UK FISHING AND OFFSHORE WIND

POLICY BRIEF NO. 11 - JUNE 2021

OVERVIEW

- The UK's marine space is under increasing pressure from different users competing for space, of which fishing and offshore wind are two of the most significant.
- To meet sustainability commitments, the UK intends to greatly increase its offshore wind capacity in the coming decades, which raises challenges for co-existence.
- The UK has one of the world's first integrated approaches to marine policy. However, challenges remain in creating a cohesive and fair framework for marine planning.
- Collaboration between the fisheries and offshore wind sectors, and engagement with stakeholders at every stage, are key for harmonious and just outcomes.

LEGISLATIVE BACKGROUND

Marine planning is by necessity a complex legislative issue. In the UK, different sectors are overseen by different government departments - the Department for Business, Energy and Industrial Strategy oversees offshore wind (1), while Defra oversees fisheries (2), for instance. Multiple delivery agencies are responsible for managing these sectors at a finer level, and the two sectors are also exposed to interacting priorities around biodiversity, environmental restoration, and net zero. To make matters more complex, most aspects of both fishing and energy legislation are devolved, meaning each of the four countries of the UK are responsible for managing these two sectors in their waters.

This briefing summarises the outputs from the APPG on Fisheries open Parliamentary webinar, 20 May 2021. The meeting brought together a diverse array of stakeholders from across the UK to discuss how the fisheries and offshore wind sectors can productively co-exist. This document is a synthesis of the discussions that took place both at the event and online (via #FishingAndWind).

The UK has taken significant steps to addressing this complexity, and is in fact one of the earliest adopters of an integrated approach to marine policy. This process began in 2009 (3), and addressed challenges of not only integrating the roles of different government departments and policy areas, but also between the four administrations that make up the UK.

The approach to integration at the UK level involves a number of key tools:

- UK Marine Policy Statement (4) - the framework for preparing Marine Plans and taking decisions affecting the marine environment.
- UK Marine Strategy (5) - the framework for delivering marine policy at the UK level and achieving good environmental status (GES) in UK waters.
- Joint Fisheries Statement (6) - a requirement of the Fisheries Act 2020 (7) for the four devolved administrations to collaboratively produce a statement detailing region-specific legislation.
- UK Marine Science Strategy (8) - a 15-year plan setting priorities for scientific research and delivery.
- Marine Plans - finer-scale management plans for regions of UK waters.

THE MARINE POLICY STATEMENT

The Marine Policy Statement (MPS) (4) was a groundbreaking document in 2010, involving collaboration across administrations, departments, and marine stakeholders. However, because it was pioneering, many elements were untested, and while some have been successful, others are in need of modification (9).

The marine planning process incurs significant trade-offs, such as whether space is prioritised for fishing or wind. Some aspects of this process, such as marine licensing and fisheries management, have no formal means of interacting. There is a need for policy coherence, proactive collaboration, and addressing of trade-offs.

Both fishing and offshore wind can also have a significant and cumulative impact on marine biodiversity. Currently, these impacts are mainly managed through individual decision-making regimes such as marine licensing or fisheries management, or through active management measures such as those in MPAs. This compartmentalisation can lead to issues, a challenge that is being addressed by the Crown Estate's new Offshore Wind Evidence and Change Programme (10), BEIS and Defra's Strategic Enabling Actions Programme (11), and NERC's incumbent programme to build a cumulative ecosystem model (12).

The UK is considering whether to review and update the MPS. UK policy has changed significantly since it was introduced in 2010, most notably in its exit from the EU and its new sustainability commitments such as net zero by 2050. There are calls for an overarching, integrated policy and planning framework to manage both spatial trade-offs and impacts on marine biodiversity. An updated MPS could be a key contributor to achieving this.

CASE STUDY:

How do Ørsted manage interactions with the fishing industry?

Ørsted has twelve operational wind farm sites in the UK, one under construction, and three in development (13). Commercial fisheries are a major stakeholder in the areas in which they work, and Ørsted encourages liaison and coexistence with the fisheries industry at every stage of wind farm development, from planning, to operation, to eventual decommissioning (14). Currently there is fishing activity within all Ørsted UK wind farms, and this is due to increase for future developments as spacing between turbines increases.

Ørsted actively establish contact with fishing representatives as points of liaison with the industry, and also work with individual fishermen. They recommend early engagement between offshore wind developers and fishery stakeholders, as incorporation of different priorities or mitigation measures is more difficult once planning consent has been granted.

The sharing of information between the two sectors, such as turbine maintenance schedules or fishing patterns, is encouraged. Ørsted have provided fishers with more visible gear markers to minimise interactions with maintenance vessels. They have also undertaken collaborative research, such as with the Holderness Fishing Industry Group, where they examined the impacts of wind farms on the lobster fishery (15). Encouragingly, they found no significant changes in catch rate, leading to greater confidence from fishers. More collaborative research projects are planned.

Ørsted aims to promote the long-term prosperity of the fishing industry, such as through significant donations to causes such as the West of Morecambe Fisheries Fund (14), support for fishermen's charities, and provision of facilities, equipment and training.

CO-EXISTENCE

The UK has plans to dramatically increase offshore wind capacity to achieve net zero targets by 2050 (16). This will lead to increasing spatial competition with the fishing industry. In addition, other marine uses, such as cables, Marine Protected Areas, oil and gas, carbon capture and storage, aggregate extraction, and mariculture also impose increasing pressures on marine space.

Co-existence is complex. Wind farm operators do undertake impact assessments for fisheries, but generally at a fleet level. This may not capture issues that exist at individual vessel level, and there remains a lack of data available for the inshore fishery (17). Greater access and sharing of data between the two sectors would be a significant step towards building evidence to support co-existence.

From a fisheries perspective, there is currently a lack of evidence concerning which types of fishing can co-exist within wind farms (18). Seine netting and pair trawling are generally considered impossible, while evidence remains unclear for single trawling and static netting. Potting has successfully resumed in some areas since the establishment of wind farms.

The responsibility for collection of evidence for co-existence lies with a number of different actors at governmental, regional, and project level. The Fishing Liaison with Offshore Wind and Wet Renewables (FLOWW) Group has a role in developing best practice to assign these responsibilities (19).

There are also challenges regarding spacing and cabling. As efficiency is increasing, spacing between turbines is increasing, a positive development for the fishing industry. Cabling arrangements are also in need of improvements - specifically ensuring they are bundled and buried, so limiting the risk of interaction with fishing vessels. While cables are buried or protected in the majority of cases, there is currently not a framework in place to allow different operators to share cable sites. The offshore wind industry is investigating this issue.

In some instances, compensation of fishermen for loss of access is the most practical solution. However, this is typically handled on a case-by-case basis with little national framework or dispute resolution mechanism. Impacts of displacement, such as impingement of displaced fishers on other fishers' areas, are also often not directly taken into account. There is also the possibility of fishermen taking on guard duty for wind farms, though this is limited by availability and health and safety regulations.

A more synergistic approach to marine planning is advocated, with a greater emphasis on multi-use of marine space. For instance, there are calls for offshore wind sites to be progressively integrated with Marine Protected Areas. There is a need for an improved evidence base on the practicalities of co-existence, which should feed into improving the inclusivity of design and regulation of wind farms.

SUMMARY

The UK has a more sophisticated and integrated approach to marine planning than most other nations, yet there remains significant room for improvement. The most prominent recommendations that arose from this session included:

- Updating the Marine Policy Statement to build a more integrated policy and planning framework that incorporates recent changes to the UK's priorities and international commitments.
- Greater information sharing between the fisheries and offshore wind sectors, to increase the evidence base for co-existence decisions.
- Undertake collaborative research projects to better understand the capacity for co-existence and innovation.
- Earlier engagement between the two sectors, to incorporate constructive co-existence measures as early in the planning process as possible.
- Increased integration of different marine uses, such as offshore wind and Marine Protected Areas.

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