

Y Pwyllgor Amgylchedd a Chynaliadwyedd

Lleoliad:
Ystafell Bwyllgora 3 – y Senedd

Dyddiad:
Dydd Iau, 6 Chwefror 2014

Amser:
09:30

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



I gael rhagor o wybodaeth, cysylltwch â:

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Agenda

- 1 Cynnig o dan Reol Sefydlog 17.22 i ethol Cadeirydd dros dro
- 2 Cyflwyniadau, ymddiheuriadau a dirprwyon
- 3 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer 4

Sesiwn breifat

- 4 Sesiwn friffio gan swyddogion Llywodraeth Cymru – Bil Cynllunio Drafft (Cymru) (09:30 – 10:30) (Tudalennau 1 - 6)

Rosemary Thomas, Y Gyfarwyddiaeth Gynllunio
Neil Hemmington, Y Gyfarwyddiaeth Gynllunio
Sarah Dawson, Gwasanaethau Cyfreithiol
Dion Thomas, Y Gyfarwyddiaeth Gynllunio

Egwyl (10:30 – 10:45)

Sesiwn gyhoeddus

- 5 Polisi morol yng Nghymru – Sesiwn ddilynol: Tystiolaeth gan Cyswllt Amgylchedd Cymru (10:45 – 11:30) (Tudalennau 7 - 29)

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Iwan Ball, WWF/Cadeirydd Gweithgor Morol Cyswllt Amgylchedd Cymru
Gareth Cunningham, RSPB Cymru
Gill Bell, y Gymdeithas Cadwraeth Forol

6 Polisi morol yng Nghymru – Sesiwn ddilynol: Tystiolaeth gan y diwydiant pysgota (11:30 – 12:15) (Tudalennau 30 - 48)

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Jim Evans, Cymdeithas Pysgotwyr Cymru
Sarah Horsfall, Seafish
James Wilson, Cynhyrchwyr Cregyn Gleision Bangor

Egwyl (12:15 – 13:15)

7 Polisi morol yng Nghymru – Sesiwn ddilynol: Tystiolaeth gan Cyfoeth Naturiol Cymru (13:15 – 14:00) (Tudalennau 49 - 55)

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Keith Davies, Pennaeth Grŵp Cynllunio Strategol
Dr. Kirsty Lindenbaum, Ymgynghorydd Rheolaeth Adnodd Morol

8 Papurau i'w nodi (Tudalennau 56 - 60)

Cofnodion y cyfarfodydd a gynhaliwyd ar 23 & 29 Ionawr

9 Llythyr gan y Pwyllgor Cymunedau, Cydraddoldeb a Lywodraeth Leol : Ystyriaeth Pwyllgorau o'r Iaith Gymraeg (Tudalennau 61 - 67)

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

Eitem 4

Mae cyfyngiadau ar y ddogfen hon

Eitem 5

Mae cyfyngiadau ar y ddogfen hon



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

Eitem 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 it's 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 have 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="539 328 837 389">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="860 328 1406 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 1406 1110">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="1429 233 2047 293">assessment processes to ensure that they have a non-significant effect.</p> <p data-bbox="1429 328 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="1429 520 2047 644">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="1429 679 2047 916">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="1429 951 2047 1171">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="1429 1206 2047 1362">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>

H1160 - Large shallow inlets and bays	2.5 Main pressures F01: Marine and Freshwater Aquaculture	Ranking “M” Intensive bottom culture of mussels is present in Conwy Bay and Swansea Bay.	We challenge this ranking as the statement makes the erroneous assumption that aquaculture cannot take place without an unacceptable impact to the H1160 Large shallow inlets and bays habitat. All aquaculture activities are highly regulated and consents for Several Orders are subject to a great deal of scrutiny. Those currently taking place within N2K sites have been subject to Appropriate Assessments and future developments in these sites will only be consented following assessments finding “no significant effect”. 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. The discussion in H1130 Estuaries habitats 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.
	F02: Fishing and harvesting aquatic resources	Ranking “M” Use of heavy mobile fishing gear remains a pressure for benthic habitats. Whilst there have been some significant recent improvements in management (The Scallop Fishing (Wales) (No.2) Order 2010), important sensitive habitats have been or continue to be impacted from inadequately managed or illegal fishery activity (e.g. low energy sediments in Tremadog Bay & St Bride’s Bay, sheltered reefs in Milford Haven).	We challenge this ranking and take issue with the negative assertions in this paragraph; As a result of developments in fishery management in Wales (see discussion in 1170 Reefs above) 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. 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

		<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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Eitem 7



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.

Y Pwyllgor Amgylchedd a Chynaliadwyedd

Lleoliad: Ystafell Bwyllgora 3 – y Senedd

Dyddiad: Dydd Iau, 23 Ionawr 2014

Amser: 09:30 – 14:35

Gellir gwyllo'r cyfarfod ar Senedd TV yn:

http://www.senedd.tv/archiveplayer.jsf?v=cy_700000_23_01_2014&t=0&l=cy

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Cofnodion Cryno:

Aelodau'r Cynulliad:

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

Tystion:

Alun Davies, Gweinidog Cyfoeth Naturiol a Bwyd
Andrew Slade, Llywodraeth Cymru
Terri Thomas, Llywodraeth Cymru
Prys Davies, Llywodraeth Cymru
Mike Harvey, Meithrynfeydd Coedwig Maelor Cyf
Kath McNulty, Confor
Tim Jones, Cyfoeth Naturiol Cymru
Jerry Langford, Coed Cadw
George McRobbie, UPM Tillhill
Jeremy Parr, Cyfoeth Naturiol Cymru

TRAWSGRIFIAD

[Trawsgrifiad o'r cyfarfod.](#)

1 Cyflwyniad, ymddiheuriadau a dirprwyon

1.1 Cafwyd ymddiheuriadau gan Mick Antoniw. Roedd Mike Hedges yn bresennol fel dirprwy.

2 Diwygiadau i'r Polisi Amaethyddol Cyffredin – Tystiolaeth gan y Gweinidog Adnoddau Naturiol a Bwyd

2.1 Bu'r Gweinidog yn ateb cwestiynau gan aelodau'r Pwyllgor.

3 Ymateb i'r llifogydd a'r difrod stormydd diweddar – Tystiolaeth gan y Gweinidog Adnoddau Naturiol a Bwyd

3.1 Bu'r Gweinidog yn ateb cwestiynau gan aelodau'r Pwyllgor.

3.2 Cytunodd y Gweinidog i ddarparu manylion am y gwaith ail-flaenoriaethu prosiectau a oedd yn caniatáu i £2m fod ar gael yn y flwyddyn ariannol hon ac i roi'r wybodaeth ddiweddaraf i'r Pwyllgor pan oedd wedi asesu a ddylid gwneud apêl am gymorth Ewropeaidd.

4 Rheoli Tir in Gynaliadwy: Tystiolaeth gan y Diwydiant Coedwigaeth

4.1 Bu'r tystion yn ateb cwestiynau gan aelodau'r Pwyllgor.

5 Ymateb i'r llifogydd a'r difrod stormydd diweddar – Tystiolaeth gan Gyfoeth Naturiol Cymru

5.1 Bu'r tystion yn ateb cwestiynau gan aelodau'r Pwyllgor.

6 Papurau i'w nodi

Gohebiaeth gan Gyfoeth Naturiol Cymru yn dilyn y cyfarfod ar 12 Rhagfyr

6.1 Nododd y Pwyllgor y llythyr.

7 Cynnig o dan Reol Sefydlog 17.42 i benderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer eitem 8

7.1 Cytunodd y Pwyllgor ar y cynnig.

8 Dulliau o weithio

8.1 Bu'r Pwyllgor yn trafod ei ddulliau o weithio.

Y Pwyllgor Amgylchedd a Chynaliadwyedd

Lleoliad: Ystafell Bwyllgora 3 – y Senedd

Dyddiad: Dydd Mercher, 29 Ionawr 2014

Amser: 09:35 – 12:40

Gellir gwyllo'r cyfarfod ar Senedd TV yn:

http://www.senedd.tv/archiveplayer.jsf?v=cy_400000_29_01_2014&t=0&l=cy

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Mick Antoniw
Russell George
Llyr Gruffydd
Julie James
Julie Morgan
William Powell
Antoinette Sandbach
Joyce Watson

Tystion:

Chris Blake, Y Cymoedd Gwyrdd (Cymru)
Dai Davies, Hybu Cig Cymru
Gary Davies, Partneriaeth Ranbarthol De-orllewin Cymru
Siôn Aron Jones, Hybu Cig Cymru
Brian Pawson, Cyngor Cefn Gwlad Cymru
Joanne Sherwood, Cyfoeth Naturiol Cymru
Richard Tomlinson, Fre-energy
Ben Underwood, Cymdeithas y Tirfeddianwyr

Staff y Pwyllgor:

Alun Davidson (Clerc)
Catherine Hunt (Dirprwy Clerc)
Nia Seaton (Ymchwilydd)

TRAWSGRIFIAD

Gweld [trawsgrifiad o'r cyfarfod](#).

1 Cyflwyniad, ymddiheuriadau a dirprwyon

1.1 Ni chafwyd unrhyw ymddiheuriadau na dirprwyon.

2 Rheoli Tir yn Gynaliadwy: Tystiolaeth gan Cyfoeth Naturiol Cymru

2.1 Bu'r tystion yn ateb cwestiynau gan aelodau'r Pwyllgor.

2.2 Cytunodd y tystion i ddarparu rhagor o wybodaeth ysgrifenedig yn egluro sut y gall cyflwr a chysylltedd Safleoedd o Ddiddordeb Gwyddonol Arbennig effeithio ar gydnerthedd yr amgylchedd ehangach a chyngor ar sut y gallai amaethyddiaeth a choedwigaeth fasnachol gael eu hintegreiddio'n well yn y Cynllun Datblygu Gwledig.

3 Rheoli Tir yn Gynaliadwy: Tystiolaeth ar yr economi wledig

3.1 Bu'r tystion yn ateb cwestiynau gan aelodau'r Pwyllgor.

4 Rheoli Tir yn Gynaliadwy: Tystiolaeth ar ynni ar raddfa fach

4.1 Bu'r tystion yn ateb cwestiynau gan aelodau'r Pwyllgor.

5 Papurau i'w nodi

5.1 Nododd y Pwyllgor y cofnodion.

Llythyr gan y Gweinidog Llywodraeth Leol a Busnes y Llywodraeth –
Rhyngddibyniaethau rhwng y Bil Cenedlaethau'r Dyfodol, y Bil Cynllunio a Bil yr
Amgylchedd

5.2 Nododd y Pwyllgor y llythyr.

Llythyr gan Gadeirydd y Pwyllgor Deisebau – P-04-343 Atal dinistrio mwynderau ar dir
comin

5.3 Nododd y Pwyllgor y llythyr.

Llythyr gan y Gweinidog Cyfoeth Naturiol a Bwyd – Newid yn yr Hinsawdd

5.4 Nododd y Pwyllgor y llythyr.

Eitem 9

Y Pwyllgor Cymunedau, Cydraddoldeb a
Llywodraeth Leol

Communities, Equality and Local Government
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Caerdydd / Cardiff
CF99 1NA

Dafydd Elis-Thomas AC
Cadeirydd
Y Pwyllgor Amgylchedd a
Chynaliadwyedd

28 Ionawr 2014

Annwyl Dafydd

Fel y gwyddoch, mae cylch gwaith y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol yn cynnwys materion sy'n ymwneud â'r Gymraeg. Ar y sail hon, cynaliasom sesiwn dystiolaeth gyda'r Prif Weinidog yn ddiweddar i drafod ei gyfrifoldebau mewn perthynas â goruchwyllo a chydgysylltu polisi'r Gymraeg, gan gynnwys arolygu gwaith Comisiynydd y Gymraeg. Rydym wedi ysgrifennu at y Prif Weinidog yn sgîl y sesiwn dystiolaeth yn gofyn am wybodaeth bellach am faterion penodol ac yn amlygu'r meysydd hynny o bolisi'r Gymraeg y mae'n fwriad gennym eu cadw dan sylw. Rwyf wedi atodi copi o'r llythyr hwnnw, am ei fod yn cyfeirio at faterion a all fod o ddiddordeb neilltuol i'ch Pwyllgor.

Roedd y sesiwn gyda'r Prif Weinidog yn eang a thrafodwyd nifer o faterion sy'n rhan o gylch gwaith pwyllgorau craffu eraill. Fe atgyfnerthwyd felly natur drawsbynciol y Gymraeg a thynnwyd sylw at y pwysigrwydd o gydlynw gwaith y pwyllgorau o ran craffu arni.

Yn y cyswllt hwn, cytunodd y Pwyllgor y dylwn ysgrifennu at bob pwyllgor yn gofyn iddynt ystyried y modd maent yn craffu ar y Gymraeg lle y bo'n rhan o'u cylch gwaith. Cytunodd hefyd y dylwn geisio barn y pwyllgorau ar y ffordd orau o brif ffrydio materion sy'n ymwneud â'r Gymraeg ym mhob agwedd ar waith craffu'r Pwyllgorau. Yn ogystal, byddem yn croesawu eich barn ar y modd y gellir ystyried y Gymraeg yn y broses o graffu ar y gyllideb.

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

Byddai o gymorth mawr i ni pe gallech roi eich barn ar y sylwadau uchod cyn gynted ag y bo'n ymarferol ac, os yn bosibl, erbyn diwedd mis Chwefror.

Edrychaf ymlaen at glywed oddi wrthyhch.

Yn gywir

A handwritten signature in black ink that reads "Christine Chapman". The signature is written in a cursive style with a large initial 'C'.

Christine Chapman AC / AM

Cadeirydd / Chair

Pwyllgor Cymunedau, Cydraddoldeb a
Llywodraeth Leol

Communities, Equality and Local Government
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Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff
CF99 1NA

Carwyn Jones AC / AM
Y Prif Weinidog

28 Ionawr 2014

Annwyl Brif Weinidog

Diolch ichi am ddod i gyfarfod y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol ar 4 Rhagfyr 2013 i roi tystiolaeth mewn perthynas â'ch cyfrifoldebau dros bolisi'r Gymraeg o fewn Llywodraeth Cymru.

Fel y gwyddoch, roedd canlyniadau Cyfrifiad 2011 yn dangos bod canran y siaradwyr Cymraeg yng Nghymru wedi gostwng o 20.8% yn 2001 i 19.0% yn 2011. Yn dilyn y cyfarfod ar 4 Rhagfyr, cytunodd y Pwyllgor i ysgrifennu atoch yn amlinellu ei farn am y ffordd y mae Llywodraeth Cymru wedi ymateb, ac yn ymateb, i'r ystadegau hyn, ac yn bwrw ymlaen â'r polisi yn y maes hwn.

Ar 4 Rhagfyr, fe wnaethoch ddweud wrthym am nifer o fentrau yr ydych wedi eu rhoi ar waith mewn ymateb i ffigurau'r Cyfrifiad, yn enwedig o ganlyniad i'r Gynhadledd Fawr. Fe wnaethoch hefyd gyfeirio at nifer o adolygiadau polisi, arolygon, a grwpiau gorchwyl a gorffen a sefydlwyd i lywio datblygiadau polisi yn y dyfodol yn y maes hwn, gan gynnwys y rhai ar gyfer cymunedau Cymraeg eu hiaith; y Gymraeg a'r economi; a'r Mentrau Iaith. Fe wnaethoch ddweud wrthym y byddai'r gwaith hwn yn bwydo i mewn i ddatganiad pellach a mwy manwl maes o law, ar ôl i'r dystiolaeth gael ei chasglu a'i dadansoddi.

Credwn fod potensial i'r gwaith hwn fynd peth o'r ffordd tuag at fynd i'r afael â phryderon ynghylch dyfodol y Gymraeg. Rydym hefyd yn falch eich bod wedi cydnabod bod angen mynd i'r afael â'r materion hyn ar frys. Rydym yn bwriadu adolygu'r mater hwn yn rheolaidd ac fel rhan o hyn byddwn yn eich gwahodd i sesiwn graffu arall yn ystod tymor yr haf i drafod sut y mae'r gwaith hwn yn dod yn ei flaen.

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg / We welcome correspondence in both English and Welsh
Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol / Communities, Equality and Local Government Committee
Gwasanaeth y Pwyllgorau / Committee Service
Ffôn / Tel : 029 2089 8032
Ebost / Email : CELG.Committee@wales.gov.uk

Yn ogystal â'r uchod, gweler isod feysydd penodol o bolisi'r Gymraeg y bwriadwn gadw llygad arnynt, a'u trafod gyda chi eto maes o law.

Y cynnydd o ran y strategaeth, Iaith Fyw: Iaith Byw

Mae'r Pwyllgor yn aros am adroddiad blynyddol i gael ei gyhoeddi ar y strategaeth ar gyfer y Gymraeg, *Iaith Fyw, Iaith Byw*, a bydd ganddo ddiddordeb mewn gweld sut y mae'n dangos cynnydd Llywodraeth Cymru tuag at gyflawni ei nod o gynyddu nifer y siaradwyr Cymraeg yng Nghymru. Rydym yn awyddus i drafod hyn gyda chi yn ein sesiwn ddilynol yn nhymor yr haf.

Yn benodol, nodwn mai dim ond cyfeiriadau at ffigurau Cyfrifiad 2001 sydd yn y strategaeth hon, a'i bod wedi'i llunio cyn bod ffigurau Cyfrifiad 2011 ar gael. Yn sgîl y newidiadau demograffig yn y cymunedau Cymraeg eu hiaith a amlygwyd gan ffigurau 2011, mae gennym ddiddordeb mewn cael eich barn ynghylch a yw'r strategaeth hon yn dal yn briodol ac yn ddigonol, neu a oes angen adolygu'r strategaeth erbyn hyn.

Y Gynhadledd Fawr

Rydym yn cydnabod y camau cyntaf y mae Llywodraeth Cymru yn eu cymryd i fynd i'r afael â rhai o'r heriau a amlygwyd gan y Gynhadledd Fawr, a sefydlwyd gennych mewn ymateb i ffigurau Cyfrifiad 2011. Rydym yn credu bod gan y camau hyn, gyda'i gilydd, y potensial i gyflawni rhywfaint o newid cadarnhaol. Fodd bynnag, yn y cyd-destun hwn, byddem yn hoffi rhagor o wybodaeth am y canlyniadau penodol yr ydych yn disgwyl eu gweld yn sgîl y camau gweithredu cychwynol a gyhoeddwyd gennych, a phryd y disgwyliwch iddynt gael eu cyflawni.

Yn ychwanegol at hyn, rydym yn croesawu eich ymrwymiad i wneud datganiad pellach ar y camau ychwanegol y bydd Llywodraeth Cymru yn eu cymryd mewn ymateb i'r Gynhadledd Fawr. Rydym yn edrych ymlaen at y datganiad hwn ac, yn benodol, at glywed rhagor o fanylion am yr amserlen ar gyfer gweithredu yn hyn o beth.

Prif ffrydio'r Gymraeg o fewn Llywodraeth Cymru

Fe wyddoch, yn dilyn ein gwaith craffu ar gyllideb ddrafft 2014-15, ein bod yn feirniadol o ddull Llywodraeth Cymru o asesu effaith y dyraniadau cyllideb ar y Gymraeg, yn enwedig gan fod y cyllid ar gyfer y Gymraeg wedi ei gwtogi mewn rhai meysydd. Codwyd y pryder hwn gennym mewn llythyr i'r Gweinidog Cyllid ar 29 Hydref 2013, yn dweud "bod angen dull mwy systematig er mwyn sicrhau y caiff penderfyniadau cyllidebol a pholisiau eu hasesu o safbwynt eu heffaith ar y Gymraeg."

Yn y cyd-destun hwn, fe wnaethoch gyfeirio at Gynllun Gwella a oedd yn cael ei lunio i ymgorffori ystyriaethau mewn perthynas â'r Gymraeg o fewn Llywodraeth Cymru, ac i asesu effaith penderfyniadau ar yr iaith. Fe wnaethoch ddweud bod rhan bwysig o hyn yn cynnwys penodi swyddogion yn 'hyrwyddwyr iaith' o fewn adrannau. Rydym yn edrych ymlaen at fynd ar drywydd y datblygiadau hyn maes o

law, ac i glywed mwy gennych am y canlyniadau sydd wedi deillio o'r Cynllun Gwella yn hyn o beth.

Fe wnaethoch ddweud wrthym hefyd eich bod yn paratoi "i roi system lawer iawn mwy trylwyr at ei gilydd" o ran sut y mae gwariant yn effeithio ar y Gymraeg. Hoffem gael rhagor o fanylion gennych am hyn yn nes ymlaen yn y flwyddyn.

Cyllideb a rôl Comisiynydd y Gymraeg

Yn ei chyfarfod gyda'r Pwyllgor ar 14 Tachwedd 2013, cododd Comisiynydd y Gymraeg beth pryder am effaith y gostyngiad o 10% yn ei chyllideb ar gyfer 2014-15 ar waith ei swyddfa. Pan holwyd chi ar y mater hwn, eich ateb oedd bod y gyllideb, er gwaethaf y gostyngiad, yn parhau i fod yn sylweddol ac y gall y Comisiynydd ymdopi gyda'r gyllideb honno.

Er ein bod yn cydnabod bod gostyngiadau yn y gyllideb yn symptom o'r hinsawdd ariannol bresennol, rydym yn awyddus i wybod sut y mae'r gostyngiad o 10% yng nghyllideb y Comisiynydd yn cymharu â'r gostyngiadau canrannol ar draws meysydd gwariant eraill. Felly, byddem yn croesawu rhagor o wybodaeth gennych am y gwaith a wnaed i asesu effaith y gostyngiad hwn ar rôl y Comisiynydd, yn enwedig o ystyried y ffaith y bydd safonau mewn perthynas â'r Gymraeg yn cael eu cyflwyno am y tro cyntaf yn 2014-15 fel rhan o'r gwaith o weithredu *Mesur y Gymraeg (Cymru) 2011*.

O ran rôl ehangach Comisiynydd y Gymraeg, rydym yn nodi bod eich papur yn esbonio bod y Cytundeb Fframwaith sy'n rheoli'r berthynas rhwng Llywodraeth Cymru a'r Comisiynydd yn cael ei adolygu, ac y bydd, gobeithio, yn cael ei gyhoeddi yn y flwyddyn newydd. Fe wnaethoch ddweud wrthym mai nawr oedd yr amser priodol i ystyried a yw'r trefniadau yn addas o ran pwy sy'n arwain ar yr elfennau o bolisi'r Gymraeg, a'r ffordd y mae'r Comisiynydd a Llywodraeth Cymru yn cydweithio, yn enwedig o ran hyrwyddo a hwyluso'r iaith. Rydym yn edrych ymlaen at weld y Cytundeb Fframwaith newydd yn cael ei gyhoeddi yn hyn o beth.

Cymunedau, cynllunio a mudo

Rydym yn nodi bod yr adroddiad cynnydd diweddaraf ar eich *Rhaglen Lywodraethu* (Gorffennaf 2013) yn cydnabod effaith mudo ar y Gymraeg. Fel y cyfryw, rydym yn croesawu'r ffaith fod fersiwn ddiwygiedig o *Nodyn Cyngor Technegol (TAN) 20: Cynllunio a'r iaith Gymraeg*, wedi'i chyhoeddi ym mis Hydref 2013 gan y Gweinidog Tai ac Adfywio. Fe wnaethoch ddweud wrthym y byddai disgwyl i awdurdodau lleol ystyried TAN 20 yn gynnar yn y broses o baratoi cynlluniau datblygu lleol ac wrth adolygu'r cynlluniau hynny.

Pan glywsom gan Gomisiynydd y Gymraeg, pwysleisiodd mor bwysig oedd cael "canllawiau clir" i awdurdodau lleol mewn perthynas â chymhwyso'r TAN 20 diwygiedig. Cyfeiriodd hefyd at "nerfusrwydd" ymysg rhai cynllunwyr sydd yn "teimlo nad yw'r arfau gyda nhw i wneud penderfyniadau ar sail tystiolaeth". I'r perwyl hwn, rydym yn croesawu bwriad Llywodraeth Cymru i ddatblygu canllawiau ar gyfer awdurdodau cynllunio, ond rydym am gael eglurhad gennych ynghylch sut y bydd hyn yn gwneud y disgwyliadau ar awdurdodau yn glir mewn perthynas â'r TAN diwygiedig a'r broses o adolygu cynlluniau datblygu lleol. Byddem hefyd

yn hoffi cael rhagor o wybodaeth am yr amserlen ar gyfer datblygu a chyhoeddi'r canllawiau hyn.

Mewn perthynas â hyn, rydym yn nodi bod y Grŵp Gorchwyl a Gorffen a sefydlwyd i edrych ar ddyfodol cymunedau Cymraeg wedi cyhoeddi ei adroddiad yn dilyn ein cyfarfod ar 4 Rhagfyr 2013. Byddem yn ddiolchgar pe gallech ddweud tua pryd y bydd Llywodraeth Cymru yn ymateb i'r adroddiad hwn.

Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru)

Gan ymateb i bryderon a godwyd gan Gomisiynydd y Gymraeg nad yw'r Bil Gwasanaethau Cymdeithasol a Llesiant (Cymru) yn cynnwys unrhyw gyfeiriad at y Gymraeg, rydym yn nodi eich awgrym mai is-ddeddfwriaeth yw'r lle mwyaf priodol ar gyfer hyn. Mae gennym ddiddordeb mewn clywed rhagor gennych ynghylch pam eich bod o'r farn honno.

Yn y cyd-destun hwn, rydym yn dal yn bryderus am y cyfleoedd ar gyfer hyfforddiant cyfrwng Cymraeg o fewn y maes iechyd a gwasanaethau cymdeithasol, a materion sy'n ymwneud ag argaeledd gweithlu sy'n siarad Cymraeg. Rydym yn nodi eich barn ei bod yn ddyletswydd ar awdurdodau lleol i sicrhau bod niferoedd digonol yn y gweithlu sy'n gallu darparu gwasanaethau trwy gyfrwng y Gymraeg, ac i ddarparu'r adnoddau angenrheidiol i hwyluso hyn. Fodd bynnag, hoffem gael rhagor o wybodaeth oddi wrthyhych am y trefniadau sydd ar waith i fonitro hyn, er mwyn sicrhau bod cleifion yn medru cael gwasanaethau iechyd a gwasanaethau cymdeithasol, gan gynnwys y rhai sy'n ymwneud â gofal personol, trwy gyfrwng y Gymraeg.

Datblygu cynaliadwy

Tynnwn eich sylw at Adroddiad Blynyddol Comisiynydd y Gymraeg 2012-13 lle y mae'n datgan bod ei hymateb i'r Papur Gwyn ar y Bil Datblygu Cynaliadwy yn nodi "nad oedd diffiniad y Llywodraeth o ddatblygu cynaliadwy yn hollol eglur o safbwynt y Gymraeg, ac nad oedd y pwyslais ar y Gymraeg yng nghyd-destun ehangach datblygu cynaliadwy yn ddigon cadarn." Byddem yn croesawu eich ymateb i feirniadaeth y Comisiynydd ynghylch sut y mae'r Gymraeg yn berthnasol i ddull gweithredu Llywodraeth Cymru o safbwynt datblygu cynaliadwy.

Dechrau'n Deg a chysylltiadau â'r agenda trechu tlodi

Yn ystod ein cyfarfod, crybwyllwyd y pwysigrwydd o sicrhau darpariaeth feithrin a chyn-ysgol ddigonol drwy gyfrwng y Gymraeg. Mewn perthynas â hyn, byddem yn croesawu rhagor o fanylion am y gwaith yr ydych yn ei wneud i sicrhau bod Dechrau'n Deg yn gweithio gydag addysg cyfrwng Cymraeg yn fwy cyffredinol, ac yn cael ei gydlynu â hi.

Addysg cyfrwng Cymraeg

Rydym yn gwybod bod yr Adroddiad Blynyddol ar y Strategaeth Addysg Cyfrwng Cymraeg ar gyfer 2012-13 yn nodi mai "ychydig iawn o gynnydd a wnaed yn erbyn targedau'r strategaeth" a'i bod yn "annhebygol" y cyrhaeddir y targed o 25% o blant saith oed yn cael eu haddysgu drwy gyfrwng y Gymraeg erbyn 2015. I'r

gwrthwyneb, fe wnaethoch ddweud wrthym eich bod o'r farn bod y targed hwn yn fwy na chyraeddadwy. Rydym yn pryderu ei bod yn ymddangos bod gwahaniaeth barn o fewn Llywodraeth Cymru ar y mater hwn, a hoffem ragor o wybodaeth gennych mewn perthynas â hyn.

Ar fater cysylltiedig, pwysleisiodd Comisiynydd y Gymraeg yn gryf bod angen sicrhau gwell dilyniant o fewn y system addysg cyn belled ag y mae sgiliau iaith Gymraeg yn y cwestiwn. Fe wnaethoch ddweud wrthym fod y "linc rhwng sgiliau, yr economi a chymunedau Cymraeg yn rhywbeth rydym yn edrych arno ar hyn o bryd" ac y bydd yn un o'r elfennau a fydd yn rhan o ddatganiad pellach yn y gwanwyn. Rydym yn edrych ymlaen at weld pa gamau penodol y bydd hyn yn ei olygu, ac rydym yn bwriadu trafod y mater hwn gyda chi eto yn ein sesiwn ddilynol yn ystod tymor yr haf.

Hefyd, tynnodd Comisiynydd y Gymraeg sylw at yr angen am sicrhau bod pobl ifanc yn defnyddio'r iaith yn amlach mewn cyd-destunau cymdeithasol. Yr oeddech yn cytuno bod hwn yn fater yr oedd angen mynd i'r afael ag ef, gan awgrymu y gallai darparu mwy o weithgareddau trwy gyfrwng y Gymraeg y tu allan i'r ysgol, a mwy o gyfleoedd i ddefnyddio technoleg trwy gyfrwng y Gymraeg, fod yn ffordd o wneud hyn. Fodd bynnag, ni wnaethoch unrhyw gyfeiriad yn y cyd-destun hwn at ofyn i ysgolion am y rhwystrau a'r materion hynny sy'n atal disgyblion rhag siarad Cymraeg y tu allan i'r ystafell ddosbarth. Rydym yn credu bod hwn yn faes lle gellid gwneud gwaith pellach, a hoffem glywed rhagor gennych maes o law am y camau yr ydych wedi'u cymryd i ddarparu'r cyfleoedd hyn, a beth oedd y canlyniadau.

Yn olaf, buom yn trafod y pwysigrwydd o roi profiad cadarnhaol i'r holl blant a phobl ifanc sy'n cymryd rhan yn Eisteddfod yr Urdd, o ystyried ei photensial i liwio'u barn am y Gymraeg yn y dyfodol. Er ein bod yn cydnabod bod elfen gystadleuol yr Urdd yn bwysig, hoffem ichi ystyried beth yw'r ffordd orau o wobrwyo ymdrechion y rhai hynny nad ydynt yn fuddugol.

Byddaf yn ysgrifennu ar wahân atoch ynghylch sesiwn graffu bellach i fynd ar drywydd y cynnydd gyda'r meysydd penodol o bolisi'r Gymraeg y cyfeiriwyd atynt uchod. Yn y cyfamser, yr wyf yn edrych ymlaen at dderbyn ymateb ysgrifenedig oddi wrthyh.

Yn gywir



Christine Chapman AC / AM
Cadeirydd / Chair