

MSFD Team
Defra

23rd April 2015

Dear Sir/Madam

NRW response to MSFD Programme of Measures consultation

Thank you for the opportunity to respond to the UK MSFD programme of measures consultation. Natural Resources Wales has actively engaged in the process of developing the Programme of Measures, providing detailed advice and input to Welsh Government and Defra. We therefore do not intend to comment in detail on the consultation, but instead, I write to offer general support for the Programme of Measures and to confirm Natural Resources Wales' role in delivery of the MSFD. In addition, a small number of points of clarification are provided in the annex to this letter.

Natural Resources Wales has a significant role to play both in advising on implementation of the MSFD as a whole, and in contributing directly to the delivery of elements of the Monitoring Strategy and Programme of Measures. We will continue to assist in delivery of the Directive across the UK through discussions at UKMMAS and the UK MSFD Steering Group.

We acknowledge that the MSFD is both a framework Directive and an iterative process and that we are still at the beginning of the process of identifying what is needed to achieve Good Environmental Status (GES) in our seas. We expect the programme of measures to develop further in the future, as a result of going through this first impending cycle of monitoring and review. We agree with the approach taken that in most instances we need to understand the contribution existing and planned measures make to achieving GES before considering developing any substantive new measures.

Whilst Natural Resources Wales is committed to its role in implementation of the Directive, we also are aware that ongoing resource pressure has the potential to affect our ability to deliver both measures and monitoring requirements. We will keep our ability to deliver our requirements under review and proactively highlight any delivery risks to government.

The MSFD provides a significant opportunity to better understand and sustainably manage the pressures on our wider marine environment. We look forward to continuing to work in partnership across the UK to ensure that, over time, these opportunities are realised.

Yours sincerely



Ceri Davies
Director, Knowledge, Strategy and Planning

Annex 1: Minor comments and points of clarification

Generic Measures

Marine planning, paragraph 45: The sentence should read - In England and Wales, nationally significant infrastructure project applications, including larger ports and offshore renewable energy projects, will be decided in accordance with the relevant National Policy Statement, subject to certain exceptions, and having regard to the UK Marine Policy Statement.

Marine planning, paragraph 46: There is an inconsistency here; marine plans are identified in the document as relevant to the delivery of D1, D6 and D7, but marine plans can aid in achieving / maintaining GES for all descriptors. They will bring together, clarify and signpost relevant legislative and regulatory frameworks associated with development and use of the marine environment as set out within the UK Programme of Measures. Marine planning will therefore be a relevant measure for meeting targets for all MSFD Descriptors.

Paragraph 47: The use of the term 'measures' is confusing with MSFD terminology, it is suggested that this is changed to read 'The three assessment processes...'

Descriptors 1 and 4 Fish

Under D1 there is no reference to the Defra/MMO/NE/IFCA Revised Approach to assessing fisheries activities under Article 6 of the Habitats Directive. This is relevant to D1 as it considers the impacts of fishing activities against features (habitats) that support healthy fish populations. There is some reference to this programme of work under "Fishery Management Measures for MPAs" on page 44, but it could be more clearly identified as a measure.

The text in section 6 of D1 Fish (p44), section 6 of D3 Fish (p114) and section 6 of D3 Shellfish (p125): for consistency all sections could state that 'measures that deliver healthy fish stocks (age range, population etc.) contribute to the development of a coherent network of MPA's'.

Descriptors 1 and 6 Benthic habitats

Section 7: The assessment tools for many of these indicators have still not been fully developed or made operational. The programme of measures acknowledges this for a few indicators (like predominant sediment habitats where a pressure related surrogate is to be used) but seems to assume that others are ready for implementation e.g. rocky and biogenic reef habitats. This is not the case and discussions at the most recent HBDSEG benthic sub-group meeting concluded that it is highly likely that most of the indicators will not be operational in time for the 2018 reporting round. This needs to be made clearer.

Section 7: There is reference to the fact that Habitats Directive and WFD targets already exist for many of these habitats. More caution is needed in how this is presented in terms of what will be achieved by 2020 as the way in which these indicators will be assessed specifically for MSFD and the ways in which WFD and Habitats Directive measures will be scaled up to MSFD sub-Regions has not been established. In some cases, R&D work is still needed before targets can be operationalised, and the actual monitoring protocols for the ones that are in development have yet to be agreed.

Section 7: There is some confusion over the use of terminology in places. For example, there is reference to both 'special' and 'listed', with the implication half way down page 81 that these are

the same, whilst the targets refer to these as separate things. It would help to clarify the use of terms.

It is not clear how MSFD Criterion 1.5 could work in practice? There is a finite resource of rock and sediment so it is hard to see how either habitat could be stable of *increasing* without, for example, precluding any future further aggregates extraction which may be unrealistic.

Descriptor 7, Hydrographic conditions

Section 3: The statement that “projects most likely to affect hydrographic conditions (e.g. .. NSIPs) must “have regard to a marine plan” is somewhat misleading as all licensing decisions must have regards to the marine plan not just NSIPs.

Section 4, Maritime Spatial Planning Directive: The Welsh National Marine Plan is now due for completion in 2016.

Section 8: Aggregates Regional Environmental Assessments do not apply to Wales; this section could therefore do with clarifying where in the UK these apply.

Descriptor 11 Underwater noise

Section, second main paragraph: Seismic exploration is not license in all situations (e.g. welsh inshore waters); this should therefore be clarified or removed.

~ End ~