

Julie James MS & Lesley Griffiths MS
Minister for Climate Change and Minister for Rural Affairs
Tŷ Hywel
Cardiff Bay
CF99 1NA

12 October | 2021

Dear Julie & Lesley,

CC: Chairs of the Petitions Committee, CCEI Committee and ETRA Committee

We are writing to you with regards to the cross-departmental issue of bottom trawling and wider fisheries management in Marine Protected Areas (MPAs). Given the relevance of this to a current Senedd [petition](#), we have also shared this correspondence with Committee Chairs.

We are gravely concerned at the lack of progress the Welsh Government has made to protect MPAs from damaging fishing gears, despite the legal duties upon it to do so. We are writing to you to highlight the absence of commitments and timescales that have been provided by the Welsh Government to address this, with specific reference to current processes:

- The Assessing Welsh Fisheries Activities Project
- Benthic habitat measures proposed within the UK Marine Strategy consultation.

Assessing Welsh Fisheries Activities Project

Please note our letter does not relate to the assessment aspect of this project, which is undertaken by Natural Resources Wales (NRW).

The Welsh Government has yet to consult on management of towed gear (including bottom trawling) within MPAs. In contrast, other UK administrations have progressed to the introduction of management measures for all fisheries gears in MPAs and to consider highly protected areas (see Annex 1).

The Welsh Government has legal duties (for example, under the Habitats Regulations, the Marine Strategy Regulations and UK Fisheries Act) to address this. Further delay on this is also at odds to the commitment to reversing the impacts of the nature crisis. This work must be recognised as a priority to ensure the future sustainable management of the marine environment in Wales.

Towed gear assessments (“high-risk activities”) were provided to the Welsh Government by NRW in 2017 as part of the Assessing Welsh Fisheries Activities Project (AWFA). Since then, the absence of a consultation on resulting measures has been the subject of recommendations by former Senedd Committees, urging progress. WEL members have also previously written to the Minister (then

Cabinet Secretary for Energy, Planning and Rural Affairs) regarding this. We have attached a response to one such letter, which we received in 2018 and which stated that additional resources had been acquired to accelerate this work. Stakeholders were also informed during the Welsh Marine Fisheries Advisory Group (WMFAG) that a consultation on a towed gear order had been drafted in 2018. Yet, a consultation is still outstanding.

There is a long history of the Senedd seeking progress from the Welsh Government on this matter. For example, the Welsh Government were [urged by Members](#) for a timetable in 2017 and [again](#) in 2020. In November 2019, the CCERA Committee recommended that a consultation should be brought forward on management options for high-risk activities by January 2021 at the latest. The response was that the assessment would be completed "*as quickly as practically possible*" but said a consultation as expected in early 2020. Since then, Members of the Senedd have sought updates on the proposed timetable for a consultation. As this [written answer from March 2021 explains](#), we still don't know when this will take place.

This delay and uncertainty is not only contrary to the legal duties upon the Welsh Government, it is holding up management of other gears. Management of additional gears is also essential to address requirements under protected site legislation, the Marine Strategy Regulations and the UK Fisheries Act (2020) (for example, to minimise and, where possible, eliminate incidental catches of sensitive species, such as seabirds and cetaceans). Management of nets and lines across all fisheries in Welsh waters will be essential to achieve the latter.

We would welcome a Ministerial statement of renewed ambition on fisheries management within protected areas. We are calling for specific time-bound commitments to ensure the sustainable management of all fisheries (Welsh, UK and non-UK registered vessels) and all gears (not just towed gear) within protected sites and beyond.

It should be noted that whilst our response focuses on the delays to towed-gear measures in MPAs, this is a consequence of the gear-specific approach the Welsh Government has chosen to take within the AWFA project. A holistic approach, considering all gear in MPAs, is needed. NRW have provided additional gear assessments to the Welsh Government already. These should also be addressed at the earliest opportunity. As part of this programme of work, any displacement of fishing activities or any resulting increase in use of alternative gear use should be managed to ensure sustainability.

Proposed benthic habitat measures under the UK Marine Strategy

There is a legal duty within the Marine Strategy Regulations for the Welsh Government, UK Government and other devolved administrations to achieve Good Environmental Status by 2020. This deadline was missed. Of particular relevance, governmental assessments identified a failure to achieve Good Environment Status for [benthic habitats](#) in the Celtic Seas. This was in part due to the

failure to achieve [the target](#) for physical damage to benthic habitats, which is currently focused on fisheries.

The Welsh Government and other administrations are currently consulting on new measures to address the failure to achieve Good Environmental Status for benthic habitats and other descriptors. We have included a summary of fisheries management measures being proposed across the UK under this descriptor, which are in addition to work to develop policy frameworks (such as the upcoming Joint Fisheries Statement) under Annex 1. Wales is the only country not to include specific, time-bound commitments to fisheries management measures within the current consultation on the benthic habitats descriptor¹.

Given the Welsh Government has not cited any proposed new fisheries management measures for the benthic habitat descriptor within the current consultation, we would welcome an explanation as to why an exception is being sought under this descriptor and how the Welsh Government will contribute to Good Environmental Status of benthic habitats by 2024.

Yours sincerely,

Emily Williams

Co-Chair of WEL's Marine Working Group

RSPB Cymru

Clare Trotman

Co-Chair of WEL's Marine Working Group

Marine Conservation Society

¹ The only measure proposed by Wales for benthic habitats is the outstanding update to the Section 7 list under the Environment (Wales) Act 2016.

Annex 1

Here's a summary of specific fisheries management measures being proposed for introduction across the UK with timescales provided (emphasis added), under the benthic descriptor for the UK Marine Strategy.

England

- “Draft management measures for the first four sites include proposals to ban bottom-towed fishing...The aim is for the byelaws for these sites to be in place by September 2021. The full **byelaw programme** for all offshore MPAs is expected to be complete **by the end of 2024.**”
- “...Recently the government also published Benyon Review, which the government will use to **identify HPMA**s with ecological value, including areas in English waters with potential to recover, and blue carbon habitats.”

Northern Ireland

- “DAERA has conducted a **public consultation fisheries management measures for 52 of 124 the remaining MPAs** in the Northern Ireland inshore region with an aim of having the fisheries management measures in place for all MPAs **by 2022.**”

Scotland

- “...Fisheries management measures are being developed for the **remaining 18 inshore MPAs** where they are not already in place, with the aim of having **all measures in place by March 2024 at the latest.**”
- “In addition to protection for benthic features inside of MPAs, and in line with the General Policy 9 of Scotland's Marine Plan on natural heritage, the Scottish Government is also **developing fisheries management measures outside of MPAs** for the 11 benthic priority marine features most impacted by seabed abrasion...are also due to be implemented by March 2024.”
- “The Scottish Government has committed to **designating 10% of Scottish seas as HPMA**s by **2026** for inshore waters and, subject to the legislative framework being put in place, the same date for offshore waters.”

Swyddfa Caerdydd

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