



**MINUTES OF MEETING
WEDNESDAY 15 DECEMBER 2010
ENVIRONMENT AGENCY WALES, CROSSHANDS**

Present

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| Jane Hodges (JHs) Chair | Pembrokeshire Coast National Park Authority (PCNPA) |
| Eifion Bowen (EB) | Carmarthenshire County Council (CCC; Head of Planning) |
| Blaise Bullimore (BB) | EMS Officer |
| Anne Bunker (AB) | Countryside Council for Wales (CCW) |
| David Gill (DG) | City & County of Swansea (CCoS; Major Projects Manager) |
| Alex Harding (AH) | CCW |
| John Hogg (JHg) | Environment Agency Wales (EAW) |
| Lewis Keil (LK) | Dwr Cymru-Welsh Water (DCWW) |
| Lindsey Rendle (LR) | CCC |

1 Welcome, apologies & domestics

Apologies:

| | |
|-----------------|------------------------------|
| Deb Hill | CCoS |
| Trevor Theobald | Pembrokeshire County Council |
| Dusi Thomas | DCWW |

Introductions were made for the benefit of Eifion Bowen and Dave Gill.

Noted: Dusi Thomas will be stepping aside and new DCWW contact will be Fergus O'Brian, Coastal Manager.

Revisions to running order of agenda to improve flow of meeting and accommodate DG's need to leave early were agreed.

2 Minutes of meeting 29 September 2010

Agreed without amendment

3 Matters arising from minutes of 29 September 2010 & not on the agenda

Item 4: No responses from members clarifying queries in Technical Annex 6 received to date.

Item 7. Letter sent to Graham Rees, WAG Fish, on 24 October; no response to date ¹.

Liaison on actions in CCW Special Sites database ongoing.

¹ Response received 4 Jan 2011 and circulated with Chairs reply 6 Jan 2011.

Item 11. EA monitoring data buoy had been deployed continuously for extended periods. Despite monitoring a limited suite of determinands the buoy had collected a valuable dataset of readings at 30 minute intervals which provided evidence that water quality issues are not a contributory factor in the cockle mortalities. JHg agreed to forward the resulting data report to CCW and BB (for circulation).

ACTION: JHg

4 Burry Inlet MoU

Briefing provided jointly by DG, EB and JHg.

Noted:

As reported to the last RAG meeting, the MoU is undergoing review and revision, in part to accommodate CCoS.

Review now being coordinated by CCoS. CCoS have recently hosted an initial senior officer meeting, attended by CCC, CCW and EAW, which rehearsed reasons behind the MoU, understanding of the issues and agreed the way forward. An initial rough draft was tabled which will be taken forward to a technical meeting currently being organised to develop the detail.

CCC and CCoS objective is to streamline the HRA process, dealing strategically with whole developments rather than individual planning permissions piecemeal.

Having established registers for both developments and volume inputs to the waste water system, CCW are now able to turn HRAs around promptly.

The MoU is a relatively short term solution. Once the current 1000 dwelling equivalent per local authority threshold is reached, further measures will need to be put in place. Such measures may need to include works additional to current AMP5 improvements since these may not meet needs of future developments. Longer term solutions will be addressed via the county's LDPs.

Jacobs Consulting are undertaking work to inform an HRA of CCC's LDP.

David Tyldesley (David Tyldesley Associates) had recently reviewed CCoS's approach to testing for likely significant effect at an advisory meeting. DT's initial advice was that as long as EAW consents were compliant, the local authority could conclude no likely significant effect for the planning permissions from the water quality perspective. In effect, local planning authorities could rely on EAW's assessments and planned improvements identified as a result of their review of consents.

DT had raised issues concerning the clarity of the conservation objectives with respect to undertaking HRAs which were taken back by the CCW officers present at that meeting.

The long-term goal for discharged treated water is betterment rather than maintenance of the *status quo*. The current Llannant phosphate stripping option is relatively simple but has technical limitations depending on chemical composition of water inputs. Programmed improvements for P removal at Bynea and Gowerton under AMP5 will be significantly more expensive as much larger scale, continuous operation and, likely, a biological solution.

Surface water and flooding issues are additional to the treatment and improvement of waste water discharges.

Concerns had been raised as to the timing of completion of the EMS Management Scheme.

There were good historical reasons why the MS development was running behind the other Welsh EMS; speed of progress reflected the degree of input from the relevant authorities; nevertheless, progress since recommencement of the process in 2006 has actually been faster than most other sites to date.

Agreed:

Sharing the experiences emerging from the MOU process with other relevant authorities would be valuable as a learning exercise.

DG to maintain liaison with BB with respect to forthcoming technical meeting.

ACTION: DG

5 MS Action Plan

Noted:

For the benefit of new members, the history of the management scheme development and the context of the AP within the MS was briefly summarised.

Although the RAG's original (post 2006) agreement was to develop the AP by collaboratively identifying actions required, there had been a staged delegation of the task to BB. The actions detailed in the AP circulated prior to the meeting are those identified by BB as a result of the systematic assessment of all activities within the site (MS Technical Annex 6) which has been shared with members throughout the assessment process; *ie* the AP in hand is a first iteration.

Cross reference to the actions CCW's Special Sites database is at an early stage because data entry to the CCW database is incomplete and the detail for many entries in the database are not yet sufficiently clear to enable cross referencing.

The agreed work programme time line (copies of Sept 2010 revision tabled for information) identifies formal sign-off of the MS, including AP, for public consultation by relevant authorities during the second quarter 2011, necessitating securing informal agreements on proposed AP by all RAs to facilitate sign-off by the end of the first quarter.

A substantial number of actions fall to various WAG departments, a larger proportion than would have been the case prior to the Marine & Coastal Access Act 2009 and the revision of the Conservation Regulations since a number of duties now identified as being those of relevant authorities (Inshore Fisheries & Conservation Authorities and Marine Management Organisation) in England fall to WAG in Wales. The 'buy-in' and sign-off process for actions attributed to WAG is not yet clear.

In response to specific queries it was further *noted*:

The production of an MS is not a statutory duty, although the relevant minister may direct relevant authorities to prepare one, but is a cost-effective means for RAs to contribute to meeting several statutory biodiversity duties, specifically those arising from the recently revised Conservation (Habitats) Regulations.

The current approach and structure is that agreed and routinely reconfirmed by the RAG, most recently in September 2010. Future changes in approach are subject to the wishes of the constituent RAs and developing a RAG consensus.

The Conservation Regulations (Reg 36) requires that one MS only be developed for any EMS, and government policy is that an EMS must include all overlapping or nested *Natura 2000* sites with marine features and any Ramsar sites.

CCW's Special Sites database does not equate to an MS.

Actions in the AP include a number that *are* statutory duties.

MS do not usurp the HRA process for plans and projects although they are likely to address plans and projects in the context of EMS at a strategic level.

Experience in other sites is that, although including statutory duties and management actions detailed elsewhere, comprehensive MS and APs are considered valuable in providing organised frameworks for site management, public statements of commitments to management and as means of maintaining a high profiles within RAs (and competent authorities) for meeting site conservation objectives and management obligations, and addressing both required new RA actions and collaborative, partnership actions for issues that fall between or overlap across individual RA responsibilities.

Experience shows that EMS management requirements may be differently accommodated within county LDPs (and formerly, UDPs): both PCNPA and CCoS (UDP) encompass the requirements for Pembrokeshire Marine SAC and CB&E respectively by virtue of their general provisions rather than making specific site-specific reference.

A mechanism for 'sign-off' for public consultation has not been agreed. BB to confirm mechanism adopted by Pembrokeshire Marine SAC RAG. **ACTION: BB**²

BB to provide members with spreadsheet version of AP document to enable members to highlight relevant sections for comment, provide feedback and identify specific constraints. **ACTION: BB**

Agreed:

Maintain current MS strategy until and unless any decision made to the contrary.

Adhere to current time lines as far as possible.

Members to consider, with colleagues as appropriate, proposed actions and either forward agreement to BB if no issues and proposals are agreed as acceptable for public consultation or, where issues requiring discussion or amendment are identified, make arrangements for BB to meet with appropriate staff to resolve. BB to follow up with individual RA reps. **ACTION ALL / BB**

Noted: action to enable completion of MS phase of work programme post 31 March 2011 (expiry date of current BB contract) is dependent on availability of adequate resources (addressed at item 7).

6 RA updates

a) consents & information

See confidential annex

b) research & monitoring

Noted:

EAW water quality monitoring buoy had proved valuable in providing evidence that water quality not a implicated in cockle mortalities.

Cockle mortality report expected in new year (either pre March WAG election purdah or post election in May); conclusion is that evidence points to parasites as cause of mortalities.

Invasive fresh water predatory shrimp has been recorded in south Wales may be of concern as it is tolerant of brackish waters (up to 20ppt)³.

Otter report is with BB for final checking before release; has not been as high a priority as other tasks.

No scoter monitoring is planned by CCW for the current winter. AB was asked to convey the RAG's disappointment to relevant CCW colleagues. **ACTION: AB**

² The Pembrokeshire Marine SAC Officer has advised that each member RA undertook whatever internal scrutiny and approval mechanism it deemed appropriate, but included recording whatever audit trail was agreed as necessary to provide the authority to their RAG representatives to communicate approval for release for consultation to the RAG. Communication to the RAG was accepted either as e-mail or as a formally minuted verbal report at a RAG meeting.

³ BBC news item at: <http://www.bbc.co.uk/news/uk-wales-11870203>; factsheet at: http://el.erdc.usace.army.mil/ansrp/dikerogammarus_villosus.pdf

7 Budget & resources

A current budget summary and a predicted budget balance timetable for 2011-12 were tabled.

Noted:

Without further contributions additional to the already pledged DCWW contribution, with a minimal (likely insufficient) allowance for the costs of liaison with relevant and competent authorities during the process to secure agreement for sign-off of the MS for consultation, with no allowance for any spend on public engagement for the consultation, and with no other unforeseen expenditure, resources will be exhausted in September 2011.

EAW had confirmed their contribution for the current FY.

No RA other than DCWW yet able to make commitment for the forthcoming FY (2011-12).

Sufficient resources are required to complete the MS production at an absolute minimum; longer term resources are also required to facilitate the future implementation of the MS.

CCoS will require confirmed commitments before extending BB's contract beyond the point at which resources are known to be secure.

Agreed:

All members to advise CCoS (via Deb Hill) and BB as soon as possible as to commitments for next FY.

ACTION: ALL

Bring forward next RAG meeting to ensure 2011-12 funding contributions can be addressed before the end of the FY, but when RA settlements are likely to be better known.

8 EMSO report

Noted:

Meeting held with Eifion Bowen, CCC, resulting in EB's presence at RAG meeting.

Feedback on the Special Sites Project database provided to CCW, followed by audio conference with project manager and West Region coordinator.

Scheduled meeting for GEMS postponed; now likely Jan / Feb 2011.

Attended WBP meeting.

Attended David Tyldesly biodiversity / Habitats Directive training event at CCoS.

Further meeting held with Julia Williams (Head Marine Branch, WAG) and Graham Rees (Head Fisheries Unit, WAG); limited progress on engagement with MS and AP development.

9 Other business

Noted:

Recent WAG news release regarding review and amendment of fisheries legislation in Wales.

Agreed:

Review is directly relevant to and of considerable importance to EMS management; RAG input is necessary.

Noting lack of response from WAG Fish to Chair's letter of 24 October requesting involvement in the relevant Regional Stakeholder Group, Chair to write again and BB to follow up directly asking for response.

ACTION: JHs / BB⁴

⁴ See footnote 1

Noted: Pembrokeshire Marine SAC RAG had also written robustly requesting both greater engagement by WAG Fish and PM SAC membership of the Regional Stakeholder Group. BB to circulate copy of the letter for information. **ACTION: BB**

10 Date and agenda items for next meeting

Thursday, 17th February 2011; venue tba⁵

Key agenda items: Securing the resources to maintain development (and implementation) of the MS;
Progress to securing agreement for MS release for public consultation.

Meeting closed at 13.05

⁵ Venue now confirmed as WWT Penclacwydd