

PAPER FOR THE NATIONAL ASSEMBLY FOR WALES CLIMATE CHANGE, ENVIRONMENT AND RURAL AFFAIRS COMMITTEE'S INQUIRY INTO THE MANAGEMENT OF MARINE PROTECTED AREAS IN WALES

The Cabinet Secretary for Environment and Rural Affairs

Managing Welsh Seas

The Welsh Government is committed to the vision for clean, healthy, safe, productive and biologically diverse seas. In delivering this vision the Welsh Government has established a number of inter-related work streams which provide the overarching approach for managing Welsh seas.

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

The Welsh Government has established robust governance structures plus stakeholder and partner engagement mechanisms to inform the development of specific policies and oversee implementation.

The Marine Plan

The Welsh Government is developing Wales' first ever plan for our seas, the draft Welsh National Marine Plan, which will be formally consulted upon this summer. The Marine Plan recognises the significance of our seas to the people of Wales and the role they play in supporting well-being. Once adopted, the Marine Plan will set the strategic direction for the use of Welsh seas, providing the overall framework for managing marine activities in a sustainable way. It will guide all decision-making in the marine area aiming to maximise the use of the available resource, supporting blue growth¹, while minimising adverse social, economic and environmental impacts, including those on protected sites.

It will take time for marine planning to become fully established, however, the Welsh Government is working proactively with marine users and decision-makers to ensure the plan is implemented effectively once it has been finalised and adopted.

¹ Sustainable growth of marine and maritime sectors.

Marine Strategy Framework Directive

The EU Marine Strategy Framework Directive (MSFD) requires Member States to put in place measures to achieve or maintain Good Environmental Status (GES) in their respective seas by 2020. The MSFD provides a framework for the sustainable management of the marine environment and requires an ecosystem-based approach to be applied to the management of human activities.

In practical terms, the achievement of GES means marine waters are in a condition which supports ecologically diverse and dynamic oceans and seas by being clean, healthy and productive within the extent of their intrinsic conditions. A key measure for securing GES is establishing a coherent and well-managed network of marine protected areas. Achievement of GES also means the marine environment is being used and managed sustainably and in a way which safeguards potential uses and activities by current and future generations. The Marine Plan will be a key mechanism for securing GES by providing the overarching framework in Wales for sustainable management of the marine environment, supporting multiple benefits for the economy, environment and our communities now and in the future.

MPA Management in Wales

The MPA Network

There are currently 132 marine protected areas (MPAs) in Welsh waters which, when taken together, form a network of sites around Wales and contribute to the wider network of sites around the UK and the wider north-east Atlantic. The Welsh Government and other UK administrations are committed by various international agreements and their legal obligations to create an ecologically coherent and well-managed network of MPAs, including the MSFD and Part 5 of the Marine and Coastal Access Act 2009.

The network of MPAs in Wales is made up of different types of sites, including:

- Special Areas of Conservation (SACs)
- Special Protection Areas (SPAs)
- Sites of Special Scientific Interest (SSSIs)
- Ramsar sites (Wetlands of international importance)
- Marine Conservation Zones (MCZs)

Wales' network represents a wide range of habitats, species and birds, including some populations of global importance such as approximately 57% of the world's population of Manx shearwater. Many activities can and do coexist with the conservation of marine features (habitats, species and birds). As opposed to halting or restricting any or all activity within protected areas, the purpose of MPA management is to ensure activities are undertaken in a way that protected areas and their features are able to achieve and/ or

maintain a favourable condition.

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

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

MPA Management Steering Group

The Welsh Government established the MPA Management Steering Group in 2014 to bring together the main management authorities in Wales for the purpose of championing and providing strategic oversight for MPA management. The Steering Group includes representatives from local government, national park authorities, water and sewerage bodies and port and harbour authorities. A SAC Officer² also sits on the group to provide technical advice and support. Steering Group members are encouraged to share and disseminate the key messages arising from meetings and decisions across their networks.

The Steering Group has considered and agreed a number of pieces of work to date. It has agreed a shared vision for its work:

“To secure effective management of MPAs in Wales that ultimately improves condition of our MPAs by assisting with the delivery of MPA management actions, safeguarding marine biodiversity, the wider ecosystem and the socio-economic benefits for Wales.”

The Steering Group has developed supporting information to remind management authorities across Wales of their statutory obligations for managing MPAs. The group has undertaken a stakeholder engagement exercise looking at options for an area-based approach to managing our MPAs as a network. The group concluded, in light of current funding pressures, securing the resources needed to introduce and replicate such an approach across Wales would be too challenging for the management authorities concerned.

² An officer, employed locally by management authorities responsible for a particular site, to co-ordinate the implement site specific local action.

The Steering Group has agreed to focus its activities on providing support and guidance to management authorities to facilitate improvements in the condition of species and habitats and the MPA network as a whole. This includes identifying opportunities where management authorities can work together to achieve better outcomes for our MPAs.

Improving Site Condition

The Life-funded Natura 2000 Programme 2012-2015 identified the key challenges facing the protected sites in Wales and the actions needed to improve feature and site condition. Through its MPA Condition Improvement Project, Natural Resources Wales is working to prioritise these actions to develop a work programme, involving managing authorities and others, which focuses efforts on actions expected to have greatest impact on improving condition.

The Project has identified five key work areas:

- Access and Recreation;
- Invasive species;
- Marine fisheries;
- Pollution and waste; and
- Water management issues.

The MPA Management Steering Group will have a role in identifying which prioritised management actions at the national, multi-site and individual site level can be successfully delivered by management authorities with the resources available to them. Discussions may identify further opportunities to work collaboratively on multi-site and national level prioritised management actions for improving feature condition.

The Regulatory Process

Management authorities principally manage sites through the regulatory consenting process. Plans are assessed, together with any mitigating measures, through a Habitats Regulations Assessment (HRA). The purpose of such an assessment is to maintain the integrity of the MPA. The outcome of the assessments may require compensatory measures to be implemented to secure coherence of the MPA network before the project can be approved.

The Welsh Government considers the need to undertake such assessments as part of its role in managing access to and use of certain commercial fisheries (for example before the annual opening of cockle and mussel fisheries across Wales). In 2016-17, the Welsh Government undertook a total of 30 such assessments on fisheries-related projects.

The marine licensing regime, delivered by Natural Resources Wales on behalf of the Welsh Ministers, also considers the impact upon the marine environment and MPAs. Projects requiring a marine licence are, where necessary, assessed in line with EU Directives including the Environmental

Impact Assessment Directive, the Habitats and Birds Directives and the Water Framework Directive.

The marine licensing system in Wales, under Part 4 of the Marine and Coastal Access Act 2009, applies to a wide range of activities in Welsh waters. These include:

- the deposit of substances or objects in the sea, or on or under the sea bed;
- removal of substances or objects from the sea bed;
- construction projects in or over the sea, or on or under the seabed; and
- all forms of dredging.

The scale of marine works can vary greatly from the removal of sediment for sampling purposes to larger scale developments including the installation of tidal or wind turbines, coastal defences, cable laying and aggregate extraction. A marine licence must be obtained before works commence.

Work of the Welsh Government as a Management Authority

In addition to working with the MPA Management Steering Group the Welsh Government has a role as a management authority in its own right. Some examples of our work are set out below.

Scallop dredging in Cardigan Bay

In October 2016 the Welsh Government announced its decision to introduce new management measures for scallop fishing in Cardigan Bay. This decision followed an extensive consultation process which received over 5,500 responses. The decision, which sets out a clear strategy for sustainable management for the scallop fishery, is based on wide-ranging scientific research. A two year intensity study undertaken by Bangor University was the first of its kind and has been hailed as world-leading science. This research has been peer reviewed by international experts, who have determined the evidence and conclusions drawn by Bangor to be scientifically robust and of high quality. We understand this research is soon to be published in renowned scientific journals.

The Welsh Government is proposing to introduce a flexible permit scheme for scallop dredging within the Cardigan Bay Special Area of Conservation (SAC), which involves opening a small area of the SAC each year on a rotational basis. The Welsh Government has established a Scallop Task & Finish Group comprising scientific, industry and environmental groups to establish the necessary management measures. In due course the measures will be subject to a Habitats Regulation Assessment (HRA) before being introduced and before the opening of the fishery. Conditions will be applied to the permit to ensure a carefully and proactively managed fishery where restrictions are amended according to robust evidence collected on the fishery.

Once the new legislation is in place, a Management Advisory Board, again including scientific, industry and environmental groups, will be established to provide advice to the Welsh Government on permit conditions which need to be applied each year. This will ensure partners are involved in future management of the scallop fishery.

The Welsh Government is committed to protecting the designated features and species within the SAC, indeed the Habitats Directive and our ground-breaking Wellbeing of Future Generations and Environment Acts commit us to do so. With the effective sustainable management controls we are putting in place, the Cardigan Bay scallop fishery will continue to benefit coastal communities whilst respecting our environment now and in the future. Our intention is to have new legislation in place in time for the opening of the fishery in November 2017.

Assessing Welsh Fishing Activities Project

The Welsh Government is working in partnership with Natural Resources Wales to undertake a structured evaluation of fishing activities and their interaction with MPA features. The purpose of this work is to ensure we safeguard our network of MPAs, contribute to the sustainable exploitation of marine fish and strengthen the resilience of the marine environment by providing employment, food and tourism. This project supports the aims of the EU Habitats and Birds Directives and is referred to as the Assessing Welsh Fishing Activities (AWFA) Project.

The scope of the AWFA Project is to consider all existing and potential commercial marine fishing activities in Welsh waters (out to 12 nautical miles) and their interaction with marine features within SACs and SPAs. The project does not include recreational fishing, unregulated activities or activities which are ancillary to commercial fishing activities.

Phase 1 of the AWFA Project which is complete, considered the work carried out by other UK administrations on fishing gear and feature interactions. It tailored the information to the Welsh context and incorporated new evidence sources. The outputs of this work are:

- A generic 'Welsh Matrix' which identifies the risk of each fishing gear/feature interaction, and prioritises the interactions for further assessment, whilst maintaining a clear audit trail;
- An Evidence Database which compiles relevant evidence on the impacts of each gear/feature interaction; and
- A Principles and Priorities document.

The "Welsh Matrix" has been checked against the existing English Matrix (MMO, 2014), which has been reviewed to ensure all relevant Welsh fishing activities and gear types are reflected and included. The Matrix is generic, providing a high-level consideration of the risk of impact from fishing gear types on habitats and species which are protected under the EU Habitats and Birds Directives. It provides us with a series of transparent steps to help

prioritise interactions for further assessment. This provides a risk-based approach to prioritisation and will allow for a phased approach to delivery of assessments. The assessments will be implemented through Phase 2 of the AWFA Project.

Phase 2 of AWFA is currently underway. This involves producing the assessments of activities that have been identified as high risk. Natural Resources Wales is leading on the delivery of AWFA Phase 2 assessments on behalf of the Welsh Government as the fishery managers. The assessments are being undertaken in close collaboration with Welsh Government Marine and Fisheries science officers.

Once complete the Welsh Government will consider the assessments and decide upon the need to adopt and implement appropriate management solutions. Any proposed changes to management measures will be subject to further Habitats Regulation Assessment (HRA) by the Welsh Government as the fishery manager and Natural Resources Wales acting as statutory nature conservation advisors.

Marine Enforcement

The Welsh Government's Marine and Fisheries Division is responsible for the enforcement of all EU, UK and Welsh fisheries legislation within Wales and the Welsh Zone³. This includes most intertidal areas around our coastline. Within this area there are a significant number of MPAs and protected features. The Marine Enforcement Officers also enforce the marine licensing system in Welsh waters.

Using a range of tools at our disposal, for example electronic reporting, Vessel Monitoring Systems, Fishery Patrol vessels and shore side enforcement, the Welsh Government Marine and Fisheries Division actively enforces the rules and regulations in place to ensure the long term sustainability of fish stocks and protecting sensitive habitats from illegal exploitation. Where offences are detected, we investigate and take proportionate action where required. This can and does include providing verbal advice or written advice, issuing official written warnings and prosecution if necessary.

During 2016, the Division successfully prosecuted 11 cases through the courts, of which nine were for offences detected within either an SAC or SSSI. We also issued six official written warnings and have several cases awaiting approval to proceed through the courts.

³ The Welsh Zone is the area of UK territorial seas beyond Welsh waters, out as far as the median line with the Republic of Ireland and the Isle of Man, for which the Welsh Government has responsibility for fishing, regulating fisheries and fish health.