

Marine Protected Area

Research Briefing

September 2019



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What is a Marine Protected Area?

Marine Protected Area (MPA) is a collective term for all forms of protected nature conservation sites in the marine environment. They are geographically defined and formally recognised through legal or other effective means, such as voluntary approaches. MPAs may be designated for a variety of reasons, including marine conservation and fisheries management. The majority of MPAs in the UK are multi-use, with management of activities being determined according to the features and objectives of the site.

MPAs in Wales

What is the legislative framework for MPAs in Wales?

In Welsh waters, MPAs have been designated under European, as well as domestic legislation. Table 1 outlines the type of MPAs designated in Wales.

Table 1: Marine Protected Area designations in Wales

Designation	Associated legislation	Extent in Wales
Marine Conservation Zones (MCZs)	Part 5 of the Marine and Coastal Access Act 2009	The waters around Skomer Island, Pembrokeshire, were designated as the first MCZ in December 2014. This remains the only MCZ in Welsh territorial waters to date.
Sites of Special Scientific Interest (SSSIs)	The Wildlife and Countryside Act 1981	There are 107 SSSIs in Wales with marine components.
Special Areas of Conservation (SACs)	The Directive on the conservation of natural habitats and of wild fauna and flora (Habitats Directive). The Conservation of Habitats and Species Regulations 2017 The Conservation of Offshore Marine Habitats and Species Regulations 2017 The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019	There are 15 SACs within Welsh marine waters , including two cross border sites with England (the Severn Estuary SAC and the Dee Estuary SAC).

Special Protection Areas (SPAs)	The Directive on the conservation of wild birds (Birds Directive). The Conservation of Habitats and Species Regulations 2017 The Conservation of Offshore Marine Habitats and Species Regulations 2017 The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019	There are 13 SPAs within Welsh waters that are either estuarine or marine . These include three cross border sites with England (the Severn Estuary, the Dee Estuary and Liverpool Bay).
Ramsar sites	Designated under the Convention on Wetlands of International Importance , agreed in Ramsar, Iran, in 1971.	There are three Ramsar sites in Wales that have a marine component.

Additional regulations, legislation and policies of relevance to MPA management and designation in Wales are cited in the **MPA Management Steering Group's MPA network management framework for Wales 2018-2023** and include:

- the **Well-being of Future Generations (Wales) Act 2015**;
- the **Environment (Wales) Act 2016**;
- the **Nature Recovery Action Plan (NRAP)** for Wales;
- the **UK Marine Strategy**;
- the **Convention for the Protection of the Marine Environment of the North-East Atlantic (the OSPAR Convention)**.

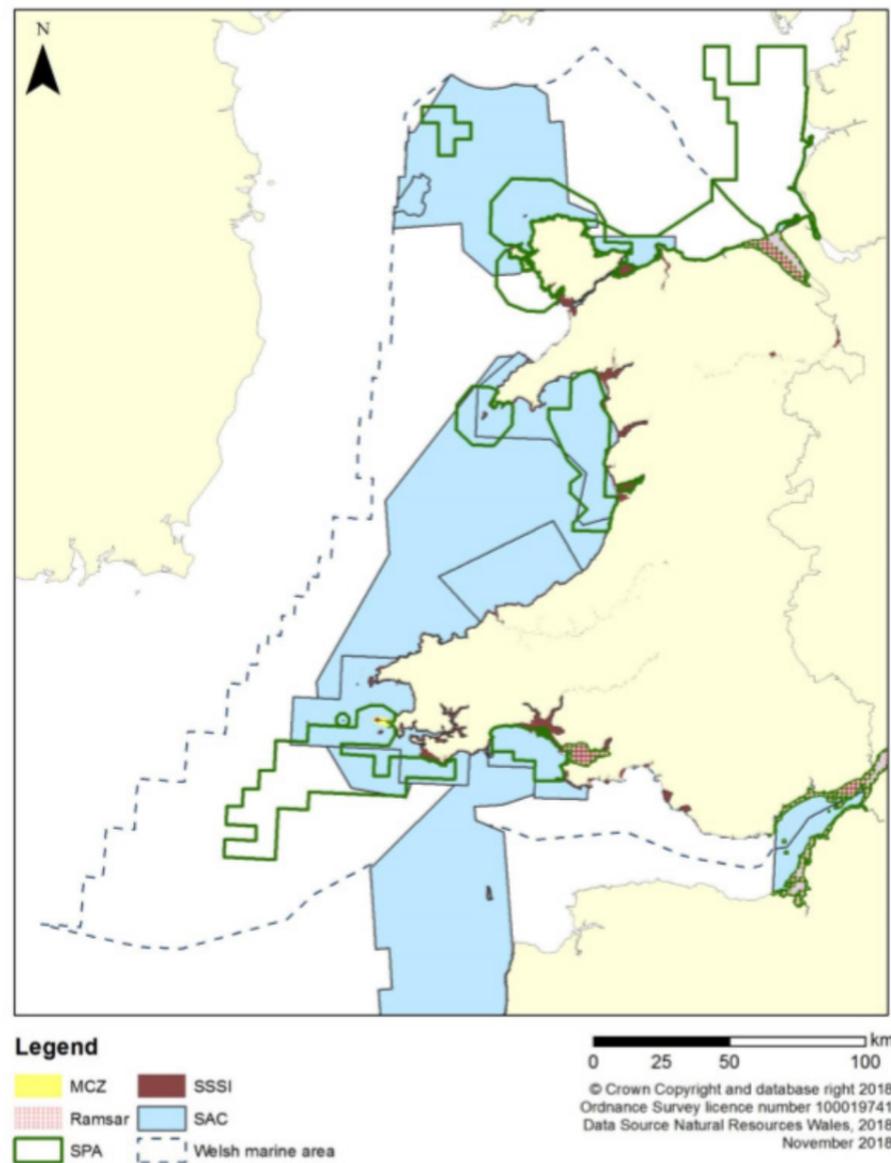
The draft **Welsh National Marine Plan** also includes a policy on MPAs.

What sites are currently designated as MPAs in Wales?

The Welsh marine environment makes up over half the area of Wales and is home to some of the most biologically diverse habitats and species in Europe. According to [the Welsh Government](#), there are a total of 139 MPAs in Wales covering 69% of the Welsh inshore waters (the mean high water mark to 12 nautical mile territorial seas limit) and 50% of all Welsh waters.

All Welsh MPAs are multi-use sites. However, some activities may be managed or restricted to reduce the likelihood of an adverse impact on the wildlife and habitats for which the site has been designated.

Figure 1: Network of Marine Protected Areas in Wales



[Source: [Welsh Government Report to the National Assembly for Wales on Marine Protected Areas in Wales](#), 2019]

Is the MPA network in Wales ecologically coherent?

The Welsh Government and the other UK administrations have committed to [contributing to an ecologically coherent network](#) (PDF 1.5MB) of MPAs. In the UK, guidance from the [OSPAR Commission](#) has been used to assist in interpreting the concept of an ecologically coherent MPA network. The Governments of the UK [cite five main OSPAR principles](#) which guide them:

- **Features:** Sites should represent the range of species, habitats and ecological processes in the area. The proportion of features included in the MPA network should be determined on a feature-by-feature basis, considering whether features that are in decline, at risk or particularly sensitive are of a higher priority and would benefit from a higher proportion being protected by MPAs.
- **Representivity:** To support the sustainable use, protection and conservation of marine biological diversity and ecosystems, areas should best represent the range of species, habitats and ecological processes.
- **Connectivity:** This may be approximated by ensuring the MPA network is well distributed in space and takes into account the linkages between marine ecosystems.
- **Resilience:** Adequate replication of habitats, species and ecological processes in separate MPAs in each biogeographic area is desirable where possible. The size of the site should be sufficient to maintain the integrity of the feature for which it is being selected.
- **Management:** MPAs should be managed to ensure the protection of the features for which they were selected and to support the functioning of an ecologically coherent network

In 2016, as requested by the Welsh Government, the [Joint Nature Conservation Committee](#) (JNCC) and Natural Resources Wales (NRW) undertook an [analysis of progress towards the development of an ecologically coherent network of MPAs](#) in waters around Wales. The report concluded that MPAs in Welsh territorial waters 'make a substantial contribution towards the aim for an ecologically coherent network'. However it also highlighted a 'small number of shortfalls in the protection of habitats and species of conservation interest that [the] Welsh Government could address'.

What is the status of Marine Conservation Zone designation in Wales?

There is currently one Marine Conservation Zone (MCZ) in Wales; the waters around Skomer Island in Pembrokeshire. **Skomer was converted into an MCZ** from a Marine Nature Reserve.

The **Marine and Coastal Access Act 2009** introduced new powers for the Welsh Ministers to designate Marine Conservation Zones in the Welsh inshore region. The Act also includes a duty to designate MCZs to form part of the wider UK MPA network (**Section 123**).

In 2012, the Welsh Government consulted on options for highly protected MCZs. The then Minister for Natural Resources and Food, Alun Davies AM, **commented** that this:

...generated a substantial response that expressed divergent and strongly held views.

In response, a Task and Finish Group, supported by a Stakeholder Focus Group, was established to consider and advise the Welsh Government on taking forward MCZs in Wales. The team published their **report and recommendations** (PDF 184 KB) in 2013.

The **analysis of progress towards the development of an ecologically coherent network of MPAs** in Wales was published in 2016. Shortly after, the **Wales Act 2017** extended powers to designate MCZs in the Welsh offshore region (area of Welsh waters beyond the 12 nautical mile territorial sea limit).

In a **letter to the Assembly's Climate Change Environment and Rural Affairs (CCERA) Committee (PDF 2.3MB)**, dated 17 April 2019, the Minister for Environment, Energy and Rural Affairs, Lesley Griffiths AM, confirmed that MCZ designation would be considered in order to address gaps in the MPA network. She said that:

The work currently underway to identify MCZs is focusing, in the first instance, on delivering the results of the 2016 network assessment, which considered the role of habitats and species of limited mobility within the network. The next phase of MCZ work will consider whether there is a need for further spatial protection for highly mobile species, such as seabirds and cetaceans.

A new Task and Finish Group, including stakeholders, has been established by the Welsh Government to identify potential MCZs. The minutes of the first meeting were **published** in July 2019.

Who is responsible for managing MPAs?

Responsibility for the identification, designation and management of Welsh MPAs is complex. The **MPA management framework for Wales 2018-2023** (PDF 1.2MB) states:

Although the Welsh Government has overall responsibility for ensuring Wales' network of MPAs is effectively managed, the delivery of management is a shared responsibility across a number of organisations. In this Framework these are referred to as management authorities. Management authorities are organisations with statutory responsibilities in relation to any type of MPA, or who are significant seabed or coastal land owners. They include relevant and competent authorities under The Conservation of Habitats and Species Regulations (2017), the Conservation of Offshore Marine Habitats and Species Regulations (2017) and public authorities under the Marine and Coastal Access Act (2009).

In Wales, some management authorities have established Relevant Authority Groups (RAGs). These are a voluntary working arrangement established by some management authorities to help them deliver their responsibilities for MPA management. Dedicated officers (European Marine Site Officers) work closely with RAGs in the management of some of Wales' largest MPAs (SACs).

Due to the remit and responsibilities of NRW as the statutory nature conservation advisor to the Welsh Government, it plays a **significant role** in the management of MPAs. It is responsible for evidence and advice on the condition of MPAs, assessment of and advice on effective management, and delivery of a variety of advisory and regulatory functions. NRW is also a site manager for some MPAs, including the **Skomer Marine Conservation Zone**.

MPA Management Steering Group

The **MPA Management Steering Group** (MPAMSG) was established in June 2014 for the purpose of steering and championing effective MPA management, and increasing buy-in from management authorities and wider stakeholders across Wales. It consists of representatives from some of the MPA management authorities across Wales, including NRW, National Park Authorities, the Welsh Government and local authorities. The MPAMSG **publishes the minutes of its meetings online** and has an **agreed a vision** for a well-managed MPA network for Wales.

MPA network management

In September 2018, the MPAMSG published a **MPA Network Management Framework for Wales 2018-2023**. This sets out information on MPAs, how they are managed and by whom, and plans for improvement. The **Welsh Government states that (PDF 2.3MB)**:

The Framework recognises that effective management of MPAs maximises the contribution the MPA network can make to the health and resilience of marine ecosystems and sustainable marine industries. It also provides a focus for all Management Authorities for maintaining and improving management of the network.

The annual MPA Network Management Action Plan sits alongside the Framework and details the actions identified by the MPAMSG as priorities to further improve management, and hence condition, of the network of MPAs in Wales. The **most recent action plan** was published on 1 August 2019 for the 2019-2020 period. Alongside this, an **annual report** was published detailing progress and delivery of the actions included in the previous action plan. The report states:

The actions vary in nature, from network scale activities to specific interventions and local pilot projects. Many are ongoing in their nature, for example, those actions that are regulatory or assessment process based. Others are discrete tasks or projects with defined start and end dates, often spanning more than twelve months. Ongoing work and those projects and tasks with duration greater than a year have been carried over into the 2019-20 Action Plan, alongside newly prioritised actions.

What is the condition of Wales' MPAs?

NRW has produced **indicative feature condition assessments** for features in Wales' European Marine Sites (EMS), which include all marine SACs and SPAs. These assessments considered the conservation status of the features (species and habitats) at the site level. They found that 45% of all designated features are in favourable condition, whilst 45% are in unfavourable condition, with varying degrees of confidence in the assessment, as summarised in Table 2 below. The condition of the remaining features is classed as unknown.

Table 2: Summary of indicative condition assessments [Source: Natural Resources Wales, **evidence submitted to the CCERA Committee's Follow up work on Marine Protected Area management in Wales Inquiry**, March-April 2019]

Condition	Confidence	Number	Percentage (rounded)
Favourable	High	39	30%
Favourable	Medium	13	10%
Favourable	Low	7	5%
Unfavourable	High	32	25%
Unfavourable	Medium	15	12%
Unfavourable	Low	10	8%
Unknown	N/A	12	9%
Total		128	

A number of key issues highlighted in the assessment reports include water quality, pollution, unregulated activities and invasive non-native species.

NRW's website states that it is 'planning a series of projects' to work towards the goal of developing a permanent, sustainable, site-level feature condition reporting process that can be delivered on a regular basis. However, it says that:

It is unlikely that resources and suitable evidence sources will all be available at any given time to monitor and report on all features, or to report with the same level of confidence. Our aim, however, is to develop, over the coming few years, an assessment and reporting process that is of practical use in informing effective site management for the maintenance or improvement of feature and site condition.

What action has the National Assembly taken?

In August 2017, the CCERA Committee published its report, **Turning the tide? Report of the inquiry into the Welsh Government's approach to Marine Protected Area management**. The report made a number of recommendations for MPA management which included:

- establishing a marine science partnership;
- increasing awareness of the role of MPAs; and
- creating an enforcement strategy based on risk.

In June 2019, the Committee undertook **follow up work on MPA management in Wales**, assessing the progress made by the Welsh Government in taking forward the recommendations in the Committee report, and in delivering the MPA Network Management Action Plan 2018-19. A report of the inquiry is due in the Autumn term.

What are the implications of leaving the EU on MPAs in Wales?

Changing legislation

The vast majority of the protected area contained within the Welsh MPA network has been designated under the EU Habitats and Birds Directives. These have been transposed into UK law through regulations, including the **Conservation of Habitats and Species Regulations 2017. Statutory Instruments have been brought forward under the European Union (Withdrawal) Act 2018 to amend legislation such as this to ensure it will continue to be operable in the United Kingdom (UK) after the UK leaves the EU. These include the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The explanatory memorandum** for these regulations states:

The intention is to ensure habitat and species protection and standards as set out under the Nature Directives are implemented in the same way or an equivalent way when the UK exits the EU. There is no change to policy.

In a **letter sent to the CCERA Committee on 17 April 2019** (PDF 2.3MB), the Welsh Government stated:

As a Government we have been clear and consistent in our message that following EU exit there should be no regression in our environmental standards.

The EU Birds and Habitats Directives play a vital part in helping us meet our international biodiversity obligations and in providing safeguards for our most important habitats, our rarest species and for migratory birds. We are not about to change or alter in any way those protections and safeguards. We will be retaining Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), and they will continue to be identified, designated and managed in line with the criteria and requirements of the Birds and Habitats Directives.

Brexit and our seas

On 1 May 2019, Welsh Government published its **Marine and fisheries policies for Wales after Brexit: Brexit and our seas consultation**.

The consultation states:

There will be no roll back on our commitments or standards in the marine environment as a result of Brexit... The Welsh Government is committed to completing its contribution to the wider network and continuing to ensure its contribution is well managed. We will use the combination of powers available through the Marine and Coastal Access Act 2009 (MCAA) and the various Regulations implementing the Nature Directives to continue to fulfil this commitment.

Whilst topics such as ecosystem resilience were included among the consultation questions, the consultation did not include any specific questions on MPAs.

Protected sites networks after Brexit

The *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 explanatory memorandum* makes it clear that, following EU exit, UK SACs and SPAs will no longer contribute to the **EU Natura 2000** protected sites network. It states that under the regulations:

A national site network is created to retain the concept of a UK network of sites. The 'national site network' is defined as including Natura 2000 sites designated prior to EU exit and those Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated post EU Exit.

Further information on MPA networks following EU exit, was provided by Welsh Government in a **letter sent to the CCERA Committee on 17 April 2019** (PDF 2.3MB). It highlighted that Wales' network of MPAs will continue to form part of the UK's contribution to the **Bern Convention's Emerald Network** and the **OSPAR network** of MPAs.

Environmental governance and principles

The CCERA Committee is currently holding an inquiry into **environmental principles and governance post-Brexit**. This is of relevance to both MPA designation and management. For example, changes in governance are applicable to MPAs because the majority of MPAs in Wales have been designated under the European Union Nature Directives. This has been **explored by the CCERA Committee** (PDF 2.3MB) during its **inquiries into MPA management**. In the Committee's report **Turning the tide? Report of the inquiry into the Welsh Government's approach to Marine Protected Area management** (PDF 1MB), the Committee expressed its view that:

We were disappointed to hear that a fear of infraction proceedings by the European Commission is a significant driver in Welsh MPA management. Ownership and responsibility for effective management should ultimately lie with the Welsh Government. The Committee considers that access to environmental justice, challenge and review is essential and shares stakeholders' concerns regarding the possible future loss of access to the European Court of Justice. The Committee wishes to see the continued adherence to the Convention on Access to Information, Public Participation in Decision making and Access to Justice in Environmental Matters, known as the Aarhus Convention

With regards to reporting, in a [letter to the CCERA Committee](#) sent on 17 April 2019 (PDF 2.3MB), the Welsh Government explained that:

Following exit from the EU, in line with current requirements the Welsh Government will report on its implementation of measures to achieve the objectives of the Birds and Habitats Directives. The reporting requirements are intended to make sure that, at a minimum, they reflect those set out in Article 17 of the Habitats Directive and Article 12 of the Birds Directive...

The EU reporting requirements in the Habitats and Birds Directives are the means by which the UK currently also meets the reporting obligations as a contracting party to the Bern Convention. Following EU exit we will report every six years on the conservation status of species and habitats listed under the Bern Convention. In the main these are the same species and habitats as those listed in the Habitats and the Birds Directives.

We will also continue to have reporting requirements as contracting parties to the OSPAR Commission, and to [ASCOBANS](#).

European funding for MPA management

Over the last ten years, the Welsh Government has [reported](#) that European funding pots, such as the [European Maritime and Fisheries Fund \(EMFF\)](#) and the [LIFE programme](#) fund, have provided over £5 million for projects related to marine biodiversity conservation and Marine Protected Area management by the Welsh Government and Natural Resources Wales.

In a [letter to the CCERA Committee](#) (PDF 2.3MB), dated 17 April 2019, the Welsh Government stated:

I expect the UK Government to honour its commitment to guarantee all of the EU funding programmes in full once we exit the EU. This includes meeting the costs of administering the programmes and the use of an appropriate exchange rate. In terms of all funding arrangements after we exit the EU, I am clear that Wales must not receive a penny less as a result of exiting the EU.

The UK Government has guaranteed that, in a no deal scenario, LIFE projects currently supported by EU funding will continue to be funded by HM Treasury for the lifetime of the projects. If a deal is struck, then they will continue to be funded by the EU for the lifetime of the projects. HM Treasury are considering options to replace LIFE funding in the longer term following our exit from the EU. My officials are pressing HM Treasury to make this funding available to the Welsh Government.

My officials continue to play a full role in the discussions of the UK EMFF Senior Steering Group. This Group recently discussed vulnerabilities in the event of a no deal scenario, and proposals for the administration of the additional funding for the fishing industry announced by the Secretary of State for Environment, Food and Rural Affairs last December.

Case Study - Skomer Marine Conservation Zone

Skomer is Wales' only Marine Conservation Zone (MCZ). There is a [management plan](#) for the site with an associated zone map, which indicates those areas where activities are restricted or prohibited by [byelaws and codes of conduct \(547KB\)](#). The MCZ is monitored and managed by Natural Resources Wales.

The byelaws restrict activities such as dumping rubbish and taking, killing or disturbing wildlife. There is a 5-knot speed limit within 100m of the islands shore to reduce disturbance to wildlife. The site also benefits from specific fishery byelaws, prohibiting the use of mobile fishing gear (dredges and beam trawls) and the removal of the King Scallops species by any means, which has been prohibited since July 1990, upon designation of the, then, Marine Nature Reserve.

As a result of this prohibition, [regular monitoring](#) has shown the average density of King scallops has increased from around 1-1.2/100m² pre-designation (1984) to 35/100m² in 2016. There has been good recruitment into the population, especially since 2012, and a 7 fold density increase in the 16 year survey period, with a suggestion that this increase is now slowing down.