



MINUTES OF MEETING
THURSDAY 26 MARCH 2009

WILDFOWL & WETLANDS TRUST, PENCLACWYDD, LLANELLI

Present

Jane Hodges (JH) Chair	Pembrokeshire Coast National Park Authority (PCNPA)
Julian Atkins (JA)	City & County of Swansea (CCoS)
Blaise Bullimore (BB)	EMS Officer
Anne Bunker (AB)	Countryside Council for Wales (CCW)
Phil Coates (PC)	South Wales Sea Fisheries Committee (SWSFC)
Kate Collins (KC)	Environment Agency Wales (EAW)
Lewis Keil (LK)	Dwr Cymru-Welsh Water (DCWW)
Trevor Theobald (TT)	Pembrokeshire County Council (PCC)
Ziggy Otto (ZO)	CCW
Rebecca Wright (RW)	CCW

1 Welcome, apologies & personnel matters

Apologies:

Deb Hill	City & County of Swansea
Simeon Jones	Carmarthenshire County Council
Dusi Thomas	Dwr Cymru-Welsh Water

2 Minutes of meeting 3 December 2008

Minutes received and agreed subject to:

- noting Mark Liley's, CCC, role is as Environmental Health Officer;
- adding action on JH (under item 9a) to determine Pembrokeshire contacts for Simeon Jones for advice on PWC management

3 Matters arising from minutes of 17 September 2008 & not on the agenda

Item 3

DCWW consent data: BB to liaise directly with LK.

ACTION: BB

Letter to Graham Rees, WAG Fisheries: letter sent from Chair in mid December 2008, following circulation of draft to members; no response or acknowledgement received. Agreed to resend via Mike Jones, Fisheries Policy Officer

ACTION: BB / JH

(PC) A project management board (officer level) and a stakeholder advisory committee (political appointees, committee members etc) have been established by WAG to facilitate the transition of the SFCs into WAG. Process is at the task scoping stage and not attempting to identify solutions to issues as yet.

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Budget discrepancy: JA had been alerted and was awaiting an update from Deb Hill. Issue still under investigation and will be reported as soon as further information available; **carry forward**.

Item 8

Information on Pendine activity: agreed to carry forward outside meeting. **ACTION: ZO / BB**

Item 9

PWC management: in SJ's absence, **carry forward**

(JH) SJ referred to Tom Luddington, Pembrokeshire Marine Code and Chris Payne, PCC Leisure Services

(JA) also referred SJ to CCoS PWC management.

4 Notes of 15 January 2009

A brief note of meeting was tabled

Action on PC and BB to complete assignment of generic management options ('F' codes) to remaining fisheries activities remained outstanding: **carry forward**

To accommodate Deb Hill's anticipated later arrival and LK's need to leave early for another appointment, the order of agenda was revised. Items were taken in the following order; the agenda item number is shown in brackets

5 (9) Burry Inlet water quality

Noted:

JA briefed members on the ongoing work at senior level among key agencies involved with proposed developments adjacent to the Burry Inlet with respect to requirements of the Habitats Directive and Regulations. The MoU developed by CCC, CCW, DCWW and EAW to address a direction from the Assembly Government to CCC not to determine planning consents for housing developments until issues concerning sewage system capacity were resolved, and the thinking behind an analogous MoU involving CCoS were described. The MoUs are intended to identify "directions of travel" for coordinated programmes of work and research to inform appropriate assessments for the SAC.

A meeting of senior officers involved in the issue was scheduled for 2 April 2009.

Following detailed discussion it was *agreed*:

- the relationship between work at a senior level among some of the RAs and that of the RAG itself need clarifying, and the level of awareness and coordination needs improvement;
- RAG representation needs review in order improve RAG functioning;
- further awareness raising and training is required for both senior and technical officers in relevant and competent authorities.

JA to raise the above issues at 2 April meeting

ACTION: JA

LK provided members with a detailed briefing of the current sewage treatment capacity and storm water situation.

Noted:

A key issue is not treatment capacity but the lack of an independent surface water drainage system, which results in CSOs being triggered if temporary storage capacity is exceeded during heavy or extended rainfall.

Nutrient input from storm overflows are minimal. The majority (*c.*80%) of nitrate inputs to the estuary come from the catchment; though as the main source of phosphates is sewage related (*c.*80%), and plankton and algal growth in the estuary is limited by phosphate concentrations, phosphate stripping may become necessary in the future.

“Soft” storm storage / settlement / treatment options (*eg* the use of reed-beds) are under consideration.

6 (7) Revised CCW Regulation 33 advice

Noted: ZO had recently advised members that CCW’s revised Regulation 33 advice for the site had been issued and was available on the CCW website ¹. Key issues highlighted included:

- all conservation objectives for all habitat and all species features for all sites are now identical so that there is complete consistency between all sites; *ie* there are now only two COs for all Welsh EMS, one each for habitats and species;
- the conservation objectives are equivalent to the Habitats Directive definitions of favourable conservation status and include some of the same language;
- the explanatory and amplifying text accompanying the conservation objectives identifies the components (“elements”) that are considered an integral part of FCS.

ZO invited questions.

The contradiction between the clause on the cover page stating that the advice supersedes the previous draft R33 document, and the meaning of the reference to the previous version in the preamble to the conservation objectives in section 5 was noted; clarification of the relationship between the two documents was requested.

Although the robustness of the ‘one-size-fits-all’ objectives will be tested through use, concern was expressed that they were too open to interpretation and there was a risk of exploitation of their lack of precision.

Concern was expressed that CCW had avoided the issue of providing a site specific definition of FCS.

Concern was expressed as to the advice on how the COs should be used in site management (p 46), and the relationship between failure to achieve the conservation objectives and adverse affect on site integrity, particularly with respect to uncertainty and precautionary management measures. As written, the text seemed to preclude as to how competent authorities could make their own assessment as to significance of impact, which they are required to do by law.

¹ www.ccw.gov.uk Home Page > Landscape & wildlife > Managing land and sea > Marine Policies > Policy, legislation & guidance > Regulation 33 Advice

It further appeared that in circumstances where permissions for activities which had a known ability to adversely impact site features, but where not enough was known about either the feature or the significance of impact to make a full assessment, "CCW will consider.... the plan or project *should be considered as having an adverse impact upon the integrity of the site*"; therefore requiring cessation of the activity until more information was known and an assessment could rule out that any disturbance was not significant.

It was suggested that this needed to be considered in context with Article 2(3) provisions to take account of socio-economic requirements, the UK public right of fishery and the standardisation of the treatment of COs across Wales, UK and Europe. Difficulties were foreseen in respect of fisheries management where fish species relied upon other member states waters but where fishery management in those member states did not reflect CCW advice (*eg* COs would be unattainable; discrimination against UK fishermen in contravention of the European Community's principle of non-discrimination on the basis of nationality). Difficulties of application would also arise where there was inability to gather sufficient information to undertake an appropriate assessment resulting in a requirement to permanently close fisheries in SACs.

The differences between application of the precautionary principle to consents / permissions and ongoing, not specifically consented activities were noted.

Agreed: as the precise wording of the COs is important it was agreed more time was required to consider them. Discussion on COs to be included on agenda for the next meeting. **ACTION: BB**

Noted: although the revised advice package is not a consultation document, CCW will welcome comments and feedback. **ACTION: ALL**

7 (8) Management Scheme

Noted:

There has *still* been a nil response to request made to all members prior to the meeting before last for each authority's priorities for gap filling with respect to identifying or refining pressures, threats & issues likely management issues.

A few tasks have prevented working exclusively on the management scheme document, notably involvement in the backfill recruitment, RAG administration and providing advice on RAG finances. Most of a day was also proactively 'lost' to MS work by accepting an invitation from the Pembrokeshire Coastal Forum to attend a "Focus on the coast" event in Tenby (also attended by PCNPA, PCC (SMP), Planed (community group), Keep Wales Tidy, Pembrokeshire Outdoor Charter and Pembrokeshire Marine Code) (see attached).

Members were reminded that:

- the MS is primarily the RA's own tool to aid management and to inform assessment of plans and projects by competent authorities; it is not primarily intended for a general readership, albeit stakeholders and users will clearly have an interest;
- the decision had been taken to leave as much technical detail as possible out of the main body text, which will be bilingual, and place it in English-only technical annexes. The main effort in 2009 has been on the technical annex containing the activity by activity assessments. However, the main body text will include the action plan, which will require the active input of all members to populate after the assessments have been completed. Taking account of the experience of other EMS, no attempt has been made to predict the duration of this specific task.

It was estimated that very few more days work will be required to complete the main body text. The assessments technical annex requires considerably more work as progress was slower than

anticipated because the inadequacy of information relating to many activities had required additional gap-filling to enable even basic assessments.

A three point scaled categorization of activities with respect to information availability and assessment of priority was requested; it was advised that this would necessitate going back over all the work carried out so far and was not practical within the current timelines.

Agreed:

- adhere to current timeline as far as possible (delivery of internal discussion draft without action plan by early in second quarter 2009); main body text to be circulated as soon as completed, followed as soon as possible afterwards by technical annexes when tidied up to make readable, albeit incomplete; **ACTION: BB**
- discussion of draft to be key agenda item at next meeting;
- all members to consider what else is required in the MS and to begin considering management actions required **ACTION: ALL**

8 (6) RAG resources

Noted:

Members received with concern the news that EAW's contribution to all RAGs will be cut £3k next FY (*ie* 2009-10) and that future years contributions are uncertain.

Concern was further expressed concerning the absence of contribution from other (local authority) members RAs.

Misunderstandings about the contributions to RAG working and the responsibilities of CCoS's role as host appear to remain outstanding:

- EAW's MoA with CCoS inequitably identifies delivery on targets that are collectively the responsibility of all the RAs (including EAW);
- Recent e-mail correspondence between CCW and CCoS incorrectly refers to CCW's "grant-aid" to CCoS (albeit the MoA correctly identifies the resource contribution as a contribution to a partnership).

Agreed: the nature of contributions to RAG partnership working, and CCoS's accountability for delivery of collective RA targets ² (as opposed to the propitious management of resources held on behalf of the RAG), needs to be re-identified with all relevant parties. **ACTION: ALL**

Noted: in order to secure the medium to longer term resourcing of RAG working, the costs of the work programme need to be reviewed, revised and projected further into the future – including looking forward to when the management scheme has been completed and needs to be implemented. **ACTION: BB**

9 (10) SMP 2

Noted:

² As set out in the CB&E RAG MoU (last reviewed and confirmed April 2008) and para 3.20 of the DETR / WO document *European Marine Sites in England & Wales. A Guide to the Conservation (Natural Habitats &c) Regulations 1994 and to the Preparation and Application of Management Schemes*. DETR / Welsh Office, 1998. HMSO ISBN 1851120874 Out of print but available online from: <http://www.cbeems.org.uk/english/info.html>

(JA) despite remit for SMP2 to fully address environmental and planning issues and the inclusion of additional stakeholders in SMP groups, there is concern that the process has not yet adequately engaged with issues related to the EMS.

Halcrow Group has been commissioned to prepare the revised SMP and an initial public consultation has commenced (see www.southwalescoast.org).

The revised SMP will be subject to both assessment under the Habitats Regulations and Strategic Environmental Assessment.

Agreed: invite Halcrow and Chair of the SMP partnership to next meeting to brief members and to give RAG opportunity to raise issues of concern. **ACTION: JA**

10 (5) Recruitment of temporary backfill

In Deb Hill's absence, BB reported that interviews had been held the previous day; four candidates were judged to have been suitable. Post had been offered to Judith Oakley in part in recognition of her local knowledge and demonstrable level of commitment to marine nature conservation; her response was awaited. Assuming acceptance, her start date likely to be early May.

11. Relevant authority updates

Noted:

(PC) *Crepidula* (slipper limpet) again confirmed at Burry Port, though few in number and few mussels present; not found at Whiteford.

(PC) New cockle year class of average size

(BB) Otter survey had recently been let to Geoff Liles, The Otter Consultancy.

(AB) CCW intertidal monitoring will be undertaken 20 – 24 September.

(JA) Increased workload in undertaking tests of LSE had been noted in CCoS.

(TT) New harbour office on the quay in Tenby should provide awareness raising / publicity opportunities for the EMS.

(PC) concerns were expressed regarding the assumptions underlying and data inputs to the 'bird food model' detailed in the most recent CCW report (Stillman, 2009 Predicting the effect of shellfish stocks on the oystercatcher and knot populations of the Burry Inlet and Three Rivers. CCW Marine Monitoring Report No: 65)

12 Other business

Noted:

ZO in receipt of the EAW otter road death database

(JA) CCoS are considering an extension of the area of the Gower AONB

(TT) A mass stranding of common starfish in a very limited area had occurred at Tenby. No evidence of a sinister cause; judged likely to be a natural event.

Agreed: postpone discussion of the EAW consultation on the draft West Wales River Basin Management Plan to the next meeting. See <http://wfdconsultation.environment-agency.gov.uk/wfdcms/en/westernwales/Intro.aspx>

13 Date(s) of next meeting(s)

10.00 hrs, Friday 15 May 2009, breaking at 11.30 for Halcrow / SMP arrival to being briefing at 12.00 and completing business meeting afterwards if necessary.

Although SMP briefing is subject to confirmation, **please ensure that sufficient time is allocated in diaries to attend a meeting extending into mid-afternoon** (say 15.00hrs)

Meeting closed at 14.00