



Marine Conservation Society Evidence to the Environment and Sustainability Committee Inquiry into Marine Policy in Wales

As the UK's leading charity for protection of our seas, shores and wildlife, the Marine Conservation Society (MCS) welcomes the opportunity to input into the review of marine policy in Wales. The voice for our seas for over 25 years, MCS champions protection for marine wildlife, sustainable fisheries and clean seas and beaches. Our mission is to see measurable improvements in the state of our seas, marine biodiversity and fish stocks.

Summary

We are grateful to the Committee for the opportunity to provide evidence to this inquiry. Although we appreciate that Welsh Government (WG) are proposing to develop an ecosystem based approach to management of natural resources, we are disappointed with the progress to date towards meeting the existing statutory EU and domestic commitments, the lack of integrated policy decisions, resource allocation to marine policy, cross departmental, agency and border working, and coherence and forward planning demonstrated thus far. We believe that this is in part due to the lack of profile and prioritising of marine matters, coupled with a biased terrestrial based system which is not always transferable to the marine environment. This combined with substantial funding deficits, leading to an inability for WG and agencies to fulfill their duties. The importance of the marine environment in Wales is undervalued 'Seven in every eight hectares of Welsh Natura 2000 sites are in the marine environment, reflecting the high conservation importance of the marine habitats in Wales.'¹ The recent highly protected Marine Conservation Zones (MCZs) consultation has clearly demonstrated that this is a high profile issue and, in this period of review with the Single Body (SB) and Living Wales (LW), we hope WG will address this.

As MCS is signatory to the Wales Environment Link (WEL) and Wales Coastal and Maritime Partnership responses, we have not duplicated their responses here but hope that these points can be taken in conjunction with this response.

¹ UK NEA <http://uknea.unep-wcmc.org/Resources/tabid/82/Default.aspx>

Key points:

1. The Single Body must re-address the current shortfalls of prioritisation and resource allocation given to marine conservation and policy.
2. The natural resource management of the marine ecosystem must be developed with sustainability at the core of all aspects of marine policy, including fishing.
3. WG could be in breach of its Habitats Directive duties and will be subject to infraction proceedings, should it not review the permitted activities within Welsh waters with regard to commercial fishing.
4. MCS is recommending a review of the WG Fishing Unit, its management and location within BETS under different Ministerial direction.
5. A review of the consenting procedure prior to the establishment of the single body is suggested in light of the consent given to discharges into the Milford Haven waterway, against CCW formal advice.

The Committee will consider:

1. What progress has been made in relation to the development of marine spatial plans for Wales?

Our response is within the WEL document; however, we would reiterate the point that the apparent progression, not lack of engagement since the 2011 consultation, is both damaging to WG credibility and shows a lack of regard by WG to those stakeholders who contributed.

2. 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?

WG failure to provide a robust management, monitoring, enforcement and delivery package for the MPA network is clearly demonstrated in the reporting on the status of the sites, with over half Natura Sites failing to meet favourable conservation status and almost 30% not assessed.

WG is failing on Convention of Biological Species, Birds and Habitat Directives, is likely to miss OSPAR Ecologically Coherent Network (ENC) deadline of 2012, and Marine and Coastal Access Act (MCAA) MCZ designation by 2012, all of which will likely lead to a failure to achieve Marine Strategy Framework Directive (MSFD) Good Environmental Status (GES) by 2020.

WG are taking steps to address some of these issues with the notable introduction of the Scallop Act. We recommend that WG follow Defra and their recent announcement on fisheries management within European Marine Sites (EMS), in order to fulfill their obligations under the Habitats Directive.

We welcomed the decision to introduce highly protected sites to the MPA network and believe these have a role within the current network. We further believe that these should incorporate areas which prohibit all forms of extraction, deposition, any harmful or damaging activities and be sited within areas of biodiversity hotspots,

including all broadscale habitats. Scientific evidence has shown the benefits of this type of protection when supported by local communities².

We also believe that MCZs provide WG with the ability to designate an ecosystem based protection, in line with their proposed ecosystem based management approach, rather than protecting specific features within sites, and fully support their use, where appropriate.

We believe that WG must make these sites statutory, not voluntary, if they are to be successful. We would emphasise the need for enforcement of these sites. Resources will be required to adequately enforce all MPA sites. The Fisheries Enforcement Officers (FEO) must have a conservation remit, not simply a remit for fisheries management, and agreement between the capacity and ability to do this needs to be addressed by both BETS and ESD, after recent comments made by Alun Davies AM about the FEO capacity.

The sites in question will be undermined from the outset without community-level stakeholder buy-in. Effective management requires a complex suite of tools, including: agreement on location and rationale for sites, agreement to management measures, appropriate fisheries Vessel Monitoring Systems (VMS), sufficient resources and desire to enforce legislation. This is a combination of 'carrot and stick'. MCS is concerned that the process underpinning the designation of these sites severely undermines their ability to deliver conservation benefits, due to a lack of adequate consultation and resulting stakeholder buy-in. Ideally the sites would be welcomed by a range of users, as their location and rationale would be agreed through robust dialogue. This would enable them to be more self-policing and would make better use of the limited fisheries enforcement resources available.

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

Marine Licensing

This is an example of WG progressing with the creation of the Marine Consent Unit, but failing to meet the requirement to keep the public record current, and the 'interim Guidance' stopgap not being followed up upon. We would suggest WG look to the MMO online database which appears to be fit for purpose.

Without Welsh input, the UK Marine Policy statement is incomplete and MCS is concerned over the apparent lack of regard for in-combination and cumulative impacts in consenting impacting on the marine ecosystem. We would refer you to our response to the consultation on the Single Body and our concerns reference conflict of such a body between its advisory and consenting roles, as highlighted in the consent given to discharge into the Milford Haven against the formal advice of CCW.³

² <http://www.piscoweb.org/publications/outreach-materials/science-of-marine-reserves>

³

http://www.foe.co.uk/cymru/english/press_releases/Damaging_Pembrokeshire_power_station_set_to_go_ahead_091111.html

Fisheries

If managed well, fisheries management in Wales could deliver significant benefits across a range of stakeholders – including central gains for the ecosystem as a whole as well as the fisheries economies themselves. This needs to be based on a CFP that allows Member States to manage fisheries at an appropriately local level, which delivers multi-annual planning in order for fishermen to see their operations as an on-going business concern, and ensures that there is adequate understanding and acceptance of the need for protected areas within a fisheries management system. This situation stands in jeopardy, from both an inadequate reform of the CFP, as well as under-resourcing from the WG. MCS recommends that the WG establishes its own well-resourced sustainable fisheries plan, operating within the constraints of a marine planning system.

MCS is very concerned about the lack of progression with plans, engagement, collaboration and clarity demonstrated thus far by WG Fisheries Unit (FU). There have been significant changes within WG FU which started with the transfer of responsibility from the Sea Fisheries Committee to in-house by WG, the movement of FU to another department under different Ministerial direction, the relocation of this unit away from central WG and therefore the Marine Unit (MU) and Welsh Ministers, plus staff shortages due to natural wastage and recruitment freezing as a result of the merger. All have led to a lack of capacity within FU itself and have had a major impact on the FU's ability to carry out its remit, resulting in lack of progress not only of the Implementation Plans but also noted absentees at key stakeholder meetings and a lack of engagement and clarity. Although new staff have recently been recruited, we are still concerned over resourcing issues and the remit of the unit with regard to conservation.

The establishment of the Inshore Fisheries Group was welcomed initially however there is an apparent lack of cohesion between this group, WMFAG and the FU. There has been a lack of progression within the groups themselves, beyond establishing the constitution and Terms Of Reference, which needs addressing.

In a recent press statement (21st September), Antoinette Sandbach AM, reported that the WG holds no information on fisheries enforcement in Welsh waters, and that data collection is still paper based. This is unacceptable and leads to a lack of credibility within the department and WG. The FEO will have a greater role for fisheries and conservation infringement and data must be recorded and accessible.

We recommend a review of the locating of FU within BETS, the capacity of the unit itself, a change to the remit of the FEOs from fisheries management to a remit including conservation, acknowledgment and resourcing to undertake their enforcement duties in MPAs, together with up to date data collection and collation, and greater collaboration between FU and MU departments and stakeholders.

4. What progress has been made by the Welsh Government in the implementation of key European Directives?

MCS and our partners Client Earth have been in correspondence with Westminster and WG over their breach of duties under Article 6 (2) and 6 (3) of the Habitats Directive. As stated under question 2, Liz Humphreys, Director of Operations and Compliance, has written to the heads of both charities stating:

‘As discussed on 27 July 2012, Defra Ministers have decided to modify their current approach to the implementation of Article 6 of the Habitats Directive in relation to commercial fishing operations within European Marine Sites (EMSs).’

In Wales, we have yet to receive a response from the WG/FU or Minister to our last letter dated 7th September 2011, or acknowledgement or apology for the delay. Neither have we been contacted to arrange a meeting discuss this issue. Past responses on this issue over the years have also been extremely delayed but we consider one year to be totally unacceptable.

We acknowledge Welsh Government did, however, introduce a Scallop Order in 2010 that banned the majority of scallop dredging, the most damaging of fishing activities in most Welsh EMS.

We believe that WG could be in breach of the Habitats Directive and will be subject to infraction proceedings, should it not review the permitted activities within Welsh waters with regard to commercial fishing.

Given the lack of progress on the Habitats Directive, attendance and liaison with stakeholders, fisheries Implementation plans, data collection, collation and enforcement and correspondence over breaches of duties, MCS questions whether the WG Fisheries Unit is fit for purpose and we would suggest a review should be undertaken.

As previously stated, WG is likely to be in breach of CBD and OSPAR duties for an ecologically coherent network (ECN) by 2012, and well managed sites by 2016. It will fail to implement the MCAA deadline for implementation of Marine Conservation Zones by 2012, and unless it radically improves its European Marine Sites (EMS) it will not meet its target of Good Environmental Status (GES) required of MSFD by 2020.

WG has demonstrated a lack of regard for the EMS by not committing to and supporting the EMS Officers, who provide vital stakeholder engagement, awareness raising and management planning, as no WG resources are directly provided for their employment and vital posts. As a result, at a time when the sites are failing, the officers are suffering substantial cuts, which have lead to cessation of some posts and reduction of hours to part-time in others. We believe WG should address this issue.

With regard to the Bathing Waters Directive, MCS would like to see all Welsh beaches meet, as a minimum, the ‘Sufficient’ standard. We are concerned that one beach (Swansea Bay) is projected not to meet this standard at the end of reporting in 2015, unless significant improvements are made.

We are pleased that at present Wales currently has a high level of excellent water quality. However, we are concerned this trend may not continue, due to the recent wet summer conditions. Beaches not reaching the highest standard may suffer from negative impacts on Welsh tourism, due to not receiving award status in the future.

Although WG is implementing the Water Framework Directive, we continue to be concerned about its effectiveness, and the lack of lessons learned thus far. There is a huge amount of connectivity (and indeed overlap) between the WFD and the Marine Strategy Framework Directive (MSFD). We would hope that this new ecosystem approach to management would improve the generally poor communication and cooperation between the relevant officials across the Welsh Government's departments.

MCS have called on the Welsh Government to implement a marine litter strategy in light of rising litter levels on Welsh beaches. MCS Beachwatch data shows an average of 1,839 items of litter per kilometre on Welsh beaches⁴. Apart from the financial implications placed on beach managers and owners in order to remove marine litter from amenity beaches, MSFD Descriptor 11 states that 'properties and quantities of marine litter do not cause harm to coastal and marine environment'. We believe that WG must set a strategy in place if this target is to be reached.

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

We are concerned over the apparent lack of cooperation and coordination over the selection and designation of ECN. This stems from the different processes undertaken by Governments, the different resources allocated and the apparent lack of cross border consideration on site selection.

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

We would emphasize the WEL response that WG have not committed to the resources or staffing necessary in order to undertake its duties. The ESC need only compare WG resources with that of the MMO to demonstrate the lack of commitment by WG to marine policy.

We do not believe that at its current level of resourcing WG can fulfill its commitments on marine policy and legislation.

7. Whether stakeholders have been sufficiently involved in the shaping of new policies and the development of legislation?

The importance of the correct process in stakeholder involvement was demonstrated in the backlash against the recent MCZ proposals, as a result of the decision taken by WG

⁴ http://www.mcsuk.org/what_we_do/Clean+seas+and+beaches/Beachwatch/Beachwatch+-+latest+results

Marine Unit to adopt a 'top down' approach. This was compounded by the lack of clarity within the document, WG inadequate stakeholder engagement plans (2 meetings) and MU reluctance to respond to enquiries about permitted activities, leading to misinformation and panic. This did demonstrate how passionate people feel about the Welsh marine environment and, when they perceived access to it was threatened, they understandably reacted against the proposal. MCS data shows that in general, people are supportive of marine conservation and prohibiting damaging activities⁵ when consulted appropriately.

As detailed in the WEL response, we would support resourcing and streamlining of stakeholder liaison groups, however this must be in conjunction with an extensive facilitation process where stakeholders are able to input into the process and WG are seen to be transparent, available and approachable.

Although WG have indicated that they will be carrying out further stakeholder engagement, we would urge them to revisit the advice provided by CCW, and engage independent professional stakeholder facilitators to try to rebuild stakeholder confidence and willingness to participate in the policy processes.

We would urge WG to review the CCW advice in their original recommendation on stakeholder engagement for the highly protected MCZ process, given the current lack of regard for WG as a result of this consultation. ***Recommendation 5: An independent and efficient process will require a free standing staff unit (minimum three identified) in order to deliver a focused, well-managed, strongly evidence based, open, transparent and accessible process.***⁶. This was just for the MCZ process but could be applied to all stakeholder engagements.

For further information please contact:

Gill Bell
MCS Wales Programme Manager
01989 566017
gill.bell@mcsuk.org

⁵ MCS Your Seas Your Voice Welsh Stakeholders report www.mcsuk.org

⁶ CCW advice HPMR process FINAL Aug08

