

Committee Clerk
Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay, CF99 1NA

22 October 2012

Environment and Sustainability Committee inquiry into marine policy in Wales.

Thank you for the opportunity to contribute to this inquiry.

We are professional marine environmental scientists and managers. Between us we share over 53 years first-hand experience of MPA management and management planning and therefore we feel obliged to make this contribution. Our personal credentials for making comment are summarised briefly in Annex 1.

Whilst we currently work as European Marine Site (EMS) officers working to the relevant authorities groups (known as RAGs) tasked by *The Conservation of Habitats and Species Regulations 2010* to manage Wales' EMS designated under the European Union Habitats and Birds Directives, we explicitly stress that this inquiry submission reflects our personal views and experience and not necessarily that of any of the relevant authorities to whom we work as EMS officers.

We confine our comments to issues directly related to the management of EMS, both marine Special Areas of Conservation (SACs) and marine and estuarine Special Protection Areas (SPAs) designated under the Habitats and Birds Directives respectively.

We explicitly request that the contact details above (address and e-mail address) are not made public.

Progress by the Welsh Government towards the achievement of its European obligations with particular regard to the Birds and Habitats Directives

1. We are mindful of the main aim of the Habitats Directive being to "promote the maintenance of biodiversity" as a contribution to the "preservation, protection and improvement of the quality of the environment", recognising that "natural habitats are continuing to deteriorate and an increasing number of wild species are seriously threatened", and we are conscious of the importance of delivering the Habitats Directive's goals.
2. Further to securing Wales' EMS and their designated features at Favourable Conservation Status in order to contribute to delivering those goals, we also note the importance of doing so to contribute to delivering the goals of other European Directives (eg Water Framework, Marine Framework Strategy), the OSPAR and Biodiversity Conventions, and also domestic requirements, not least Outcome 21 of the Wales Environmental Strategy.
3. However, we note that the Wales' assessment contribution to the 2007 UK report to the European Commission found that just over half of EMS features were not in Favourable Condition and that an even higher proportion were not at Favourable Conservation Status (FCS).

4. We note that the Marine Protected Area (MPA) Management Review¹ recently completed by the Countryside Council for Wales (CCW) for Welsh Government concluded that MPAs in Wales are failing to achieve FCS due to a lack of effective management. Prospects for the 2013 *Natura 2000* reporting round indicate that improvement is likely to be minimal. This is supported by our own local knowledge
5. We contributed to CCW's management review both as EMS officers and in support of our RAGs. Key issues contributing to ineffective or insufficient management which we identified then and reiterate here include:
 - The lack of strong strategic leadership and clear high-level steer from Welsh Government on the importance of MPAs and their management in general and EMS in particular.
 - The low priority for EMS management in many management authorities.
 - The conflicts of interest between socio-economic drivers and environmental goals, and attempts to reconcile those conflicts of interest resulting in decisions that avoid taking action or do not benefit EMS.
 - The widespread failure of the precautionary principle to be fully embedded in government or relevant authority decision making, with the development part of 'sustainable development' tending to override EMS conservation objectives.
 - The frequent reluctance of relevant authorities to agree to undertaking proactive action, or anything other than the minimum action required - often in response to the need to be seen to be doing something - rather than taking more sustainable, long term, co-ordinated perspectives, albeit often because of such legitimate reasons as lack of financial or staff resources, or a conflict of statutory duties.
 - The absence of a statutory duty for relevant authorities to work collaboratively as RAGs, with few incentives to do so and no penalties for not doing so.
 - The lack of meaningful incentives for RAs to make the effort required and / or take the necessary decisions to secure action; no penalties for failure to undertake necessary action or to deliver the objectives of the Directive.
 - The lack of a requirement for essential competent authorities to engage with RAGs or the development and implementation of EMS management schemes. This is not a fault in the RAG model, it is a shortcoming of the legislation which is particularly acute in Wales in respect of the 'relevant authority functions' undertaken by relevant authorities in England (most importantly fisheries management and marine licensing) but by government in Wales. We are in the difficult position in Wales of having no relevant authority for fisheries (except for migratory fish where the Environment Agency is the relevant authority within 1 nautical mile of the coast) which makes engaging with fisheries managers (essential in Marine Protected Area management) problematic.
 - There is a need to introduce a statutory duty for appropriate competent authorities to collaborate with RAGs and a requirement to identify, introduce and implement relevant management measures in a collaborative manner with other responsible bodies to secure comprehensive EMS management.
 - The inconsistency between EMS in terms of approach to management, effort and resource allocation.

¹ Information is provided in two CCW reports:- *MPA Management in Wales 1: Overview of current MPA management in Wales and a summary of new MPA management tools*. M. Hatton-Ellis, L. Kay, K. Lindenbaum, G. Wyn, M. Lewis, M. Camplin, A. Bunker, A. Winterton, S. Howard, G. Barter & J. Jones. CCW Marine Science Report No 12/06/01, and *MPA Management in Wales 2: Evaluation of current MPA management in Wales*. M. Hatton-Ellis, L. Kay, M. Lewis, K. Lindenbaum, G. Wyn, A. Bunker, A. Winterton, S. Howard, G. Barter, M. Camplin, & J. Jones. CCW Marine Science Report No 12/06/03

- The insufficient resourcing of RAGs to maintain basic partnership working and undertake collaborative actions. RAGs could be adequately resourced either by Welsh Government directly or via ring-fenced funds through one or more specific relevant authorities, or by Welsh Government requiring relevant authorities to adequately resource RAGs.
- The insufficient prioritisation of funding for management planning, action, monitoring or reporting within many management authorities, the lack of resources and staff with a clear remit to address many necessary actions within management authorities and insufficient appropriate training for relevant staff in management authorities.
- Poor awareness and understanding of the imperatives for environmental conservation and of EMS importance, goals and status which contributes to the consequential limited buy-in from many authorities, stakeholders and the public, particularly senior managers driven by unsustainable short-term socio-economic objectives.
- Limited sharing of locally relevant information on activity related pressures and threats.
- Tendency toward magnify good news at the expense of honest acknowledgement of outstanding problems. Reporting of feature condition / status monitoring needs to include rationale for judgments and confidence indicators. These assessments must be clear and unbiased rather than tailored as a public relations exercises so that they appear to be better than reality. For example, a headline statistic in a recent current state of knowledge report boasted “27% of designated habitats and species within SACs are considered to be in favourable condition” which failed to acknowledge the condition the other 73%. Use of such misinformation breeds denial, apathy and complacency and leads to abandonment, or at best, postponement of essential management action until a later date when it is likely to be significantly more expensive and less effective.
- The conservation objectives identified within the document are overly generic and imprecise to provide adequate identification of what constitutes FCS for the features of each EMS.

Progress made by the Welsh Government in relation to implementation of the Marine Act 2009 with particular regard to the marine conservation and the marine spatial planning powers of the Act.

6. We do not comment specifically on the development of marine spatial planning other than to note that EMS management plans are essentially spatial in nature and should form a core part of the MSP jigsaw.

What is the current status of marine protected areas in Wales and what role should the new marine conservation zones have in this network of protected areas?

7. Comments on the status of EMS are made above.
8. We note that, despite the limited protection afforded to the Skomer Marine Nature Reserve (MNR) by section 36 of the Wildlife & Countryside Act, many of the MNR’s management measures have been effective and a number of its features are in favourable condition; the robust recovery of the scallop population since protection from any form of exploitation is an excellent example of the benefits that can accrue from well protected marine features and the closure of areas to fisheries. Conversely, we further note that other, less well safeguarded, features within the MNR are less healthy.
9. We also note the significant increase in pressure from pot-fishing within the MNR since records began in the late 1980s, and the significant jump in effort that occurred following rejection of a proposal for a phased introduction of a ‘no-take zone’ in the MNR in the early 2000s. That such increase in pressure can occur in a designated Marine Protected Area,

particularly apparently in response to an attempt to secure enhanced protection, is of considerable concern.

10. We unreservedly acknowledge the need for areas of greater protection from extractive, depositional and significant directly damaging activities in EMS, and for protection of habitats and species not encompassed by the Habitats and Birds Directives. We also acknowledge the need to identify and protect areas that are free from direct human influence in order to better study the effects of anthropogenic activities and to enable more reliable monitoring – *ie* scientific control areas. Such measures are recognized in the global evidence for the benefits of highly protected MPAs which we also support. Consequently we accept absolutely that there is an extremely valuable potential role for MCZs, including within EMS as part of a zoning approach to management.
11. Nevertheless, with genuine regret, we feel obliged to comment on poorly managed consultation exercise undertaken for the first iteration of proposed MCZs by Welsh Government earlier in 2012. The criticisms of the consultation are too numerous to detail herein, but the net effect of the exercise was to generate immense resistance to the concept of MCZ designation, to alienate both many members of the public and natural supporters of marine environmental conservation and to undermine relationships with stakeholders that have taken many years to foster.
12. We also consider that the current Welsh government policy proposals for highly protected MCZs (three or four small sites) would be unable to make more than a very limited contribution to marine conservation. We would also be concerned if management were focussed on voluntary measures despite the evidence of their weakness in delivering adequate protection from pressures.

The development of the Welsh Government's functions in relation to marine licensing and fisheries and whether this has been effective?

13. Comments on the negative effects of conflicting socio-economic and environmental policies and policies and interests are noted above.
14. Marine licensing in Wales is delivered by a tiny handful of staff; the English Marine Management Organisation's staff numbers exceed 300. Feedback from competent authorities suggests that the small licensing unit struggles to keep up with the workload and it is clear that Welsh Government will be unable to satisfactorily fulfil future marine licensing requirements (and associated marine special planning) without further significant resourcing.
15. We have concerns about the clear struggle the Marine Branch has to balance, or - perhaps more accurately - to resist, immediate socio-economic pressures against biodiversity and environmental objectives despite, for example, the requirements of the Habitats and Marine Framework Strategy Directives and their domestic implementing Regulations, or the aspirations of the *Living Wales* programme.
16. We make no comment on the Welsh Government's fisheries management functions in respect of management of exploitation of fish stocks *per se* even though, naturally, commercially exploited fish species are also critical components of marine ecosystems and many are Biodiversity Action Plan species. However, we have deep concerns regarding fisheries management functions in respect of wider marine environmental management.
17. Fishing activity is well known to be one of, if not the single greatest direct source of pressure on marine ecosystems, both directly through the collateral impact of fishing gear on the seabed and non-target species, and the ecosystem effects of removal of target species. This is as true in Welsh waters as elsewhere and the impacts of fisheries, both historical and current, has had and continues to have a widespread effect on Welsh marine habitats and species populations. The level of fishing effort in most fisheries in EMS is not subject to effective control, yet management of the level of effort is fundamental to meeting EMS conservation objectives.

Integration of fisheries management with marine habitat and species conservation management is therefore critical to delivering EMS and other MPA targets.

18. Prior to April 2010, the two local Sea Fisheries Committees in Wales were very active and valuable members of RAGs. Whilst agreeing and securing the management necessary to meet EMS objectives was always a challenge, the SFCs were nevertheless fully engaged in the EMS management process. Since the dissolution of the SFCs by the 2009 Marine & Coastal Access Act, and the assimilation of inshore fisheries management by Welsh Government this direct engagement with fisheries managers has been lost.
19. Management of fisheries is clearly identified as a relevant authority role in England (falling to the Marine Management Organisation and Inshore Fisheries & Conservation Authorities). Nevertheless, despite the importance of fisheries management to securing EMS at FCS, because Welsh Government is not identified as a relevant authority in the Marine Act but as a competent authority, the fisheries department has not engaged with RAGs in respect of EMS management. We understand this is, in part, because the government's general sustainable development duty has been deemed sufficient to deliver the marine environmental safeguard duties and responsibilities necessary for EMS. However, we question whether such an approach is adequate for ensuring effective existing and future EMS management activities.
20. The CCW MPA management review also comments that a "significant problem identified is the lack of engagement with RAGs by some competent authorities that have responsibility for managing activities of direct relevance to MPA management, e.g. fisheries."
21. The lack of engagement is also directly relevant to the flow of information necessary to inform assessment of pressures and threats to EMS features. An effective mechanism is urgently required to ensure recording and reporting of fisheries activity to inform site management.
22. Given that enforcement of existing fisheries regulations fails to deter existing infringements (for example the widely reported scallop dredging infringements), we are deeply concerned that future management capacity will be insufficient to enforce EMS management measures.
23. We are further deeply concerned that there is little evidence of clear understanding and appreciation of the purposes of EMS amongst Welsh fisheries managers or of an appropriate culture and motivation to enforce wider environmental and biodiversity protection measures in EMS beyond fisheries.

Whether there is sufficient cooperation and coordination between the Welsh Government and its neighbouring administrations in relation to the management of its seas?

24. Although previous public comments have been made to Welsh Government officials regarding co-operation and co-ordination between neighbouring administrations, the latest consultation on Wales Marine Spatial Planning concluded that Welsh Government should merely "have regard" to neighbouring plans. While it is appreciated that a flexible approach may be desirable, the lack of tangible measures makes this statement almost meaningless. There is a very real danger that plans may contradict one another, or shift an issue from one geographical area to another. We strongly advise that this issue is taken into consideration.
25. We also identify the unasked question of whether coordination and collaboration between Directorates and Departments within Welsh Government, and between Welsh Government and relevant and other competent authorities is appropriate for purposes of EMS management. Given recent experiences of tracing information and attempting to gain full engagement we are unconvinced that it is adequate.
26. Although the relationship between Marine Branch and some RAGs has developed positively recently, Marine Branch has demonstrated that it has insufficient resources (see below). Competing priorities, such as marine planning implementation of the Marine Strategy

Framework Directive (MSFD), dominate established EMS work even though, for example, the MSFD recognises the fundamental contribution of EMS to achieving the goal of Good Environmental Status.

27. However, an even more important concern is the degree of integration between Marine Branch and departments with marine remits in other Directorates, and the limited ability of the Sustainable Futures Directorate to influence those departments to ensure the integration necessary to meet marine Habitats and Birds Directives targets (and, we infer, other environmental drivers). The most fundamental limited integration is with fisheries (see above).

Whether the Welsh Government has sufficient financial and staff resource to deliver on its marine policy and legislation objectives?

28. Unambiguously, no. Marine Branch is particularly poorly resourced, particularly in staff numbers. That they manage to achieve the good job they do with so few staff is commendable, but they are so few that it is inevitable that it will be a struggle to meet all objectives. Not only does this risk affecting Welsh Government's ability to deliver on its priorities, but this also risks compromising the necessary horizontal and vertical engagement activities of other organisations.
29. A further unasked question is whether all relevant Welsh Government staff have sufficient awareness and understanding and sufficiently clear direction to deliver the required marine policy and legislation objectives. Our experience suggests that, other than in Marine Branch, the answer is no. Furthermore, we are concerned that the absence of a solid marine science foundation and ongoing capacity development amongst Marine Branch staff also restricts understanding and appreciation of the implications of existing and proposed management measures.

We again thank you for the opportunity to contribute. We have deliberately kept our contribution brief and acknowledge that there may be issues which need to be expanded on at greater length and which we would be happy to amplify.

Yours sincerely,



Blaise Bullimore

Sue Burton

Jeanette Reis

Annex 1 Personal credentials

Blaise Bullimore. Marine scientist with over 25 years unparalleled experience of implementing and delivering UK marine nature conservation legislation at a practical level.

Prior to the dissolution of the Nature Conservancy Council and the creation of the country conservation agencies in 1990, responsible for steering the Skomer Marine Nature Reserve (MNR) through its protracted pre-designation public consultation and conversion from voluntary reserve to statutory MNR, and for designing and managing impact assessments to inform new management measures. Manager of Skomer MNR, one of only three MNRs in the UK, and certainly the most actively managed and monitored of the three, from the time of its designation in 1990 until 1998.

From 1998 until early retirement from the Countryside Council for Wales in 2006, senior marine conservation officer with responsibilities for delivering CCW's obligations for European Marine Sites, for marine Sites of Special Scientific Interest and for providing advice and consultation responses across the full range of development and other proposals in the marine environment of SW Wales, including retaining professional responsibility for the management of the Skomer MNR.

Since retirement from CCW, has continued working in the development of European Marine Sites (Carmarthen Bay & Estuaries European Marine Site Officer since 2006 and part-time Pembrokeshire Marine SAC Officer (maternity cover) 2008-09) and as independent consultant specialising in marine environmental monitoring. Retains a strong interest in the conservation and management of Skomer MNR, being an independent member of the MNR's Advisory Committee, an Honorary Warden and a volunteer scientific dive team member.

Sue Burton. After gaining a BSc in Marine Biology & Oceanography and an MSc in Marine Resource Development & Protection (with HSE Part IV professional diving qualification), went on to work in marine monitoring and survey work. This led to becoming part of the Countryside Council for Wales' staff team at the Skomer Marine Nature Reserve (MNR) in 1995. Specialised in sublittoral monitoring and survey work in marine protected areas as an independent consultant for several years. Took up current position of SAC Officer for the Pembrokeshire Marine Special Area of Conservation (SAC) in 2000, going part-time in 2005. Total of 13 years working in marine protected area management, with additional considerable marine biological monitoring experience.

Jeanette Reis. Sustainable marine management specialist with 15 years research, teaching and practitioner experience of developing marine management measures in the UK, Europe and North America. With a BSc in Marine Geography (1996) and a PhD in Marine Environmental Risk Assessment and Sensitivity Analysis (2002), went on to work as a senior manager in Welsh Government's Strategy Unit, before returning to academia in 2006. Has been involved in more than 20 coastal science/policy integration, engagement and outreach projects, one of which provided the majority of WWF's material used for a campaign for a Marine Act (1998-2000). Became Manager of the Severn Estuary Partnership (2010-11) and went on to teach Integrated Coastal Zone Management at Glamorgan University (2010-12) and Ocean Management (2012>) at Cardiff University. Currently works as a science/ policy outreach officer for the Climate Change Consortium of Wales (part-time), as an officer for the Association of Severn Estuary Relevant Authorities (part-time) and as a lecturer (Ocean Management, part-time) at Cardiff University. Was formerly on the Management Committees of EUROCOAST UK and the International Geographical Union Commission on Marine Geography and is currently the co-ordinator for the European SETNET network (SPICOSA- Science Policy Integration for Coastal Systems Assessment, Education and Training Network) and regular editor of the journal Marine Policy.