



**NATIONAL ASSEMBLY FOR WALES ENVIRONMENT AND
SUSTAINABILITY COMMITTEE INQUIRY: MARINE POLICY IN WALES
SUBMISSION BY WALES COASTAL & MARITIME PARTNERSHIP**

Introduction

The Wales Coastal and Maritime Partnership (WCMP) welcomes the opportunity to provide a response to the Environment and Sustainability Committee's Inquiry into Marine Policy in Wales. The WCMP was set up in 2002 to provide advice to government on sustainable development issues affecting the coast and seas of Wales, as well as facilitating the exchange of information and dissemination of good practices. The partnership is composed of organisations from the public, private and voluntary sector. This response is based on the deliberations of a Working Group set up to provide evidence to the inquiry into Marine Policy in Wales and incorporates comments received from other partners. It does not preclude individual members of the group from submitting independent comment on behalf of their respective organisations.

Questions

- 1) What progress has been made in relation to the development of marine spatial plans in Wales?**

Our evidence in relation to this question is made in the context of previous advice provided to Welsh Government (WG) by the partnership on various aspects relating to marine policy in Wales, much of which relates to securing an integrated approach to the management of the marine and coastal environment.

Welsh Government consulted on its approach to marine planning in Welsh waters in "Sustainable Development in Welsh Seas: Our approach to marine planning in Wales". The consultation was launched at the WCMP Conference on 16 February 2011. The Minister highlighted Wales as one of a small number of governments worldwide to have sustainable development enshrined in statute and emphasised that marine planning was a means for achieving this. The vision for marine planning in Wales should therefore reflect the overarching vision for sustainable development as set out in the Sustainable Development Plan.

Marine planning is a key strand of the Marine and Coastal Access Act 2009 ("the Marine Act") which was a landmark piece of legislation and provides the tools to

make real progress in the management of Wales's marine area. In terms of developing marine plans under the Marine Act, the first stage was the adoption of a UK-wide Marine Policy Statement by all four UK administrations. The statement set out the overall policy framework for decision makers and formed the basis for developing all UK marine plans.

The consultation made clear that WG intended to create a national marine plan in the first instance, followed by smaller detailed plans focussing on difficult areas. WCMP provided input to the consultation via a Working Group of the partnership set up to advise WG on marine planning.

WCMP are disappointed that no further progress on the development of marine spatial plans in Wales has been made and WCMP are not aware of any communication explaining the lack of progression. Although, it is our understanding that this delay may be due to legal clarification around the requirements of the Marine Act with respect to plan-making procedures. WCMP are concerned that this lack of momentum could have implications for cross border planning. We would welcome some clarity on the status of the marine planning process in Wales including a formal response to the stakeholder input to the consultation in 2011.

The apparent lack of progress on marine planning following an enthusiastic start by WG is very similar to the situation with Integrated Coastal Zone Management. The partnership was heavily involved in the development of the Welsh Integrated Coastal Zone Management Strategy (ICZM) in 2007 and drafted the Welsh ICZM Progress Indicator Set. As a set of indicators to measure 'good governance' of coastal areas, they could be developed to be as an excellent indicator of integration across the land-sea interface. The ICZM Strategy was published by Welsh Assembly Government in March 2007 and has yet to be reviewed. The last progress report related to 2008/9. The strategy was due for review in 2010 – as yet no review has taken place. WG rightly stresses that the marine plan process should help achieve integration between land and sea. However, the ICZM strategy, which was prepared before the Marine Act was passed, contains many policies and actions which should also help to achieve integration. WCMP believes that an urgent review of the strategy should be undertaken, taking into account the arrival of marine planning, so that it can dovetail with the marine planning process.

We feel that the loss of momentum is resulting in disillusionment in the stakeholder community and believe that WG should make every effort to re-invigorate marine planning so that real progress can be made and be seen to be made.

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?

More than half of the features of marine Special Areas of Conservation and marine Special Protection Areas in Welsh waters are failing to reach favourable conservation status and in some cases features have deteriorated.¹ A clear priority for Welsh Government is to improve the management of these existing sites.

WCMP recognises and supports the principle of ecosystem protection behind HPMCZ designation. However, the small area of any eventual highly protected

¹ Jackson, E., Langmead, O., Evans, J., Ellis, R. and Walters, H.T. (2008) Protecting nationally important marine biodiversity in Wales. The Marine Life Information Network for Britain and Ireland (MarLIN). Report to Wales Environment Link, November 2008.

Marine Conservation Zones (HPMCZs) means that they will only be able to make a limited contribution to marine conservation goals in and of themselves. More effective management of the wider (existing) network of Marine Protected Areas will also therefore be essential to achieve the shared UK goal of “clean, healthy, safe, productive and biologically-diverse oceans and seas”. The approach proposed within Sustaining a Living Wales provides an opportunity to take an ecosystem approach to management of the environment. An ecologically coherent network of MPAs in Welsh waters could be a significant contribution to the implementation of an ecosystem approach in Wales.

Clearer reference to the economic and social benefits of achieving this goal for the marine environment of Wales is needed. In some cases these benefits can far outweigh the costs of protection or the costs of providing alternatives to this service if the environment deteriorates; likewise, the importance of the marine area especially to the ecosystem approach and to the community should be identified.

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

The establishment of a Marine Consents Unit (MCU) within Welsh Government is considered by WCMP to have been a positive development due to the MCU’s good *modus operandi* in relation to the issuing of marine licences. We understand it is the intention of Welsh Government to move the function of marine licensing into the new SEB. We feel that the current success of, and expertise within, the MCU is attributed to staff continuity and we would be very concerned if the existing staff are not migrated across to the SEB. Given WG’s proposals to transfer the function, this would need to be adequately staffed and resourced. We are also concerned that this move may create a disconnect with those developing marine planning within Welsh Government; given the clear need for the activities of marine planning and licensing to be effectively connected this is surely undesirable. It is WCMP’s view that the transfer should only occur if it can be shown that this will improve the way the function is carried out. WCMP members have reported difficulties in England where it has taken a long time for government bodies to ‘get to grips’ with their new licensing functions.

It is our understanding that the review of fees originally planned for 2012/2013 is currently on hold. We would hope that the review recognises that many small-scale applications present a low environmental risk and that the costs to the applicant reflect this, and are not disproportionate to this risk and/or the impact on other sea users.

The location of Welsh Government Fisheries Unit within a different Ministerial portfolio from that of marine planning, licensing and marine nature conservation, is a considerable concern of WCMP, as it appears to impede a truly integrated marine management in Wales. Greater cohesion and collaboration between the Deputy Minister for Agriculture, Fisheries, Food and European Programmes and the Minister for Environment and Sustainable Development would be to the benefit of better marine governance in Wales.

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

WCMP believes that, taken as whole, the suite of marine legislation at international, European, national and devolved levels provides a potentially robust framework for managing our seas. At the European level, this includes the Water Framework Directive, Bathing Waters Directive and the Marine Strategy Framework Directive as well as the Birds and Habitats Directives. There has been good progress in relation

to a number of these, for example, the Bathing Waters Directive. However, it is the opinion of the WCMP that the occurrence of damaging activities within Welsh waters is the greatest threat to the effective implementation and enforcement of some aspects of these key Directives.

The implementation of the Marine Act in particular, represents a decisive move towards better management of Welsh seas, in order to meet the UK and Welsh Governments' shared vision of clean, healthy, safe, productive and biologically diverse seas. Embedded within the new policy and legislative framework (i.e. the UK Marine Policy Statement) is the ecosystem approach. This is an important integrating mechanism to support the delivery of sustainable development and is fully supported by WCMP. As this legislation is fully aligned with Sustaining a Living Wales, it should be fully and swiftly implemented to contribute towards achieving sustainable development in Wales.

Whilst a focus by the inquiry on Directives is appropriate, WCMP would like to flag the 2002 European Recommendation on Integrated Coastal Zone Management, This acted as the catalyst for a stocktake of ICZM activity within the UK and the development of the Wales ICZM strategy. Given its potential to add value to marine policy, if the Wales strategy were to be implement, it should be given due consideration by the Committee.

5. Whether there is sufficient co-operation and co-ordination between Welsh Government and its neighbouring administrations in relation to the management of its seas?

Successful integration will be achieved by developing close working relationships between WG, the Westminster Government and the other devolved administrations. The Marine Planning Group agreed that formal concordats with the MMO and Defra on cross border areas should be put in place as well as with other UK administrations, the Isle of Man and the Republic of Ireland. We feel that where WG marine policy staff may not be engaging with their counterparts in, for example Whitehall or Marine Scotland, this may be due to resource constraints, rather than a lack of will on the part of the Welsh officials concerned.

WCMP is concerned that there appears to have been no progress or communication with regard to the development of formal concordats with devolved administrations. Indeed, this is an area in which openness and transparency with stakeholders are notable by their absence,

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

Whilst we fully support the intention to implement the new marine legislative framework, WCMP suggests that there is a clear need for there to be more staff and resources allocated to marine policy in Wales to address a number of complex issues that are restricting activity. Most notable and concerning to WCMP are resources and capacity constraints to deliver new areas of marine work, such as marine planning.

It was apparent from the first public consultation exercise by WG on proposals for Welsh MCZs, that there was insufficient capacity for such a small team to deal with the significant amount of public outreach required – this was therefore at the expense of effective engagement and consultation. Given the considerable development of marine policy, it would be beneficial to expand current resources that could be used to support necessary engagement of stakeholders. It is salutary to compare the

range of work in the marine team's remit with that of comparably sized units within WG working on terrestrial issues. Despite the increasing recognition of the importance of the marine environment to the sustainable development of Wales and of the complex issues involved in its management, there is still a reluctance to accept the magnitude of the task. All too often 'marine' is regarded as a sector on an equivalent standing to terrestrial activity sectors such as, for example, forestry.

It is of great concern to WCMP that to date government investment in understanding marine ecosystems has not been on an equal footing with that of the terrestrial environment. Management of marine ecosystems has to a certain degree been hindered by not having a full understanding of marine ecosystem functioning and provisioning of goods and services. There has been valuable work done by a range of institutions, including higher education establishments and the third sector in Wales, which could be better harnessed to increase our understanding of natural resources within the marine environment and inform how these could be managed sustainably for the future. However, it is clear that there is an increasing need for marine evidence in order to fulfil current and proposed objectives, and this needs to be given sufficient funding and investment by WG.

WCMP are keen to ensure that similar issues arising from a lack of resources do not arise during the development of marine planning. WCMP feel that there is an opportunity to utilise the networks and expertise of WCMP and Coastal Partnerships to help deliver effective stakeholder engagement for the marine planning process. This will help to maximise the use of resources efficiently and effectively.

WCMP and Coastal Partnerships can play a central role in developing long-term relationships within their networks in the development of marine planning in Wales. However, it will be important for WG to be clear about wanting those relationships too and to provide the necessary brief and resources for Coastal Partnerships to play a much expanded and long-term role. Currently, coastal partnership coverage covers Pembrokeshire and the Severn Estuary; we would welcome the coverage of coastal partnerships to cover North and West Wales.

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

It is the view of WCMP, that there is recognition by WG of the need to engage stakeholders in the shaping of new policies and the development of legislation. This is demonstrated by the establishment of the WCMP Marine Planning Group that advised on early drafts of the consultation document issued in spring 2011. This working culture allows the expertise in Wales, including within industry, coastal partnerships, academia and third sector, to be harnessed for the benefit of marine policy development. We note however, that there have been occasions when the partnership has been strained in its capacity to contribute to a number of parallel consultation exercises by Welsh Government, making effective input and engagement with the multiple partnership groups difficult. Furthermore, as a stakeholder group, we have been frustrated that despite a considerable amount of input by WCMP and other stakeholders into policy or strategy development, there has not always been clear delivery or action by government, with the Wales ICZM Strategy a clear case in point.

The Stakeholder & Citizen Engagement Group (SCEG) was asked by WG to advise on engagement tools for the Marine Conservation Zone Potential Site Options consultation. WCMP was disappointed at the slippage in the timetable for consultation and SCEG members were frustrated that it was not possible to

communicate at an earlier stage to local groups about progress being made. This lack of communication gave rise to the impression that decisions were being made behind closed doors and may have contributed to the conclusion being reached by some stakeholders that sites have already been chosen. We feel that earlier informed communication, especially to prepare people so that they understood what the consultation would be about, would have improved the consultation exercise.

Welsh stakeholders have been largely left out of the ongoing discussions on site selection in the regional projects. WCMP were concerned that Welsh stakeholders had not been involved in the other MCZ projects being run by JNCC and Natural England. Concerns were raised about the lack of Welsh sectoral representation on the Irish Sea Conservation Zone Project. Defra's consultation on some of the proposed sites is about to commence and there are concerns that this is going to be taken forward without any consideration of the relationship to proposals for Welsh MCZs. There is a danger that the proposals may not be compatible with site proposals for the Welsh MCZ project.

FURTHER INFORMATION

Further information or background to this response can be obtained from Professor Lynda Warren, Chair of Wales Coastal & Maritime Partnership

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