

**Environment and Sustainability Committee
Marine Policy in Wales
MP 09 EAW**



Asiantaeth yr
Amgylchedd Cymru
Environment
Agency Wales

**NATIONAL ASSEMBLY FOR WALES' ENVIRONMENT AND SUSTAINABILITY
COMMITTEE INQUIRY: MARINE POLICY IN WALES**

SUBMISSION BY ENVIRONMENT AGENCY WALES

1.0 SUMMARY

1.1 We are pleased to be given the opportunity to submit our views to the Environment and Sustainability Committee Inquiry into marine policy in Wales.

- The implementation of the Marine and Coastal Access Act offers Welsh Government a fantastic opportunity to deliver sustainable development in the marine environment.
- Greater priority needs to be given to issues affecting the marine environment if Wales is to contribute to achieving the UK shared vision for clean, healthy, safe, productive and biologically diverse oceans.
- We are concerned that without the appropriate resources and a partnership approach, limited progress will be made to deliver the marine outcomes.

2.0 OUR ROLE

2.1 Environment Agency Wales' (EAW) job is to protect and improve the environment, and to promote sustainable development and make Wales a better place.

2.2 We have a major role in the sustainable management of the estuaries and coastal waters of England and Wales including;

- regulating polluting discharges up to three nautical miles from land-based sources;
- monitoring and managing flood risk and coastal erosion;
- management of migratory fisheries (to six nautical miles);
- protecting and enhancing biodiversity;
- competent authority for the Water Framework Directive (WFD) (to one nautical mile).
- Statutory Harbour Authority and Local Lighthouse Authority in the Dee estuary.

2.3 We are a designated consultation body under the Strategic Environmental Assessment (SEA) and Environmental Impact Assessment regulations. We

seek to ensure that plans and programmes minimise any significant adverse impact on the environment, and maximise any beneficial impacts. We are raising awareness of the proposed move to an ecosystems approach, as included in *Sustaining a Living Wales*, when we respond to SEA consultations. We are a statutory consultee in the town and country planning, Environmental Impact Assessment process and an advisor for marine licensing.

- 2.4 We have a considerable role in marine incident preparedness relating to polluting discharges coming landward. We also work to ensure the environment of Wales is resilient to climate change, particularly the increasing risks of flooding from all sources and the growing pressures on water availability for both people and wildlife.
- 2.5 We have been involved in the Welsh Government's marine conservation zone project and provide advice on the development of marine spatial planning.

3.0 GENERAL COMMENTS

- 3.1 The coast and seas are vital to Wales' economy, health and well-being. Climate change, coastal erosion and habitat loss are becoming an increasing threat to the marine environment and those that depend on it.
- 3.2 Greater priority needs to be given to the marine environment if we are to achieve the vision for "clean, healthy, safe, productive and biologically diverse oceans". The Marine and Coastal Access Act ("the Marine Act") puts in place important new environmental safeguards and an integrated approach to planning, regulation and biodiversity management across land and sea.
- 3.3 We work with the Countryside Council for Wales (CCW) to ensure that we have a common understanding and where practical, align our approach to tackling and preventing issues in the marine environment. This response focuses on the areas most relevant to our role and does not offer detailed comment on areas that CCW are best placed to advise.
- 3.4 The formation of the Natural Resources Body for Wales presents an opportunity to bring together and build upon the existing skills and expertise, however it must have sufficient resources and work collaboratively with partners to achieve marine outcomes.

4.0 RESPONSE TO THE INQUIRY'S SPECIFIC CONSIDERATIONS

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

- 4.1.1 Marine spatial planning provides the opportunity for a strategic and joined-up approach to managing the many different uses of the marine environment as well as influencing the management of other non-marine activities that can have an impact on the marine environment
- 4.1.2 A key step towards achieving the vision was the adoption across the UK of the Marine Policy Statement (MPS). However it is only when the Welsh

Government develop marine spatial planning in Wales and through that process interpret the MPS, express relative priorities and provide greater direction that the full benefits will be realised. We are concerned that lack of progress in this area will mean that opportunities may be missed, particularly in relation to working across political boundaries.

- 4.1.3 We support the Welsh Government's approach to develop marine spatial plans based on an ecosystem approach. To be effective each plan will need to be supported by a robust evidence base. This will enable a consistent approach to marine licensing decisions.
- 4.1.4 Marine plans will need to take account of the impacts of climate change whilst recognising the contribution the marine environment can make to tackling its causes, e.g. renewable energy generation.
- 4.1.5 It is important that the marine planning system integrates with the land use planning system, river basin management planning and shoreline management planning. Allied with engagement with coastal communities and balancing development and environmental protection.

4.2 *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?*

- 4.2.1 75% of Wales' coastline and 40% of Welsh seas are protected by designations such as Special Protection Areas (SPAs) and Special Areas of Conservation (SAC), all are a form of Marine Protected Area (MPA). We support the Welsh Government's approach to enhance this network by identifying highly protected sites. Given the impact protected sites may have on other uses within the marine environment, it is important that the justification supporting decisions on the size and location of MPAs are based on robust environmental evidence and take into account the social and economic impacts.
- 4.2.2 We believe that well-managed MPAs can contribute to protecting and building the resilience of marine biodiversity in order to adapt to climate change pressures. We also need to ensure protection for fragile coastal (e.g. salt-marshes) and estuarine habitats which serve as nurseries for marine fish and pathways for migratory fish. Coastal habitats such as saltmarsh can also act as a natural flood defence.
- 4.2.3 We think it's important that conservation and management objectives are specific and clear, are workable in practise and follow a risk based approach.

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

- 4.3.1 Coastal protection and development, mineral extraction and deposition within the marine environment are all managed through a regulatory regime of marine licences. These are currently determined by the Welsh Government's Marine Consent Unit which is due to transfer to the Natural Resources Body for Wales.

- 4.3.2 We are currently working with Defra and the Marine Management Organisation on new exemptions and proposals for a fast track licensing system in England. We support the Welsh Government's plans to amend the legislation in Wales.
- 4.3.3 We have worked with the Welsh Government to develop guidance for taking WFD into consideration when determining marine licensing, developed web based guidance for business and removed the need for some licences where the marine licence provides appropriate protection.
- 4.3.4 The Marine Act enabled the Welsh Government to absorb all sea fisheries management responsibilities. Our role as holders of the Cockle Regulating Orders in Burry Inlet and the Dee Estuary represented a major change in the way that fisheries are managed. This has been successful and set the foundations for a more sustainable future for both fisheries. The Marine Act also strengthened our role in relation to migratory fish such as sea lamprey, smolt and shad.
- 4.3.5 Our Enforcement Officers are cross-warranted with the Welsh Government marine officers and, therefore, able to enforce sea fisheries byelaws although we do not have the legal vires to take prosecutions for byelaws which are strictly related to sea fish protection. This can lead to confusion as to which authority should take a prosecution. We are working with the Welsh Government to rectify this situation.
- 4.3.6 We need the Welsh Government to give us powers to enable our enforcement officers the power of arrest in relation to enforcing the Welsh Government sea fisheries byelaws in general, and regulating the cockle fisheries in particular. Without these powers our enforcement is severely restricted.

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

4.4.1 Progress with WFD

The European WFD provides a common framework and objectives for managing the activities and pressures that impact our water environment out to one nautical mile. We are in the first of three planning and delivery cycles aiming to achieve good ecological status by 2027. The first River Basin Management Plans (2009-2015) show that in 2009 33% of all Wales' water bodies met the WFD objective of Good Ecological Status. Our ambition is to achieve 50% by 2015.

Estuaries and coastal waters are large and complex. In 2009, 44% of our estuaries and coastal waters were classified as meeting good ecological status.

Restoring the ecological integrity of Wales' water environment will take a significant investment of money and resources over many years and is not

something that EAW can deliver alone - it requires many organisations to work in partnership.

In April 2012, the Welsh Government allocated ~£400k to us to facilitate partnership working with Third Sector Organisations (TSO). Working in partnership with TSO is an effective and efficient mechanism for delivering environmental improvements and has wider benefits, for example to the local economy, tourism, volunteering and training opportunities. Based on lessons from Wales and elsewhere, we believe funding restoration activities through five to ten year strategic partnership restoration agreements will result in better projects and greater environmental improvements.

4.4.2 Progress with the Bathing Water Directive

Good progress has been made on achieving bathing water standards. Bathing water quality in Wales has improved significantly over the past two decades. Last year 98.9% of bathing waters met water quality standards. This year we had record levels of rainfall in June and July which has affected bathing water quality at some of the 100 designated bathing waters. We are expecting more failures due to the weather conditions.

Wales will have more stringent water quality standards to achieve under the revised Bathing Water Directive in 2015. This will be extremely challenging. We are concentrating on tackling pollution before the new standards come into force.

Further challenges arise from designation of new Bathing Waters, which leads to greater demand on our resources and increased investment by water companies.

4.4.3 Progress with the Marine Strategy Framework Directive (MSFD)

The MSFD is in its early stages. We are a member of the MSFD steering group and the UK evidence groups.

We support the proposals for Good Environmental Status and the commitment that UK Administrations have made to implementing MSFD in a way that is as consistent with WFD as possible.

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

4.5.1 The Welsh Government has made a commitment to work with other administrations and in particular with the Marine Management Organisation on marine spatial planning. This will help to address the mix of devolved and non-devolved responsibilities and support shared outcomes and complementary approaches and ultimately deliver better results for the environment. This is particularly important in cross border estuaries.

4.5.2 It is essential these strong working relationships across administrations and statutory agencies are maintained after the Natural Resources Body for Wales is formed.

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

4.6.1 To achieve the Welsh Government's vision of clean, healthy, safe, productive and biologically diverse oceans and seas, complex issues, interdependencies and impact need to be resolved. This will need to be supported by sufficient resources and capability within the Welsh Government, the Natural Resources Body for Wales and partner organisations to establish an evidence base, engage stakeholders and deliver new areas of marine work effectively.

4.6.2 We believe there is insufficient resource currently. We also suggest the Natural Resources Body for Wales has a dedicated marine team to provide the focus and priority on achieving marine outcomes.

4.6.3 There are strong interdependencies along Wales' coast between social well being, economic growth and a clean and attractive environment. We clearly recognise the constraints of the current financial climate. However in our view, a more integrated approach to decision making would deliver more effective use of Wales' natural and financial resources and achieve outcomes for our coast that are sustainable in the future.

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

4.7.1 We have and will continue to work with the Welsh Government on developing their approach to managing the marine environment including advising on:

- The Marine and Coastal Access Act
- The Strategy Development for Marine Protected Areas in Wales
- The Approach to Marine Planning in Wales
- The Options for Marine Conservation Zones
- Coastal Protection in Wales

4.7.2 We recognise that other non-statutory agencies, smaller organisations, communities and individuals may find it difficult to find time to understand and effectively contribute to the shaping of new policies. In order to facilitate true engagement we need to find a way to share complex evidence and technical information. We support the Welsh Government in their use of the Wales Coastal Maritime Partnership and other coastal partnerships as a mechanism to harness engagement of a wider group of stakeholders.

FURTHER INFORMATION

Further information or background to this response can be obtained from
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