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Llywodraeth Cymru
Welsh Government

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Mike Hedges AM
Chair
Climate Change, Environment & Rural Affairs Committee

2 January 2020

Dear Mike

I would like to thank you and the Climate Change, Environment and Rural Affairs Committee for its work and the report published on 14 November 2019 entitled 'The Welsh Government's progress on Marine Protected Area Management'. I welcome your interest in this area and acknowledge the recommendations and conclusions of the report, responses have been provided to your 15 recommendations in the attached document.

Regards

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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.

Written Response by the Welsh Government to the report of the Climate Change, Environment and Rural Affairs Committee entitled Report on the Welsh Government's progress on MPA management.

I welcome receiving the Committee's report in the same week that I published the first Welsh National Marine Plan. The Welsh coast and the seas around Wales are an incredible natural asset, contributing to our wellbeing, as well as millions to the economy of Wales. I fully recognise the importance of having a healthy, productive, biologically diverse and resilient marine ecosystems – a network of Marine Protected Areas (MPAs) plays a key role in achieving this. Our Welsh National Marine Plan sets out for the first time our long term vision for the sustainable use of our seas. The Plan reinforces our existing policies to effectively manage an ecologically coherent network of MPAs.

I am committed to engaging and working with external partners and stakeholders to develop and deliver marine biodiversity and conservation, including MPA management. Since the Committee's initial report in August 2017, "Turning the tide? Report of the inquiry into the Welsh Government's approach to Marine Protected Areas", I have strengthened the network by providing additional site protection for highly mobile species (harbour porpoise and seabirds), and for unique seabed structures in the Welsh offshore region.

We, along with other members of the MPA Management Steering Group, have progressed the development of the MPA Network Management Framework 2018-2023 and annual Action Plan. As a Steering Group, we continue to collectively consider how management activity can be prioritised and targeted so as to best support improving the overall condition of the network through effective management. This requires us to focus our efforts on addressing those pressures that will have the greatest impact on feature condition and, therefore, improving the contribution the network makes to the overall health, resilience and functioning of Welsh seas.

As the Committee has recognised, the management of the 139 MPAs we have in Wales involves a wide range of organisations and takes many forms, from at sea enforcement by my Marine Enforcement Officers, through to evidence gathering and monitoring. As I have conveyed in my previous evidence to the 2017 inquiry, a considerable amount of MPA management activity such as regulatory consenting and assessment processes like marine licensing, whilst not always visible "on site" to the public, provides upfront vital protection to our marine environment. My priority is to ensure the sustainable management of our seas. I remain committed to completing the ecological coherence of the network and ensuring it is effectively managed.

I would like to thank the members of the Climate Change, Environment and Rural Affairs Committee for their report. I have set out below my response to the Committee's specific recommendations.

Recommendation 1

The Welsh Government should bring forward as a matter of urgency an ambitious strategy for MPAs. It should do so by summer 2020. The strategy should focus on the need to take both local and network-scale approaches and to deliver the conservation objectives of individual MPAs, where applicable. The framework and action plan should sit under the strategy. The strategy should be accompanied by an explanation of how the Welsh Government plans to fund MPA Management on an ongoing basis. The strategy should be subject to full consultation and should be refreshed periodically.

Response: Reject

I reject this recommendation.

In September 2018, the MPA Management Steering Group published the Marine Protected Area Network Management Framework for Wales. This document provides an overarching vision, objectives and management principles to guide MPA management until 2023, supported by annual Action Plans that include local and network-level actions. Our resources are focussed on delivery and improving our governance arrangements such as stakeholder engagement via the newly established WMAAG Sub-group on Marine Resilience, not writing a strategy.

Financial Implications – None.

Recommendation 2

The Welsh Government should discuss with the MPA Management Steering Group how it can receive input from a broader stakeholder base and additional MPA management authorities. This could include broadening the group out to include additional members or the creation of relevant sub-groups. The Welsh Government should report back to this Committee on the outcome of those discussions.

Response: Accept

I accept this recommendation.

I established the MPA Management Steering Group in June 2014 and consider it to have appropriate membership and representation from organisations with a statutory responsibility towards MPA management across Wales. However, I recognise that more can be done to increase broader input into the Steering Group and that is why my officials recently established the WMAAG Marine Resilience Sub-group to work together on aspects of marine biodiversity policy. The first meeting took place on 13 November 2019 and that included MPA management, specifically the development of the next annual MPA Network Action Plan.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 3

The Welsh Government should explore whether duties for Welsh Ministers, similar to those placed on English Inshore Fisheries and Conservation Authorities under the Marine and Coastal Access Act (2009), should be introduced in Wales and should report back to the Committee on this matter.

Response: Accept

I accept this recommendation.

The Committee will be aware I consulted on Brexit and Our Seas over summer 2019, which I intend to report on shortly. Following this, we are committed to developing, with stakeholders, a future fisheries policy which will help us to achieve the fisheries objectives set out in the Welsh National Marine Plan. I have also committed to developing a Wales Fisheries Bill, the timing of which is dependent on the UK Bill. I will be happy to report back to the committee at the appropriate point.

Financial Implications – Any additional costs will be drawn from existing programme budgets.

Recommendation 4

The Welsh Government should develop proposals, in consultation with the MPA Management Steering Group, for an area-based approach that would see management authorities put in an amount of money to the pot which is proportionate to the protected area for which they have responsibility. The funding for this should be in addition to, rather than instead of, funding for actions in the Action Plan.

Response: Reject

I reject this recommendation.

The MPA Management Steering Group has already considered and rejected this approach. I have indicated previously to the Committee that I support the decision of the Steering Group.

The nature and the spatial scale of the MPA network in Welsh waters has changed significantly from when there were large spatially discrete sites, such as the five marine Special Areas of Conservation (SACs), to the current complex matrix of 139 offshore and inshore sites. There is a clear need to focus resources and management effort on managing the network as a network, by addressing pressures at appropriate scales, including some that are wider than Welsh waters.

The Steering Group is seeking to focus effort and target resources on work areas and projects that have the greatest potential to improve management and feature condition, thereby improving the contribution the network makes to the overall health, resilience and functioning of Welsh seas. The work done over the last couple of years linked to the MPA Network Management Framework and Action Plan

demonstrates that prioritised work can be completed, at various scales from site to network wide, focussed on areas of greatest concern.

I would like to emphasise to the Committee that whilst not visible “on site”, MPA Management Authorities are principally managing sites through the regulatory consenting and assessment processes. Activities are assessed, together with any mitigating measures, through a Habitats Regulations Assessment (HRA) to maintain the integrity of the MPA. Such processes, that also include Environmental Impact Assessments and marine licensing, provide upfront vital protection to the MPA network and constitutes a substantive area of work by my officials and Natural Resources Wales (NRW).

I recognise the work undertaken locally to support delivery of site-management. I am funding a number of priority actions under the MPA Network Management Action Plan 2019-2020 to support local site-activities that support the network.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 5

The Welsh Government should consider how the Marine and Fisheries Division will, in discussion with the five Welsh Relevant Authority Groups (RAGs), develop a more integrated approach to working with RAGs.

Response: Accept

I accept this recommendation.

My officials will write to the Chairs of the marine SAC Relevant Authority Groups (RAGs) to request their participation on the WMAAG Marine Resilience Sub-group. This will enable the RAGs to engage with my officials on topics such as the MPA Network Management. Several members of the MPA Management Steering Group are members of a number of the RAGs, in addition to the European Marine Site Officer (EMSO) advisor on the Steering Group.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 6

The Welsh Government should identify the specific number of staff in the Marine Conservation Branch of the Marine and Fisheries Division and report back to this Committee.

Response: Accept

I accept this recommendation.

Civil service staffing is a matter for the Permanent Secretary. I have asked the Permanent Secretary to write to you on this matter.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 7

The Welsh Government must ensure that marine biodiversity and conservation are reflected in its forthcoming tourism strategy.

Response: Accept

I accept this recommendation.

The forthcoming Tourism Action Plan, based on the Deputy Minister for Culture, Sport and Tourism's Priorities for the Visitor Economy for 2020-25, will grow tourism for the good of Wales by delivering Economic Growth that delivers benefits for people and places including environmental sustainability, social and cultural enrichment and health benefits.

The Action Plan clearly sets out the importance of sustaining natural resources and explains that "Our core offer is based on outstanding landscapes cared for by everyone – accessible, protected natural landscapes including our marine environment. Many of the organisations in Wales who care for our natural resources – such as NRW, our National Parks, wildlife and marine conservation organisations, and even organisations such as Welsh Water – are increasingly providing high quality experiences for visitors. Their tourism offer enables more people to enjoy our wonderful natural resources, but also helps to make those organisations more sustainable. We will continue to work with natural heritage, marine and countryside organisations helping them to develop their visitor offer.

Visit Wales will also continue to invest in specialist growth markets such as Cruise and Marine Tourism, evaluating the economic versus environmental impact of this programme to ensure a sustainable approach that, carefully managed, delivers broad well-being benefits."

The Action plan is due to be launched at the end of January 2020. Officials in tourism will continue to work closely with my officials in Marine and Fisheries to take the plan forward.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 8

The Welsh Government should write to marine wildlife tourism sector representatives to invite them onto the WMAAG (Wales Marine Action and Advisory Group) and

should provide an update on the progress of the establishment of a Biodiversity sub-group of the WMAAG.

Response: Accept

I accept this recommendation.

I agree that engaging with the marine wildlife tourism sector is important in supporting marine conservation initiatives. The purpose of WMAAG is for members to present and feedback viewpoints from the sector they represent. We currently have representation on WMAAG from tourism sectors such as Visit Wales, Pembrokeshire Coastal Forum, Pembrokeshire Coast National Park Authority, and National Trust, and some of our members are directly involved with marine tourism such as boat trips. We are not aware of any organisation representing the marine tourism sector, therefore, we will take the Committee's recommendation to the next WMAAG meeting for members to suggest a suitable representative for the sector and extend an invitation.

As stated in response to Recommendation 2 above, the Marine Resilience Sub-group of WMAAG focussing on marine biodiversity issues has already been established and met for the first time 13 November 2019.

Financial Implications - None. Any additional costs will be drawn from existing programme budgets.

Recommendation 9

The Welsh Government should explain why management has not yet been implemented as a result of the AWFA assessments for high-risk activities, which were published in 2017. It should bring forward a consultation on management options for those activities as a matter of urgency. The Welsh Government should agree a timetable with NRW for the completion of the remaining assessments, but this should be no later than January 2021. The Welsh Government should assess the level of resources that will be needed by NRW to complete this work.

Response: Accept

I accept this recommendation.

During 2019 my officials worked with fishers, Bangor University, NRW and others to conduct surveys to establish the condition and extent of sensitive marine habitat features. The results will be used to inform the management proposals for high-risk mobile gear fishing activities. These proposals will form part of a public consultation which, depending on the impact of Brexit-related work, should begin in early 2020. I would like to convey to the Committee that I am committed to protecting designated features, in line with the EU Birds and Habitats Directives.

My officials are working closely with NRW on the delivery of the Assessing Welsh Fishing Activities (AWFA) project. The Welsh Government funds a project officer post within NRW who carries out evidence-based assessments for the project. The 40 highest risk habitat/gear interactions have been completed and published on NRW's website. There are 516 assessments in total, with 476 left to publish, comprising 347 medium risk and 129 low risk interactions. The remaining assessments are being progressed by NRW in batches with similar priority, features and gear types. NRW is currently working on the medium risk assessments (marine mammals and potting activity). There has been progress with drafting a number of these complex medium and low risk assessments, but they have yet to be quality assured/peer reviewed and published. It would be extremely challenging to meet the timeline suggested by the Committee whilst maintaining evidence standards and quality assurance. NRW will continue to deliver the assessments using a risk based approach, aiming to complete all assessments as quickly as practically possible, without risking the scientific integrity of the outputs.

I am keeping resourcing of my portfolio under review, and do so in conjunction with my regular discussions with the Chair and Chief Executive of NRW.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 10

The Welsh Government should explore the desirability of making the production of site-level feature condition reports and the collection of relevant monitoring information a statutory requirement.

Response: Accept

I accept this recommendation.

Site level monitoring data and reports are critical to understanding the condition of MPAs in Wales, informing the evidence base and supporting effective management. NRW is reviewing the approach to site monitoring to enable timely MPA site condition assessments.

There already exists legal drivers for site level condition assessments in Wales, and as such I do not need to introduce legislation. These include European Union Habitats Directive Article 17 reporting by the UK Government to the European Commission, Section 124 reporting on the MPA network by the Welsh Ministers to the National Assembly for Wales under Marine and Coastal Access Act 2009, and feature level reporting by UK Government to the OSPAR Commission. Whilst these do not state specific statutory requirements, it should be recognised that they drive site level condition assessment as this is a key way to achieve the overall reporting outcomes required. OSPAR management effectiveness reporting, for example, specifically requires information on monitoring and condition at the site level. There is a new duty in the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, Regulation 6a which calls for the publication for a report on the

implementation of the measures for the conservation of the natural habitat types listed in Annex I to the Habitats Directive and species listed in Annex II to that Directive. This report must be published every six years from exit day.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 11

The Welsh Government should ensure that MPA evidence gaps are addressed through the implementation of the Marine Evidence and Fisheries Evidence Plans.

Response: Accept

I accept this recommendation.

The Welsh Marine Evidence Strategy as a high-level strategic framework document is guiding Action Planning by Welsh Government and NRW. Evidence Actions Plans associated with the Strategy, in conjunction with other projects, such as the development of a prioritised and affordable marine biodiversity monitoring programme, will improve the evidence base to support MPAs, in both better understanding the key pressures and in informing management decisions.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 12

The Welsh Government should report back on the progress of the work of the Task and Finish Group established to identify potential MCZs. The Welsh Government should ask the Task and Finish Group to bring forward proposals for consultation as soon as possible, but no later than February 2020.

Response: Accept

I accept this recommendation.

The Welsh Government, along with NRW and Joint Nature Conservation Committee (JNCC) has a Welsh MPA Network Completion Project and Project Team of officials. The Project Team has undertaken a considerable amount of preparatory work both prior to the first Task and Finish Group meeting and after, including developing the methodology that was presented to stakeholders, preparing various supporting documents and assembling and updating the associated data layers which will underpin the identification and designation of any future MCZs.

The Project Team established a MCZ Task and Finish Group (TFG) to work with stakeholders to inform the identification of potential MCZs in Welsh waters. The first TFG has taken place, and a proposed stepped process for identifying MCZs was proposed. Stakeholders provided feedback and there was general support for the stepped approach. I recognise that in light of the need to prioritise EU exit work, this

work has progressed slower than anticipated. We will re-invigorate this work at a greater pace in 2020, however, the suggestion of a consultation in February 2020 is not possible.

I am mindful of the need to ensure that the stepped process taken by the Project Team with the TFG is sufficiently resourced, and that stakeholders and the public are properly engaged and consulted to ensure support. Timeframes for the project will reflect the legal requirement under Section 119(10) of the Marine and Coastal Access Act, 2009, concerning consulting before designating. The Welsh Ministers must make a designation order by 12 months from the start of the public consultation, if not, the process leading up to the consultation becomes void.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 13

The Welsh Government should ask the Task and Finish Group to consider, as part of its work, the need for highly-protected MCZ designations. This consideration should be informed by extensive consultation with interested parties, such as fishers.

Response: Reject

I reject this recommendation.

The committee will be aware that in 2012, the Welsh Government publically consulted on the potential introduction of highly protected MCZs (hpMCZs). The consultation process proved contentious and the Welsh Minister responsible at the time established a Task and Finish Team to review the matter. The report made a series of recommendations, including the need to assess the contribution made by the existing (at that time) MPA network against the agreed UK ecological coherent network principles. JNCC and NRW carried out this report, culminating in the 2016 Welsh MPA network assessment. In 2013, the Welsh Government formally withdrew its hpMCZ proposals. The current MPA network completion project and work with the MCZ Task and Finish Group (TFG) is taking forward the findings of the 2016 assessment to identify new MCZs to fill gaps in ecological coherence. As has been communicated to the TFG, the approach being taken is not to pre-determine the level of protection that will be afforded to MCZs. Protection and management will be informed by the requirements of the features, sensitivity to activities and what will be required to either maintain or achieve favourable condition

Financial Implications – None.

Recommendation 14

The Welsh Government should ask the Task and Finish Group to develop a plan for designating MCZs for mobile species.

Response: Accept

I accept this recommendation.

I remain committed to considering the need for MCZs for mobile species as part of the Wales MPA Network Completion project. The issue was discussed at the first Task and Finish Group and conversations on how to take this forward will continue at future Task and Finish Group meetings.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets.

Recommendation 15

The Welsh Government should undertake or commission an assessment of the impact on MPA management of leaving the EU, including a potential loss of access to EU research, institutions and funding. In so doing, it should explain how it will mitigate any such impact.

Response: Accept

I accept this recommendation.

The Committee will be aware that I have responded to its report 'Environmental governance arrangements and environmental principles post-Brexit'. I am committed to continue to meet the same aims and objectives as set out in the Nature Directives following EU exit. We are creating a UK-wide network of protected sites to substitute for the EU's Natura 2000 network with the same aims and objectives. We will continue to manage and adapt this network in close cooperation with the rest of the UK. In addition, the UK is a contracting Party to the Bern Convention on the Conservation of European Wildlife and Natural Habitats, and the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic.

The First Minister published "Preparing for a No Deal Brexit" 16 September 2019. This has extensively assessed the impacts of leaving the European Union. The Welsh Government is pressing the UK Government to secure continued participation and ensure continued full participation in schemes such as Horizon 2020 and for UK Government replacement funds for schemes which are closed to third countries.

My officials are currently working on a successor scheme to the EMFF. I will provide the Committee with an update once proposals are fully formed.

Financial Implications – None for the assessment aspect of this recommendation, the costs of which will be drawn from existing programme budgets. It is the Welsh Government's view that Wales should not lose a single penny because of Brexit. This was the promise made during the referendum and we will hold the UK Government to account for this.