

REPORT OF THE CONSERVATION POLICY OFFICER

SUBJECT: MARINE CONSERVATION ZONES - POTENTIAL SITE OPTIONS FOR WELSH WATERS

Purpose of Report

Welsh Government is currently consulting on 10 potential Highly Protected Marine Conservation Zones in Welsh waters. The consultation opened on 19th April and closes on 31st July.

This report sets out the background to the NPA's involvement in marine management, the background to Welsh Government's proposals for Highly Protected Marine Conservation Zones, and seeks Members' approval for an outline response to the consultation.

Background to the NPA's involvement in marine management

The legislative and policy context

The legislative and policy context for marine management and conservation continues to evolve as the Marine and Coastal Access Act 2009 is implemented and as the Marine Strategy Regulations 2010 are introduced.

A key result of the Marine and Coastal Access Act 2009 is that Welsh Government ministers now constitute the marine planning authority for devolved matters in Wales, and have powers to license certain marine activities. The UK framework for marine planning is set out by the Marine Policy Statement (2011), which has been adopted by UK government and the devolved administrations. Welsh Government has indicated that there will be two marine plans for Wales, covering the offshore and inshore areas. These will be integrated along their seaward boundaries with neighbouring UK plans and with terrestrial (local development) plans at mean high water.

Welsh Ministers also regulate sea fisheries out to the median line with Ireland, through statutory instruments made under powers from primary legislation, within the framework set out by the 2008 Wales Fisheries Strategy. In April 2010 Welsh Government assumed the responsibilities of the South Wales Sea Fisheries Committee.

The NPA's involvement in the marine environment

The islands, coastal scenery and marine wildlife were key reasons for the designation of Pembrokeshire Coast National Park. The seaward boundary of the

National Park on the mainland and on the islands (including The Smalls, approximately 20 miles offshore) is mean low water.

The waters surrounding the National Park are of major conservation importance. About 80% of the length of the National Park coastline is designated Site of Special Scientific Interest. European Marine Sites (i.e. marine Special Areas of Conservation designated under the EU Habitats Directive, and marine Special Protection Areas designated under the EU Birds Directive) overlap around 75% of the National Park's coastline and account for about 60% of the inshore area. The European Marine Sites are the Pembrokeshire Marine Special Area of Conservation, Carmarthen Bay and Estuaries European Marine Sites (consisting of a Special Area of Conservation and a Special Protection Area), and the Cardigan Bay Special Area of Conservation.

Skomer Marine Nature Reserve is one of only three Marine Nature Reserves designated in the UK, and the only one in Welsh waters. The islands of Skomer, Skokholm, Grassholm and Ramsey are designated as Special Protection Areas and also as National Nature Reserves.

Although the National Park boundary extends only to the mean low water mark, the state of the wider marine environment directly and indirectly affects the character and people's enjoyment of what is a maritime National Park. Management of the marine environment is therefore a major consideration for the NPA, even though its direct statutory influences are limited.

The following outlines some of the NPA's involvements in the marine environment, but is not exhaustive.

Development and coastal planning

The NPA's development planning policy and management responsibilities end at mean low water. However the NPA may still have a direct influence on offshore developments, for example in its determination of the outcome of a planning application for a landfall element and/or onshore works associated with the proposal. The NPA may also determine planning applications for smaller structures which project beyond mean low water, such as jetties.

The NPA is consulted on plans or developments which affect the coast, and may be involved in their preparation; in the case of the two Shoreline Management Plans affecting the National Park, for example, the NPA is a stakeholder and has been involved in the preparation of the plans.

Marine conservation

The NPA is both a relevant and competent authority for the European Marine Sites adjacent to the National Park (i.e. the NPA has non-statutory functions and statutory powers which affect the designations). Accordingly, the NPA is a member of the Relevant Authorities Groups (i.e. management partnerships) for the sites. The NPA also sits on the Skomer Marine Nature Reserve Advisory Committee. Marine conservation issues to emerge include fisheries management, development (including marine energy and associated transmission/landfall infrastructure), and use of recreational craft and of the foreshore.

The NPA provides key financial support to Pembrokeshire Coastal Forum. This includes contributions to the Marine Code and Outdoor Charter projects, and to the Marine Energy Pembrokeshire Group (an initiative which brings together the private sector, the public sector and academia to promote sustainable use of marine energy off the Pembrokeshire Coast).

The NPA is also a partner in pollution contingency planning and response.

Recreation and understanding

Pembrokeshire's coastal scenery, inshore waters and wildlife are of course a major recreational attraction for residents and visitors. There are more than 50 clearly identifiable beaches in the National Park; the NPA leases the foreshore on most of these, with beaches east of Giltar Point leased by Pembrokeshire County Council.

Enjoying the National Park is a plan produced by the NPA, in partnership with public, private and voluntary partners, and published in 2011 following public consultation. The plan is aimed at providing and managing sustainable recreation opportunities in the National Park and adjacent waters. *Enjoying the National Park* is the key to implementing National Park Management Plan policies for recreation, and also contributes to objectives for conservation and lifelong learning. It also forms the basis of Supplementary Planning Guidance, providing more detailed advice on the way in which relevant policies of the Local Development Plan will be applied.

Background to the Welsh Government's current proposals

The Marine and Coastal Access Act 2009 gave Welsh ministers the power to designate Marine Conservation Zones (MCZs) and Highly Protected Marine Conservation Zones (HPMCZs).

These zones are intended to contribute to achieving UK, EU and other international conservation goals by supplementing the wider network of marine protected areas. This wider network consists principally of marine Special Areas of Conservation and marine Special Protection Areas, but also includes Ramsar Sites (in other parts of Wales) and some Sites of Special Scientific Interest (where these include the intertidal zone).

Purpose and principles of HPMCZ

HPMCZs are intended to contribute to ecosystem functioning and to human understanding of ecological processes. In areas designated as HPMCZ there will be no extraction or deposition; they will therefore be no-take zones as far as fishing is concerned.

Selection criteria

Identification of the ten potential HPMCZs put forward by Welsh Government were based on the following five principles:

- Contribution to ecosystem resilience and functioning
- Ecological quality of the site

- Contribution to the wider marine protected area network
- Minimising social and economic constraints, and site area, subject to achieving ecological goals
- Number: Welsh Government intends to designate no more than three to four HPMCZs initially

Distribution of the potential HPMCZs

The map at Annex 1 to this report shows the distribution of the ten potential sites around Wales. In all cases the site boundaries given are indicative only and may change in the light of the consultation.

As noted above, Welsh Government initially intends to designate no more than four HPMCZs. Welsh Government wishes to manage, monitor, evaluate and enforce the sites adequately, and it considers four sites to be an appropriate number of sites at this stage.

Almost all the potential HPMCZs lie in existing marine Special Areas of Conservation (designated under the Habitats Directive). However this does not necessarily mean that the potential sites are already adequately protected, and they are certainly not protected to the level that their designation as HPMCZ would imply.

Three sites are proposed off the Pembrokeshire Coast. These are South West of Strumble Head, Skomer, and Dale. The areas enclosed by the indicative site boundaries are 4.1km², 10.5km² and 2.9km² respectively. Maps showing the potential boundaries are given in Annex 3 to this report.

Features of the potential HPMCZs

Summary information on all the proposed sites is included at Annex 2 to this report.

Project delivery

To deliver the project, Welsh Government established a Steering Group (on which PCNPA represents the Welsh Local Government Association) and a Technical Advisory Group. The Wales Coastal and Maritime Partnership was invited by Welsh Government to establish a Stakeholder and Citizen Engagement Group.

The Technical Advisory Group is the operational arm of the project, developing site selection guidance, collecting and analysing data to inform site selection, and providing options for potential sites. The Technical Advisory Group is drawn from Welsh Government, the Countryside Council for Wales, the Environment Agency Wales, the Joint Nature Conservation Committee, the Centre for Environment, Fish and Aquaculture Science, Seafish, the Crown Estate, and academia.

The role of the Stakeholder and Citizen Engagement Group is to raise general awareness of the project, advise Welsh Government on engagement, and to feed stakeholders' views to the Technical Advisory Group and Steering Group. Its membership includes commercial and environmental interests.

The current consultation

The current consultation is aimed at eliciting people's views on, and evidence for, any additional ecological and socio-economic implications of designation of each of the potential sites.

There will be two more consultation phases before designation of the final HPMCZs. These consultations will relate to the second iteration of site selection (January - April 2013) and to the final site proposals (Winter 2013). The intention is for the designation order for the chosen sites to be made by Spring 2014. The project programme is shown at Annex 5; it is currently at Stage 3.

Full details of the consultation, including background information on site selection, and a Frequently Asked Questions paper, is available at:

<http://wales.gov.uk/consultations/environmentandcountryside/mczpotentialsites/?lang=en>

Outline NPA response to the consultation on potential sites

Officers have outlined below some general and specific comments on the HPMCZ proposals and process.

Officers' comments on the consultation process

Officers are aware, through contact with Pembrokeshire residents and press coverage, that the proposals for HPMCZs have given rise to some serious concerns about what would or would not be permitted in terms of activity were HPMCZs to be designated. (A list of damaging or disturbing activities and management measures is given on pp 269-274 of the consultation.) There also appears to be confusion over who is consulting on the proposals.

Officers would like to draw Welsh Government's attention to the concern and confusion that the proposals appear to have given rise to, in order that future rounds of public engagement on HPMCZs can seek to avoid this.

Each potential HPMCZ site has a standard set of questions associated with it. Two of the questions relate to ecological data and ecological benefits; one solicits views on disadvantages of designation; the remaining seven questions seek information on recreational and commercial activity. There is therefore a possibility that responses will, by volume at least, be weighted towards human activity and towards boundary constraints.

Officers would like to alert Welsh Government to what may be an inherent informational bias towards reduced site boundaries, and urge that an equal level of scrutiny is applied to all evidence.

Highlighting the benefits of highly protected marine reserves

A report by the Partnership for Interdisciplinary Studies of Coastal Oceans¹ (PISCO) found that, within highly protected marine reserves globally:

- animal and plant biomass increased by 446%
- the number of plants and animals in a given area increased by 166%
- body size of animals increased by 28% (implying greater age and a longer productive life)
- species diversity increased by 21%

Heavily-fished species often show the most dramatic increases as a result of protection, with some having more than 1,000% higher biomass inside marine reserves than outside them.

Annual Business Survey statistics give the approximate economic value of fishing in Wales: £13m in 2008 and £11m in 2009². Employment data shows that employment in fishing in Wales in 2010 was around 400³. In South West Wales alone, the visitor economy - which is heavily reliant on a high quality marine and coastal environment - sustains 20,000 jobs in 6,000 businesses and brings in over £350m revenue to the region annually⁴.

The PISCO report mentioned above notes that “Although ecological goals often are viewed as being in conflict with some social and economic goals...the choice is not between environmental and economic goals but rather between short-term gain and long-term prosperity.”

Officers suggest that the Authority’s response should highlight the intergenerational responsibility to protect Wales’ marine resources, and the biophysical, and therefore economic, benefits of highly protected marine reserves; to commercial fishing, to recreational fishing and to tourism. In particular the Authority’s response should draw attention to the major economic contribution that healthy and productive seas make to Wales’ visitor economy, and the vital economic role which marine protection therefore has in Wales.

The area and overall contribution of the proposed HPMCZ

Marine protected areas currently cover 5,834km² (36.6%) of Wales’ territorial waters. However, Wales Environment Link notes that more than 50% of features of European Marine Sites (marine Special Areas of Conservation and marine Special Protection Areas) are failing to reach favourable conservation status in Welsh waters because of a failure to ensure appropriate management. Wales Environment Link

¹ ‘The Science of Marine Reserves’ 2007 (2nd Edition, European Version)

http://www.piscoweb.org/files/file/science_of_marine_reserves/SMR_EU-HR.pdf

² <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcn%3A77-249334>

³ <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcn%3A77-230519>

⁴ http://www.swwtp.co.uk/media/files/SWWTP_AR_11_ENG.pdf The South West Wales area consists of the Unitary Authority areas of Neath Port Talbot, the City and County of Swansea, Carmarthenshire and Pembrokeshire.

points out that “a designation without appropriate management does not constitute protection.”⁵

While HPMCZs allow a far greater level of protection than European Marine Sites, they will inevitably have only a small collective area. Even if the largest four of the ten potential sites were to be selected as HPMCZ, they would cover a maximum of only 76km² out of approximately 16,000km² of Welsh territorial seas - less than 0.5%.

Officers view the HPMCZ proposals as a necessary and very welcome contribution to the marine protected area network, but suggest that due to their limited area, and likely dispersed distribution, they can only make a limited contribution to the UK's marine conservation goals. HPMCZ can only therefore realistically be evaluated in terms of local ecological benefit, not in terms of their national contribution. Officers suggest that better resourcing and management of other (existing) marine designations is also required to achieve UK ecosystem goals.

Exclusion and modification of potential sites/boundaries on policy grounds

Software was used to generate the proposed HPMCZ boundaries on the basis of habitat data. The boundaries were then refined according to practical considerations (e.g. legal constraints, current practice) and also according to compatibility with Welsh Government policy (e.g. energy policy). The principle of minimum area and simple outlines also influenced the boundaries put forward for consultation. While this is a pragmatic approach, it does mean that the boundaries as proposed are dependent on historical survey and monitoring effort, i.e. on where ecological interest is known to occur and/or it has been possible to survey it. It also means that boundaries have already been influenced by non ecosystem-based criteria.

Officers understand that one reason for the removal of Ramsey Island as a candidate site was its significance for tidal power generation and due to consents being already in place (although it may be that tidal current devices are relatively benign in terms of their impacts on ecosystem processes in certain environments, such as scoured rock). In contrast, the Dale potential site was retained as a potential HPMCZ, despite its past, present and undoubted future significance for mooring, anchorage and recreation.

Officers question the influence that Welsh Government policy considerations have had on the potential sites put forward for consultation, and are concerned that these considerations do not appear to have been consistently applied.

Getting the best result for Wales and the UK

Members will appreciate that, since a maximum of four sites will eventually be designated in the whole of Welsh waters, there is a ‘tactical’ angle to this consultation.

⁵ Wales Environment Link (2011) ‘Policy Briefing: Marine Protected Areas in Wales’
<http://www.waleslinkmarine.org.uk/images/user/MPAs.pdf>

It is suggested that as a general principle the Authority should state that it supports an outcome which makes the maximum contribution of HPMCZs to the marine protected area network.

The size and ecological significance of Skomer Marine Nature Reserve (designated in 1990 and a rich source of data for decades) makes it significant at a Welsh and UK level, and there are compelling practical, ecological and research reasons for it to become an HPMCZ. It is worth noting that only three Marine Nature Reserves were ever designated in the UK, Skomer being the only one in Wales.

There are perhaps less convincing arguments for designation of the other Pembrokeshire sites as HPMCZs. Although there is a strong case for better protection and management of the Gann Flats, much of the potential HPMCZ at Dale is arguably already significantly disturbed by moorings and anchorages which are essential to the local economy.

The South West of Strumble potential site was dropped as a candidate site but reintroduced when the Ramsey Island site was removed. It is unfortunate that the boundary of the South West of Strumble site includes the foreshore and mooring area at Abercastle, as there are nearby areas of equivalent ecological interest and representativeness which would have less impact on communities if designated as an HPMCZ. In addition, boats based at Abercastle are generally small and would often be unsuitable for fishing further offshore (i.e. outside the potential boundary).

Officers suggest that the three potential HPMCZs off the Pembrokeshire Coast should be welcomed in principle, but that the Authority should be primarily supportive of an HPMCZ at Skomer on the basis that, of the three potential Pembrokeshire Coast sites, it will make the biggest contribution to Wales' (and the UK's) marine protected area network.

Officers suggest that the Authority's response to the consultation highlights the importance of managing activities in the intertidal area in the Gann Flats, such as bait-digging and ancillary activities, but proposes that HPMCZ designation is not necessary to achieve this. Management measures should instead be implemented through the existing mechanism of the Pembrokeshire Marine Special Area of Conservation Management Scheme.

Suggestions for boundary adjustments at Skomer MCZ/potential HPMCZ

Irrespective of the outcome of the HPMCZ designation process, Welsh Government intends to designate the Skomer Marine Nature Reserve boundary as an MCZ, using the provisions of the Marine and Coastal Access Act 2009. (This parallels the automatic 'conversion' of the Lundy Marine Nature Reserve to an MCZ in England.)

Somewhat confusingly, this designation (MCZ) would take place even if Skomer was also designated as an HPMCZ⁶. The Skomer Marine Nature Reserve boundary is

⁶ The date for making such an order is not set out in statute, nor is there a programme for designating any other (non-Highly Protected) MCZs.

shown at Annex 4, together with the potential HPMCZ boundary. Members will note that the potential HPMCZ boundary at Skomer excludes some areas encompassed by the Marine Nature Reserve boundary (e.g. to the north-east and south-west of the island) but includes new areas (e.g. Marloes Sands and adjacent subtidal area).

While in principle officers support extended protected areas we are unsure of the ecological basis for the inclusion of Marloes Sands within the potential HPMCZ (although there is an ecologically-important reef further offshore). We therefore suggest that the Marloes Sands extension is omitted.

Officers propose that Welsh Government should simply adopt the marine area enclosed by the Marine Nature Reserve boundary as an HPMCZ. However, if Welsh Government wishes to include sandy beach and subtidal area in an HPMCZ at Skomer, it may wish to consider doing this by extending the (present) Marine Nature Reserve boundary to the north-east, to include Musselwick Sands and subtidal area. In officers' judgement these suggestions for boundary adjustments would have practical and ecological advantages and no net socio-economic disbenefit.

There are two anchorages within Skomer Marine Nature Reserve that fulfil an important safety function for vessels, and have limited ecological impact as they lie in dynamic areas of the seabed. These anchorages are exempted from the voluntary code within the Marine Nature Reserve and the arrangement works very successfully. *The Authority may wish to suggest that an equivalent exemption should be applied to an HPMCZ at Skomer to allow these anchorages to continue to be used.*

Resourcing and management of HPMCZ

The Countryside Council for Wales has responsibility for managing Skomer Marine Nature Reserve but Welsh Government will be responsible for management of HPMCZs. Resources will be needed for survey and monitoring of the conservation interest of HPMCZs, for proactive education and awareness-raising, for ensuring compliance and maintaining an effective presence.

Officers suggest that the Skomer Marine Nature Reserve management arrangements are an excellent model on which to base HPMCZ management, as they are demonstrably effective, highly efficient and essential to maintaining relationships with stakeholders and the wider public. Officers suggest that Welsh Government should clarify the future management arrangement of Skomer MCZ and the HPMCZ which may be partly nested within it.

Officers also suggest that the Authority takes the opportunity afforded by this consultation to encourage Welsh Government to ensure that more resources are allocated to marine operational and policy functions.

Recommendation

Members are invited to APPROVE the outline above as a basis for PCNPA's response, subject to any comments they may wish to make.

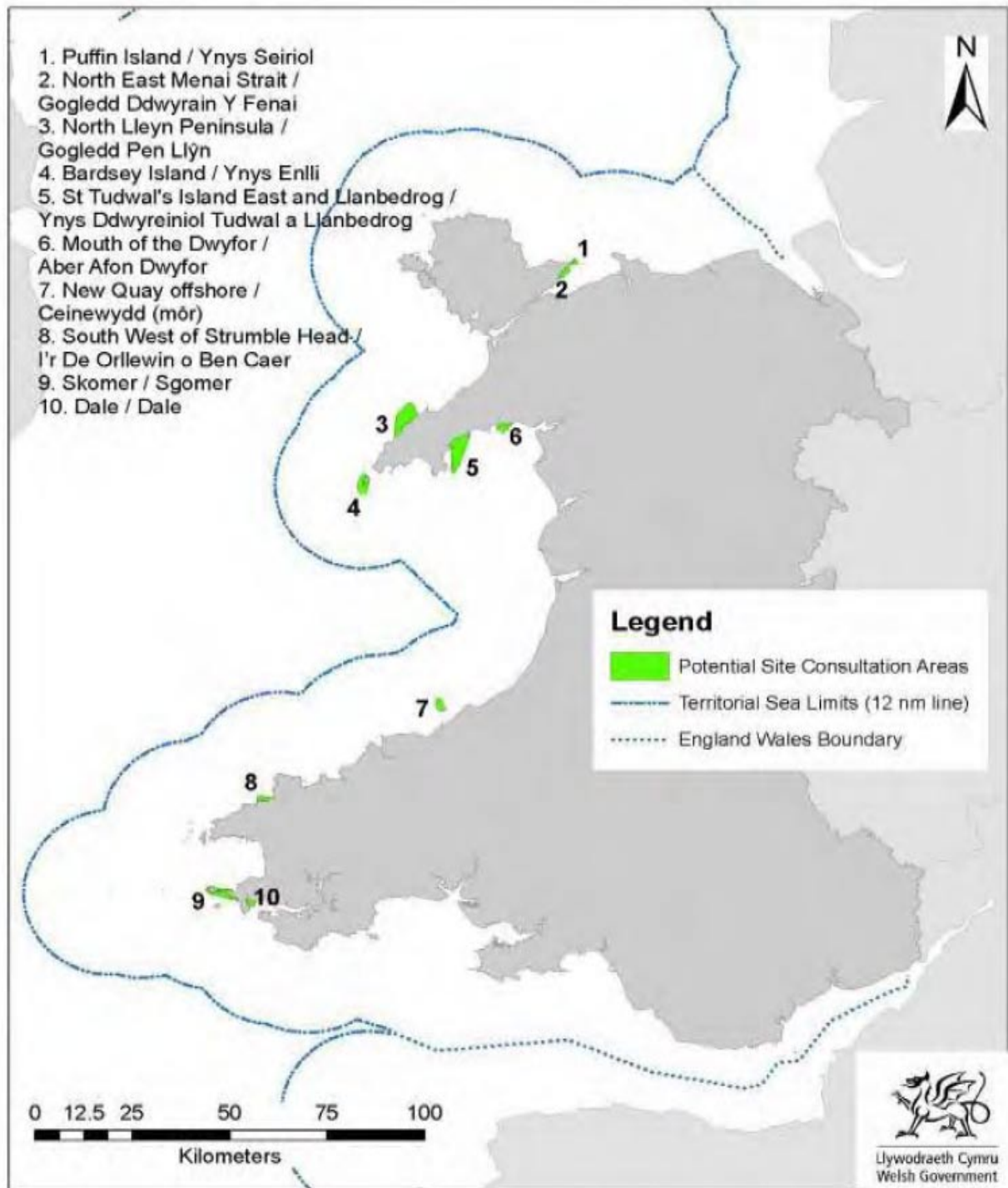
Background documents

Welsh Government (2012) 'Marine Conservation Zones (MCZs): Potential Site Options for Welsh Waters' - consultation documents

<http://wales.gov.uk/consultations/environmentandcountryside/mczpotentialsites/?lang=en>

For further information, please contact Michel Regelous on 01646 624827

Annex 1 – Location of potential Welsh HPMCZ sites



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Annex 2 – Overview of potential HPMCZ sites

(Reproduced from the consultation document.)

Puffin Island - variety of habitats on the shores and underwater. For example, the underwater kelp forests are rich in communities of animals such as sponges and anemones (2km²).

North East Menai Strait - variety of habitats on the shores and underwater. The underwater habitats are influenced by strong tidal flows (4.1km²).

North Lleyn Peninsula - variety of habitats on the shores and underwater. Both rock and sediment habitats are represented, including underwater habitats such as a reef formed by large horse mussels which, in turn, provides an important habitat for many other species (26.8km²).

Bardsey Island - variety of habitats on the shores and underwater. The shores around Bardsey are full of contrasts - steep cliffs to the north and shallow sloping platforms to the south. Underwater, there are vibrant wildlife communities of kelp, soft corals, sea fans, anemones and sponges. (10.5km²).

St Tudwal's Island East and Llanbedrog - variety of habitats on the shores and underwater. Many areas, both underwater and on the shore, consist of mixed gravelly sediments which harbour a wealth of different species (28.2km²).

Mouth of the Dwyfor - variety of habitats on the shores and underwater. This site is fairly sheltered from wave action. On the shore, habitats such as honeycomb worm reefs, formed by worms that cement sand together to form large honeycomb-like structures, contrast with mixed and sandy sediments underwater (6.0km²).

New Quay offshore - range of sediment habitats with some cobbly patches. This is the only site proposed which is entirely subtidal (*does not include the coast*) (5.3km²).

South West of Strumble Head - numerous different habitats in an area where few other sites were chosen. The site is mainly rocky and quite exposed to wave action, although small bays and inlets provide some shelter. Underwater, rocky reefs support a rich mix of sponge species (4.1km²).

Skomer – variety of habitats on the shores and underwater, the site includes much of Skomer Marine Nature Reserve. Its rocky shores and shallow waters are exposed to wave action, but there are more sheltered areas as well, such as the seagrass bed at North Haven. Many species have been recorded in these waters, including 240 species of seaweed, 100 species of sponge and 72 species of sea slugs (10.5km²).

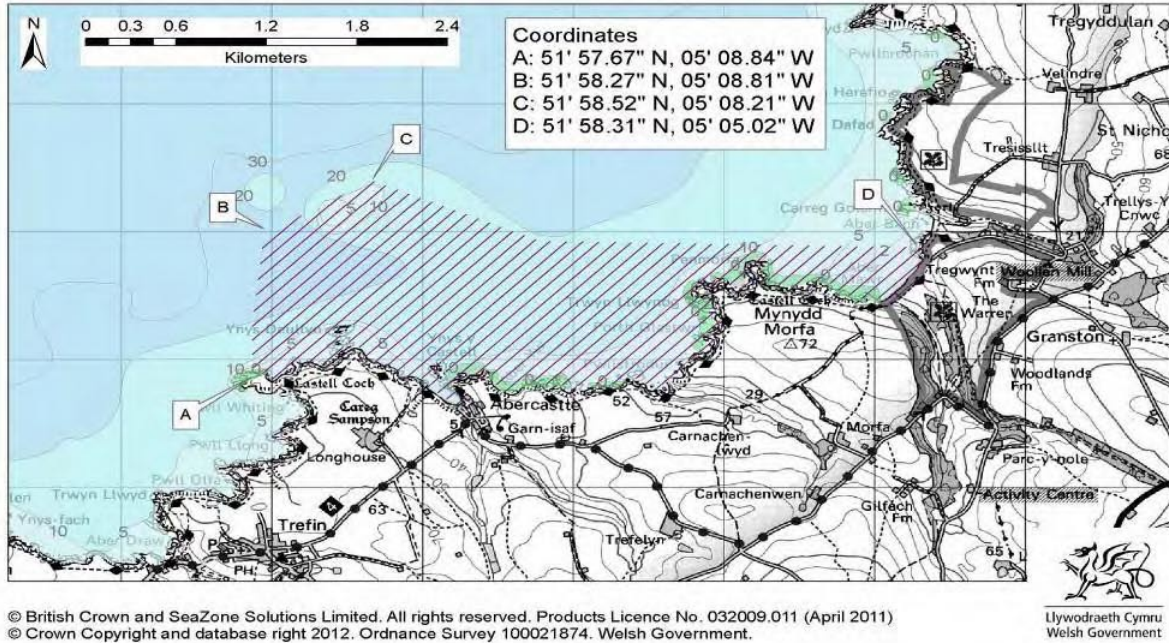
Dale - chosen mainly for the intertidal mixed sediment and subtidal muddy habitats, along with a variety of other habitats. The muddy gravels on

the shore support a wide range of species of worms and cockles (2.9 km²).

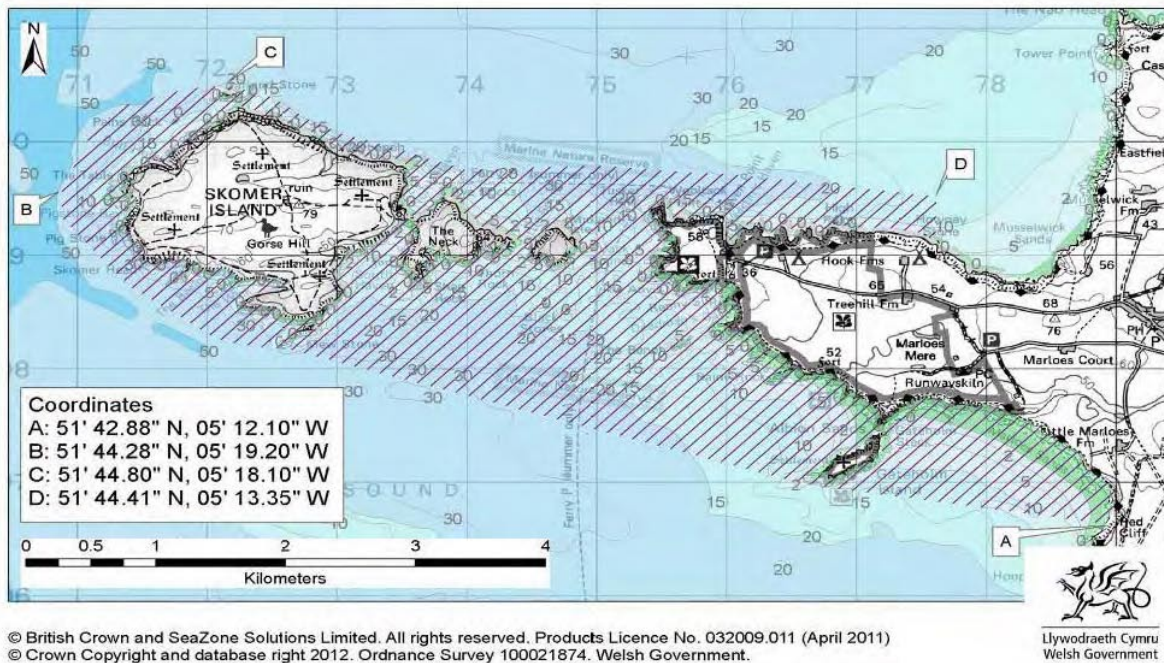
Annex 3 – Three potential HPMCZ off the Pembrokeshire Coast

(Reproduced from the consultation document.)

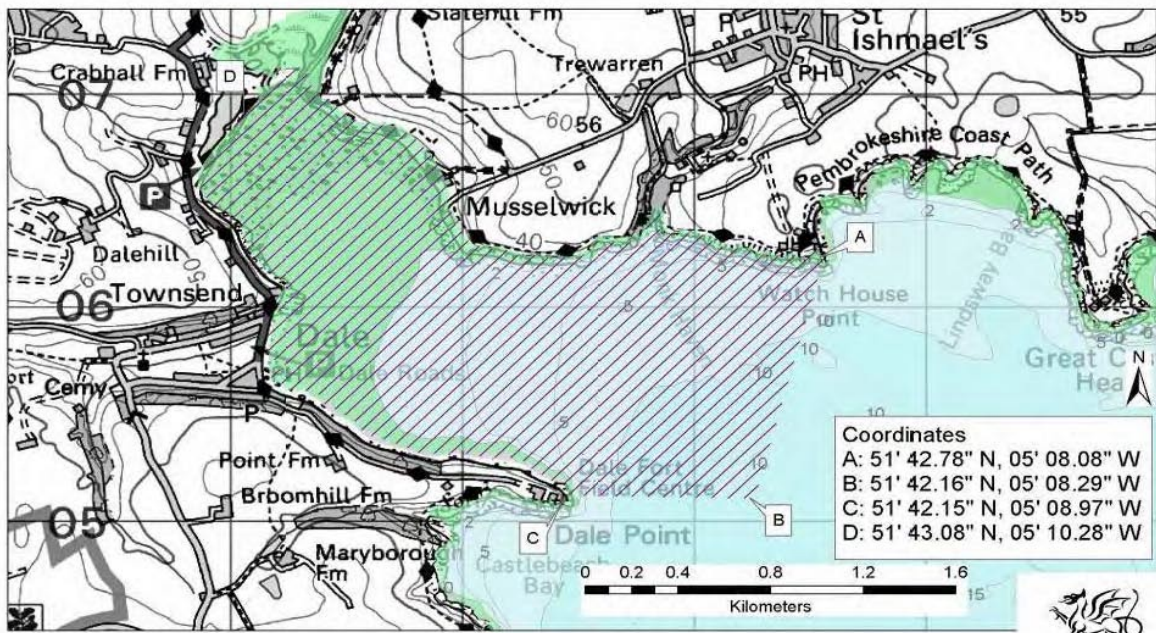
8. South West of Strumble Head/ I'r De Orllewin o Ben Caer Potential Site



9. Skomer / Sgomer Potential Site



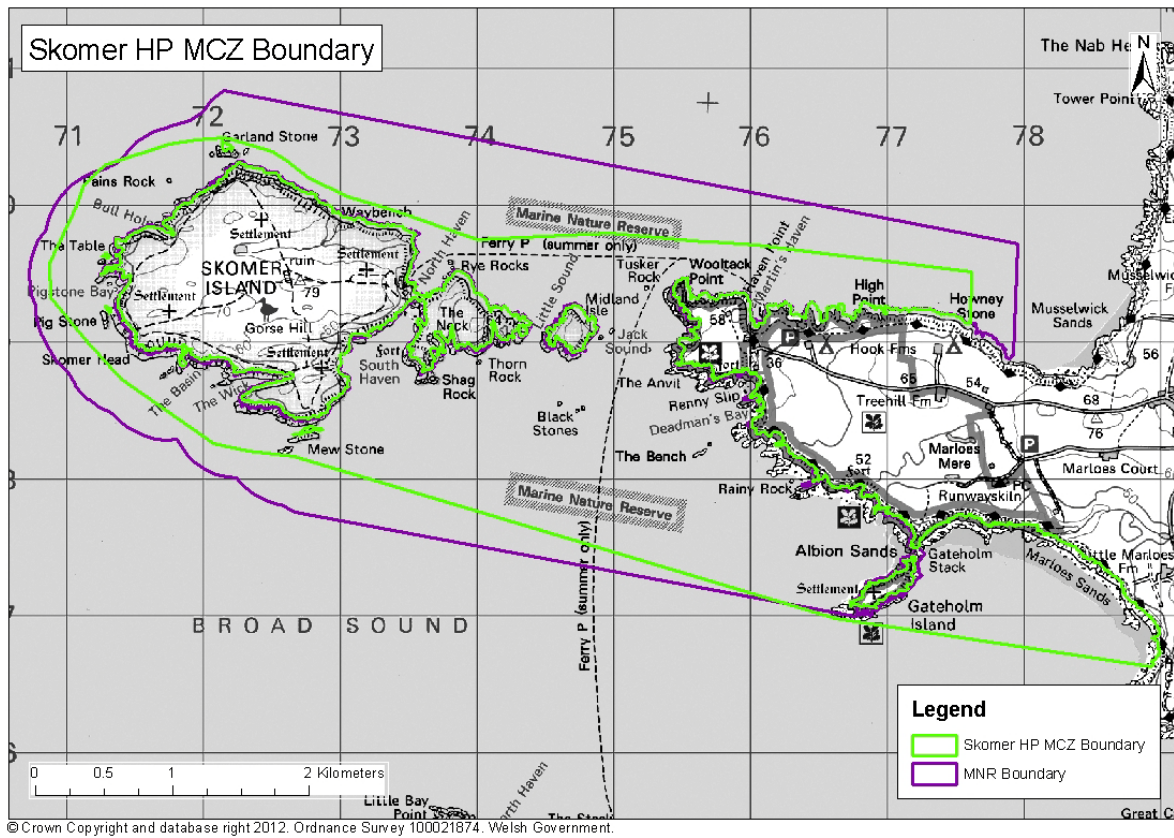
10. Dale Potential Site



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Annex 4 – Skomer Marine Nature Reserve boundary and potential HPMCZ boundary



Annex 5 – The consultation process

(Reproduced from the consultation document.)

