

REPORT OF CONSERVATION POLICY OFFICER

SUBJECT: MARINE PROTECTED AREAS

Purpose of Report

1. To inform Members of the National Park Authority's responsibilities with regard to Marine Protected Areas.

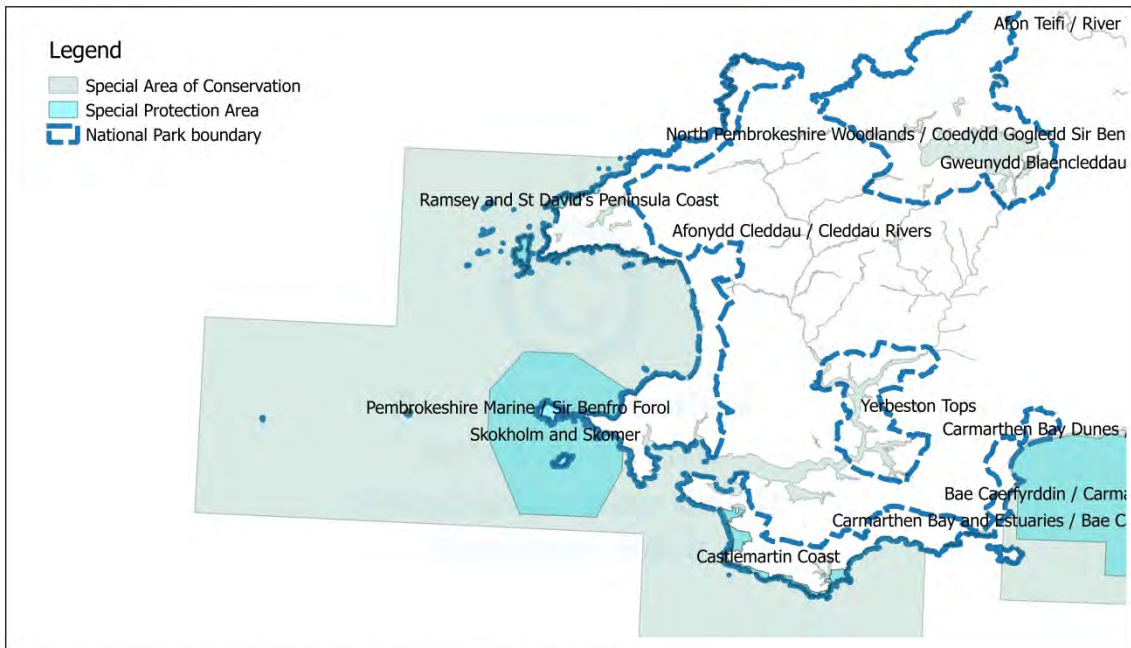
Background

2. Marine Protected Areas in Wales consist of the following designations (relevant legislation in brackets):
 - a) Special Areas of Conservation (EU Habitats and Species Directive 92/43/EEC, the "Habitats Directive")
 - b) Special Protection Areas (EU Directive on the Conservation of Wild Birds 2009/147/EC, the "Birds Directive")
 - c) Marine Conservation Zones (Marine and Coastal Access Act 2009)
 - d) Ramsar sites (Convention of Wetlands of International Importance 1971)
 - e) Sites of Special Scientific Interest (Wildlife and Countryside Act 1981, as amended).
3. Marine Special Areas of Conservation (SACs) and Marine Special Protection Areas (SPAs) are collectively known as European Marine Sites.

Marine Protected Areas and the National Park

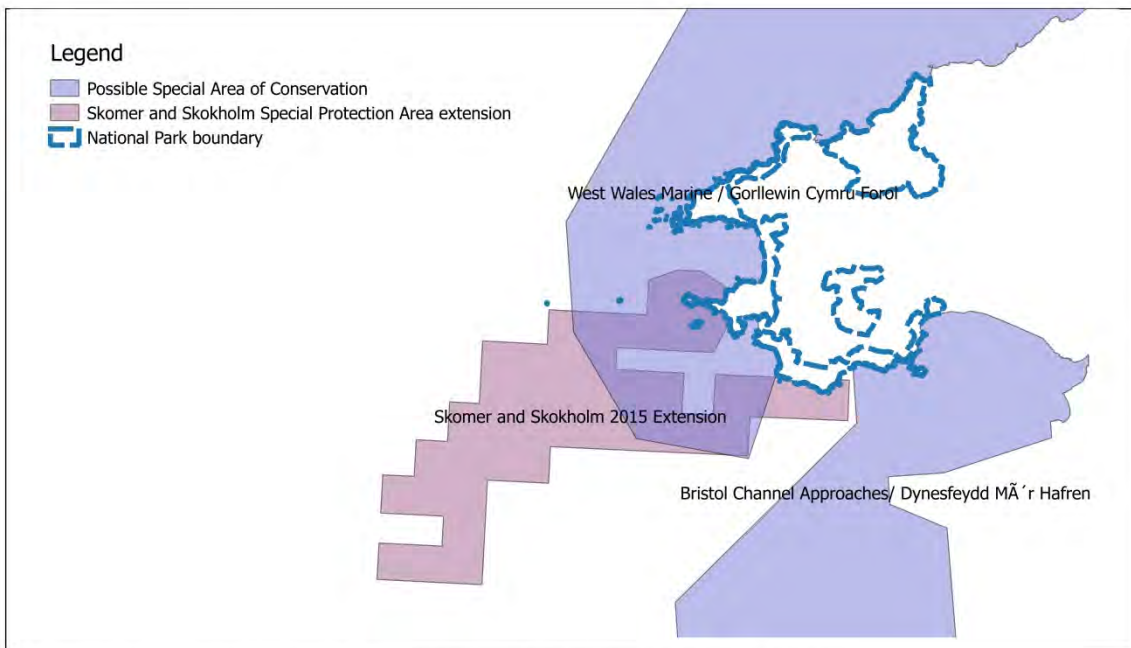
4. SACs and SPAs within, partly within or adjacent to the Pembrokeshire Coast National Park are shown on the map overleaf.
5. The SACs designated primarily for their marine features are Cardigan Bay, Carmarthen Bay and Estuaries and Pembrokeshire Marine. The SPAs designated primarily for their marine features are Carmarthen Bay, Grassholm, and Skokholm and Skomer (this now extends into neighbouring offshore waters and has been renamed the Skomer, Skokholm and the seas off Pembrokeshire SPA). Skomer is also a Marine Conservation Zone.
6. Possible SACs are identified for the Bristol Channel Approaches and West Wales Marine (both for harbour porpoise). Possible SACs must be treated as if they are designated.
7. Burry Inlet is a Ramsar Site (part of the Carmarthen Bay and Estuaries European Marine Site).
8. About 80% of the length of the National Park coastline is designated Site of Special Scientific Interest.

9. The Wildlife and Countryside Act 1981 also provides for designation of National Nature Reserves. Of relevance here are the Ramsey, Skokholm, Skomer and Grassholm National Nature Reserves.



Special Areas of Conservation and Special Protection Areas

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Special Protection Area extension and possible Special Areas of Conservation

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Legal considerations

10. The Birds and Habitat Directives are respectively transposed into UK law through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). Sections 6 and 7 of the latter identify the National Park Authority as a Relevant Authority and as a Competent Authority, with powers or functions which have, or could have, an impact on a European Marine Site.
11. The NPA has a general duty in respect of Marine Conservation Zones to exercise its functions in order to further the stated conservation objectives for the Zone. Skomer MCZ (formerly Skomer Marine Nature Reserve) is currently the only MCZ in Wales.
12. Ramsar sites are designated in order to protect significant wetlands. It is Welsh Government's policy to treat these sites in the same way as SACs and SPAs.
13. The Wildlife and Countryside Act 1981 (as amended) sets out at section 28 a range of duties and powers to ensure the protection and management of Sites of Special Scientific Interest. Improved provisions for the protection and management of Sites of Special Scientific Interest were introduced by the Countryside and Rights of Way Act 2000.
14. The Environment (Wales) Act 2016 places a duty on public authorities to seek to maintain and enhance biodiversity in the exercise of its functions, and in so doing to promote the resilience of ecosystems.
15. The Well-being of Future Generations Wales Act 2015 places a well-being duty on public bodies. This includes setting objectives to maximise the contribution to the goal of maintaining and enhancing a biodiverse natural environment with healthy functioning ecosystems.

Management

16. Management schemes for European Marine Sites, and the statutory Relevant Authority Groups which help deliver the schemes, are a key delivery mechanism for nature conservation in the marine environment.
17. The approach helps ensure compliance with European Directives on habitats and on the protection of birds, and for achieving the UK's vision of clean, healthy, safe, productive and biologically diverse oceans and seas. Some, but not all, of the actions from these management schemes are also being taken forward via work streams led by Natural Resources Wales as a result of the LIFE Natura 2000 project and subsequent Prioritised Improvement Plans and Thematic Action Plans. (It makes sense for some marine issues to be addressed nationally or across multiple sites.)
18. The National Park Authority is represented on the Relevant Authority Groups for Pembrokeshire Marine SAC, Cardigan Bay SAC and Carmarthen Bay and Estuaries European Marine Sites.
19. In March 2014 the Welsh Government established the Marine Protected Area Management Steering Group to develop and guide the implementation of a new

management framework in Wales¹. In 2015 the Group consulted with stakeholders over four options for European Marine Site management. The process showed a clear preference for application of the local Relevant Authority Group approach across seven management areas of Welsh seas.

20. Pembrokeshire Coast and Snowdonia National Park Authorities both support the Relevant Authorities Group model as a cost-effective way of fulfilling relevant authorities' legal responsibilities and working with partners to add value. However, MPA site management is generally hampered by inadequate and/or discontinuous funding. In those European Marine Sites where there has been a workable and consistent level of funding, European Marine Sites Officers – considered critical to coordination and delivery - have successfully delivered a diverse range of (often innovative) projects and levered in additional finance.
21. An inquiry into management of MPAs across Wales by the National Assembly Climate Change, Environment and Rural Affairs Committee will be reporting on its conclusions in July 2017. In their submission to that inquiry, your Officers considered that adequate resourcing for Relevant Authority Groups, ideally with an element of core funding, and supported by strategic policy and enforcement, is considered to be essential if marine protected areas are to be managed effectively.
22. A communication from Lesley Griffiths AM (Cabinet Secretary for Environment and Rural Affairs) affirms the statutory contribution relevant bodies should make towards conservation of marine protected areas. The letter and supporting information are attached to this report².

Financial considerations

23. Financial contributions totalling approximately £5,000 annually are made to the work of the Pembrokeshire Marine SAC, Cardigan Bay SAC and Carmarthen Bay and Estuaries European Marine Sites Relevant Authority Groups. This supports the work of Relevant Authority Group Officers and contributes to their levering in of match funding from external grant sources.
24. Officer time is contributed to attendance at Relevant Authority Group meetings and to Marine Protected Area Management Steering Group meetings.

Equality issues and Diversity

25. No issues are identified.

Recommendation

That Members NOTE the report.

(For further information please contact Michel Regelous, Conservation Policy Officer)

Officers Consulted: Tegryn Jones, Chief Executive; Martina Dunne, Head of Park Direction

¹ Membership consists of Welsh Government, Natural Resources Wales, Welsh Local Government Association, The Crown Estate, Dŵr Cymru/ Welsh Water, Pembrokeshire Coast and Snowdonia National Park Authorities, Port and Harbour Authorities and a European Marine Sites officer advisor.

² Clarification will be sought regarding inclusion of "Provision of coastal defence and strategic planning" as a responsibility of National Park Authorities in Annex 2.



Ein cyf/Our ref: MA-P-LG/1093/17

Local Authority Leaders and Directors of the Environment
Chief Executives of Pembrokeshire Coast and Snowdonia National Park Authorities
Chief Executive of Natural Resources Wales
Chief Executive of Dŵr Cymru Welsh Water
Chief Executive of Milford Haven Port Authority
Managing Director, Port of Mostyn Ltd

8 May 2017

Dear all

Managing our Marine Protected Areas

This letter sets out how the Welsh Government has been working as part of a Marine Protected Area (MPA) Management Steering Group (MPAMSG) with organisations who are also marine protected area managing authorities. The MPAMSG has been looking at ways to further ensure our MPAs are effectively managed so they achieve and remain in favourable condition and meet our organisation's statutory obligations.

Effectively managed MPAs contribute to the conservation and improvement of the marine area. A well-designed and well-managed network of MPAs, alongside wider marine management measures such as marine planning, is integral to achieving clean healthy, safe, productive and biologically diverse seas. This provides the resilience and long term sustainability of our seas which is important to our coastal communities, the well-being of the people of Wales and to those who visit our shores.

No single organisation is responsible for managing our MPAs. MPAs are managed by placing duties and responsibilities on organisations such as yours. Such organisations, referred to as management authorities, therefore either have statutory responsibilities in relation to the marine area or are significant seabed or coastal land owners. We are required, collectively and individually, to take steps which will help achieve and/or maintain the ecological interest of a MPA to a favourable condition. Management authorities principally manage sites through the regulatory consenting process and by introducing measures to achieve a site's conservation objectives. This may include measures to modify or restrict human activity if necessary.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

My officials have been facilitating the work of the MPAMSG to look at the ways in which we can enhance the management of the network of MPAs in Wales. The MPAMSG was set up in March 2014 and meets at least twice a year. Members represent the main management authorities in Wales, including yours. The MPAMSG decided an important step is to remind ourselves of our statutory obligations towards managing MPAs. **You are receiving this letter as a managing authority and a key contributor to the statutory management of Marine Protected Areas in Wales.**

The MPAMSG has agreed a vision for a well managed network, and has also considered options for an area based approach to management across Wales. However, following a period of stakeholder engagement, the MPAMSG concluded replicating the preferred option was unaffordable for the management authorities concerned. The work of the MPAMSG has now moved to focus on providing strategic support and guidance to management authorities to facilitate activity which has greatest impact on the condition of MPAs, their features and network as a whole.

I attach supporting information to help clarify the roles and responsibilities of the management authorities across Wales in achieving favourable site condition, should you require it. Attached is an overview of:

- the network of MPAs in Welsh waters, including protected features;
- the organisations responsible for managing our MPAs and their duties;
- the work to date in considering an area based approach to managing the network of MPAs; and
- the legislation and guidance underpinning MPA management.

If you have any questions regarding the content of this letter please contact Richard Lowcock James at the Welsh Government's Marine Conservation and Biodiversity Branch on 03000 253241.

Regards

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive, flowing style.

Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig
Cabinet Secretary for Environment and Rural Affairs

MPA MANAGEMENT IN WALES - SUPPORTING INFORMATION

MPAs in Wales

There are 132 MPAs in Wales made up of:

- Special Protection Areas (SPAs);
- Special Areas of Conservation (SACs);
- Marine Conservation Zones (MCZs);
- Ramsar sites; and
- Sites of Special Scientific Interest (SSSIs).

The table below sets out the types of MPAs in Welsh waters, what they protect and the legislation used to designate them.

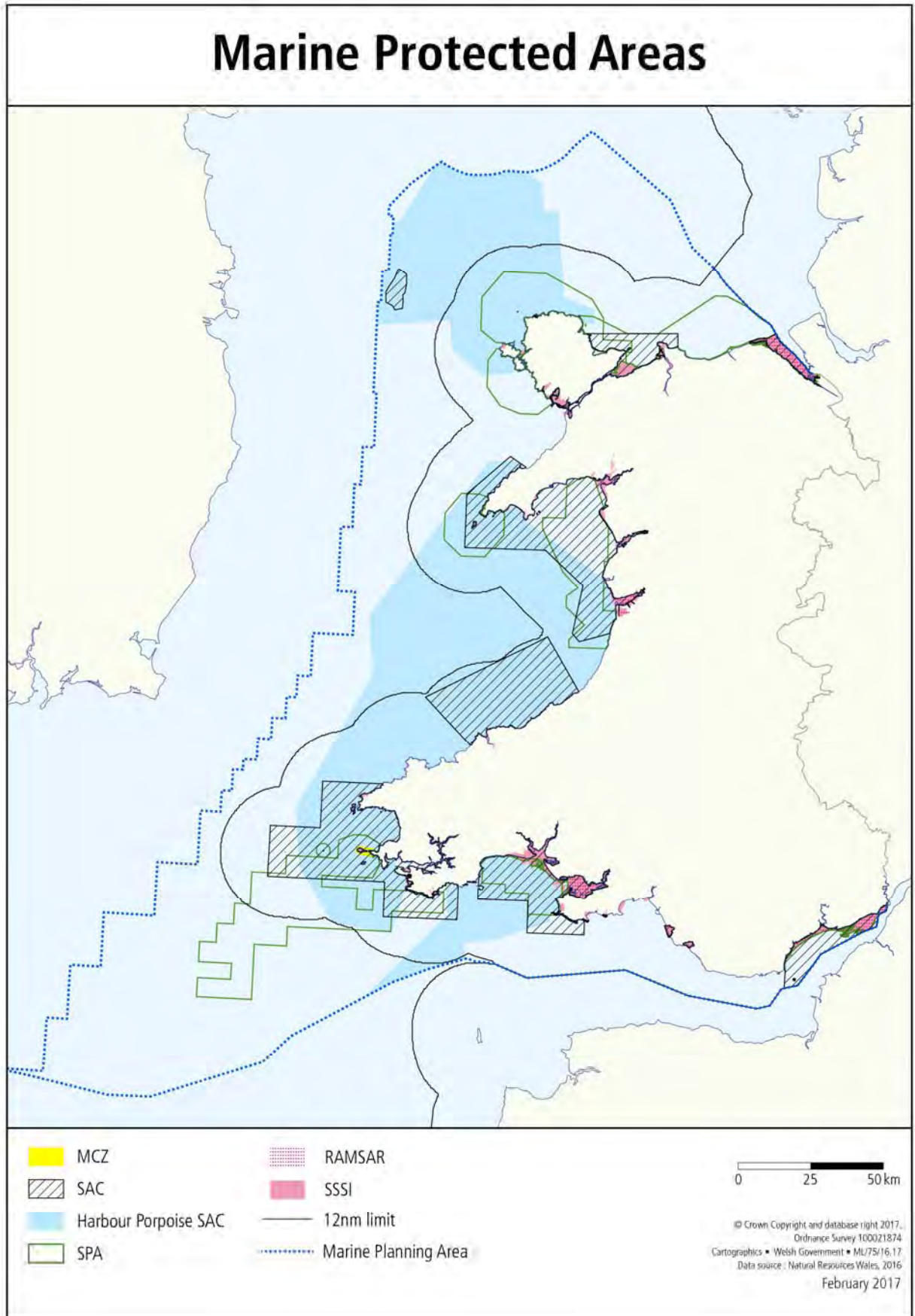
Table 1: Types of MPA in Wales, species/habitats protected and relevant legislation

Type of MPA	What is the legislative driver?	What is protected?
Special Protection Area (SPA)	EU Directive on the Conservation of Wild Birds (Council Directive 2009/147/EC)	These sites protect wild birds as listed in Annex I of the Directive, plus regularly occurring migratory species, and the habitats they rely on for essential behaviours such as feeding and breeding.
Special Area of Conservation (SAC)	EU Habitats and Species Directive (Council Directive 92/43/EEC) ¹	These sites protect a range and variety of habitats and (non-bird) species of European importance as listed in Annex I and II of the Directive.
Marine Conservation Zone	Marine and Coastal Access Act (2009)	These sites protect a range of habitats, species, geological and geomorphology features which are considered nationally important.
Ramsar Site	Convention of Wetlands of International Importance (1971)	These sites protect wetlands which are considered to be internationally important.
Site of Special Scientific Interest (with marine components)	Wildlife and Countryside Act 1981 (as amended)	These sites protect the best examples of Wales's flora, fauna, geological or physiographical features.

Map 1 shows the location of our MPAs². Tables 2 and 3 list the species and habitats which are protected at each site designated under European legislation.

¹ Both EU directives are transposed into UK law through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). SPAs and SACs are European Marine Sites and contribute to the EU's Natura 2000 Network of sites.

Map 1: Map of Marine Protected Areas in Wales



² Management of offshore SACs is currently the responsibility of Defra.

Table 2: List of species protected at each marine SPA in Wales

Special Protection Area	Marine Feature
Aber Dyfrdwy / Dee Estuary	Northern Pintail <i>Anas acuta</i> Eurasian Teal <i>Anas crecca</i> Eurasian widgeon <i>Anas penelope</i> Sanderling <i>Calidris alba</i> Dunlin <i>Calidris alpina</i> Red Knot <i>Calidris canutus</i> Common oystercatcher <i>Haematopus ostralegus</i> Bar-tailed godwit <i>Limosa lapponica</i> Black-tailed godwit <i>Limosa limosa</i> Eurasian curlew <i>Numenius arquata</i> Great cormorant <i>Phalacrocorax carbo</i> Grey plover <i>Pluvialis squatarola</i> Common tern <i>Sterna hirundo</i> Little tern <i>Sterna albifrons</i> Sandwich tern <i>Sterna sandvichensis</i> Common Shelduck <i>Tadorna tadorna</i> Common redshank <i>Tringa totanus</i> Mallard <i>Anas platyrhynchos</i>
Bae Caerfyrddin / Carmarthen Bay	Common scoter <i>Melanitta nigra</i>
Burry Inlet	Northern Pintail <i>Anas acuta</i> Northern Shoveler <i>Anas clypeata</i> Eurasian Teal <i>Anas crecca</i> Eurasian widgeon <i>Anas penelope</i> Dunlin <i>Calidris alpina</i> Red Knot <i>Calidris canutus</i> Common oystercatcher <i>Haematopus ostralegus</i> Eurasian curlew <i>Numenius arquata</i> Grey plover <i>Pluvialis squatarola</i> Common Shelduck <i>Tadorna tadorna</i> Common redshank <i>Tringa tetanus</i> Black-tailed godwit <i>Limosa limosa</i>
Liverpool Bay / Bae Lerpwl³	Red-throated diver <i>Gavia stellata</i> Common scoter <i>Melanitta nigra</i>
Môr Hafren / Severn Estuary	Gadwall <i>Anas strepera</i> Greater white-fronted goose <i>Anser albifrons albifrons</i> Dunlin <i>Calidris alpina</i> Common shelduck <i>Tadorna tadorna</i> Common redshank <i>Tringa totanus</i> Bewick's swan <i>Cygnus columbianus</i> Lapwing <i>Vanellus vanellus</i> Pochard <i>Aythya ferina</i> Tufted duck <i>Aythya fuligula</i> Northern Pintail <i>Anas acuta</i> Northern Shoveler <i>Anas clypeata</i> Eurasian Teal <i>Anas crecca</i>

³ Proposals to extend Liverpool Bay SPA were consulted on in late 2016 and early 2017; a decision whether or not to reclassify the site will be taken in due course.

	Eurasian widgeon <i>Anas Penelope</i> Mallard <i>Anas platyrhynchos</i> Ring plover <i>Charadrius hiaticula</i> Common oystercatcher <i>Haematopus ostralegus</i> Eurasian curlew <i>Numenius arquata</i> Grey plover <i>Pluvialis squatarola</i>
Traeth Lafan / Lavan Sands	Common oystercatcher <i>Haematopus ostralegus</i> Eurasian curlew <i>Numenius arquata</i> Great crested grebe <i>Podiceps cristatus</i>
Grassholm	Gannet <i>Morus Bassanus</i>
Skomer, Skokholm and the seas off Pembrokeshire / Sgomer, Sgogwm a Moroedd Benfro	Short-eared owl <i>Asio flammeus</i> Puffin <i>Fratercula arctica</i> Storm petrel <i>Hydrobates pelagicus</i> Lesser black-backed gull <i>Larus fuscus</i> Manx shearwater <i>Puffinus puffinus</i> Chough <i>Pyrrhocorax pyrrhocorax</i>
Glannau Aberdaron ac Ynys Enlli / Aberdaron Coast and Bardsey Island	Manx Shearwater <i>Puffinus puffinus</i> Chough <i>Pyrrhocorax pyrrhocorax</i>
Northern Cardigan Bay / Gogledd Bae Ceredigion	Red throated diver <i>Gavia stellata</i>
Anglesey Terns / Morwenoliaid Ynys Môn	Common tern <i>Sterna hirundo</i> Arctic tern <i>Sterna paradisaea</i> Roseate tern <i>Sterna dougallii</i> Sandwich tern <i>Sterna sandvicensis</i>

Table 3: List of species and habitats protected at each marine SAC in Wales

Special Area of Conservation	Marine Feature
Y Fenai a Bae Conwy / Menai Strait and Conwy Bay	Reefs
	Mudflats and sandflats not covered by seawater at low tide
	Sandbanks which are slightly covered by seawater all the time
	Large shallow inlets and bays
	Submerged or partially submerged sea caves
Dee Estuary / Aber Dyfrdwy	Atlantic salt meadows <i>Glauco-Puccinellietalia maritima</i>
	<i>Salicornia</i> and other annuals colonising mud and sand
	Mudflats and sandflats not covered by seawater at low tide
	Annual vegetation of drift lines
	Estuaries
	Sea lamprey <i>Petromyzon marinus</i>
	River lamprey <i>Lampetra fluviatilis</i>
Pen Llŷn a'r Sarnau / Llyn Peninsula and the Sarnau	Coastal lagoons
	Estuaries
	Large shallow inlets and bays
	Reefs

Special Area of Conservation	Marine Feature
	Sandbanks which are slightly covered by seawater all the time Atlantic salt meadows <i>Glauco-Puccinellietalia maritima</i> Mudflats and sandflats not covered by seawater at low tide Submerged or partially submerged sea caves <i>Salicornia</i> and other annuals colonising mud and sand Grey seal <i>Halichoerus grypus</i> Otter <i>Lutra lutra</i> Bottlenose dolphin <i>Tursiops truncatus</i>
Carmarthen Bay and Estuaries / Bae Caerfyrddin ac Aberoedd	Atlantic salt meadows <i>Glauco-Puccinellietalia maritima</i> Estuaries <i>Salicornia</i> and other annuals colonising mud and sand Twaite shad <i>Alosa fallax</i> Large shallow inlets and bays Mudflats and sandflats not covered by seawater at low tide Sandbanks which are slightly covered by seawater all the time Sea lamprey <i>Petromyzon marinus</i> River lamprey <i>Lampetra fluviatilis</i> Allis shad <i>Alosa alosa</i> Otter <i>Lutra lutra</i>
Pembrokeshire Marine / Sir Benfro Forol	Reefs Estuaries Large shallow inlets and bays Atlantic salt meadows <i>Glauco-Puccinellietalia maritima</i> Coastal lagoons Mudflats and sandflats not covered by seawater at low tide Sandbanks which are slightly covered by seawater all the time Submerged or partially submerged sea caves Grey seal <i>Halichoerus grypus</i> Twaite shad <i>Alosa fallax</i> Allis shad <i>Alosa alosa</i> Sea lamprey <i>Petromyzon marinus</i> River lamprey <i>Lampetra fluviatilis</i> Shore dock <i>Rumex rupestris</i> Otter <i>Lutra lutra</i>
Cardigan Bay / Bae Ceredigion	Reefs Sandbanks which are slightly covered by seawater all the time Submerged or partially submerged sea caves Bottlenose dolphin <i>Tursiops truncatus</i> Grey seal <i>Halichoerus grypus</i> Sea lamprey <i>Petromyzon marinus</i>
Severn Estuary / Môr Hafren	Atlantic salt meadows <i>Glauco-Puccinellietalia maritima</i> Estuaries

Special Area of Conservation	Marine Feature
	Mudflats and sandflats not covered by seawater at low tide
	Sandbanks which are slightly covered by seawater all the time
	Reefs
	Twaite shad <i>Alosa fallax</i>
	Sea lamprey <i>Petromyzon marinus</i>
North Anglesey Marine / Gogledd Môn Forol	River lamprey <i>Lampetra fluviatilis</i>
West Wales Marine / Gorllewin Cymru Forol	Harbour porpoise <i>Phocoena phocoena</i>
Bristol Channel Approaches / Dynesfeydd Môr Hafren	Harbour porpoise <i>Phocoena phocoena</i>

Who is responsible for MPA Management?

Our largest sites have been designated under the EU Directives and are generally known as **European Marine Sites** – Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). Management of these is the responsibility of what are termed Competent Authorities and Relevant Authorities under The Conservation of Habitats and Species Regulations 2010 (as amended); both are more generally known as Management Authorities. Competent Authorities include any public or statutory body or person holding a public office which exercises legislative powers, whether on land or at sea (see Annex 2). Relevant Authorities are Competent Authorities with powers or functions which have, or could have, an impact on the marine area within or adjacent to a European Marine Site. Types of Relevant Authority are identified in Regulation 6 of The Conservation of Habitats and Species Regulations 2010 (as amended).

Management of **Marine Conservation Zones** is the responsibility of those with management duties under Section 125 of the Marine and Coastal Access Act 2009. This includes Ministers of the crown, public bodies and persons holding a public office.

Ramsar sites are designated under the Ramsar Convention (1971) to protect significant wetlands and maintain their ecological character. It is the Welsh Government's policy to treat these sites in the same way as European Marine Sites⁴.

The Wildlife & Countryside Act 1981 (as amended) sets out a range of duties and powers for Natural Resources Wales to ensure the protection and management of **Sites of Special Scientific Interest** by providing advice to SSSI owners, including the issuing of consents for activities. The responsibilities of all management authorities as they relate to SSSIs are set out in Section 28 of the Act.

The table below identifies some of the management authorities in Wales and sets out their main roles and responsibilities⁵.

The Welsh Government:

1. Overall responsibility for Wales' compliance with EU and international obligations towards MPAs in the Welsh inshore region (0-12 nautical miles);
2. Designation of MPAs (excluding SSSIs);
3. Provides the overall MPA management policy framework, which is to secure effective management of MPAs in Wales that ultimately improves condition of our MPAs by assisting with the delivery of MPA management actions, safeguarding marine biodiversity, the wider ecosystem and the socio-economic benefits for Wales;
4. Management and regulation of sea fisheries in Welsh waters (inshore and offshore), including in conjunction with the European Commission under the Common Fisheries Policy;
5. Powers to make orders to control activities to protect MPAs (including fisheries and recreation);
6. Marine plan authority (development of marine plan) to manage marine activities in a sustainable way, taking into account economic, social and environmental priorities;
7. The achievement of the Good Environmental Status characteristics and targets under the Marine Strategy Framework Directive in Welsh waters.

⁴ http://ramsar.rgis.ch/cda/en/ramsar-documents-list-ramsar-sites-in-wales/main/ramsar/1-31-218%5E21170_4000_0

⁵ This is not a complete list of management authorities who have responsibilities within the marine environment.

Natural Resources Wales:

1. Designation, management and regulation of SSSIs;
2. Statutory nature conservation advisor to the Welsh Government for the Welsh inshore region (0-12 nautical miles);
3. Development of advice on conservation objectives and operations/activities (EMS and MCZs);
4. Regulator of activities that require a marine licence (delegated from the Welsh Government);
5. Management of migratory fisheries out to 6 nautical miles;
6. Management of some inshore shellfisheries at the Burry Inlet and Dee Estuary;
7. Under the Water Framework Directive, the competent authority for estuarine and coastal waters to 1 nautical mile for ecological status and to 12 nautical miles for chemical status;
8. Environment Permitting Regulations activities e.g. radioactive materials/ship breaking in the Welsh inshore region (0-12 nautical miles) and regulating land based discharges and pollution incidents out to 3 nautical miles;
9. Management of flood risk, including Shoreline Management Planning and provision/maintenance of some sea defences;
10. Range of environmental monitoring and reporting functions;
11. Preparation of Area Statements to support the sustainable management of natural resources.

Joint Nature Conservation Committee:

1. Statutory conservation advisor to governments for the offshore marine area (beyond 12 nautical miles); carries out a number of similar functions to those exercised by NRW in relation to Wales and Welsh territorial waters, including the writing of conservation objectives for off-shore sites.

Local Authorities:

1. Landowner (some areas of foreshore);
2. Management of (non-permissible) development (down to the Low Water Mark);
3. Management of recreation activities (within their area of geographical and organisational responsibility);
4. Planning authority (interface between marine and terrestrial);
5. Provision of coastal defence and strategic planning;
6. Provision and management of public access (coastal paths);
7. Beach management and maintenance;
8. Waste management.

National Park Authorities:

1. Management of recreation activities (within area of responsibility);
2. Planning authority (interface between marine and terrestrial);
3. Provision of coastal defence and strategic planning;
4. Beach management and maintenance.

Department for Business, Energy & Industrial Strategy (UK government Department):

1. Regulator of the licensing of exploration and development of offshore oil and gas resources (via the Oil and Gas Authority) and Nationally Significant Infrastructure Projects (NSIPs), including major marine renewable energy schemes.

The Crown Estate:

1. Management of the majority of the foreshore and seabed around Wales;
2. Management of the sovereign's rights to natural resources (excluding fossil

fuels); to generate electricity from wind, waves and the tides and to the transportation and storage of natural gas and carbon dioxide all on the continental shelf;

3. Lease of/licence of rights for development and operation on the sea bed for purposes including; various coastal dealings such as moorings and marinas, fixed shellfish cultivation, aggregate extraction, port/harbour development, renewable energy development.

What are the powers and duties of management authorities?

European Marine Sites (Special Protection Areas & Special Areas of Conservation)

- Management authorities with marine powers and duties must exercise them to secure compliance with the requirements of the Directives,⁶ regardless of whether they were originally intended for nature conservation purposes. Furthermore, they have a duty to have regard to the requirements of the Directives in the exercise of any of their functions. They can use their powers and duties to meet the requirements of the Directives and the conservation objectives of each European Marine Site.
- Natural Resources Wales provides conservation advice to relevant authorities which contain the conservation objectives for EMSs and a list of activities likely to cause damage.
- Management authorities that are considering whether to authorise a plan or project which is likely to have a significant effect on an EMS, either alone or in combination with other plans or projects, must undertake an appropriate assessment of the implications of the plan or project for that EMS in view of the site's conservation objectives. This applies to SACs, SPAs and, as a matter of Welsh Government policy, Ramsar sites.
- Management authorities may produce a management scheme for an EMS setting out how their powers and duties will be exercised to secure compliance with the Directives.

Marine Conservation Zones

- Section 125 of the Marine and Coastal Access Act (2009) makes the conservation of MCZs an important consideration for all management authorities. They have a duty to exercise their functions in a way to further (or, where this is not possible, least hinder) the conservation objectives for MCZs⁷.
- Section 126 of the Marine and Coastal Access Act (2009) places a duty on management authorities to consider the effect of proposed activities on MCZs before authorising them. If the management authority believes that there is or may be a significant risk of the act hindering the achievement of the conservation objectives stated for the MCZ, the authority must notify the appropriate statutory conservation body of that fact and manage the activity to meet its obligations under section 126 of the Marine and Coastal Access Act (2009).

⁶ The Conservation of Habitats and Species (Amendment) Regulations 2012 (SI 2012, No 1927) sought to give the Birds Directive comparable status to the Habitats Directive and the word "Directives" is used to denote both Habitats and Birds Directives (Regulation 9a).

⁷ At present there is one MCZ in Welsh territorial waters (Skomer MCZ) which, following its transition from a Marine Nature Reserve in 2014, does not yet have any conservation objectives.

Sites of Special Scientific Interest

- Under the Wildlife & Countryside Act 1981 (as amended) Natural Resources Wales has a range of duties and powers to ensure the protection and management of SSSIs. This includes providing advice to SSSI owners and managers, to ensure active management, and advising landowners and other regulatory bodies on potential impacts of any development or other activities.
- Natural Resources Wales directly regulates activities carried out by land owners and occupiers which could impact on SSSIs through the requirement on owners/occupiers to obtain Natural Resources Wales consent for potentially damaging operations.
- All public and statutory authorities have duties to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the SSSI. They must in particular consult and have regard to the advice of Natural Resources Wales before carrying out or authorising operations which may damage the features for which SSSIs are notified.

Other relevant biodiversity duties

- The Environment (Wales) Act 2016 builds on the Natural Environment and Rural Communities Act 2006 duties and requires all public authorities to seek to maintain and enhance biodiversity, make biodiversity an integral part of decision making and report on the actions they are taking to improve biodiversity and promote ecosystem resilience. There are also duties under the Wellbeing of Future Generations Act that will need to be considered as they relate to MPA management.

MPA management in Wales

In March 2014 the Welsh Government established the MPA Management Steering Group to develop and guide the implementation of a new management framework in Wales. The Steering Group's Terms of Reference are available on the Welsh Government's website at:

<http://gov.wales/topics/environmentcountryside/marineandfisheries/marine-conservation-and-biodiversity/marine-protected-areas/?lang=en>

Options for managing the network of MPAs in Wales

In 2015 the MPA Management Steering Group consulted with stakeholders over four options for site management and introducing a level of consistency across sites by taking an area-based approach to managing our sites as a network. The three key reasons for considering an area based approach to management presented were:

- A number of issues were identified with the existing individual site based system of management, including lack of funding and commitment from all management authorities.
- A need to manage sites as a network, which requires consideration of a variety of sites and features across a wider area
- A need for a system of management that accommodates both current sites and any future development of the network.

The options presented for area-based MPA management were:

- Option 1 – No change to the current management arrangements.
- Option 2 – A local approach with seven management areas.
- Option 3 – A regional approach with two management areas.
- Option 4 – An area approach with four management areas.

Stakeholder feedback

Stakeholder feedback from management authorities and others showed a clear preference for Option 2. Some responses suggested two further options: an amended option 2 using part time staff if there were funding constraints, and a new Option 5 which would see four areas with more than one officer in each area (depending on the area's needs).

Assessing the feedback

Steering group members considered the feedback and agreed two options should be taken forward for further assessment, including an assessment of the likely costs. The two options progressed were:

- Option 2 - a local approach with seven management areas, and
- Option 5 - four management areas with more than one officer, depending on the area's needs.

Indicative costs for each option were provided to steering group members based on the core funding used to support the sole full-time European Marine Site Officer 2014-15. Projected costs included on-costs and a small T&S budget.

The Steering Group's conclusions

While a number of steering group members stated that Option 2 was their preferred option, there was no consensus on a preferred option.

All steering group members accepted that the indicative costs for both option 2 and option 5, amounting to £14,000 for each of the 21 relevant authorities per annum (£1.47m over 5 years) under option 2, and £12,800 for each relevant authority per annum (£1.34m over 5 years) under option 5, would be an unachievable financial commitment for all authorities. Furthermore, as not all authorities contribute to local management arrangements at present, the actual figure for contributing authorities might be even higher.

The steering group concluded neither option would be feasible to implement at this time due to lack of resources. The steering group has agreed to focus its efforts on providing support and guidance to management authorities to facilitate improvements in the condition of species and habitats across the MPA network in Wales, including identifying opportunities to work together to achieve better outcomes.

Legislation and guidance relating to MPA management

For comprehensive information on the legal responsibilities of management authorities please refer to the specific legislation:

- Marine and Coastal Access Act 2009 - http://www.legislation.gov.uk/ukpga/2009/23/pdfs/ukpga_20090023_en.pdf
- EU Directive on the conservation of natural habitats and of wild fauna and flora - <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31992L0043&from=EN>
- EU Directive on the conservation of wild birds - <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0147&from=EN>
- Conservation of Habitats and Species Regulations 2010 http://www.legislation.gov.uk/uksi/2010/490/pdfs/uksi_20100490_en.pdf
- Conservation of Habitats and Species (Amendment) Regulations 2011 http://www.legislation.gov.uk/uksi/2011/625/pdfs/uksi_20110625_en.pdf
- Conservation of Habitats and Species (Amendment) Regulation 2012. http://www.legislation.gov.uk/uksi/2012/1927/pdfs/uksi_20121927_en.pdf
- Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) - <http://www.legislation.gov.uk/uksi/2007/1842/contents/made>
- Ramsar Convention - http://portal.unesco.org/en/ev.php-URL_ID=15398&URL_DO=DO_TOPIC&URL_SECTION=201.html
- Wildlife & Countryside Act 1981 (as amended) - <http://www.legislation.gov.uk/ukpga/1981/69>
- Environment (Wales) Act 2016 http://www.legislation.gov.uk/anaw/2016/3/pdfs/anaw_20160003_en.pdf
- Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf
- Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC: clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission. http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/new_guidance_art6_4_en.pdf
- Guidance to Site of Special Scientific Interest (SSSI) land owners and occupiers: <https://naturalresources.wales/conservation-biodiversity-and-wildlife/find-protected-areas-of-land-and-seas/guidance-to-site-of-special-scientific-interest-sssi-land-owners-and-occupiers/?lang=en>