

[REDACTED]

[REDACTED]

Committee Chair
Climate Change, Environment and Rural Affairs Committee
National Assembly for Wales
Pierhead Street
Cardiff
CF99 1NA

14 April 2017

Dear CCERA Committee Chair,

INQUIRY INTO THE MANAGEMENT OF MARINE PROTECTED AREAS IN WALES

I thank the Committee again for the opportunity to give evidence to this inquiry on 5 April.

I watched the webcast of NRW's 5 April evidence session to the Committee the following day. After having made a determined and conscientious effort to provide completely honest and truthful responses to the Committee's questions, I was surprised and upset by several disingenuous and dissembling assertions by NRW, which risk seriously misleading the Committee.

I e-mailed the researchers and clerking service identifying these issues and asked that they be brought to the Committee's attention. Your Committee Clerk, Marc Jones, advised that I write directly and formally to the Chair, via his hand since a new appointment has not been made at the time of writing, so that my concerns may be placed on the record.

1) Skomer Marine Conservation Zone.

NRW provided the Committee with a unjustifiably positive and potentially very misleading impression of its commitment to the management and monitoring of Skomer MCZ.

Mr Evans appeared to speak highly of the MCZ's monitoring outputs, implicitly complementing NRW for this work and giving no cause to doubt that it will continue. However:

- Since NRW was created in 2013, the MCZ monitoring programme has continued from that developed during its 24 years as an MNR under CCW's jurisdiction, in spite of NRW's reluctance to continue to maintain either the MCZ's monitoring or management. This reluctance, and a lack of commitment to maintaining the MCZ's management by both NRW and Welsh Government, is demonstrated in the attached correspondence between WG, NRW and the Skomer MCZ Advisory Committee Chair, summarized below.

pp 1-2: letter WG to NRW CX, June 2014, expressing WG "expectation" that NRW will continue to "maintain an effective management regime" once the MNR becomes an MCZ. However, this letter was written by a middle-ranking official, leaving its status uncertain, and it is not expressed as an instruction or formal delegation of responsibility.

pp 3-4: e-mail from Skomer MCZ Advisory Committee chairman Robin Crump (RGC) to NRW Chief Executive, April 2016 (p4), expressing concern about the future of the MCZ's monitoring and management (concern had been stimulated by rumours reaching the

Advisory Committee that NRW was attempting to distance itself from these functions); resultant response from Michael Evans to RGC (p.3) on behalf of the CX (this is the same Mr Evans that appeared in front of the Committee), clearly stating that NRW's statutory responsibilities for these activities had ceased.

pp 5-6: e-mail RGC to the Cabinet Secretary, October 2016, raising the same concerns as raised with NRW, and drawing attention to Mr Evans' response with respect to NRW's claimed cessation of statutory duty for the MCZ.

p.7: Cabinet Secretary response to RGC, November 2016; this fails to acknowledge any role or responsibility for WG, but identifies that the responsibility lies with NRW. This implies either that the Cabinet Secretary (or official that drafted the response) is denying that overall responsibility for MCZ management falls to WG (Marine & Coastal Access Act s.116 (5)), or that she simply is unaware of it.

Further, on Tuesday 4 April 2017 the Skomer MNR Advisory Committee was read extracts from an e-mail to the MCZ manager by Mary Lewis (the day before her appearance in front of the MPA inquiry Committee) in which she confirmed, in response to a query from the Advisory Committee, NRW's understanding that its duties for MCZs are:

- "certain specific advisory powers and duties" – "if asked for" by WG
 - "required to monitor if asked by WG ... nothing specific to do otherwise"
 - "no direct management duty over and above advice functions"
- Mr Evans erroneously claimed that MCZ sea bed monitoring would not be possible without volunteers and letting contracts. Both of these assertions are not true; a large majority, possibly 90% or so, of MCZ monitoring is carried out cost-effectively in-house by the Skomer MCZ staff.
 - He also misleadingly and mistakenly conflated MCZ monitoring with unrelated Skomer Island bird monitoring.

It appears clear that:

- The MPA inquiry committee members were provided with a very different impression of NRW's commitment to the Skomer MCZ at the hearing on 5 April than is detailed in this correspondence.
- Responsibility to manage and monitor Skomer MCZ lies with the Welsh Ministers (Marine & Coastal Access Act s.116 (5)).
- Neither WG nor NRW appear to want to accept responsibility for managing or monitoring the MCZ.
- WG has not directed or formally delegated responsibility to NRW to continue managing and monitoring Skomer MCZ.
- The future of 25 years successful management, monitoring, protection and biodiversity gain, and Skomer MCZ being an exemplar of good practice is at risk of loss because WG is failing to acknowledge its responsibilities or to ensure continuation of the MCZ's management.

These issues could be substantially addressed if WG were to delegate responsibility for Skomer MCZ to NRW, and clearly direct NRW to ensure continuation and appropriate resourcing of the MCZ's management and monitoring for the long term. I urge the Committee to include a recommendation to this end in its inquiry report so as to secure the future of the Skomer MCZ.

2) “Condition improvement project” and identified actions, priority actions and actions “under way”.

NRW referred to their in-house MPA “condition improvement project” which took outputs from an earlier EC LIFE-funded project. In describing these projects, NRW potentially misled the Committee members into understanding that these project outputs were entirely NRW’s work; they were not.

Whilst NRW’s representatives downplayed the importance and value of relevant authorities groups (RAGs) and local management during their witness session, they nevertheless failed to identify that the overwhelming majority of the information used to identify actions in the condition improvement project, and the actions and prioritised actions themselves, were derived from the work and outputs from RAGs and EMS Officers and the site management schemes they had developed.

The marine content of the CCW Actions Database was extensively populated with material from EMS action plans and this formed the basis of the information used in the LIFE N2K project’s *Prioritised Implementation* (PIPs) and *Thematic Action Plans* (TAPs).

It is regrettable that NRW did not acknowledge contribution of RAGs and management schemes, or the very substantial work EMS officers (including myself) carried out for about two years supporting development of PIPs and TAPs, or the disagreements on actions prioritisation between EMS officers and local NRW staff with considerable practical and local knowledge on one hand, and the LIFE N2K project team on the other. Some of these disagreements remained unresolved, but the LIFE team’s decisions were taken forward in spite of local knowledge and expertise.

NRW claimed about 70 priority actions were “under way”, implying that they were being carried forward by NRW. In reality, many of these appear to refer to actions being carried forward by RAGs under their management schemes.

Whilst it is rewarding that this work has been carried forward, it is unacceptable that its local, RAG and EMSO, sources are unacknowledged, and that it has been cherry-picked and misrepresented as only NRW’s work.

3) Management priorities.

NRW suggested that local management was a side-show compared to regulatory processes (such as environmental and Habitats Regulations Assessments, and marine licensing) and all-Wales management actions. This is not the case.

Whilst regulation and all-Wales actions are, of course, important, so too is the management of existing local pressures, particularly those arising fishing, water quality and port activities for example. For the most part, it is these local, existing and historical, pressures that are responsible for the currently degraded condition of MPAs and which need to be addressed.

Regulation also broadly differs from day to day management in that it is focused on potential future pressures and threats arising from developments and future licensable activities (*ie* falling under Habitats Directive Article 6.3) whereas *management* is focused on mitigating or eliminating pressures and threats arising from existing, ongoing activities (Article 6.2), many of which have long timelines and are well established. Implying Article 6.3 type regulation is a primary means of delivering Article 6.2 requirements is disingenuous. Regulatory processes are essential to prevent or minimise additional legacy pressure and damage, but they will not necessarily address long-term and ongoing legacy issues.

4) Legislative jurisdiction.

NRW did not distinguish where responsibilities for delivery of management measures lie. Whilst there were a few references to partners and to Welsh Government, the answers to the Committee mostly referred to “We”, *ie* NRW, in the context of delivery, implying that NRW has the primary role and the powers and jurisdiction to deliver many / most management measures even though they do not, as was finally, though ambiguously, admitted in the closing moments of the session. NRW particularly failed to make clear the breadth of management responsibilities that fall to Welsh Ministers.

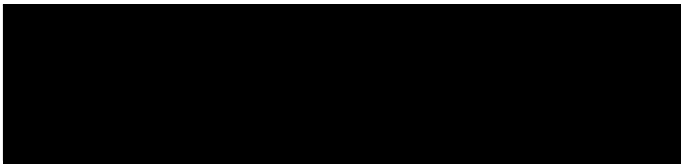
5) Assertion that the MPA Management Steering Group (MSG) has developed “network objectives”.

This is not true. I have spoken to three members of the MSG since the NRW witness session. None was aware of this alleged development and none were able to identify what the assertion may be referring to, although they may have been able to if NRW had explained what they meant by the term “network objectives”.

I would be pleased to expand on or further explain any of the foregoing points on request.

Should this letter be placed on the public record, I would be grateful if my personal contact details (address, e-mail, phone number) were redacted.

Yours sincerely,

A large black rectangular box redacting the signature of Blaise Bullimore.

Blaise Bullimore



Dr Emyr Roberts
Chief Executive
Natural Resources Wales
Ty Cambria
29 Newport Road
Cardiff
CF24 0TP
(via e-mail)

10 June 2014

Dear Emyr,

Re: Skomer Marine Conservation Zone

I am writing to provide a short update on the process to change the designation of the Skomer Marine Nature Reserve into a Marine Conservation Zone.

As you will be aware, the Welsh Government will commence Part 5 of the Marine and Coastal Access Act 2009 (the Marine Act) later this year (Autumn 2014). A direct consequence of commencing this legislation is that the area known as Skomer Marine Nature Reserve and managed by Natural Resources Wales will become Wales' first Marine Conservation Zone.

The reason for this change is that Part 5 of the Marine Act introduces a new mechanism for protecting marine biodiversity through the designation of Marine Conservation Zones. This new mechanism replaces the Marine Nature Reserve powers under the Wildlife and Countryside Act 1981.

The Welsh Government is committed to ensuring that there is no change to the level of protection afforded to the area as a result of this change. The transitional provisions within the Marine Act secure this commitment by providing that the existing conservation byelaw remains in force as if it is a conservation order under the Marine Act. There are currently no immediate plans to review the two byelaws of the former South Wales Sea Fisheries Committee which relate to fishing within the Skomer Marine Nature Reserve. This work is being taken forward on a thematic basis, as part of our Sustainable Fisheries Project, with the aim of removing, consolidating or updating the legislation on a priority basis.

To deliver the commitment on the ground and ensure that there is no change in the level of protection to the area it is the Welsh Government's expectation that Natural

Marine and Fisheries Division
Llys-y-Ddraig
Penllergaer Business Park
Swansea SA4 9NX
Tel: [REDACTED]

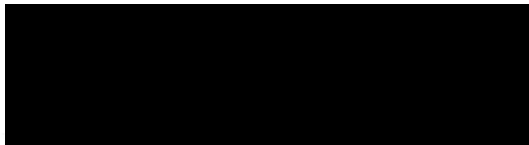
Email: [REDACTED]

Resources Wales will continue to maintain an effective management regime for the area as a Marine Conservation Zone.

I am also pleased to confirm that, in partnership with Natural Resources Wales, we have successfully established the Marine Protected Area Management Steering Group, which met for the first time on 3 June 2014. This group will consider the recommendations of the MPA Management Review and identify ways to improve the management all our marine protected areas in Wales. The arrangements at Skomer will inform part of this work. In the meantime my team will continue to work with your teams within Natural Resources Wales to ensure that the transition to a Marine Conservation Zone is a success.

I hope to provide a further update on progress, including a legislation timetable, at the end of the summer.

Yours sincerely

A large black rectangular box redacting the signature of Stuart Evans.

Stuart Evans
Acting Head of Marine Conservation & Biodiversity
Marine and Fisheries Division

CC:
Ceri Davies, Executive Director for Knowledge, Strategy and Planning
Rhian Jardine, Head of Sustainable Communities

From: Evans, Michael
Sent: 18 April 2016 15:18
To: [REDACTED]
Cc: Carl.Sargeant@assemblywales; Roberts, Emyr
Subject: Long term monitoring in Skomer MCZ

Dear Dr Crump

Thank you for your correspondence to our Chief Executive on the above subject. He has asked to me to respond to you on his behalf.

Like all public sector organisations in Wales we are facing significant cuts in government funding over the next few years. We are having to find ways of delivering our organisational duties with less money, and this means taking tough decisions about what we do and don't do in future, as well as seeking opportunities to work more effectively with others.

It is with these challenges in mind that we have commissioned our monitoring review. The review is tasked with making sure we are set up to deliver an affordable programme of data and evidence collection in future that meets our statutory and core business needs, including our new duty to manage Wales' natural resources.

I know the review team is mindful of the longstanding monitoring and management work we do at Skomer, much of which dates back prior to the site being designated as a Marine Nature Reserve. With the introduction of the Marine and Coastal Access Act and the transition to a Marine Conservation Zone, however, our statutory responsibilities to undertake these activities have now ceased. As you'll know we gave a commitment when the relevant part of the legislation was commenced in December 2014 that we would continue with our current management arrangements at Skomer in the short-term. This was to allow Welsh Government to undertake its review of management arrangements for all Marine Protected Areas in Wales.

With the pressures on our funding, however, we are now having to review all of our non-statutory monitoring programmes and this includes the monitoring we carry out at Skomer. We are committed to delivering this year's programme as planned, but are not yet in a position to confirm if the programme will continue unchanged in the longer-term. We will of course discuss the issue fully with Welsh Government and your Committee before making any final decision. Whatever the decision taken for MCZ monitoring, we will continue our monitoring at Skomer to deliver our statutory programmes for the Pembrokeshire Marine SAC and the Water Framework Directive.

Appreciating that we are unlikely to be resourced to carry out the level of monitoring we currently undertake in future years, we are keen to explore with our partners how the ensuing gaps in our evidence collection might be filled by those with an interest in doing so. We would welcome further discussions with your committee to advise us in such matters.

Yours

From: Robin [REDACTED]
Sent: 08 April 2016 10:59
To: Roberts, Emyr [REDACTED]

Cc: Carl.Sargeant@assemblywales

Subject: Long term monitoring in Skomer MCZ

Dear Dr Roberts

In my capacity as the Chairman of the Skomer Marine Conservation Zone (formerly Marine Nature Reserve) Advisory Committee I have been asked to write to NRW senior managers and Welsh Government to voice the Committee's concerns regarding NRW's review of monitoring.

At the last meeting of the Committee members voiced their fears that reduction of resources for the MCZ would have a profound impact on the Skomer MCZ's own monitoring programme and its ability to continue to contribute to wider SAC (and indeed Water Framework) monitoring work.

The Committee is well aware of the wide range of long-term monitoring projects that NRW's team at the MCZ carry out and how, by the use of volunteers and by making most efficient use of time in the field, these projects are achieved on a very modest budget.

We are reminded with each report that the MCZ produces, that the work they do is well respected and called upon by many of the UK's environmental agencies to provide case studies to guide policy. This is becoming more important as authorities in Wales, and in the UK as a whole, wrestle with the demands of managing existing MPAs and those coming on stream as a result of the Marine and Coastal Access Act and Marine Strategy Directive.

It is also important to note that NRW's Skomer team do not just carry out monitoring. The MCZ's budget also covers all the other aspects of MCZ management, such as site safeguard, public outreach, interpretation, and liaison with a wide range of recreational, commercial and academic interests. Committee members are well aware of this through many years of association with the MCZ (and MNR before it), but would like to be sure that those carrying out the review are fully aware of it. I would like to be able to reassure committee members before the next Skomer meeting on Tuesday 19th April.

Yours sincerely ,

Robin Crump ,B.A., Ph.D

(Chairman Skomer MCZ Advisory Committee)

Michael Evans

Pennaeth Tystiolaeth, Gwybodaeth a Chyngor/Head of Evidence, Knowledge and Advice
Cyfoeth Naturiol Cymru / Natural Resources Wales

Siaradwr Cymraeg

Ffôn/Tel: [REDACTED]

Ffôn symudol / Mobile: [REDACTED]

E-bost/E-mail: [REDACTED]

Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol

From: [REDACTED]
Subject: F [REDACTED] vation Zone
Date: 7 January 2017 16:21:07 GMT
To: [REDACTED]

Sent from [Mail](#) for Windows 10

From: [Robin](#)
Sent: 18 October 2016 22:51
To: Correspondence.Lesley.Griffiths@gov.wales
Subject: Skomer Marine Conservation Zone

Dear Minister

I am writing on behalf of the Skomer Marine Conservation Zone Advisory Committee in my capacity as the group's chair. The Committee is made up of around 30 members representing a range of marine interests including academic, recreational and commercial fishing and tourist operators, as well as government agencies and non-government organisations.

The committee began life in the 1970s as the Skomer Marine Reserve Committee when the area became a voluntary Marine Reserve and has continued to provide a stakeholder forum for, and advice to, the statutory nature conservation bodies throughout the evolution from voluntary reserve through statutory Marine Nature Reserve status (designated in 1990) and now to Marine Conservation Zone (designation in 2014).

Over this long period the Committee has seen many changes in fortune for the site and its staff, but concern and uncertainty over the future for Skomer MCZ has now reached the point where Committee members have tasked me to contact you directly.

Natural Resources Wales currently manage all aspects of the site (not including the Skomer Island National Nature Reserve, which is managed separately) via a small team based at Martins Haven. This includes not just the biological monitoring (which also informs reporting on the surrounding European Marine Site and is referenced in the recently released State of Natural Resources Report), but also water quality, commercial and recreational use monitoring, visitor management, community outreach and interpretation.

The Committee took great comfort from Welsh Government's June 2014 letter to NRW regarding transition of the site from MNR to MCZ which stated "*The Welsh Government is committed to ensuring that there is no change to the level of protection afforded to the area as a result of this change.*" The letter went on to say "*To deliver the commitment on the ground and ensure that there is no change in the level of protection to the area it is the Welsh Government's expectation that Natural Resources Wales will continue to maintain an effective management regime for the area as a Marine Conservation Zone.*"

However, NRW has recently embarked upon a series of "business area reviews" apparently driven by austerity measures and looking to eliminate any functions, including monitoring, that are not statutory requirements. In an e-mail earlier this year from NRW I was informed that "*With the introduction of the Marine and Coastal Access Act and the transition to a Marine Conservation Zone, however, our statutory responsibilities to undertake these (longstanding monitoring and management work) activities have now ceased.*", including presumably NRW's support and recognition of the Advisory Committee.

As you can appreciate the Committee is very concerned that the highly valued (and internationally

recognised) long-term monitoring datasets established at Skomer, not to mention the management that has helped to protect and enhance the biodiversity and ecosystem services potential for the site, are under threat. Over the years the team at Skomer has also established important links within the local community, with commercial and recreational users of the site and with academic institutions around the world and to throw this investment away would appear totally illogical.

Also at risk is the collective experience and goodwill of the Advisory Committee, which has not even been offered representation at the Wales MPA management steering group.

The Committee is not ignoring the economic realities facing Welsh Government and NRW, but given the increasing need for evidence to satisfy reporting requirements (Marine Strategy Framework Directive reporting begins next year) and the difficulties in gathering that evidence that the State of Natural Resources Report identifies we question whether reducing Skomer MCZ to a “paper park” by removing its resources makes any sense at all. For the sheer volume of work carried out by such a small team I would refer you to their latest reports at <http://naturalresources.wales/conservation-biodiversity-and-wildlife/find-protected-areas-of-land-and-seas/skomer-marine-conservation-zone/?lang=en>, particularly the annual and project status reports. The Committee are well aware, through its annual meetings and NRW reports, how much the staff at Skomer MCZ have achieved on a very limited budget and how the experience and skills of the team have contributed to efficiency savings.

There are a couple of ironies operating here:

One is that the Marine and Coastal Access Act (under which, incidentally, Welsh Government have a duty to monitor Wales’ MCZs) and the introduction of MCZs to replace the “failing” MNR designation appears to be about to remove all the good work achieved under the MNR designation and not replace it with anything else.

The other is that NRW state on page 2 of the State of Natural Resources Report that “*Natural Resources Wales is an evidence based organisation. We seek to ensure that our strategy, decisions, operations and advice to Welsh Government and others are underpinned by sound and quality-assured evidence. We recognise that it is critically important to have a good understanding of our changing environment.*

We will realise this vision by:

- *Maintaining and developing the technical specialist skills of our staff;*
- *Securing our data and information;*
- *Having a well resourced proactive programme of evidence work...*“

The Skomer MCZ Advisory Committee would urge the minister to consider Skomer MCZ an essential element in the evidence gathering effort needed for all Wales MPAs and to reassure us that the Welsh Government will honour their pledge to maintain an effective management regime for the area as Wales’ only Marine Conservation Zone.

Yours faithfully,
Robin Crump, B.A.,Ph.D
Chair Skomer MCZ Advisory Committee.

[Redacted signature]

Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig
Cabinet Secretary for Environment and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: LG/06507/16

Robin Crump
Chair
Skomer MCZ Advisory Committee



2

November 2016

Dear Mr Crump

Thank you for your email of 18 October, regarding concerns raised by members of the Skomer Marine Conservation Zone Advisory Committee about the future of Skomer Marine Conservation Zone (MCZ).

I am aware Natural Resources Wales (NRW) has been undertaking a number of business area reviews to ensure it has the right structures and resources in place to effectively carry out its functions. Conducting and implementing these reviews is a matter for NRW.

I would like to assure you and your members I am committed to maintaining and enhancing the marine environment in Wales. This includes ensuring Wales contributes towards an ecologically coherent and well-managed network of Marine Protected Areas, and the seas around Skomer form a part of this network.

Regards
Lesley Griffiths

Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig
Cabinet Secretary for Environment and Rural Affairs

Bae Caerdydd • Cardiff Bay
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Correspondence.Lesley.Griffiths@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.