered, they are more likely to accept the outcomes, and consequently, marine policy will have a greater chance of success. Therefore, effective engagement of sea users plays an essential role in the implementation of the various components of the Marine Act, which should be fostered considering the relatively small size of Wales. We support the existing Coastal Fora which cover the majority of the Welsh coastline, and see value in the creation of a Coastal Forum to cover North Wales.

However, the siloed nature of various marine policy initiatives has resulted in the development of several simultaneous projects requiring the involvement of stakeholders, for example, the Marine Conservation Zone (MCZ) Project Wales, the Wales Marine Fisheries Advisory Group (WMFAG) and Inshore Fisheries Groups (IFGs), the Wales Coastal and Maritime Partnership (WCMP) group and its marine planning sub-group. Whilst the projects associated with these groups have varying timetables, WEL would support a streamlined approach, with greater consideration of the parallel projects in decisions regarding consultation dates and public events, in order to avoid stakeholder fatigue.

Perhaps of more immediate concern is the breakdown of relationships with stakeholders as a result of the MCZ Project Wales, which has the potential to detrimentally impact stakeholder engagement in future projects. WEL urges Welsh Government to make an announcement on the future of the project as soon as possible, so as to maintain momentum in existing projects and to address the level of disenfranchisement among stakeholders. Whilst WEL welcomed the creation of the Stakeholder and Citizen Engagement Group (SCEG), the level of activity to date has been limited despite strong interest by several members for the group to be more active. Furthermore, the stakeholder engagement plan has appeared ad hoc, leading to a greater level of confusion than expected. We feel more should have been done to address stakeholder concerns and clarity should have been given to Welsh Government proposals more promptly.

WEL believes that there is potential for more effective stakeholder engagement in the future, and it is evident from the various groups that stakeholders are keen to engage and contribute, an example being the WMFAG and IFGs which were created in April 2010. Whilst these groups were slow to develop, they have the potential to provide a valuable contribution to the development of inshore fisheries management in the future. WEL is calling for improved stakeholder engagement in all aspects of marine policy. Whilst we are appreciative that it will

require additional support, improved resourcing and considerable work to bring disenfranchised sea users back on board, it is essential to facilitate inclusive, effective and meaningful engagement.

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The following WEL members support this document:

Marine Conservation Society

RSPB Cymru

Wildlife Trusts Wales

WWF Cymru

Ymddiriedolaeth Genedlaethol / National Trust



**Evidence to the Environment and Sustainability Committee inquiry into
Marine Policy in Wales**

**Response from RSPB Cymru
September 2012**

The RSPB is Europe's largest wildlife charity, with over one million members, over 51,000 of them living in Wales. The Society manages one of the largest conservation estates in the UK, covering more than 140,000 hectares; 16,000 of these in Wales. The RSPB also works with a range of organisations, businesses and landowners to bring about habitat improvements for species of conservation concern. We work to protect and enhance habitats such as intertidal habitat, coastal heath, vegetated cliffs, estuaries and reedbeds, and our reserves help to protect rare and threatened wildlife. The RSPB champions the cause of biodiversity conservation within the wider debate on sustainable development. We are active across the UK and Wales at national, regional and local levels.

RSPB Cymru welcomes the opportunity to provide evidence to Environment and Sustainability Committee inquiry into marine policy in Wales.

Summary

The Welsh Government's current agenda of environmental policy and legislative reform provides substantial opportunities for the improved management of Welsh seas. The Marine and Coastal Access Act, provides the Welsh Government with the additional necessary tools to ensure that the marine environment delivers not only the ecosystems services, from which many economic and social benefits are derived, but also the long term protection and management of the underpinning ecosystems and their component biodiversity, hence protecting the inherent intrinsic value of Wales' marine environment.

Whilst there have been some positive steps with respect to Marine Protected Areas (MPAs) in Welsh waters, there is an underlining issue of inconsistent use of resources, lack of involvement by key management authorities and limited strategic steer from Welsh Government. The network is still incomplete and management of existing MPAs has been on an individual basis, lacking an overarching coordinated strategy that manages sites effectively and ensures that they contribute to a coherent network. Combined, these issues are hindering the effective protection of marine biodiversity in Wales and delivery of key national and international policies and targets such as the international target to halt and reverse the loss of biodiversity by 2020.

Without the right strategic structures in place, coupled with decisive and much needed use of the legislative powers available, Wales will continue to fail in delivering the shared UK vision of "*clean, healthy, safe, productive and biologically diverse seas*". RSPB Cymru are disappointed at the clear lack of ambition displayed by Welsh Government with regards to the designation of protected sites under Marine and Coastal Access Act, the failure to designate the sites required to meet Wales' obligations under the EU Birds and Habitats Directives and hence, the unlikelihood of delivering of an ecologically coherent and well managed network of MPAs. This is coupled with a lack of progress in other areas of marine policy, particularly Marine Spatial

Planning leaves our seas vulnerable to damage and disturbance. Our detailed comments are contained under the relevant questions below.

We would like to highlight the following key points:

- **Vision:** The vision for an ecosystem approach set out in *Sustaining a Living Wales* requires effective management, resourcing and recognition of the intrinsic value of our seas, as well as an understanding that species and habitats (i.e. biodiversity) are the building blocks of ecosystems.
- **Marine Spatial Planning:** Lack of a coherent Marine Spatial Plan risks Marine Protected Areas existing in isolation, and will result in failure to deliver Welsh Government's vision for Welsh Seas, as well as the requirements of the EU Marine Strategy Framework Directive.
- **Marine Protected Areas (MPAs):** The Welsh Government needs to urgently complete the existing network by designating protected areas under both domestic and EU legislation to contribute to an ecologically coherent, well managed network of MPAs at the UK and EU scales.
- **Licensing:** A clear and transparent process that considers applications both individually and cumulative effects especially on protected sites and delivery of sustainable development.
- **European legislation:** Greater effort is needed to achieve and comply with statutory targets, ensuring no further slippage in delivery for the Welsh marine environment.
- **Administrative collaboration:** Greater engagement on cross-border and UK-wide issues with neighbouring administrations to ensure adequate representation of Welsh interests and deliver sustainable management of our seas.
- **Resourcing:** Ensuring resource for the monitoring, management and enforcement of the Welsh marine environment is provided within Welsh Government and the new Single Body.
- **Stakeholder engagement:** Engaging stakeholders must involve effective communications from and between Government departments allowing stakeholders to influence the process and so support delivery of sustainable activities in Welsh waters.

RSPB Cymru response to the Inquiry Questions:

1. What progress has been made in relation to the development of marine spatial plans for Wales?

Welsh Government's approach to marine planning in Wales was launched in February 2011 through a consultation and informal stakeholder engagement. The Minister for Environment and Sustainability recommitted to marine planning in May 2012¹, but externally progress appears limited.

The Welsh Government is responsible for the development of marine plans both in the Welsh inshore region (out to 12 nautical miles (nm)²) and offshore region (beyond 12 nm). Welsh Government made a commitment to producing a Welsh Marine Spatial Plan(s) and to adopt them by 2012/13³, however, there are currently delays in developing it. As a result, we also risk missing the requirement of the EU Marine Strategy Framework Directive (MSFD) to produce a marine strategy of management. The opportunity to develop a Marine Spatial Plan for Wales, that is tailored to the Welsh environmental, social and economic needs, will be lost if Welsh Government opts to rely on UK Government to determine a Marine Strategy for Wales.

Marine Spatial Planning (MSP) is an effective and powerful tool in the strategic management of the Welsh marine area and the activities occurring there and hence contributing to sustainable development. It would enable Marine Protected Areas (MPAs)² to be fully integrated into all policy areas and again, contribute to sustainable development. A lack of a coherent Marine Spatial Plan risks MPAs existing in isolation i.e. becoming islands of biodiversity in otherwise barren seas, and threatens Wales's commitment to delivery of an Ecologically Coherent Network (ECN)². As we have seen on land, this is not effective and we must manage the wider environment to sustain and support wildlife and humans.

To fully deliver the Welsh Governments vision for Welsh seas and the requirements of the EU MSFD, there needs to be a high-level steer from the Welsh Government coupled with a strong commitment to fully integrate marine issues succinctly with emerging policies and legislation such as *Sustaining a Living Wales*. This will enable management authorities to better prioritise marine management within their work program, avoiding a perception that biodiversity protection policies are at times inconsistent with other policy drivers resulting in conflicting legislative obligations. This is where MSP would provide the tool to determine the most effective and appropriate way for developments to occur in a sustainable fashion.

2. What is the current status of marine protected areas in Wales and what role should the new marine conservation zones have in this network of protected areas?

Under the Marine & Coastal Access Act, the Welsh Government originally expressed their intention to identify and designate protected by 2012, to contribute to a UK-wide, well-managed

¹ 16th of May Plenary questions to Environment Minister John Griffiths from Russell George AM

² See Annex 1: Definition of terms used

³ Welsh Government consultation 2011: *Sustainable development for Welsh seas: Our approach to marine planning in Wales*

and Ecologically Coherent Network (ECN) of MPAs. The ecologically coherent MPA network was to be made up of sites of national importance, i.e. Marine Conservation Zones (MCZs)², and sites of EU importance, i.e. SPAs² and SACs² designated under the EU Birds and Habitats Directives respectively. Unlike SACs² or SPAs², which are designated only for species and habitats of European importance, MCZs can be designated to protect nationally rare, threatened and important species. This provides the tool to create a network of conservation sites across Wales that will both fill significant gaps in the existing MPA network and complement existing sites increasing their function and long term viability. MCZs can be representative of the range of features present in the Welsh marine environment, and site designation should reflect that conservation of a feature often requires designation of more than one site. By creating an effective network, Wales will take a significant step towards the delivery of an ECN and the agreed delivery of halting biodiversity loss by 2020 under the Convention on Biological Diversity (CBD).

The current hpMCZ proposals seek to designate sites predominately for benthic habitats, while mobile species, such as seabirds, have been largely excluded from process. Currently there are no other targeted or special conservation measures for seabirds at sea, and the sites proposed as Welsh hpMCZs do not consider designating sites with the aim of providing additional seabird protection. We are therefore concerned that the Welsh Government appears to be relying upon SPAs to deliver protection for seabirds but at a time when the SPA portion of the network is still incomplete (see our response to Q4).

Welsh Government's most recent report to the EU Commission on the status of marine sites designated under the EU Birds and Habitats Directives in 2007⁴ indicates that almost half of the species and habitats for which the sites are designated are not in Favourable Conservation Status. Further to this the report demonstrated that effective management was not in place to maintain or improve the condition of the species and habitats. In addition to the implications for EU statutory obligations (see our response to Q4), Welsh Government is failing to deliver its own key biodiversity outcome (Outcome 21) as set out in the *Environment Strategy Wales*; "*Sites of international, Welsh and local importance are in favourable condition to support the species and habitats for which they have been identified*".

3. The development of the Welsh Government's functions in relation to marine licensing and fisheries and whether this has been effective?

The development of the current marine licensing system stems from duties under the Marine and Coastal Access Act (MCAA) to regulate and legislate activities within the Welsh marine area. However the system currently operates in the absence of an all Wales strategic plan, instead relying on guidance from the UK Marine Policy Statement. This often results in applications being determined on a case-by-case basis. Therefore, unlike terrestrial licensing in Wales, in-combination affects are difficult to determine, potentially allowing damaging activities to operate without full consideration of potential impacts to Marine Protected Areas or the wider marine environment. Whilst the Marine Consent Unit is required to maintain a record of all

⁴ Annex 2, Figure 1: Condition and conservation status of Marine SAC and SPAs habitat and species features in 2007.

activities relating to consents, compliance and enforcement, this is not yet in a format that demonstrates transparency or allows scrutiny. We are concerned that the decision to transfer the licensing powers to the new Single Body will not alleviate this issue.

The management of activities requiring licensing does not directly fall to a single Welsh Government department, resulting in a number of activities being exempt from the new licensing system, such as deposition of shellfish and some forms of dredging. Therefore a system that accurately records and monitors cumulative effects of licensed and non-licensed activities, in both the long and short term context, will ensure strategic considerations are made for achieving sustainable development that does not threaten environmental limits and enable effective management of Welsh seas.

The Wales Fisheries Strategy (2008) and its associated Implementation Plans, collectively aim to develop a sustainable fisheries industry in Wales, based on an ecosystem approach. Recently there have been a number of positive changes for Welsh Fisheries, such as the revocation of grandfather rights and move to utilise boat tracking systems to enable better management of certain fisheries.

However we are concerned that the enforcement and management tools available are not being used to their full potential. The MCAA provided additional powers in the form of Conservation Orders and Fisheries Orders. Together these allow the use of permits to regulate activities within the marine environment, ensuring that sustainable activities are able to continue and restricting or removing damaging activities that are currently unregulated.

We believe that plans developed at a regional level should be the principal medium for delivering fisheries policy and an ecosystem-based approach in the future, with the existing regional Inshore Fisheries Groups an ideal instrument for their provision. Plans developed for Welsh waters, whether for fisheries management or other activities need to be mindful of requirements under the MSFD, not only to ensure compliance but also to avoid stakeholder fatigue through repeated consultations and liaison. While no different ecological or management standards should be adopted for small or larger fleets, it may be necessary to apply flexible approaches to meet these objectives as management necessities are clearly different between small and large-scale fishing. We want to see a sustainable fishing industry that supports livelihoods alongside conservation outcomes.

4. What progress has been made by the Welsh Government in the implementation of key European Directives?

The EU Habitats and Birds Directives form the cornerstone of Europe's nature conservation policy. The Habitats Directive states "*A coherent European ecological network of special areas of conservation shall be set up under the title Natura 2000*", however Wales has still to complete the network of marine Natura 2000 sites, with a number of European Protected Species, including seabirds and cetaceans, lacking adequate protection.

RSPB Cymru is particularly concerned with the continued failure to classify the ‘most suitable territories’ as Special Protected Areas (SPAs), or to implement any other special conservation measures, for avian species at sea. A UK approach to the identification of ‘maintenance’ extensions to breeding colony SPAs, to protect areas used for behaviours directly associated with the colony, such as resting, bathing and mating, has been agreed since 2008. Despite this there has been a significant lack of progress to designate these site extensions within Welsh waters. **Completion of the SPA network requires adequate protection for seabirds not only near to nesting sites, as provided by the proposed extensions, but also offshore where the seabirds actively feed where more work is needed to identify the full suite of foraging areas.**

Natura 2000 sites are required to reach Favourable Conservation Status (FCS) with the Relevant Competent Authority having the duty to establish the necessary conservation measures and appropriate management to avoid “*deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated*”. The 2007 reporting for Welsh European Marine Sites³ demonstrates that almost 50% of marine habitats and species in Welsh sites are failing to achieve FCS and, by a significantly larger margin, failing to secure effective management. The next round of reporting on the Natura 2000 network is due in 2013.

The OSPAR Convention⁵ set a clear target to establish a network of marine sites by 2012, that is ecologically coherent and consistent with the Convention of Biological Diversity (CBD) target for effectively conserved marine and coastal ecological regions. It is clear that the slow progress in the completion of the Natura 2000 network, designation of MCZs under the MCCA, and failure to secure effective management of protected sites, Welsh Government is failing to achieve delivery of this key international commitment. OSPAR sets a further target for 2016 that for all sites, designated up until 2012, are well managed, *i.e.* coherent management measures have been set up and are being implemented effectively. The delay in designating Welsh MCZs raises concern that Welsh Government will circumvent, either intentionally or unintentionally, this commitment for sites designated after 2012.

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

It is therefore essential that the Welsh Government makes urgent progress in securing effective management and monitoring for existing sites, designating new sites as necessary to deliver Wales’ contribution to the UK ECN, ensuring that Welsh sustainable development plans fully integrate the network of MPAs. If the right approach is taken, with the correct management

⁵ The OSPAR Convention for the Protection of the marine Environment of the North-East Atlantic – the UK is a Contracting Party.

structure in place, Wales will be in a strong position to deliver the EU MSFD target of Good Ecological Status for Welsh waters by 2020.

5. Whether there is sufficient cooperation and coordination between the Welsh Government and its neighbouring administrations in relation to the management of its seas?

In order to deliver effective marine management, Welsh Government needs to co-operate effectively with the UK, the other Devolved Governments, the Isle of Man and with the Republic of Ireland. With the exception of the Common Fisheries Policy reform, there appears to have been limited dialogue with Administrations sharing a coastal or marine boundary.

The EU Marine Strategy Framework Directive (MSFD) places a strong emphasis on the need for regional co-operation. To date Welsh Government does not appear to have fully engaged with the MSFD process. Instead relying on DEFRA to deliver the programme of measures required to deliver Good Environmental Status (GES), despite the implementation of these falling to Wales. The lack of engagement in the process is likely to result in targets that are not reflected in *Sustaining a Living Wales* and emerging Welsh policies that may conflict with delivery.

The management of existing and future designations of cross border and neighbouring European Marine Sites, will require greater coordination with the UK administration. There is also need for greater representation of Welsh interests in the English MCZ process. Two of the English regional MCZ projects have identified sites adjacent to Welsh waters, with one of the projects potentially designating sites within the Welsh offshore waters. These sites would contribute to Welsh Government's commitments to establishing an Ecologically Coherent Network of Marine Protected Areas, however, the Welsh Government is not actively engaging with the process.

6. Whether the Welsh Government has sufficient financial and staff resource to deliver on its marine policy and legislation objectives?

RSPB Cymru are of the view that the available resource for the monitoring, management and enforcement of the Welsh marine environment does not accurately reflect the commitment to deliver UK and Welsh Governments' shared vision of clean, healthy, safe, productive and biologically diverse seas. Since the enactment of the Marine and Coastal Access Act in 2009, there has been no notable increase in staff or financial resourcing to ensure the effective delivery of marine legislation. In contrast, to deliver comparable functions, in England (and UK offshore areas), the Marine Management Organisation has been established with 250 staff; and set-up costs of an English marine planning system estimated at around £40m, with running costs of £1million per annum⁶.

The Welsh Government instead relies on a finite number of staff to deliver emerging policy such as the Marine Conservation Zones, and the Marine Strategy Framework Directive. With what

⁶ Defra (July 2010) Consultation on a marine planning system for England.

appears to be limited resource allocated, Welsh Government is currently using a “virtual team”, to deliver Marine Spatial Planning (MSP), despite Welsh Governments ambitious targets for the development of offshore renewable energy.

Resource limitations are affecting the management of existing Marine Protected Areas, an issue highlighted in CCW’s recent reports regarding protected site management in Wales. Limited resourcing has prevented comprehensive monitoring which would provide information to inform the designation of new sites to create an Ecologically Coherent Network and to adequately address questions posed by the deployment of renewables and development of the first MSP. Therefore whilst the new Single Body creates opportunity for greater sharing of resources and expertise in many areas, overall increased resourcing is needed for Wales to meet policy and legislative objectives.

The Welsh Government units responsible for fisheries policy, management and enforcement of activities at sea, have recently been restructured and a single unit formed. However there has been no increase in resources to this unit for the provision of enforcement in the Welsh marine environment, despite the Wales having additional enforcement duties since the transfer of boundaries and functions in 2010 under the Marine & Coastal Access Act up to the boundary line with England and the Republic of Ireland.

7. Whether stakeholders have been sufficiently involved in the shaping of new policies and the development of legislation?

A strategic steer is needed from Welsh Government on wide ranging marine issues, however stakeholder engagement is essential to delivery of successful marine policy and in ensuring shared ownership. There is need for greater communication of the benefits and importance of Welsh seas to all stakeholders, enabling effective buy in and understanding of the developing legislation. A transparent decision making process is crucial to foster stakeholder acceptance of policy decisions. Failure to demonstrate that stakeholder opinion has been represented and considered will result in disillusion and scepticism of the process in general.

There are a number of existing, underused, networks such as the Wales Coastal and Maritime Partnership (WCMP), Wales Marine Fisheries Advisory Group (WMFAG) and Stakeholder and Citizen Engagement Group (SCEG) that provide an excellent mechanism for discussion of emerging policies with a range of stakeholders. Drawing on the expertise of these groups ensures that future consultations are engaged and representative of the full spectrum of interests and opinions. The current secular approach to the development of marine policies in Wales has resulted in the development of several simultaneous projects requiring involvement of stakeholders, increasing the risk of stakeholder fatigue and creating confusion over technical variations between important consultations.

The recently published WFA approach *Striking the Balance* provides a unique mechanism for true partnership working across stakeholder interests and if current momentum is maintained delivery of key targets will be more readily realised. It is important to note that the alternative approach stems from concerns over the proposed hpMCZ approach and the limited involvement of stakeholders to the process.

Annex 1: Definition of terms used

- **ECN** (An Ecological Coherent Network) is a network of marine protected areas;
 - that interact and support the marine environment;
 - maintain the processes, functions and structures of the intended protected features across their natural range;
 - Function synergistically as a whole, such that the individual protected sites benefit from each other to achieve the above two objectives.

Under the OSPAR Convention, a network is characterised by a coherence in purpose and by the connections between its constituent parts. Networks can also be designed to be resilient to changing conditions. The following points are identified as contributing to network coherence:

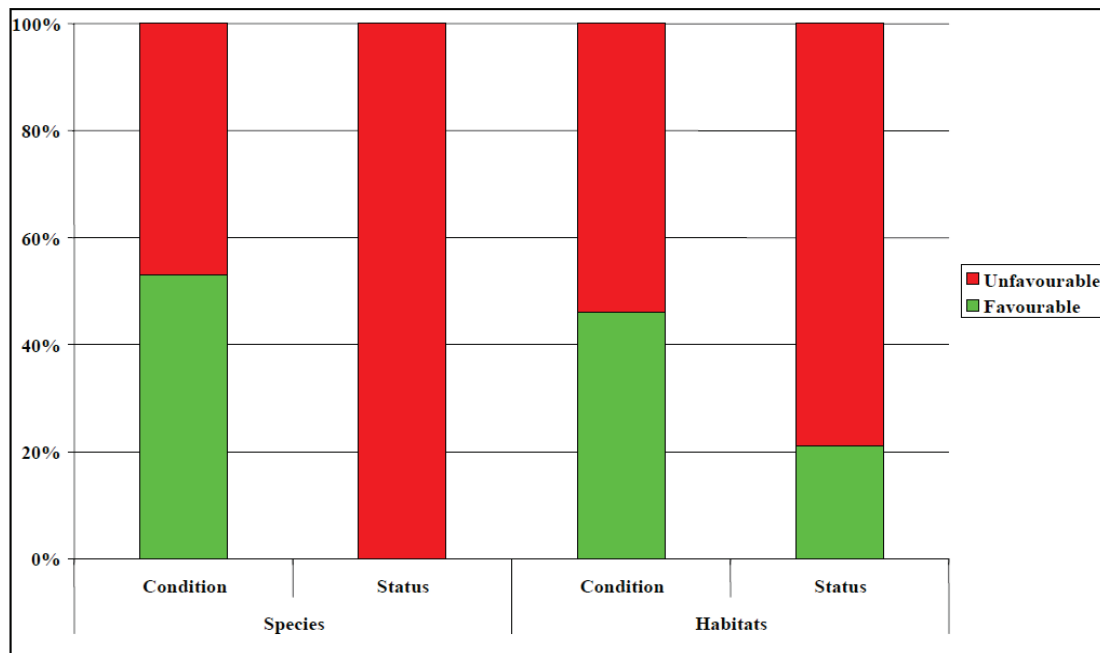
- A network's constituent parts should firstly be identified on the basis of criteria which aim to support the purpose of the network.
 - The development of an ecologically coherent network of MPAs should take account of the relationships and interactions between marine species and their environment both in the establishment of its purpose and in the criteria by which the constituent elements are identified.
 - A functioning ecologically coherent network of MPAs should interact with, and support, the wider environment as well as other MPAs although this is dependent on appropriate management to support good ecosystem health and function within and outside the MPAs.
- **Ramsar**. Ramsar sites are wetlands of international importance designated under the Ramsar Convention and have the same status as Special Protection Areas (SPAs) classified under the Birds Directive. Commonly sites of importance for waterbirds within the UK, and consequently many Ramsar sites are also SPAs.
 - **SPAs** are a European Designation. Special Protection Areas (SPAs) are strictly protected sites classified in accordance with Article 4 of the EC Birds Directive which came into force in April 1979. They are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.
 - **SACs** are a European Designation. Special Areas of Conservation (SACs) are protected sites designated under the EC Habitats Directive. Article 3 of the Habitats Directive requires the establishment of a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species identified in Annexes I and II of the Directive (as amended). The listed habitat types and species are those considered to be most in need of conservation at a

European level (excluding birds). Being primarily terrestrial focused, the list of marine species and habitats is limited.

- **SSSIs** are domestic (UK) designations. The nature conservation agencies, CCW in Wales, have a duty under the Wildlife and Countryside Act 1981, as amended, to notify any area of land which in their opinion is 'of special interest by reason of any of its flora, fauna, or geological or physiographical features'. Such areas are known as Sites of Special Scientific Interest (SSSIs).
- **MCZ** (Marine Conservation Zone) a domestic (England & Wales) designation, stemming from the Marine and Coastal Access Act 2009. In Welsh inshore waters the MCZ Project currently aims to designate a small number of highly protected MCZs. Site selection is being managed by Welsh Government.
- **MPA** (Marine Protected Area) a collective term that covers all types of designations and protected sites that have marine elements.
- **1 nm** (nautical mile) = 1.85 kilometres
- **MCAA** - Marine and Coastal Access Act, received Royal assent in 2009.

Annex 2:

Figure 1: Condition and conservation status of Marine SAC and SPAs habitat and species features in 2007.



- Article 17 of the Habitat Regulations requires Member States to report every six years about the progress made with the implementation of the Habitats Directive. As the main focus of the directive is on maintaining and/or restoring a favourable conservation status for habitat types & species of community interest, monitoring & reporting under the directive is focusing on that.
- Condition refers to assessing the species or habitats against the Conservation objectives and provides a snapshot of their current viability. Overall, of the marine species and habitats that were assessed 53% of species features and 46% of habitat features were reported as being in favourable condition.
- Assessment of status refers to having effective management secured to maintain or improve feature condition; therefore in the short term a habitat or feature may be in favourable condition, but without effective long term management in place the features will not be maintained in favourable conservation status or restored if already failing. For the habitats and species that were assessed for status almost 100% of species and 79% of habitats were reported as being in unfavourable status.
- It should also be noted that in 2007, information on condition but not status was sent to JNCC for collation with other countries to be sent to Europe. Thus masking the true picture of Welsh features.

Evidence to the Environment and Sustainability Committee inquiry into marine policy in Wales

September 2012

Wildlife Trusts Wales (WTW) is the umbrella organisation for the six Wildlife Trusts in Wales – Brecknock, Gwent, Montgomeryshire, North Wales, Radnorshire and South and West Wales working together in partnership to achieve a common aim. The Wildlife Trusts collectively have more than 28,000 members and manage over 200 nature reserves (of which 32 are coastal), covering more than 6,000 hectares of Wales' prime wildlife habitat, from rugged coastline to urban wildlife havens.

The Wildlife Trusts are working towards our vision of Living Seas, where marine wildlife thrives from the coastal shallows to the depths of the sea. We believe it is possible to achieve Living Seas around the UK within 20 years – a single generation – but only if the opportunities are seized now to make radical changes over the next five years.

WTW welcomes this opportunity to present evidence to the Environment and Sustainability Committee inquiry into marine policy in Wales. We have contributed to the written evidence provided by Wales Environment Link and Wales Coastal and Maritime Partnership, of which we are members. As such, we have focused our comments to focus on WTWs current areas of work, providing response to questions 2, 5, 6 and 7.

Summary

- Sustainable management of Welsh seas should be given greater prioritisation by decision makers in recognition of our reliance on the numerous ecosystem goods and services the marine environment provides. This should be supported with an assurance that there will be adequate financial and staff resources within Welsh Government and the new single body to meet existing legislative and policy objectives.
- The management of existing Marine Protected Areas must be significantly improved, and supported by effective enforcement, monitoring and resourcing to enable these sites to reach favourable conservation status.
- All bottom trawling and dredging should be prohibited from within the boundaries of all Marine Protected Areas.
- Momentum in the MCZ Project Wales should be maintained and Welsh Government should provide an announcement on the future of the project as soon as possible.
- There should be greater coordination at cross border locations to ensure a consistent UK approach to marine management, to fulfill commitments under the Marine Strategy Framework Directive and contribute to an Ecologically Coherent Network of MPAs.
- Engagement of stakeholders needs to be improved to promote support for all areas of marine policy.



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General response

For over a decade, the Wildlife Trusts have campaigned with other environmental organisations for new laws to provide better protection for the marine environment. We welcomed the introduction of the Marine and Coastal Access Act 2009 for providing Welsh Government with the tools needed to revolutionise the way we manage the sea in Wales. However, we have since been concerned about slippages in the implementation of the Act, with considerable delays evident in projects including MCZs, marine planning and sustainable fisheries management.

At over 15,000km², Welsh territorial waters almost double the size of Wales and provide numerous ecosystem goods and services, on which Wales is heavily reliant. However, we do not believe that the marine environment has been given sufficient prioritisation or resourcing to ensure delivery of sustainable management. WTW has raised these concerns in response to Government consultations on their emerging legislative framework, including 'Sustaining a Living Wales' and the formation of the Single Body. We also believe there needs to be greater integration between emerging and existing legislation to avoid any potential confusion that could emerge, for example, between the marine planning and National Resource Management Plan processes.

Question 2: Current status of marine protected areas in Wales and the role new marine conservation zones have in this network of protected areas

The Wildlife Trusts regard Marine Protected Areas (MPAs) as essential for the sustainable management of the Welsh marine area and at the heart of marine nature conservation. Along with sustainable fisheries management and marine planning, a well-managed network of MPAs will be critical to achieving Welsh Governments commitment to the UK Governments vision for '*clean, healthy, safe, productive and biologically diverse seas*¹'. Furthermore, a network of MPAs, made up of both existing sites and new Marine Conservation Zones (MCZs) will play an instrumental role in achieving Good Environmental Status under the Marine Strategy Framework Directive².

Existing Marine Protected Areas

At over 36% of Welsh waters, the Wildlife Trusts recognise that Wales is leading the UK in the area of our territorial waters designated as MPAs. Whilst these sites present considerable potential to contribute to the protection of the marine environment, designation without appropriate management does not constitute protection. At the last reporting round on the condition of our existing MPAs in 2007, over 50% of features were found to not meet favourable conservation status. To address this, there needs to be a significant improvement in the management, enforcement and monitoring of these sites to improve the level of protection and ensure they are able to meet their objectives. These factors will need to be met with an increase in resourcing available to support these sites. The next reporting round in 2013 will provide a key opportunity to assess any changes in management and the success of sites in currently meeting their objectives.

By 31st December this year, Welsh Ministers are due to report to the National Assembly for Wales on the extent to which a network of MPAs has been achieved in Welsh waters, and any further steps that will be needed to reach their objectives. This, along with the current

¹ Defra: 'Our Seas - A shared resource' 2009

² The Marine Strategy Framework Directive establishes a framework for the development of strategies designed to achieve Good Environmental Status in the marine environment by 2020. A network of MPAs is integral to this process.

review on MPA management in Wales should form an integral component of decision making regarding MPAs, and should be incorporated into the Marine Protected Area Strategy, which has remained in draft status since 2009, to provide a framework for Welsh Governments vision for Welsh seas.

Marine Conservation Zones

Furthermore, we welcome Welsh Governments intention to introduce greater protection for Welsh seas through the MCZ Project Wales. We recognise the value of Marine Conservation Zones; where carefully chosen, we believe that such sites can contribute considerable benefits to the protection of Welsh seas. We urge Welsh Government to maintain momentum in the project to ensure that MCZs are introduced; however, we believe there needs to be further consideration of the definition of highly protected and would favour the consideration of management of a site by site basis. We urge Welsh Government to make an announcement on the future of the project as soon as possible, and to make a strong commitment to all MPAs in the long term.

The Wildlife Trusts continue to call for all highly damaging activities, such as scallop dredging and bottom trawling to be prohibited from within the boundaries of all MPAs. We also call for highly damaging activities to be prohibited in areas where habitats and/or species are proven to be sensitive or at risk from activities such as bottom trawling, dredging, aggregate extraction, renewable and non-renewable energy developments. We support the sustainable use of marine resources; however, we believe there needs to be greater consideration of what can be deemed sustainable in the marine environment, and see the Living Wales program as an opportunity to start exploring this issue.

Question 5: Whether there is sufficient cooperation and coordination between the Welsh Government and its neighbouring administrations in relation to the management of its seas?

With 6 Wildlife Trusts in Wales, our localness ensures that we have been able to engage with communities around the coast at a local scale, whilst national officers have been able to engage with policy at a national level. In discussion with our colleagues around the UK, it is evident that whilst there has been dialogue between the various administrations on some policy streams, we would support a greater degree of cross-border cooperation to support the sustainable management of our seas. This will be crucial in the future to support greater integration of the designation and management of Marine Protected Areas at cross-border areas, and will be crucial in determining the level of success in achieving an ecologically coherent network of sites. Furthermore, it will be imperative that Welsh Government works closely with our neighbouring administrations in order to fulfil commitments to achieving Good Environmental Status under the Marine Strategy Framework Directive.

Question 6: Whether the Welsh Government has sufficient financial and staff resource to deliver on its marine policy and legislation objectives?

At 15,000km², the Welsh marine environment almost doubles the size of Wales, and contributes £2.5 billion to the Welsh economy through marine industry, of which £700 million is from coastal tourism. The marine environment contributes numerous ecosystem goods and services, all of which are reliant on our marine biodiversity and depend on a healthy marine environment. However, despite the importance of ensuring sustainable management of our sea, there is a lack of resourcing to fulfil existing legislation and policy and we feel that this needs to be addressed.

Whilst we are mindful of current constraints in public spending, we have concerns over the allocation of capacity and resources for Welsh Government's Marine Branch and Fisheries Unit to fully deliver their powers and duties under the Marine Act in Wales. To deliver comparable functions, albeit on a larger scale, in England (and UK offshore areas), the Marine Management Organisation has been established with 250 staff; and set-up costs of an English marine planning system estimated at around £40m, with running costs of £1m per annum³

Question 7: Whether stakeholders have been sufficiently involved in the shaping of new policies and the development of legislation?

Evidence from around the world suggests that effective stakeholder engagement is fundamental to the success of marine policy, fostering support for decisions and promoting compliance and self-ownership. Particularly regarding MPAs, experience shows that where stakeholders have been given the opportunity to effectively engage and have their opinions and needs represented and considered, they are more likely to accept the outcomes, and consequently, the MPA network will have more chance of success.

It has been evident from the significant number of responses to the MCZ Project Wales that sea users feel passionately about their local marine area and wish to have the opportunity to engage in the decision making process regarding how it is managed. As such, WTW support the provision of opportunities for sea users to engage in the MCZ project, and wider marine policy streams as they progress. However, we believe there should be greater streamlining of groups to input to the parallel processes underway as part of the MCZs, marine planning and fisheries discussions, to prevent stakeholder fatigue and duplication. Furthermore, we urge Welsh Government to maintain current momentum in the implementation of the various components of the Marine Act, whilst ensuring effective and meaningful opportunities for sea users to engage.

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³ Defra (2010) *Consultation on a marine planning system for England*. July 2010.



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SUBMISSION TO THE ENVIRONMENT AND SUSTAINABILITY COMMITTEE

Evidence by WWF-Cymru to the Environment and Sustainability Committee into marine policy in Wales

21st September 2012

Contents

- 1. Introduction**
- 2. WWF General Statement**
- 3. Response to Committee questions**
- 4. Additional points to be considered**

1. Introduction

WWF strongly welcomes the opportunity to give evidence to what we consider to be a timely inquiry into marine policy in Wales by the National Assembly for Wales' Environment and Sustainability Committee, it being three years since the Marine and Coastal Access Act, 2009 came into place.

This evidence should be read in conjunction with other responses submitted from Wales Environment Link and the Wales Coastal and Maritime Partnership, which we also contributed to.

2. WWF General Statement

WWF is a global network, operating in over 90 countries around the world. We are striving for a One Planet Future where people and nature thrive, within their fair share of the planet's natural resources. One of the many facets of this work is identifying appropriate systems of governance to protect biodiversity, through better management of places and their uses. To achieve these outcomes, we have contributed to several developments in governance, from industry-led certification systems for sustainably-produced timber and palm oil, to international agreements to conserve areas such as the Heart of Borneo or tiger habitat ranges. We also have experience of the value of much more localised sustainable management practices, including the development of the ecosystem-based approaches to fisheries management, which focuses on stakeholder engagement. In Wales we have been involved in advocating the need for improved marine planning and management for over a decade. We were directly involved in the campaign leading up to the introduction of the Marine and Coastal Access Act in 2009, and continue to advocate strongly for its full and swift implementation.

Our vision for the marine environment:

“We believe that at a time of ever increasing pressures on the marine environment, Wales needs a strategic, plan-led approach to managing marine space. Marine planning is fundamental to deliver our vision of healthy, well-managed seas where wildlife is flourishing and ecosystems are protected, connected and thriving”.

At a time when climate change, ocean acidification and continuing escalation in the exploitation of marine space and resources present significant threats of long-lasting or potentially irreversible changes to our marine species, habitats and the overall stability of our marine environment, there is clearly a fundamental need to manage and monitor the UK marine environment with strong, effective regulations. The Welsh Government has an important role to play in co-delivering the UK's shared vision of 'clean, healthy, safe, productive and biologically diverse oceans and seas'. We believe that there is considerable scope to expand the work by Welsh Government in managing the seas around Wales through the development and implementation of effective marine policy.

It is clear that Government and civil society alike need to think and act on marine issues within a wider context. An opportunity to do so is presented by the 'Sustaining a Living Wales' agenda. We have been disappointed to note that to date, marine issues have not been adequately considered within key consultations associated with this evolving programme of work, in particular the recent Green Paper. It is our belief that marine policy in Wales should be facilitating Wales' move towards sustainable development and delivery of 'One Wales: One Planet'.

As a priority, WWF believes that the following is essential for marine policy in Wales:

- Greater status and priority needs to be afforded to marine policy;
- Greater cohesion between the Ministerial portfolios of Environment and Sustainable Development and Agriculture, Fisheries, Food and European Programmes;
- Progress of other Welsh Government policy initiatives, such as Sustaining a Living Wales, should not be at the detriment of marine policy work;
- Development of marine plans to be given greater urgency;
- Achieving a coherent, resilient and well managed network of protected areas, including MCZs, should be priority, as part of a finalised Wales-wide MPA Strategy;
- Recognition that marine conservation will become an ever-more important issue for Wales, that requires an increase in available resources to support this work both within Welsh Government and the new Single Body.

Our evidence will now focus in more detail on a number of points considered within the scope of the inquiry.

3. Response to Committee questions

What progress has been made in relation to the development of marine spatial plans in Wales?

WWF wishes to encourage sustainable resource use in the marine environment in order to protect marine biodiversity and ecosystems, as well as the services they provide. At a time of ever increasing pressures on the marine environment, we believe that Wales needs ecosystem-based management and effective multi-stakeholder governance. Central to this is a strategic, integrated plan-led approach to managing marine space, for example, through marine planning. Marine planning provides the opportunity to take a truly integrated approach to the management of our marine environment which reflects the complexity of marine ecosystems, the value of the goods and services they provide to society, the pressures posed by our changing climate and the limits of natural capacity. Welsh seas are of a manageable scale and Welsh Government is, in theory, well placed to deliver marine planning. However, the intentions of Welsh Government concerning the detail and spatial nature of marine plans are at present unclear. WWF supports the development of spatially prescriptive national plans which allow for greater certainty, particularly for local areas where there is a high degree of complexity of activities and pressures.

WWF wishes to continue to contribute positively and constructively to discussions with Welsh Government via the WCMP Marine Planning Advisory Group concerning marine spatial planning development in Wales. This represents a positive culture of shaping new marine policies, recognising the expertise that exists within business, academia and the third sector here in Wales. We are, however, disheartened to note that marine planning discussions between Government and marine stakeholders has somewhat staggered to a halt, despite an initial

positive period of momentum and progress catalysed by the previous administration's consultation on the approach to marine planning in Wales (February 2011). The continued slippage in the timeframe associated for Welsh marine plans is a considerable concern and an area that we would wish the Committee to explore. The slow progress has meant Wales is currently falling behind other marine planning authorities in the UK, i.e. Marine Scotland and the Marine Management Organisation. This diminishes opportunities for meaningful collaboration and synchronised planning in cross-border areas. Furthermore, live debates concerning sectoral spatial allocations for marine renewables, fisheries and marine conservation are currently occurring in the absence of an integrated government vision for Welsh seas and a formal government-led framework for facilitating a collective view on the spatial allocation of marine space. WWF believes that every effort should be made to prioritise the development of marine plans in Wales and, as part of this, we call upon the Environment and Sustainable Development Minister to issue a statement of intent for this policy area to give clarity to stakeholders. Furthermore, due to its cross-cutting nature, political momentum for marine planning must be evident across Cabinet and it would be desirable for the First Minister to publicly support the Environment and Sustainable Development Minister's position.

WWF believes that the integration with terrestrial planning policy, development control and other strategies, such as land use plans, non-statutory ICZM plans, River Basin Management Plans and Shoreline Management Plans, represents a considerable challenge to marine planning. The coastal zone is incredibly important for conservation of natural and cultural heritage, along with representing hugely significant environmental, economic and social assets. WWF is a strong advocate of Integrated Coastal Zone Management (ICZM) as a process for bringing together all those involved in the development, management and the use of the coast to help ensure future management takes place in an integrated and informed way. We supported the development of the ICZM Strategy for Wales (2007) and were involved through the WCMP's ICZM Indicator Sub-Group to develop indicators to assess progress in implementation of the strategy. A number of the key objectives and actions within this strategy support and complement marine planning principles, for example, integrated planning, policy integration, sound evidence base and cross-border working. As such, WWF believes that Marine Planning and ICZM are fully complementary. Welsh marine plans should build upon this strategy and focus on specific actions needed to achieve integration in practice across the land-sea divide. For those involved in supporting the development of this strategy and simultaneously helping raise awareness of ICZM in Wales, it has been a disappointing that there has been scant progress made by government in turning the strategy into action. This is particularly frustrating given that a key objective of this document included provisions for annual monitoring on implementation progress, and for the strategy to be refreshed in 2010 – neither of which has occurred. Marine planning should seek to learn from this experience, recognising that marine planning's statutory and sustainable development basis affords it greater consideration by decision makers and stakeholders alike than ICZM. However, there is still a danger that marine

plans once developed, may become another strategy that sits on the shelf without being given the necessary resources and attention of government to become fully implemented.

What is the current status of marine protected areas in Wales and what role should the new marine conservation zones have in this network of protected areas?

WWF believes that Marine Protected Areas (MPAs), one of the primary tools for managing and safeguarding the marine environment, are vital in protecting marine biodiversity. They form a critical component of current wider marine management in Wales and future marine plans. A well designed and well managed network of MPAs can help increase the resilience of the marine environment to cope with natural and anthropogenic changes. A comprehensive and ecologically representative network should encompass rare, threatened species and habitats, in addition to those which are representative of common and widespread habitats or species.

Whilst Wales has an extensive network of MPAs, the degree to which it is contributing to conservation and improvement of the wider marine environment is unclear. A key area of concern for WWF in Wales is that MPA designation does not equate to protection. At the last reporting cycle to the EU Commission in 2007, regarding the condition and status of marine site features (habitats and species) within marine SACs and SPAs in Wales, of the marine species and habitats that were assessed only 53% of species features and 46% of habitat features were reported as being in favourable condition. Additionally of the habitats and species that were assessed for status 100% of species and 79% of habitats were reported as being in unfavourable status, meaning there were not under secure management to maintain or improve their condition. A clear priority for Welsh Government should be to improve the management of existing sites and the resilience of the Welsh marine environment.

WWF is keen to see Marine Conservation Zones (MCZs), a key component of the Marine and Coastal Access Act, 2009, come to fruition in Wales. These will bolt on to existing marine protected areas designated under European legislation, namely, the European Habitats and Birds Directives. Furthermore, we believe that highly protected sites will be a critical part of a UK ecologically coherent network. They will be important in ensuring degraded habitats are allowed to recover and that vulnerable features are allowed to thrive. They will also play an important role in shaping our understanding of marine ecosystems and the way they respond to various pressures. WWF is pleased that Welsh Government has committed to creating highly protected MCZs in Wales due to their fundamental role in the success of achieving a truly Ecologically Coherent Network.

We would like to note that current discussions and debates concerning the designation of MCZs in Welsh waters are occurring in the absence of a Welsh MPA strategy. It is vital that a finalised Welsh MPA strategy sets out the wider marine nature conservation programme of Welsh Government, giving a strong national leadership for all aspects of MPA policy, including management and a proportionate framework for delivering the ambition of the strategy. This

strategy must reflect the increasing importance of marine conservation anticipated in the next few years, and highlight the need for greater resources to support the research, monitoring and enforcement that will be necessary to deliver the strategy. We would also like to note that it is currently unclear as to how Welsh Government's MPA work will be reflected within the newly emerging Natural Resource Management Unit as part of 'Sustaining a Living Wales'.

The development of Welsh Government's functions in relation to marine licensing and fisheries and whether this has been effective?

Marine Licensing:

Under Part 4 of the Marine and Coastal Access Act, 2009, a reformed and streamlined marine licensing system was introduced. The creation of the Marine Consents Unit within Welsh Government as a 'One-Stop-Shop' has increased transparency of licensing for marine consents, giving public access to information on licences issued and applications currently under review. As WWF does not engage with case-work, it would be inappropriate for us to comment on whether the new system works better from a developer's perspective.

An effective marine licensing system, like a strong development control process within terrestrial planning, needs to be informed by robust strategic marine policy priorities and guidance. Marine licensing should interpret UK and Welsh policy and act as a strong sustainable development gatekeeper for Welsh seas. Whilst marine licensing is currently guided by the UK-wide Marine Policy Statement, it does, however, operate in the absence of Welsh marine plans. Without a clear spatial context and integrated framework for marine management in Wales, it is questionable if case-by-case decision making for marine consenting is able to ensure strategic considerations are made. Marine licensing should be plan-led, and as such, statutory marine plans are vital for achieving the sustainable development of Welsh seas.

Fisheries:

The new fisheries management and marine enforcement regime in Wales has seen considerable changes since April 2010. The establishment of three Welsh Inshore Fisheries Groups and the Wales Marine Fisheries Advisory Group represents a strong move towards stakeholder engagement in fisheries management in Wales by bringing together cross-sectoral representation from industry, communities in Wales, government and the environment sector. This structure has great potential, although there has been very little clear output from these groups to date.

The Wales Fisheries Strategy (2008) has suffered a similar fate to that of the Wales ICZM Strategy discussed earlier. This ambitious strategy, with its accompanying Implementation Plans, has seen very limited progress in terms of delivery. It is our understanding that the strategy is currently under review. A barrier to its implementation, in our view, has been the limited priority afforded to it by government and that key delivery partners, are under

resourced, and others such as the Welsh Federation of Fishermen's Associations (WFFA) disbanded.

WWF believes that a considerable challenge facing fisheries management in Wales is the current division of marine management responsibilities between two Ministerial portfolios (John Griffiths, AM and Alun Davies, AM). We feel that there is strong case to be made for greater cohesion and collaboration between the Deputy Minister for Agriculture, Fisheries, Food and European Programmes and the Minister for Environment and Sustainable Development, which would be to the benefit of better marine governance in Wales.

Whether there is sufficient cooperation and coordination between the Welsh Government and its neighbouring administrations in relation to the management of its seas?

There are a number of areas where Welsh Government could improve its cross-border coordination, including, *inter alia*, MCZs and marine planning. We have been calling upon Welsh Government to work closely with Defra regarding the regional MCZ projects in English territorial and UK/offshore waters adjacent to England and Wales, especially the Irish Sea Conservation Zone Project that has recommended a number of MCZs in the Welsh offshore region. This is imperative in seeking to create and deliver a truly UK Ecologically Coherent Network that transcends political and administrative boundaries.

A key aim of marine planning should be to implement the Ecosystem Approach. As such, political and administrative boundaries need to be overcome to manage ecosystems as a whole. There appears to be widespread acceptance as to the need for cross-border working with respect to marine planning. However, the situation is made complex due to our shared borders, i.e. within the Severn and Dee estuaries where more than one planning authority will be preparing marine plans. Therefore, a coordinated and integrated approach to marine planning is made difficult at these sites; clear rules of engagement for cross-border working are advocated to address this. We had understood that the four UK administrations were looking to establish a marine planning concordat to formalise this process, yet the status of this is unclear, despite a question to the First Minister in the Chamber by Russell George in the previous term. Clear and concrete progress with cross border marine planning is currently not evident.

Where Welsh Government marine policy staff may not be engaging with their counterparts in, for example Whitehall or Marine Scotland, this may be due to resource constraints, rather than a lack of will on the part of the Welsh officials concerned.

Whether the Welsh Government has sufficient financial and staff resource to deliver on its marine policy and legislation objectives?

WWF Cymru's greatest concern is the lack of resource, both in terms of capital and staffing, allocated to marine policy in Wales since the passing of the Marine and Coastal Access Act in 2009. As a matter of utmost priority, we stress the need for investment in the development and effective implementation of marine policy in order for Welsh Government to fulfil existing and future legislative objectives. The conducting of concurrent marine projects by Marine Branch with scarce resources has the potential to strain the ability of officials to work effectively, and stakeholders alike, by being stretched to thinly.

The extent of public and stakeholder engagement by Marine Branch in relation to the MCZ Project Wales highlights the evident lack of resourcing, with only two public events conducted for the whole of Wales. The Head of Marine Branch was out on the road for both of these events and a number of the fishing industry-specific events. Further evidence of the extent of the problem can be gleaned from the fact that the Marine Planning Officer has been effectively reassigned to assist with the MCZ project for a prolonged period. This latter point is widely perceived to be a contributing factor in the apparent marginalisation of marine planning within Welsh Government.

WWF, like other marine stakeholders in Wales, including the fishing industry, is concerned that that the current level of enforcement of capacity in WG's Fisheries Unit is insufficient to deliver existing obligations. As such we consider there to be a need for an urgent analysis of enforcement capacity in WG for its marine programme, including fisheries management, to identify if sufficient resources will be made available to, for example, support the effective delivery of MCZ Project Wales.

Whether stakeholders have been sufficiently involved in the shaping of new policies and the development of legislation?

Given the complexities within the Welsh inshore area, for example, the considerable number of stakeholder and interest groups, WWF considers integration and cooperation of all marine and coastal sectors and users to be vital. Stakeholder engagement is an essential part of the Ecosystem Approach and, therefore, policy formulation. A transferable learning from WWF's PISCES project and the Scottish Sustainable Marine Environment Initiative's local spatial planning pilots is not to underestimate the time taken to engage with stakeholders in order to secure buy-in into policy. Experience shows that early and effective stakeholder engagement needs to be structured to ensure involvement and expectations are managed throughout the process of policy development.

Overall, Welsh Government does appear to recognise the need for undertaking engagement within its marine policy and have attempted to engage stakeholders in the shaping of new policies and the development of legislation. The recent public consultation associated with the

MCZ Project Wales has highlighted, however, that whilst efforts were made to engage the public, more should have been done and earlier. In consequence, other stakeholders, such as WWF, become to a certain degree de facto spokespeople for what was a government process and left to publicly communicate the value of marine conservation and address confusion around the content of the government proposals for creating highly protected MCZs. This should have been the job of Welsh Government.

As stated previously, WWF has participated in a number of stakeholder groups established ad hoc over the years by Welsh Government to input advice on emerging and developing marine policy, such as fisheries management, marine planning, ICZM and MCZs. Upon reflection it appears that this inclusive approach to policy formulation, whilst valued by stakeholders, particularly WWF, increases expectations, particularly with regard to implementation and delivery by government of policies. These expectations with regard to marine policy have not always been met. Within our experiences, specifically concerning marine planning and ICZM, there have been notable periods of building momentum and stakeholder interest, subsequently followed by periods of hiatus and silence that generate uncertainty and to a lesser degree disengagement. Furthermore, as a stakeholder we have found ourselves strained on a number of occasions due to parallel Welsh Government marine policy areas requiring input. Due to the risks associated with stakeholder fatigue and vulnerability to diminishing interest when involved in several similar and concurrent engagement processes, there may be potential for streamlining to occur, so as to facilitate engagement on multiple policy areas at a single time. A key recommendation of the WWF PISCES Project concerning stakeholder engagement is the need for government to develop stakeholder engagement strategies, up front, to clarify stakeholder roles and manage expectations within policy development (www.projectpisces.eu).

4. Additional points to be considered

In addition to the aforementioned points in relation to the Commission's proposal, WWF would like to draw the Committee's attention to the following key elements.

There is an increasing need for marine evidence in order to fulfil current and proposed objectives as we continue to develop our understanding of ecosystem functioning and services. Marine planning, European marine sites, natural resource management plans and MCZs all have extensive data and evidence requirements. Whilst initiatives aimed at greater integrated working and data sharing are welcomed, it is our view that increased resources are required not only in terms of adequate staff capacity, but also to provide sufficient funding to enable enhanced understanding of marine ecosystems through monitoring and research.

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Environment and Sustainability Committee

E&S(4)-25-12 paper 7

Inquiry into marine policy in Wales - Evidence from Marine Conservation Society

Marine Conservation Society Evidence to the Environment and Sustainability Committee Inquiry into Marine Policy in Wales

As the UK's leading charity for protection of our seas, shores and wildlife, the Marine Conservation Society (MCS) welcomes the opportunity to input into the review of marine policy in Wales. The voice for our seas for over 25 years, MCS champions protection for marine wildlife, sustainable fisheries and clean seas and beaches. Our mission is to see measurable improvements in the state of our seas, marine biodiversity and fish stocks.

Summary

We are grateful to the Committee for the opportunity to provide evidence to this inquiry. Although we appreciate that Welsh Government (WG) are proposing to develop an ecosystem based approach to management of natural resources, we are disappointed with the progress to date towards meeting the existing statutory EU and domestic commitments, the lack of integrated policy decisions, resource allocation to marine policy, cross departmental, agency and border working, and coherence and forward planning demonstrated thus far. We believe that this is in part due to the lack of profile and prioritising of marine matters, coupled with a biased terrestrial based system which is not always transferable to the marine environment. This combined with substantial funding deficits, leading to an inability for WG and agencies to fulfill their duties. The importance of the marine environment in Wales is undervalued 'Seven in every eight hectares of Welsh Natura 2000 sites are in the marine environment, reflecting the high conservation importance of the marine habitats in Wales.'¹ The recent highly protected Marine Conservation Zones (MCZs) consultation has clearly demonstrated that this is a high profile issue and, in this period of review with the Single Body (SB) and Living Wales (LW), we hope WG will address this.

As MCS is signatory to the Wales Environment Link (WEL) and Wales Coastal and Maritime Partnership responses, we have not duplicated their responses here but hope that these points can be taken in conjunction with this response.

¹ UK NEA <http://uknea.unep-wcmc.org/Resources/tabid/82/Default.aspx>

Key points:

1. The Single Body must re-address the current shortfalls of prioritisation and resource allocation given to marine conservation and policy.
2. The natural resource management of the marine ecosystem must be developed with sustainability at the core of all aspects of marine policy, including fishing.
3. WG could be in breach of its Habitats Directive duties and will be subject to infraction proceedings, should it not review the permitted activities within Welsh waters with regard to commercial fishing.
4. MCS is recommending a review of the WG Fishing Unit, its management and location within BETS under different Ministerial direction.
5. A review of the consenting procedure prior to the establishment of the single body is suggested in light of the consent given to discharges into the Milford Haven waterway, against CCW formal advice.

The Committee will consider:

1. What progress has been made in relation to the development of marine spatial plans for Wales?

Our response is within the WEL document; however, we would reiterate the point that the apparent progression, not lack of engagement since the 2011 consultation, is both damaging to WG credibility and shows a lack of regard by WG to those stakeholders who contributed.

2. What is the current status of marine protected areas in Wales and what role should the new marine conservation zones have in this network of protected areas?

WG failure to provide a robust management, monitoring, enforcement and delivery package for the MPA network is clearly demonstrated in the reporting on the status of the sites, with over half Natura Sites failing to meet favourable conservation status and almost 30% not assessed.

WG is failing on Convention of Biological Species, Birds and Habitat Directives, is likely to miss OSPAR Ecologically Coherent Network (ENC) deadline of 2012, and Marine and Coastal Access Act (MCAA) MCZ designation by 2012, all of which will likely lead to a failure to achieve Marine Strategy Framework Directive (MSFD) Good Environmental Status (GES) by 2020.

WG are taking steps to address some of these issues with the notable introduction of the Scallop Act. We recommend that WG follow Defra and their recent announcement on fisheries management within European Marine Sites (EMS), in order to fulfill their obligations under the Habitats Directive.

We welcomed the decision to introduce highly protected sites to the MPA network and believe these have a role within the current network. We further believe that these should incorporate areas which prohibit all forms of extraction, deposition, any harmful or damaging activities and be sited within areas of biodiversity hotspots,

including all broadscale habitats. Scientific evidence has shown the benefits of this type of protection when supported by local communities².

We also believe that MCZs provide WG with the ability to designate an ecosystem based protection, in line with their proposed ecosystem based management approach, rather than protecting specific features within sites, and fully support their use, where appropriate.

We believe that WG must make these sites statutory, not voluntary, if they are to be successful. We would emphasise the need for enforcement of these sites. Resources will be required to adequately enforce all MPA sites. The Fisheries Enforcement Officers (FEO) must have a conservation remit, not simply a remit for fisheries management, and agreement between the capacity and ability to do this needs to be addressed by both BETS and ESD, after recent comments made by Alun Davies AM about the FEO capacity.

The sites in question will be undermined from the outset without community-level stakeholder buy-in. Effective management requires a complex suite of tools, including: agreement on location and rationale for sites, agreement to management measures, appropriate fisheries Vessel Monitoring Systems (VMS), sufficient resources and desire to enforce legislation. This is a combination of 'carrot and stick'. MCS is concerned that the process underpinning the designation of these sites severely undermines their ability to deliver conservation benefits, due to a lack of adequate consultation and resulting stakeholder buy-in. Ideally the sites would be welcomed by a range of users, as their location and rationale would be agreed through robust dialogue. This would enable them to be more self-policing and would make better use of the limited fisheries enforcement resources available.

3. The development of the Welsh Government's functions in relation to marine licensing and fisheries and whether this has been effective?

Marine Licensing

This is an example of WG progressing with the creation of the Marine Consent Unit, but failing to meet the requirement to keep the public record current, and the 'interim Guidance' stopgap not being followed up upon. We would suggest WG look to the MMO online database which appears to be fit for purpose.

Without Welsh input, the UK Marine Policy statement is incomplete and MCS is concerned over the apparent lack of regard for in-combination and cumulative impacts in consenting impacting on the marine ecosystem. We would refer you to our response to the consultation on the Single Body and our concerns reference conflict of such a body between its advisory and consenting roles, as highlighted in the consent given to discharge into the Milford Haven against the formal advice of CCW.³

² <http://www.piscoweb.org/publications/outreach-materials/science-of-marine-reserves>

³

http://www.foe.co.uk/cymru/english/press_releases/Damaging_Pembrokeshire_power_station_set_to_go_ahead_091111.html

Fisheries

If managed well, fisheries management in Wales could deliver significant benefits across a range of stakeholders – including central gains for the ecosystem as a whole as well as the fisheries economies themselves. This needs to be based on a CFP that allows Member States to manage fisheries at an appropriately local level, which delivers multi-annual planning in order for fishermen to see their operations as an on-going business concern, and ensures that there is adequate understanding and acceptance of the need for protected areas within a fisheries management system. This situation stands in jeopardy, from both an inadequate reform of the CFP, as well as under-resourcing from the WG. MCS recommends that the WG establishes its own well-resourced sustainable fisheries plan, operating within the constraints of a marine planning system.

MCS is very concerned about the lack of progression with plans, engagement, collaboration and clarity demonstrated thus far by WG Fisheries Unit (FU). There have been significant changes within WG FU which started with the transfer of responsibility from the Sea Fisheries Committee to in-house by WG, the movement of FU to another department under different Ministerial direction, the relocation of this unit away from central WG and therefore the Marine Unit (MU) and Welsh Ministers, plus staff shortages due to natural wastage and recruitment freezing as a result of the merger. All have led to a lack of capacity within FU itself and have had a major impact on the FU's ability to carry out its remit, resulting in lack of progress not only of the Implementation Plans but also noted absentees at key stakeholder meetings and a lack of engagement and clarity. Although new staff have recently been recruited, we are still concerned over resourcing issues and the remit of the unit with regard to conservation.

The establishment of the Inshore Fisheries Group was welcomed initially however there is an apparent lack of cohesion between this group, WMFAG and the FU. There has been a lack of progression within the groups themselves, beyond establishing the constitution and Terms Of Reference, which needs addressing.

In a recent press statement (21st September), Antoinette Sandbach AM, reported that the WG holds no information on fisheries enforcement in Welsh waters, and that data collection is still paper based. This is unacceptable and leads to a lack of credibility within the department and WG. The FEO will have a greater role for fisheries and conservation infringement and data must be recorded and accessible.

We recommend a review of the locating of FU within BETS, the capacity of the unit itself, a change to the remit of the FEOs from fisheries management to a remit including conservation, acknowledgment and resourcing to undertake their enforcement duties in MPAs, together with up to date data collection and collation, and greater collaboration between FU and MU departments and stakeholders.

4. What progress has been made by the Welsh Government in the implementation of key European Directives?

MCS and our partners Client Earth have been in correspondence with Westminster and WG over their breach of duties under Article 6 (2) and 6 (3) of the Habitats Directive. As stated under question 2, Liz Humphreys, Director of Operations and Compliance, has written to the heads of both charities stating:

‘As discussed on 27 July 2012, Defra Ministers have decided to modify their current approach to the implementation of Article 6 of the Habitats Directive in relation to commercial fishing operations within European Marine Sites (EMSs).’

In Wales, we have yet to receive a response from the WG/FU or Minister to our last letter dated 7th September 2011, or acknowledgement or apology for the delay. Neither have we been contacted to arrange a meeting discuss this issue. Past responses on this issue over the years have also been extremely delayed but we consider one year to be totally unacceptable.

We acknowledge Welsh Government did, however, introduce a Scallop Order in 2010 that banned the majority of scallop dredging, the most damaging of fishing activities in most Welsh EMS.

We believe that WG could be in breach of the Habitats Directive and will be subject to infraction proceedings, should it not review the permitted activities within Welsh waters with regard to commercial fishing.

Given the lack of progress on the Habitats Directive, attendance and liaison with stakeholders, fisheries Implementation plans, data collection, collation and enforcement and correspondence over breaches of duties, MCS questions whether the WG Fisheries Unit is fit for purpose and we would suggest a review should be undertaken.

As previously stated, WG is likely to be in breach of CBD and OSPAR duties for an ecologically coherent network (ECN) by 2012, and well managed sites by 2016. It will fail to implement the MCAA deadline for implementation of Marine Conservation Zones by 2012, and unless it radically improves its European Marine Sites (EMS) it will not meet its target of Good Environmental Status (GES) required of MSFD by 2020.

WG has demonstrated a lack of regard for the EMS by not committing to and supporting the EMS Officers, who provide vital stakeholder engagement, awareness raising and management planning, as no WG resources are directly provided for their employment and vital posts. As a result, at a time when the sites are failing, the officers are suffering substantial cuts, which have lead to cessation of some posts and reduction of hours to part-time in others. We believe WG should address this issue.

With regard to the Bathing Waters Directive, MCS would like to see all Welsh beaches meet, as a minimum, the ‘Sufficient’ standard. We are concerned that one beach (Swansea Bay) is projected not to meet this standard at the end of reporting in 2015, unless significant improvements are made.

We are pleased that at present Wales currently has a high level of excellent water quality. However, we are concerned this trend may not continue, due to the recent wet summer conditions. Beaches not reaching the highest standard may suffer from negative impacts on Welsh tourism, due to not receiving award status in the future.

Although WG is implementing the Water Framework Directive, we continue to be concerned about its effectiveness, and the lack of lessons learned thus far. There is a huge amount of connectivity (and indeed overlap) between the WFD and the Marine Strategy Framework Directive (MSFD). We would hope that this new ecosystem approach to management would improve the generally poor communication and cooperation between the relevant officials across the Welsh Government's departments.

MCS have called on the Welsh Government to implement a marine litter strategy in light of rising litter levels on Welsh beaches. MCS Beachwatch data shows an average of 1,839 items of litter per kilometre on Welsh beaches⁴. Apart from the financial implications placed on beach managers and owners in order to remove marine litter from amenity beaches, MSFD Descriptor 11 states that 'properties and quantities of marine litter do not cause harm to coastal and marine environment'. We believe that WG must set a strategy in place if this target is to be reached.

5. Whether there is sufficient cooperation and coordination between the Welsh Government and its neighbouring administrations in relation to the management of its seas?

We are concerned over the apparent lack of cooperation and coordination over the selection and designation of ECN. This stems from the different processes undertaken by Governments, the different resources allocated and the apparent lack of cross border consideration on site selection.

6. Whether the Welsh Government has sufficient financial and staff resource to deliver on its marine policy and legislation objectives?

We would emphasize the WEL response that WG have not committed to the resources or staffing necessary in order to undertake its duties. The ESC need only compare WG resources with that of the MMO to demonstrate the lack of commitment by WG to marine policy.

We do not believe that at its current level of resourcing WG can fulfill its commitments on marine policy and legislation.

7. Whether stakeholders have been sufficiently involved in the shaping of new policies and the development of legislation?

The importance of the correct process in stakeholder involvement was demonstrated in the backlash against the recent MCZ proposals, as a result of the decision taken by WG

⁴ http://www.mcsuk.org/what_we_do/Clean+seas+and+beaches/Beachwatch/Beachwatch+-+latest+results

Marine Unit to adopt a 'top down' approach. This was compounded by the lack of clarity within the document, WG inadequate stakeholder engagement plans (2 meetings) and MU reluctance to respond to enquiries about permitted activities, leading to misinformation and panic. This did demonstrate how passionate people feel about the Welsh marine environment and, when they perceived access to it was threatened, they understandably reacted against the proposal. MCS data shows that in general, people are supportive of marine conservation and prohibiting damaging activities ⁵ when consulted appropriately.

As detailed in the WEL response, we would support resourcing and streamlining of stakeholder liaison groups, however this must be in conjunction with an extensive facilitation process where stakeholders are able to input into the process and WG are seen to be transparent, available and approachable.

Although WG have indicated that they will be carrying out further stakeholder engagement, we would urge them to revisit the advice provided by CCW, and engage independent professional stakeholder facilitators to try to rebuild stakeholder confidence and willingness to participate in the policy processes.

We would urge WG to review the CCW advice in their original recommendation on stakeholder engagement for the highly protected MCZ process, given the current lack of regard for WG as a result of this consultation. ***Recommendation 5: An independent and efficient process will require a free standing staff unit (minimum three identified) in order to deliver a focused, well-managed, strongly evidence based, open, transparent and accessible process.***⁶. This was just for the MCZ process but could be applied to all stakeholder engagements.

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⁵ MCS Your Seas Your Voice Welsh Stakeholders report www.mcsuk.org

⁶ CCW advice HPMR process FINAL Aug08

