

Environment and Sustainability Committee

Meeting Venue:
Committee Room 3 – Senedd

Meeting date:
6 February 2014

Meeting time:
09:30

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



For further information please contact:

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Agenda

- 1 Motion under Standing Order 17.22 to elect temporary Chair**
- 2 Introductions, apologies and substitutions**
- 3 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for item 4**

Private session

4 Draft Planning (Wales) Bill – Factual briefing from Welsh Government officials (09:30 – 10:30) (Pages 1 - 6)

Rosemary Thomas, Planning Division
Neil Hemmington, Planning Division
Sarah Dawson, Legal Services
Dion Thomas, Planning Division

Break (10:30 – 10:45)

Public session

5 Marine policy in Wales – Follow up : Evidence from Wales Environment Link (10:45 – 11:30) (Pages 7 - 29)

E&S(4)-04-14 paper 1

Iwan Ball, WWF/Chair of WEL's Marine Working Group
Gareth Cunningham, RSPB Cymru
Gill Bell, Marine Conservation Society

6 Marine policy in Wales – follow up : Evidence from the fishing industry (11:30 – 12:15) (Pages 30 - 48)

E&S(4)-04-14 paper 2

Jim Evans, Welsh Fisherman's Association
Sarah Horsfall, Seafish
James Wilson, Bangor Mussel Producers

Break (12:15 – 13:15)

7 Marine policy in Wales – follow up : Evidence from Natural Resources Wales (13:15 – 14:00) (Pages 49 - 55)

E&S(4)-04-14 paper 3

Keith Davies, Head of Strategic Planning Group
Dr Kirsty Lindenbaum, Marine Resource Management Adviser

8 Papers to note (Pages 56 - 60)

Minutes of the meetings held on 23 & 29 January

9 Letter from the Communities, Equality and Local Government Committee : Committees' consideration of Welsh Language (Pages 61 - 67)

E&S(4)-04-14 paper 4

Agenda Item 4

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Agenda Item 5

Document is Restricted



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

24th January 2014

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

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

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

General Comments

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

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

Marine Planning

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

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

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

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

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

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

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

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

Delivering towards Ecologically Coherent Network (ECN)

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

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

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

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

MPA management

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

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

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

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

Evidence Collection

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

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

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

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

Stakeholder engagement

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

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

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

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

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

Resourcing

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

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

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

For further information please contact:

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The following WEL members support this document:

Marine Conservation Society

RSPB Cymru

Wildlife Trusts Wales

WWF Cymru

Wales Environment Link unites voluntary bodies whose primary aims include the conservation, protection or quiet enjoyment of landscape, wildlife or amenity in Wales
Mae Cyswilt Amgylchedd Cymru yn uno cyrff gwirfoddol sydd â'u hamcanion pennaf yn cynnwys cadwraeth, gwarchodaeth neu fwynhad tawel o dirlun, bywyd gwyllt ac amwynder yng Nghymru

Reg. Charity No: 1022675 Rhif Elusen Gofrestredig: 1022675

Agenda Item 6

***NATIONAL ASSEMBLY FOR WALES "ENVIRONMENT & SUSTAINABILITY COMMITTEE INQUIRY:
MARINE POLICY IN WALES SUBMISSION ON BEHALF OF;
THE WELH FISHERMEN'S ASSOCIATION LTD – CYMDEITHAS PYSGOWYR CYMRU CYF (WFA-CPC)***

In addition to our previously submitted written and subsequent oral evidence to the Environment 7 Sustainability Committee Inquiry into marine policy in Wales in November of 2012.

The WFA-CPC welcomes this opportunity to discuss progress in respect of the implementation of the inquiry recommendations and thank the Committee for your kind invitation to attend your meeting on the 6th February 2014 whilst confirming our availability to attend.

Accordingly please find a short paper by the WFA-CPC outlining the progress made in the meantime including further considerations that were unsighted at the time of our initial submission.

For the Committee's information this paper will include the views of the Bangor Mussel Producers Ltd (BMPL) represented by Mr James Wilson (Deepdock Ltd). A very brief biography of the WFA-CPC and BMPL is included, for your reference, on the face of the attached joint response to the "Draft Third Report" by Joint Nature Conservation Committee (JNCC) and the Country Agencies including Countryside Council for Wales (CCW) on behalf of the United Kingdom under "Article 17 of the European Councils Habitats Directive" which we will refer to later within this paper in more detail outlining our grave concerns in relation to the reporting process at a Country level for due consideration by the Committee.

In terms of progress toward the recommendations of the Committees inquiry into marine policy in Wales we will provide an update, to the best of our understanding, in respect of the implementation of the Committees recommendations 1,2,3,4,5,6,7,8,9,10,12 & 13.

On the 18th June 2013 the Minister for Natural Resources and Food made a welcome statement of his intentions for marine policy and fisheries in Wales, setting out his vision for "clean, healthy, safe, productive and biologically diverse seas.

We note the Minister's support for "Striking the Balance" and welcome his shared vision and commitment to work with the fishing industry to develop co-management arrangements to deliver a healthy and productive marine environment which we are pleased to report was re-affirmed on the 26th November 2013 when the Minister made a further statement publishing, for the first time, a "Wales Marine & Fisheries Strategic Action Plan" (M&FSAP)

The M&FSAP has been received positively by the fishing industry and aquaculture producers in Wales.

In our considered opinion the M&FSAP incorporates the majority of the Environment & Sustainability Committee recommendations within the four thematic objectives and includes the Ministers commitments from previous statements within a measurable action plan for each quarter of 2014. We also welcome the adaptive nature of the plan providing a living framework that can evolve in response to an improving evidence base consistent with an ecosystem based approach (as advocated in "Striking the Balance").

CONCERNS:

The only recommendation by the Committee that does not appear to have been addressed within the M&FSAP is recommendation 11 – Offshore Marine Conservation Zones (MCZ's).

As far as we understand the current position in relation to offshore MCZ's is:-

“The Irish Sea Conservation Zone Regional Project” (ISCZ) Submitted Final Recommendations on the 29th July 2011.

The ISCZ submission included three significant site proposals for designation within the Welsh Zone:-

RECOMMENDED:-

r MCZ 3 – NORTH WEST ANGLESEY

This site includes two reference areas – S & B and one static gear prohibition area:

NB: Reference areas are “NO TAKE ZONES” Non Depositional and Non Extractive (eg: managed activities)
All fishing, angling anchoring of vessels and diving:

r MCZ 4 – SOUTH WEST OF PEN LLŶN

This site includes one reference area with the additional exclusion of military activity:

PROPOSED:

p MCZ 5 – NORTH WEST OF ST DAVID'S HEAD

No reference areas have been identified, however, specific activities will require management ie: bottom towed gears:

In 2013 the UK Government designated 27 MCZ's by UK Ministerial Order in Phase 1 of the process, we understand that there will be a further two phases over the next three years with the consultation of the next phase expected in 2015; p MCZ 5 will be considered within the next phase.

If successfully designated the sites referenced above would displace existing activities with the potential to adversely impact surrounding areas where the seabed habitat is less understood. We would support the Committees recommendation in this regard.

It is our understanding that the UK Government is currently investigating both the legal basis for, and the necessity of, no take zones for the purpose of marine and nature conservation. We would therefore suggest that no decision be taken in Wales on this matter until the results of the review are known.

ENVIRONMENT & SUSTAINABILITY COMMITTEE INQUIRY INTO MARINE POLICY IN WALES (JANUARY 2013)

7. EUROPEAN DIRECTIVES:

As mentioned earlier we would like to draw the Committees attention to our grave concerns in respect of the “Third Report by JNCC on behalf of the United Kingdom under Article 17”.

We attach, for your information, a copy of our joint response to a one month consultation by JNCC that we were unaware of until a couple of days before the closing date, hence our apologies for a rushed document that was limited to one section of the Report on Habitats Assessments.

To provide a context we refer below to Section 7 of the Inquiry Report January 2013 items 143 & 147

WELSH GOVERNMENT STATES:

Item 143: the framework for this third round of reporting is the assessment of the conservation status of all the habitats and species in the Directive with information on the wider environment and not just protected sites:

THE COMMITTEES VIEW:

“Item 147; Article 17 reporting on 2014 will provide us with a better view of the environmental status of marine protected areas in Wales and we intend to revisit this once this information becomes available”: Both the above statements quite rightly infer confidence in the reporting process, however, in reality from our experience the report at a Wales Country Agency Level gives cause for concern which we trust is demonstrated in our rushed response albeit only in respect of one section of the report by CCW.

We do not at this time know how this translates into the UK report as it has not yet been published.

We have raised this matter with Natural Resources Wales (NRW), Welsh Government (WG) and JNCC and I am pleased to report that we are currently working with NRW with the intention of proceeding to an independent review of the process to ensure transparency and confidence in the mechanism for the future.

We make specific reference to the Article 17 reporting process as the UK Government is currently consulting on the implementation of the second stage of the European Marine Strategy Framework Directive (MSFD) UK marine monitoring programmes which we are given to understand will incorporate existing monitoring programmes (Article 17) to inform measures.

We would respectfully request the Committee to consider this matter carefully in light of the longer term ramifications that would result from a misleading Country Report.

Furthermore on the 23rd October 2013 the WG published its consultation on the “Environmental Bill White Paper”

Whilst the marine environment barely features in the White Paper, where it does Section 5.15 points out that there are relatively few active Several and Regulating Orders and that the full potential of cultivation is not being realised in Wales. We are delighted that this is recognised in line with European aims to expand industry in the reformed Common Fisheries Policy.

The document details the intention of WG to make Several and Regulating Orders more flexible via the management plans and quicker to obtain. This is all very welcome as the industry has in the past struggled both to get orders in a timely fashion and have the necessary flexibility to operate a business efficiently. It is widely accepted at EU level that one of the major barriers to increased aquaculture production is the difficulty of obtaining licenses and the security of tenure for businesses to be able to invest. However, despite this recognition the document talks about having regular reviews to licenses and also about introducing powers to revoke them at short notice. The industry is very concerned about these proposals and questions whether, under these circumstances, any security of tenure will be provided at all. The result of which could lead to the opposite of the stated intention in that there would be a decrease in investment and a contraction of the industry as investment would be unlikely.

We would have preferred to be involved in the discussions prior to the White Paper being released so that any proposals could have benefitted from the agreement and support of the industry.

Finally, in terms of WG resourcing to meet it's challenging statutory obligations, we are not in a position to comment on financial matters, we are however aware of current bottle necks that are a cause for concern. If we are to maintain a fully compliant and diverse fishing industry within the ever increasing application of EU Directives the areas we consider to be currently under pressure are:-

- a) Timely "Habitats Regulation Assessments" (HRA).
There is currently a backlog of applications. The complexity of the process and the limited human resource available leads us to suspect that this area may become a hurdle for future investment in sustainable development, given that the HRA applications are likely to increase in light of future legislative drivers increasing the burden in this key function.

- b) Equally we believe that in terms of human resources the WG Legal Department is also a bottle neck given the detailed advice required to approve/sign off applications generated through the HRA mechanism alone.

Whilst we have detailed areas that are of concern in relation to marine policy in Wales we would note that we are encouraged by the publication of the M&FSAP and we look forward to cooperating with WG, NRW and Marine Stakeholders to deliver this ambitious programme.

A Joint Statement from the Welsh Fisherman's Association-Cymdeithas Pysgotwyr Cymru Ltd and the Bangor Mussel Producers Ltd

Concerns and Objections to the Draft Third Report by the United Kingdom under Article 17

Consultee Information:

Name : Jim Evans

Position : Chairman

Organisation : Welsh Fishermen's Association Ltd – Cymdeithas Pysgotwyr Cymru cyf (WFA-CPC)

email: wfacpc@ymail.com / carolannevans53@btinternet.com

The WFA-CPC Ltd is a fishing industry representative body established in 2011. The membership of the WFA-CPC consists of six elected representatives from the Regional Fisherman's Associations in Wales making up the Board of Directors:

The Llyn Pot Fisherman's Association
The Welsh Inshore Scallopers Association
The Llyn Fisherman's Association
The North Wales Fisherman's Cooperative
The Cardigan Bay Fisherman's Association
The South Wales & West Fishing Communities

Bangor Mussel Producers Ltd is an association of four businesses that operate out of Bangor and Holyhead to farm mussel beds off the North East coast of Anglesey. Mussels have been farmed extensively and sustainably in the Menai Strait for over 50 years and mussels now represent 40-50% of the gross turnover of Welsh fisheries. In 2010 Bangor Mussel Producers Ltd became the first enhanced fishery in the world to be certified as sustainable to the Marine Stewardship Council standards, demonstrating that this economically important fishery is conducted to the highest levels of sustainability. The four businesses represented by Bangor Mussel Producers Ltd are:

Extramussel Ltd
Deepdock Ltd
Myti Mussels Ltd
Ogwen Mussels Ltd

The WFA-CPC and BMP Ltd welcomes this opportunity to contribute to the consultation having not been previously recognised or engaged as formal consultees.

It appears that the report is overly pessimistic and subjectively biased to a negative outcome. We could speculate about the motivations of NRW (CCW) staff for adopting this approach but ultimately the Assessment as it stands could have serious ramifications for sustainable development. Any N2K site features judged to be in “unfavourable” condition will require a management plan to restore them to a favourable condition. This will affect existing activities and raise the bar of appropriate assessment making new activities less likely to gain consent. The current report falls short in a number of areas that we feel assessment of this kind, with the potential ramifications, should be based upon:

- Quality issues: it is extremely worrying to see so many unsubstantiated and erroneous statements, and generalisations, that have been used to support the outcome of the judgments in the report (see our analysis below). This is especially worrying when evidence-led decision making is central to UK Administrations governance e.g. the MCZ process in England. A particular example would be the lack of evidence to support the designation of cobble reef features in the Cardigan Bay SAC and its subsequent inclusion in the report and habitat assessment.
- We are concerned with the short time scale of the consultation, limited opportunity to respond and the lack of communication with key stakeholders. This especially concerning as the outcomes of the report have the potential to significantly affect the activities and management of marine users.

Given our grave concerns we request in the strongest possible terms that the Welsh report to be withdrawn forthwith from the UK process and it be subjected to a full and thorough review addressing what we feel are significant quality issues and bias.

Habitat Assessment	Section	Statement	Response
<p>H1110 Sandbanks which are slightly covered by sea water all the time</p>	<p>2.5 Main pressures: Fishing and harvesting aquatic resources</p>	<p>Ranking: H</p> <p>F02 - Fishing and harvesting aquatic resources. Many typical fish species of sandbanks are caught in commercial fisheries, either targeted or as bycatch. The populations of most of these species are substantially reduced compared to non-recent historic levels. Some of these species populations are not in good condition and/or in continued decline as a consequence of current and/or past fishery activity. Management of the fisheries that affect some of these species are not currently in a state that is likely to lead to species recovery. Relevant species vary with location and sand bank type but include for example: skates and rays, plaice, sole, whiting, gurnard.</p>	<p>The inclusion of wide ranging mobile species that are subject to numerous far-field effects in the “typical species” of this feature have questionable value in assessing its condition. These species have the potential to regularly undermine a favourable status assessment despite local best practice and effective management.</p> <p>We challenge the validity of the comments on reduction in population sizes as the comparison to current populations to some undefined “non-recent” (we assume pre-exploitation) level.</p> <p>Commercial species are an important strategic food resource and the basis of important economic activity. These populations or stocks are managed via EU and National legislation using a variety of quota or/and technical measures. Each of the examples cited are subject to these. The current reform of the CFP and the implementation of the MSFD will enshrine the use of MSY as the target population size for important fish populations and as a tool to encourage stock recovery. A population at MSY level will always be lower than a non-exploited population, the use of non-recent stock level as a baseline will therefore always result in a negative assessment for these habitat features. We challenge this ranking for this pressure accordingly.</p>
	<p>2.6 Main Threats: Fishing and harvesting aquatic resources</p>	<p>Ranking: H</p> <p>Many typical fish species of sandbanks are caught in commercial fisheries, either targeted or as bycatch. The populations of most of these species are substantially reduced compared to non-recent historic levels. Some of these species populations are not in good condition and/or in continued decline as a consequence of current</p>	<p>We challenge this ranking and take issue with the negative assertions in this paragraph; the use of non-recent population levels is inappropriate and does not account for the reality of fisheries management and the MSY target for stock levels (see discussion above).</p>

Habitat Assessment	Section	Statement	Response
		and/or past fishery activity. Management of the fisheries that affect some of these species are not currently in a state that is likely to lead to species recovery. Relevant species vary with location and sand bank type but include for example: skates and rays, plaice, sole, whiting, gurnard. Fishery activity will continue, with the threat of further declines or lack of recovery determined by fishery pressure and management measures.	
H1170 - Reefs	2.3.4 Short-term trend - trend direction 2.3.7 Long-term trend - trend direction 2.4.9 Long-term trend - trend direction	<i>There have been some on-going small losses of reef, typically small intertidal losses due to development and coast protection or biogenic reef losses due to mobile benthic gear. Larger, unrecorded losses, may have been occurring unobserved offshore due to damage by mobile benthic fisheries gear but are not accounted for here.</i>	Although we acknowledge the potential for negative interactions between mobile fishing gears and fragile habitats such as biogenic reefs this is rare in Wales and subject to improved management measures. Fishermen from ports local to these reefs regularly fish with static gears on and around them and very much value their ecosystem role. We challenge the statement that larger and unrecorded losses are occurring offshore as pure conjecture, unsupported by reference to evidence and therefore not relevant to this assessment.
	2.5 Main pressures: F01 Fishing and harvesting aquatic resources	Ranking: M F01 Fishing and harvesting aquatic resources): Use of heavy mobile fishing gear remains a pressure for subtidal reef. Whilst there have been some significant recent improvements in management (The Scallop Fishing (Wales) (No.2) Order 2010), important sensitive reefs continue to be impacted from inadequately managed or illegal fishery activity (e.g. Modiolus reefs off north Wales, sheltered reefs in Milford Haven).	Reporting that “important sensitive reefs continue to be impacted from inadequately managed or illegal fishing activity” is misleading at best, in consideration of the following: 1. As a result of routine survey work undertaken by the Countryside Council for Wales (CCW) previously “unknown” Horse Mussel (<i>Modiolus modiolus</i>) was identified off the North Wales Coast (date unknown) 2. Similar horse Mussel Reef located nearby is already protected by the former North Western and North Wales Sea Fisheries Committee (NWNWSFC) Bylaw (21) which lies within the Penllyn A’r Sarnau special area of conservation (SAC)

Habitat Assessment	Section	Statement	Response
		<p>Regular dredging for mussel seed on some intertidal and subtidal reef areas occurs.</p>	<p>3. Pursuant to (1) above the Welsh government launched its consultation document – management proposals for Horse Mussel (<i>Modiolus modiolus</i>) Reefs off the North Wales Coast in September 2011 following which the former Byelaw (21) was subsequently revoked and replaced with a statutory instrument that included the newly identified Horse Mussel Reef under the title of The Sea fish (Specified Sea Areas) (Prohibition of Fishing Methods) (Wales) Order 2012.</p> <p>4. Equally absent is the successful introduction of WG secondary legislation “The Scallop Dredging Operations (Tracking Devices) (Wales) Order 2012 which came into force on the 1st November 2012. This Order is a requirement of the Permit Scheme for any vessel entering the scallop fishery In Welsh Waters from the 1st November 2012.</p> <p>As a result of the above process all scallop vessels operating in Welsh waters have to be fitted with iVMS equipment which provides an effective compliance monitoring tool to enforce spatial protection of sensitive reef features.</p> <p>The statement that mobile gears have damaged sheltered reefs in Milford Haven is made without supporting evidence. Other than the small oyster fishery (1 or 2 vessels) that until recently took place on historic oyster beds in small areas of the waterway there are no other dredge fisheries operating within the reporting period.</p> <p>We challenge the inclusion of mussel seed harvest in this section. Seed mussel beds targeted are ephemeral in nature and the fishing gear used is designed to be non-</p>

Habitat Assessment	Section	Statement	Response
		<p>Bait collection (boulder turning) is present, often in sensitive sheltered and tideswept habitats.</p> <p>Many typical fish species of reefs, both fin fish and crustacea, are caught in commercial fisheries, either targeted or as bycatch. The populations of most of these species are substantially reduced compared to non-recent historic levels. Some of these species populations are not in good condition and/or in continued decline as a consequence of current and/or past fishery activity. Management of the fisheries that affect some of these species is not currently in a state that is likely to lead to species recovery.</p>	<p>penetrating and to have minimal seabed interaction. Mussel seed harvest is subject to comprehensive management controls when carried out in Welsh waters. When carried out in N2K site permissions must be obtained which are subject to Appropriate Assessments and only go forward when the AA concludes “no significant effect”.</p> <p>We challenge the negative assertions in this paragraph and the use of non-recent population levels is inappropriate and does not account for the reality of fisheries management and the MSY target for stock levels (see discussion in H1110 Sandbanks above).</p> <p>We object to the ranking for this pressure as there is no evidence that fishing related impacts are anything other than acting over a small part of the area/acting only regionally which should return a ranking of “L”. In sites where mobiles operate in the vicinity of reef features there are well developed management measures as highlighted above.</p>
	2.6 Main threats:	<p>Ranking “M”</p> <p>F01 - Marine and Freshwater Aquaculture</p> <p>Intensive bottom culture of mussels is extensive in some areas (e.g. Menai Strait) and increasing in others (e.g. Burry Inlet and The Three Rivers).</p>	<p>We challenge this ranking as the statement makes the erroneous assumption that aquaculture cannot take place without an unacceptable impact to the H1170 Reef habitat. No evidence is presented to support this or describe the negative effects.</p> <p>All aquaculture activities are highly regulated and consents for Several Orders are subject to a great deal of scrutiny. Those currently taking place have been subject to Appropriate Assessments and future developments</p>

Habitat Assessment	Section	Statement	Response
		<p>F02 (02.05, 03.01) - Fishing and harvesting aquatic resources</p> <p>Use of heavy mobile fishing gear remains a pressure for subtidal reef. Whilst there have been some significant recent improvements in management (The Scallop Fishing (Wales) (No.2) Order 2010), important sensitive reefs continue to be impacted from inadequately managed or illegal fishery activity (e.g. Modiolus reefs off north Wales, sheltered reefs in Milford Haven).</p> <p>Regular dredging for mussel seed on some intertidal and subtidal reef areas occurs and expansion in this industry is likely to generate increased demand.</p> <p>Bait collection (boulder turning) is present, often in sensitive sheltered and tideswept habitats.</p> <p>Many typical fish species of reefs, both fin fish and crustacea, are caught in commercial fisheries, either targeted or as bycatch. The populations of most of these species are substantially reduced compared to non-recent historic levels. Some of these species populations are not in good condition and/or in continued</p>	<p>will only be consented following assessments finding “no significant effect”. Once consents have been granted these operations are very often subject to regular monitoring and the focus of academic research e.g. the Bangor mussel industry. In the context of the regulatory framework and the need for sustainable development it is difficult to see how aquaculture can be considered either a pressure or a threat at anything other than an “L” category.</p> <p>We challenge this ranking and take issue with the negative assertions in this paragraph; the use of non-recent population levels is inappropriate and does not account for the improvements in fisheries management in Wales, a reformed CFP, the implementation of the MSFD and the MSY target for stock levels (see discussion</p>

Habitat Assessment	Section	Statement	Response
	F06 - Hunting, fishing or collecting activities not referred to above	<p>Dredging for mussel seed on some intertidal and subtidal areas occurs (e.g. Burry Inlet).</p> <p>Bait collection (boulder turning) is present, often in sensitive sheltered and tideswept habitats. Bait digging is widespread and has generated clear habitat damage and modification in some areas. Sensitive habitats such as seagrass and muddy gravels are being impacted (e.g. Milford Haven).</p> <p>Many typical fish species of reefs, both fin fish and crustacea, are caught in commercial fisheries, either targeted or as bycatch. The populations of most of these species are substantially reduced compared to non-recent historic levels. Some of these species populations are not in good condition and/or in continued decline as a consequence of current and/or past fishery activity. Management of the fisheries that affect some of these species is not currently in a state that is likely to lead to species recovery.</p> <p>Commercial cockle raking occurs over wide areas of the Burry Inlet and the Three Rivers estuary flats. Sporadic but intensive commercial cockling activity has impacted sheltered sediment habitats including seagrass. Cockle populations in several estuaries are significantly down following mass cockle mortality likely due to introduction of a non-native parasite. Commercial mussel removal for bottom lay seed (by hand and dredge) or sale occurs, largely limited to mussel farming areas in the</p>	<p>We challenge the inclusion of mussel seed harvest in this section (see discussion in H1170 - Reefs above).</p> <p>We challenge this ranking and take issue with the negative assertions in this paragraph; the use of non-recent population levels is inappropriate and does not account for the improvements in fisheries management in Wales, a reformed CFP, and the implementation of the MSFD and the MSY target for stock levels (see discussion in H1110 Sandbanks above).</p> <p>The conclusion that mass cockle mortality is “likely due to introduction of a non-native parasite” is erroneous. This is a widespread issue affecting cockle populations in England and Wales and no clear cause has been established. The link to a non-native parasite is unproven and there are a number of other equally valid theories including anthropogenic chemical pollution e.g. endocrine disrupters. The statement implies some level of liability or blame on the part of the cockle industry; this is unfair and suggests a bias in the assessment.</p>

Habitat Assessment	Section	Statement	Response
		north and south of Wales. Other species such as winkles are also collected commercially.	<p>Cockle harvest is subject to comprehensive management controls when carried out in Welsh estuaries. When carried out in N2K sites, such as the Burry Inlet and Three Rivers estuary, permissions must be obtained which are subject to Appropriate Assessments and only go forward when the AA concludes “no significant effect” thus enabling a sustainable fishery to take place.</p> <p>As discussed in H1170 - Reefs above mussel seed harvest is subject to comprehensive management controls when carried out in Welsh waters. When carried out in N2K site permissions must be obtained which are subject to Appropriate Assessments and only go forward when the AA concludes “no significant effect”.</p>
	<p>2.6 Main Threats</p> <p>F01: Marine and Freshwater Aquaculture</p>	<p>Ranking “H”</p> <p>F01 – Marine and Freshwater Aquaculture Intensive bottom culture of mussels is present and increasing in some estuaries (e.g. Burry Inlet and The Three Rivers) proposals for oyster culture (<i>Crassostrea</i>) have also been made (e.g. Teifi Estuary).</p>	<p>We challenge this ranking as the statement makes the erroneous assumption that aquaculture cannot take place without an unacceptable impact to the H1130 Estuaries habitat. The discussion in row above makes clear that these activities are well managed and consents are subject to comprehensive assessment processes to ensure that they have a non-significant effect.</p>
<p>H1140 - Mudflats and sandflats not covered by seawater at low tide</p>	<p>2.5 Main pressures:</p> <p>F01: Marine and Freshwater Aquaculture</p>	<p>Ranked “H”</p> <p>F01 (03) - Marine and Freshwater Aquaculture Intensive bottom culture of mussels is present in some areas (e.g. Menai Strait) and increasing in others (e.g. Burry Inlet and The Three Rivers).</p>	<p>We challenge this ranking as the statement makes the erroneous assumption that aquaculture cannot take place without an unacceptable impact to the H1140 Mudflats habitat. No referenced evidence is presented on recent increases and to our knowledge there are no recent consents. The discussion in H1130 Habitats above makes clear that these activities are well managed and consents are subject to comprehensive</p>

Habitat Assessment	Section	Statement	Response
	<p data-bbox="539 331 837 389">F02 Fishing and harvesting aquatic resources</p> <p data-bbox="539 954 837 1043">F06 - Hunting, fishing or collecting activities not referred to above</p>	<p data-bbox="860 331 1404 815">F02 (02.05, 03.01) - Fishing and harvesting aquatic resources Dredging mudflats (<i>Zostera noltii</i>) for cockles has occurred in Pembroke River, Milford Haven, and regular dredging for mussel seed and mussel crumble on the flats of the Carmarthen Bay & Estuaries SAC occurs. Bait digging is widespread and has generated clear habitat damage and modification in some areas. Sensitive habitats such as seagrass and muddy gravels are being impacted (e.g. Milford Haven). Populations of some typical fish species subject to commercial exploitation (including bycatch) are not at an abundance equal to or greater than that required to achieve maximum sustainable yield.</p> <p data-bbox="860 954 1404 1107">Commercial cockle raking occurs over wide areas of the Burry Inlet and the Three Rivers sediment flats. Cockle populations are significantly down due to (probably) non-native parasite introduction (probably industry related).</p>	<p data-bbox="1426 236 2047 293">assessment processes to ensure that they have a non-significant effect.</p> <p data-bbox="1426 331 2047 485">The statement that dredging for cockles has occurred in Pembroke River is unsupported and likely to be erroneous; discussions with local fishermen suggest that gear scars on the mud flats there were due to a fisheries survey by a visiting University (unidentified).</p> <p data-bbox="1426 523 2047 651">Mussel dredging for seed mussel/crumble only occurs following a consenting procedure that includes an Appropriate Assessment. See discussion in H1170 – Reefs above.</p> <p data-bbox="1426 689 2047 912">We challenge this ranking and take issue with the negative assertions in this paragraph; the use of non-recent population levels is inappropriate and does not account for the improvements in fisheries management in Wales, a reformed CFP, and the implementation of the MSFD and the MSY target for stock levels (see discussion in H1110 Sandbanks above).</p> <p data-bbox="1426 951 2047 1174">Cockle harvest is subject to comprehensive management controls when carried out in Welsh estuaries. When carried out in N2K sites, such as the Burry Inlet and Three Rivers estuary, permissions must be obtained which are subject to Appropriate Assessments and only go forward when the AA concludes “no significant effect” thus enabling a sustainable fishery to take place.</p> <p data-bbox="1426 1212 2047 1372">The statement that mass cockle mortality is “due to (probably) non-native parasite introduction” and is “probably industry related” is misleading and demonstrates a high degree of bias. This is a widespread issue affecting cockle populations in England and Wales</p>

Habitat Assessment	Section	Statement	Response
		<p>Commercial mussel removal for bottom lay seed (by hand and dredge) or sale occurs, largely limited to mussel farming areas in the north and south of Wales.</p> <p>Elsewhere, there is limited but increasing collection of other intertidal sediment flat molluscs (e.g. razor fish).</p>	<p>and no clear cause has been established. See the discussion in H1130 – Estuaries above.</p> <p>Mussel dredging for seed mussel/crumble only occurs following a consenting procedure that includes an Appropriate Assessment. See discussion in H1170 – Reefs above.</p> <p>This statement is a good example of an unreferenced assertion of an effect or activity. Whilst this activity undoubtedly takes place, we question whether effort estimates exist or are regularly monitored.</p>
	<p>2.6 Main Threats</p> <p>F01: Marine and Freshwater Aquaculture</p> <p>F02: Fishing and harvesting aquatic resources</p>	<p>Ranking “H”</p> <p>F01 – Marine and Freshwater Aquaculture Intensive bottom culture of mussels is present and increasing in some estuaries (e.g. Burry Inlet and The Three Rivers) proposals for oyster culture (<i>Crassostrea</i>) have also been made (e.g. Teifi Estuary).</p> <p>Ranking “M”</p> <p>Dredging mudflats (<i>Zostera noltii</i>) for cockles has occurred in Pembroke River, Milford Haven, and regular dredging for mussel seed and mussel crumble on the flats of the Carmarthen Bay & Estuaries SAC occurs most years.</p> <p>Bait digging is widespread and has generated clear habitat damage and modification where it is intensive. Sensitive habitats such as seagrass and muddy gravels are being particularly impacted (e.g. Milford Haven). Some of these impacts</p>	<p>We challenge this ranking as the statement makes the erroneous assumption that aquaculture cannot take place without an unacceptable impact to the H1140 Mudflats habitat. The discussion in row above and in H1130 Estuaries makes clear that these activities are well managed and consents are subject to comprehensive assessment processes to ensure that they have a non-significant effect.</p> <p>As stated in the row above the Milford Haven example is likely to be erroneous and management already exists to prevent this occurring; it is not a credible threat and may influence the “M” ranking.</p>

Habitat Assessment	Section	Statement	Response
		<p>could recover, even if in the long-term, but existing pressure threatens the possibility of any recovery.</p> <p>Populations of some typical fish species subject to commercial exploitation (including bycatch) are not at an abundance equal to or greater than that required to achieve maximum sustainable yield. Management of the fisheries that affect some of these species are not currently in a state that is likely to lead to species recovery.</p>	<p>We challenge this ranking and take issue with the negative assertions in this paragraph; the use of non-recent population levels is inappropriate and does not account for the improvements in fisheries management in Wales, a reformed CFP and the MSY target for stock levels (see discussion in H1110 Sandbanks above).</p>
	2.7.5 Other relevant information	<p>Management plans to reduce existing impacts and avoid future ones appear slow to come in, have long timescales for action or are seen as unfeasible. It appears unlikely that nutrient issues, fisheries management and bait digging, let alone public perception, are likely to be resolved in the foreseeable future.</p>	<p>We believe that this statement is based on a subjective bias against fishing and aquaculture and cannot be supported by evidence; it is opinion rather than information.</p>

		<p>Dredging for mussel seed on some intertidal and subtidal areas occurs.</p> <p>Bait collection (boulder turning) is present, often insensitive sheltered and tideswept habitats. Bait digging is widespread and has generated clear habitat damage and modification in some areas. Sensitive habitats such as seagrass and muddy gravels are being impacted (e.g. Milford Haven).</p> <p>Many typical fish species of reefs, both fin fish and crustacea, are caught in commercial fisheries, either targeted or as bycatch. The populations of most of these species are substantially reduced compared to non-recent historic levels. Some of these species populations are not in good condition and/or in continued decline as a consequence of current and/or past fishery activity. Management of the fisheries that affect some of these species is not currently in a state that is likely to lead to species recovery.</p>	<p>period.</p> <p>Mussel dredging for seed mussel/crumble only occurs following a consenting procedure that includes an Appropriate Assessment. See discussion in H1170 – Reefs above.</p> <p>We challenge this ranking and take issue with the negative assertions in this paragraph; the use of non-recent population levels is inappropriate and does not account for the improvements in fisheries management in Wales, a reformed CFP, the implementation of the MSFD and the MSY target for stock levels (see discussion in H1110 Sandbanks above).</p>
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**National Assembly for Wales' Environment and Sustainability
Committee
Inquiry into Marine Policy in Wales (January 2013): Follow up
Submission by Cyfoeth Naturiol Cymru/ Natural Resources Wales
January 2014**

The purpose of Natural Resources Wales is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

Wales faces many challenges - for its people and communities, for its economy and for its environment and wildlife. Key issues include securing energy and fuel supply, provision of jobs and income; tackling the threats of climate change and flooding; improving people's health and wellbeing. We believe that by unlocking the potential that lies within Wales' resources, by managing them and using them in a more joined up and integrated way, they can help to meet the challenges we face.

As part of meeting these challenges we will:

- Work for communities in Wales to make sure people and their homes are protected from environmental incidents like flooding and pollution. We will provide opportunities for people to learn, use and benefit from Wales' natural resources.
- Work for Wales' economy and enable the sustainable use of natural resources to support jobs & enterprise. We will help businesses and developers to understand and consider environmental impacts when they make important decisions.
- Work to maintain and improve the quality of the environment for everyone. We will help make the environment and natural resources more resilient to climate change and other pressures.
- Use our knowledge, and learn from the knowledge of others, to make Natural Resources Wales an efficient, effective and capable organisation for the people and environment of Wales.

Natural Resources Wales' role in the marine environment

The marine environment makes up almost half of Wales' territorial area and delivers important benefits to society, including jobs, food and a resource for recreation and relaxation. It is important that our seas are healthy and sustainably managed to ensure that we can continue to enjoy and benefit from them in the future.

Natural Resources Wales has a significant role in the sustainable management of the marine environment from the shore out to 12 nautical miles (nm) through the combination of the previous powers and duties of Countryside Council for Wales and Environment Agency Wales, consolidated in the Natural Resources Wales Establishment Order (2012) and Natural Resources Wales Functions Order (2013).

In summary, our role in the marine environment includes (but is not limited to):

- Advice, management and monitoring relating to nature conservation and biodiversity
- Advice, regulation and monitoring relating to water quality, including our role as competent authority for the Water Framework Directive
- Advising on and managing coastal flood risk/erosion
- Fisheries management (Dee, Burry Inlet, migratory fish)
- Advising on landscape/ seascape
- Advice and management for recreation and access
- Regulation, including Marine Licensing

Progress against recommendations from the Marine Policy Inquiry in January 2013

Natural Resources Wales welcomes the continued scrutiny by the Committee on the progress of marine policy in Wales. Both the Countryside Council for Wales and Environment Agency Wales provided detailed evidence for the original inquiry in January 2013 and the committee are referred back to those documents. For the purposes of this submission, we will focus our comments on progress made in relation to the 13 recommendations that came out of that inquiry, which we have grouped into 4 key areas:

- Marine Policy in Wales (recommendations 1, 2 and 3)
- Marine Planning (recommendations 4, 5 and 6)
- Marine Protected Areas (recommendations 7,8,9, 10 and 11)
- Marine Licensing (recommendations 12 and 13)

Marine Policy in Wales

The Minister responded positively to the recommendations that came from the Inquiry, accepting all of them whilst proposing some changes to the timescales for their delivery. We strongly supported his decision last year to bring together Marine and Fisheries into one division, which we believe will make a significant contribution to developing a more integrated approach to the management of the marine environment. A further challenge will be to ensure that other relevant policy areas not within the Marine and Fisheries division, for example marine energy and water, are sufficiently engaged in the development and delivery of marine policy, and particularly the marine planning process.

We welcomed the publication of the Marine and Fisheries Strategic Action Plan (SAP) in November 2013. The SAP sets out a clear, high level framework for the delivery of the range of marine policy area that need to be progressed, and indicates that a higher level of priority is now being given to this area of work. As outlined within the SAP, Natural Resources Wales will have an important role in supporting the delivery of these work areas and we are currently working closely with Welsh Government to align our own work programmes to achieve this.

We welcome the Minister's emphasis on the importance of communication and engagement with stakeholders as part of the delivery of the SAP. We agree that achieving the appropriate level of stakeholder engagement across such a wide range of strategic and local marine planning and management issues will be critical to the successful delivery of the SAP. We look forward to further information on the review of stakeholder engagement arrangements being undertaken by Welsh Government, and how this will build on existing partnerships and communication mechanisms for the marine and coastal environment.

The work programme set out in the SAP is ambitious and substantial. The availability of adequate resource, both finance and people, is challenging not only to Welsh Government, but Natural Resources Wales and other marine stakeholders across Wales and the UK. We welcome the recent progress and the increased resource that has been made available for this work within Welsh Government. We hope that this will be a continued commitment to supporting the delivery of marine policy as it matures over time to deliver increasing benefits for the people, environment and economy of Wales.

Marine Planning

At the original inquiry, a significant concern raised was the lack of progress with marine planning in comparison to elsewhere in the UK. We therefore welcome the commencement of marine planning in Wales and the Minister's commitment to having the first Welsh National Marine Plan (WNMP) in place by 2015. Whilst progress here has been slower than in adjacent countries, we can now benefit from experience gained in other parts of the UK to inform and strengthen the approach developed for Wales.

We particularly welcome the commitment by Government to work closely with public bodies to understand how the Wales National Marine Plan (WNMP) can add value to decision-making. We are already in discussion with Welsh Government to ensure that the WNMP can support the marine license decision making process, for which we are responsible. We anticipate that the establishment of a robust and fit for purpose planning process will be key to the ultimate success of future marine plans, and that over time marine plans will develop in detail and effectiveness as our understanding of the marine area increases.

Data and evidence (environmental, economic and social) will play a significant role in supporting the planning process. Natural Resources Wales collects and holds a range of environmental and regulatory data that will be relevant to marine planning. Nevertheless, a key challenge for the sustainable management of marine resources continues to be the gaps in our knowledge and understanding of the marine area. The marine planning process will be the over-arching framework for prioritising information needs for the planning and management of the marine environment. We therefore welcome the strategic scoping exercise identified in the SAP to ensure that marine planning is based on the best available evidence and look forward to working closely with WG and other key partners across Wales and the UK to inform and support the delivery of this work.

We wish to see the principles of Integrated Coastal Zone Management fully embedded in the marine planning process, as set out in the Minister's response to recommendation 4 of the original Inquiry. A key role for marine planning will be to facilitate more integrated management across the land-sea interface. The coastal zone is a particularly busy area, with activity on land and within catchments resulting in management issues for the marine environment. An important element of the marine planning process should be the development of clear guidance to enable terrestrial management and development planning regimes (including River Basin Management Plans, Shoreline Management Plans, Local Development Plans and future Natural Resource Plans proposed in the Environment Bill White Paper) to take account of marine planning, and vice versa.

The WNMP will be a key mechanism for the delivery of Welsh Government proposals for Natural Resource Management and the proposed Planning Bill also offers opportunities for ensuring integration of marine and terrestrial planning. We look forward to working with Government and with partners across Wales to ensure appropriate join up between these new regimes.

It will be equally important that marine planning facilitates an integrated approach to the sustainable management of the wider Irish Sea. The Marine Strategy Framework will be a key driver to support better communication and joint delivery of management of the marine area over administrative boundaries.

Marine Protected Areas

Wales must contribute to a coherent and well-managed network of MPAs by 2016, to comply with the Marine Strategy Framework Directive and Marine and Coastal Access Act (2009). As identified in the previous Inquiry, there remain issues relating to the management of existing sites, and to the coherence of the network.

Natural Resources Wales is currently working closely with Welsh Government, and the other UK Statutory Nature Conservation Bodies and Administrations across the UK to carry out a stock take of the UK MPA network. The outputs of this work are expected later this year and will inform our understanding of any gaps in the suite of sites in Wales and inform a future work programme to fill any gaps that are identified.

We are already aware of some gaps in the network, in particular relating to Special Protection Areas under the Birds Directive. The suite of SPAs on land in Wales is relatively well established but further work is needed to complete the suite of SPAs at sea. The delivery of a series of work streams to identify different types of SPAs is being lead by the Joint Nature Conservation Committee (JNCC), the detail of which is set out in previous evidence from Countryside Council for Wales. JNCC is due to report on completion of this work in 2015, but as individual elements are completed, they are taken forward by the country agencies as appropriate.

The JNCC work stream relating to proposed marine extensions for breeding seabird colonies is completed and there are recommendations for three sites in Welsh waters. Natural Resources Wales will shortly launch a 12 week consultation on three existing SPA sites over proposed seaward extensions for 'loafing' or resting areas for the seabirds in addition to further proposed changes to the terrestrial qualifying bird species. It is anticipated that following public consultation we will submit final site recommendations for Ministerial consideration in the early Summer 2014.

A key objective for a network of Marine Protected Areas in Wales is that they are effectively managed so that they can contribute to the health and resilience of the marine environment. Following advice on the management of Marine Protected Areas by the Countryside Council for Wales in 2012 we have been working closely with Government on this area and have agreed a series of shared principles for MPA management in Wales. As set out in the SAP, Welsh Government will be creating a Welsh MPA Management Steering Group to provide strategic co-ordination of MPA management in Welsh seas, with the first meeting planned for late March 2014. We believe that this group will be fundamental to achieving a more coherent and focussed approach to management of the MPA network across Wales.

Marine Licensing

As part of the creation of Natural Resources Wales, we took on responsibility for marine licensing from the Welsh Government's Marine Consents Unit

(MCU) in April 2013. Four officers and a team leader from Environment Agency Wales were appointed to assignments by the Living Wales Programme (LWP) in February 2013 and immediately commenced a work shadowing arrangement with the former Welsh Government Marine Consents Unit. Three of these staff had significant experience of the Environment Agency's permitting process across a number of regimes and four of them had academic qualifications relating to the marine environment. They were therefore well placed to commence the transition of this work into Natural Resources Wales. The assignees remained in post throughout 2013, thereby providing continuity within the team. Natural Resources Wales executive team approved a permanent structure for the Marine Licensing Team (MLT) in July 2013 and the majority of the posts have now been permanently appointed.

The LWP also agreed a formal arrangement between Welsh Government and Natural Resources Wales for the former MCU's team leader to provide ongoing support for the first six months. Full advantage was taken of this arrangement and it has contributed to the successful delivery on the marine licensing work in Natural Resources Wales. Formal liaison arrangements are now in place with Welsh Government Marine Policy Branch and these take place every quarter.

There has been no diminution of service. The team have processed 64 applications this year with >90% of these determined within our service level standard. We continue to receive positive comments about our service from both internal and external customers.

The MLT have also met various stakeholders since vesting day including The Crown Estate, Marine Management Organisation, Planning Inspectorate, Welsh Ports, Marine Energy Pembrokeshire (MEP), and the British Marine and Aggregates Producers Association. These relationships continue to grow and develop and the MLT is becoming a well recognised marine partner in Wales.

Every month a list of all Marine licence applications received and determined is published on the Natural Resources Wales website¹. All Marine licensing documentation is stored on our internal Document Management System and documents can be made available to the public on request unless classified as confidential. This procedure meets the public register requirements of the relevant Marine legislation namely the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended), Marine and Coastal Access Act 2009 and The Marine Licensing (Register of Licensing Information) (Wales) Regulations 2011.

Conclusion

Natural Resources Wales welcomes progress in the development of an integrated framework for the effective management of the marine environment

¹ <http://naturalresourceswales.gov.uk/apply-buy-report/apply-buy-grid/marine-licensing/considered-marine-applications-and-licences/?lang=en>

of Wales. We look forward to working closely with Welsh Government to support and inform the delivery of the ambitious work programme set out in their Marine and Fisheries Strategic Action Plan.

Agenda Item 8

Environment and Sustainability Committee

Meeting Venue: Committee Room 3 – Senedd

Meeting date: Thursday, 23 January 2014

Meeting time: 09:30 – 14:35

This meeting can be viewed on Senedd TV at:

http://www.senedd.tv/archiveplayer.jsf?v=en_700000_23_01_2014&t=0&l=en

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Concise Minutes:

Assembly Members:

Dafydd Elis-Thomas (Chair)
Russell George
Llyr Gruffydd
Mike Hedges
Julie James
Julie Morgan
William Powell
Antoinette Sandbach
Joyce Watson

Witnesses:

Alun Davies, Minister for Natural Resources and Food
Andrew Slade, Welsh Government
Terri Thomas, Welsh Government
Prys Davies, Welsh Government
Mike Harvey, Maelor Forest Nurseries Ltd
Kath McNulty, Confor
Tim Jones, Natural Resources Wales
Jerry Langford, Coed Cadw Woodland Trust
George McRobbie, UPM Tillhill
Jeremy Parr, Natural Resources Wales

TRANSCRIPT

View the [meeting transcript](#).

1 Introductions, apologies and substitutions

1.1 Apologies were received from Mick Antoniwi. Mike Hedges attended as a substitute.

2 Reforms to the Common Agriculture Policy – Evidence from the Minister for Natural Resources and Food

2.1 The Minister responded to questions from members of the Committee.

3 Response to recent flooding and storm damage – Evidence from the Minister for Natural Resources and Food

3.1 The Minister responded to questions from members of the Committee.

3.2 The Minister agreed to provide details on the re-prioritisation of projects which enabled £2m to be available in this financial year and to update the Committee when he had assessed whether an appeal for European assistance should be made.

4 Sustainable Land Management : Evidence from the Forestry Industry

4.1 The witnesses responded to questions from members of the Committee.

5 Response to recent flooding and storm damage – Evidence from Natural Resources Wales

5.1 The witnesses responded to questions from members of the Committee.

6 Papers to note

Correspondence from Natural Resources Wales following 12 December meeting

6.1 The Committee noted the letter.

7 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for item 8

7.1 The Committee agreed the Motion.

8 Ways of working

8.1 The Committee discussed its ways of working.

Environment and Sustainability Committee

Meeting Venue: Committee Room 3 – Senedd

Meeting date: Wednesday, 29 January 2014

Meeting time: 09:35 – 12:40

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



This meeting can be viewed on Senedd TV at:

http://www.senedd.tv/archiveplayer.jsf?v=en_400000_29_01_2014&t=0&l=en

Concise Minutes:

Assembly Members:

Dafydd Elis-Thomas (Chair)
Mick Antoniw
Russell George
Llyr Gruffydd
Julie James
Julie Morgan
William Powell
Antoinette Sandbach
Joyce Watson

Witnesses:

Chris Blake, The Green Valleys (Wales)
Dai Davies, Hybu Cig Cymru
Gary Davies, South West Wales Regional Partnership
Siôn Aron Jones, Hybu Cig Cymru
Brian Pawson, Countryside Council for Wales
Joanne Sherwood, Natural Resources Wales
Richard Tomlinson, Fre-energy
Ben Underwood, Country Land and Business Association

Committee Staff:

Alun Davidson (Clerk)
Catherine Hunt (Deputy Clerk)
Nia Seaton (Researcher)

TRANSCRIPT

View the [meeting transcript](#).

1 Introductions, apologies and substitutions

1.1 There were no apologies or substitutions.

2 Sustainable Land Management : Evidence from Natural Resources Wales

2.1 The witnesses responded to questions from members of the Committee.

2.2 The witnesses agreed to provide further information in writing explaining how the condition and connectivity of SSIs can effect the resilience of the wider environment and advice on how agriculture and commercial forestry could be better intergrated in the RDP.

3 Sustainable Land Management : Evidence on the rural economy

3.1 The witnesses responded to questions from members of the Committee.

4 Sustainable Land Management : Evidence on small scale energy

4.1 The witnesses responded to questions from members of the Committee.

5 Papers to note

5.1 The Committee noted the minutes.

Letter from the Minister for Local Government and Government Business –
Interdependencies between the Future Generations, Planning and Environment Bills

5.2 The Committee noted the letter.

Letter from the Chair of the Petitions Committee – P-04-343 Prevent the destruction of
amenities on common land

5.3 The Committee noted the letter.

Letter from the Minister for Natural Resources and Food – Climate Change

5.4 The Committee noted the letter.



Y Pwyllgor Cymunedau, Cydraddoldeb a
Llywodraeth Leol

Communities, Equality and Local Government
Committee

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff
CF99 1NA

Dafydd Elis-Thomas AM
Chair
Environment and Sustainability
Committee

28 January 2014

Dear Dafydd

As you will be aware, matters relating to the Welsh language fall within the remit of the Communities, Equality and Local Government Committee. We have recently taken evidence from the First Minister, as Minister with responsibility for overseeing and co-ordinating Welsh language policy. The Committee has subsequently written to the First Minister highlighting specific areas of Welsh language policy that we intend to keep under review. A copy of the letter is enclosed, for information.

The session covered a number of issues, including some that fall within the remit of other scrutiny committees. As such, it served to reinforce the cross cutting nature of the Welsh language and highlighted the importance of a more co-ordinated our approach to its scrutiny across committees.

In this context, the Committee agreed that I should write to all committees asking them to consider their existing approach to scrutiny of the Welsh language as it relates to their remit and to seek views on how best the Welsh language can be mainstreamed into all aspects of our scrutiny work. In addition, the Committee would welcome your views on how best Welsh language considerations could be taken forward in the budget scrutiny process.

It would be helpful if you could provide your views on the above as soon as practicable and, if possible, by the end of February.

I look forward to hearing from you.

Yours sincerely

A handwritten signature in cursive script that reads "Christine Chapman".

Christine Chapman AC / AM
Cadeirydd / Chair

Y Pwyllgor Cymunedau, Cydraddoldeb a
Llywodraeth Leol

Communities, Equality and Local Government
Committee

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff
CF99 1NA

Carwyn Jones AM
First Minister

28 January 2014

Dear First Minister

Thank you for attending the Communities, Equality and Local Government Committee meeting on 4 December 2013 to give evidence in relation to your responsibilities for Welsh language policy within the Welsh Government.

As you will be aware, the 2011 Census results showed that the percentage of Welsh speakers in Wales fell from 20.8% in 2001 to 19.0% in 2011. Following the meeting on 4 December, the Committee agreed to write to you outlining its thoughts on the way in which the Welsh Government has responded and is responding to these statistics and driving forward policy in this area.

On 4 December, you told us about a number of on-going initiatives that you had put in place in response to the Census figures, particularly as a result of *Y Gynhadledd Fawr*. You also referred to a number of policy reviews, surveys and task and finish groups established to inform future policy developments in this area, including those on Welsh-speaking communities; the Welsh language and the economy; and *Mentrau Iaith*. You told us that this work would feed into a further and more detailed statement in due course, after the evidence had been collated and analysed.

We believe that this work has the potential to go some way towards addressing concerns about the future of the Welsh language. We are also pleased that you have recognised the urgency with which these issues need to be addressed. We intend to keep this matter under regular review and, as part of this, we will be inviting you to a further scrutiny session in the summer term to discuss progress with this work.

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg / We welcome correspondence in both English and Welsh
Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol / Communities, Equality and Local Government Committee
Gwasanaeth y Pwyllgorau / Committee Service
Ffôn / Tel: 029 2089 8025
E-bost / Email : PwyllgorCCLII@cymru.gov.uk

Further to the above, the following are specific areas of Welsh language policy that we intend to keep under review, and wish to revisit with you in due course.

Progress on the strategy, *A Living Language: A Language for Living*

The Committee awaits the publication of the annual report on the Welsh language strategy, *A Living Language, A Language for Living*, and will be interested to see how it demonstrates the Welsh Government's progress towards achieving its aim to increase the number of Welsh speakers in Wales. We will wish to discuss this with you in our follow-up session in the summer term.

In particular, we note that this strategy only contains references to the 2001 Census figures, and was therefore prepared before the 2011 Census figures were available. In light of the demographic changes in Welsh-speaking communities highlighted by the 2011 figures, we would be interested in your views about whether this strategy is still appropriate and adequate, or whether there is now a need to revise the strategy.

Y Gynhadledd Fawr

We acknowledge the initial steps that the Welsh Government is taking to address some of the challenges highlighted by *Y Gynhadledd Fawr*, which you set up in response to the 2011 Census figures. We believe that, collectively, these steps have the potential to bring about a certain degree of positive change. However, in this context, we would like further information on the specific outcomes you expect to see as a result of the initial actions that you announced, and when you expect them to be achieved.

Further to this, we welcome your commitment to making a further statement on additional actions the Welsh Government will be taking in response to *Y Gynhadledd Fawr*. We look forward to this statement and, in particular, to hearing more detail about the timetable for action in this respect.

Mainstreaming the Welsh language within the Welsh Government

You will be aware that, following our scrutiny of the 2014-15 draft budget, we were critical of the Welsh Government's approach to assessing the impact of budget allocations on the Welsh language, particularly as funding for the Welsh language had been reduced in certain areas. This was a concern we raised in a letter to the Minister for Finance on 29 October 2013, stating that "a more systematic way is needed for ensuring that policies and budget decisions are screened for their impact on the Welsh language."

In this context, you referred to an Improvement Plan that was being developed to embed Welsh language considerations within the Welsh Government, and to assess the impact of decisions on the language. You said that an important part of this included appointing officials as 'language champions' within departments. We look forward to following up on these developments in due course, and to hear more from you about the outcomes the Improvement Plan has led to in this respect.

You also told us that you were preparing “to put a more thorough system together” in terms of how expenditure impacts on the Welsh language. We would like you to provide us with more detail on this later in the year.

The Welsh Language Commissioner’s budget and role

In her meeting with the Committee on 14 November 2013, the Welsh Language Commissioner raised some concern about the impact of the 10% reduction in her budget for 2014-15 on the work of her office. When questioned on this issue, you stated that, despite the reduction, the budget remains “substantial” and one within which the Commissioner “can manage”.

While we acknowledge that budget reductions are symptomatic of the current financial climate, we question how the 10% reduction in the Commissioner's budget compares to the percentage reductions across other spending areas. As such, we would welcome further information from you on the work that was undertaken to assess the impact of this reduction on the Commissioner’s role, particularly given the fact that 2014-15 will see Welsh language standards being introduced for the first time as part of the implementation of the *Welsh Language (Wales) Measure 2011*.

With regard to the Welsh Language Commissioner’s wider role, we note that your paper explained that the Framework Agreement governing the relationship between the Welsh Government and the Commissioner was being reviewed, and would hopefully be published in the new year. You told us that now was an appropriate time to look at whether the arrangements were right in terms of who was leading on which elements of Welsh language policy, and the way in which the Commissioner and the Welsh Government were collaborating, especially in terms of language promotion and facilitation. We look forward to the publication of the new Framework Agreement in this respect.

Communities, planning and population migration

We note that the latest progress report on your *Programme for Government* (July 2013) recognises the impact of population migration on the Welsh language. As such, we welcome the publication in October 2013 of the revised *TAN 20: The Welsh Language*, by the Minister for Housing and Regeneration. You told us that local authorities would be expected to take account of TAN 20 in the early part of the LDP preparation process and when reviewing those plans.

When we heard from the Welsh Language Commissioner, she emphasised the importance of “clear guidance” for local authorities in relation to the application of the revised TAN 20. She also referred to a “nervousness” among some planners who “feel that they do not have the tools to make evidence-based decisions” in this respect. To this end, we welcome the Welsh Government's intention to develop guidance for planning authorities, but seek clarification from you as to how this will make clear the expectations for authorities in respect of the revised TAN 20 and the LDP review process. We would also like further information on the timetable for the development and publication of this guidance.

Linked to this, we note that the Task and Finish Group set up to look at the future of Welsh-speaking communities published its report following our meeting on 4 December 2013. We would be grateful if you would indicate the likely timing of the Welsh Government's response to this report.

The Social Services and Well-being (Wales) Bill

Responding to concerns raised by the Welsh Language Commissioner that the Social Services and Well-being (Wales) Bill contains no reference to the Welsh language, we note your suggestion that secondary legislation was the most appropriate place for this, and would be interested to hear more from you as to why you believe this to be the case

In this context, we remain concerned about the opportunities for training within the field of health and social services through the medium of Welsh, and issues around the availability of a Welsh-speaking workforce. We note your view that it was incumbent on local authorities to ensure sufficient numbers in the workforce who can provide services through the medium of Welsh, and to provide the necessary resources to facilitate this. However, we would like further information from you about the arrangements in place to monitor this, to ensure that patients have access to health and social services, including those relating to personal care, through the medium of Welsh.

Sustainable development

We draw your attention to the Welsh Language Commissioner's Annual Report for 2012-13 in which she states that her response to the White Paper on a Sustainable Development Bill note "that the Government's definition of sustainable development was not totally clear in relation to the Welsh language, and that the emphasis on the Welsh language in the wider context of sustainable development was not robust enough". We would welcome your response to criticisms from the Commissioner about how the Welsh language links in with the Welsh Government's approach to sustainable development.

Flying Start and links with the tackling poverty agenda

During our meeting, we touched upon the importance of adequate nursery and pre-school provision through the medium of Welsh. Linked to this, we would welcome more detail about the work you are doing to ensure that Flying Start works with, and is coordinated with, Welsh-medium education more generally.

Welsh-medium education

We are aware that the Annual Report on the Welsh-medium Education Strategy for 2012-13 stated that "there has been little progress made against the strategy's targets" and that the target of 25 per cent of seven year olds being taught through the medium of Welsh by 2015 is "unlikely" to be achieved. In contrast, you told us you believed this target is "more than achievable". We are concerned that there seems to be a divergence of opinion within the Welsh Government on this issue, and we would like further information from you in relation to this.

On a related matter, the Welsh Language Commissioner strongly emphasised the need to ensure better progression within the education system as far as Welsh language skills are concerned. You told us that the “link between skills, the economy and Welsh-speaking communities is something that we are considering at the moment” and will be addressed in a further statement to be made by you in the spring. We look forward to see what specific action this will entail, and intend to revisit this issue with you in our follow-up session in the summer term.

The Welsh Language Commissioner also highlighted the need to ensure that young people made use of the language more often in social contexts. You agreed that this was an issue that needed addressing, and suggested that providing more activities through the medium of Welsh outside school and more opportunities to use technology through the medium of Welsh could be a way of doing this. However, you made no reference in this context to asking schools about the barriers and disincentives facing pupils in speaking Welsh outside the classroom. We believe this is an area where further work could be undertaken and we would like to hear more from you in due course about the steps you have taken to provide these opportunities and the outcomes of these.

Finally, we discussed the importance of ensuring a positive experience for all children and young people taking part in the Urdd Eisteddfod, given its potential to shape their future views on the Welsh language. While we recognise the importance of the competitive element of the Urdd, we would like you to consider how best to reward the efforts of participants who are not prize winners.

I will write separately to you about a further scrutiny session to follow up on progress with the specific areas of Welsh language policy referred to above. In the meantime, I look forward to receiving a written response from you.

Yours sincerely

A handwritten signature in cursive script that reads "Christine Chapman".

Christine Chapman AC / AM
Cadeirydd / Chair