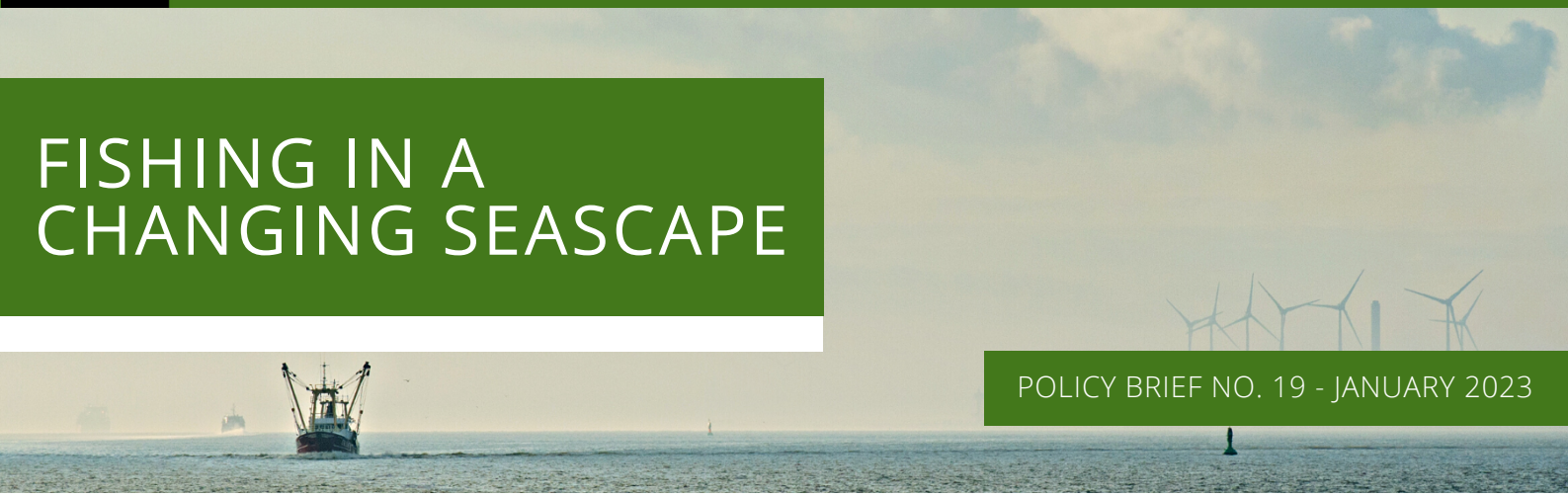
FISHING IN A CHANGING SEASCAPE



POLICY BRIEF NO. 19 - JANUARY 2023

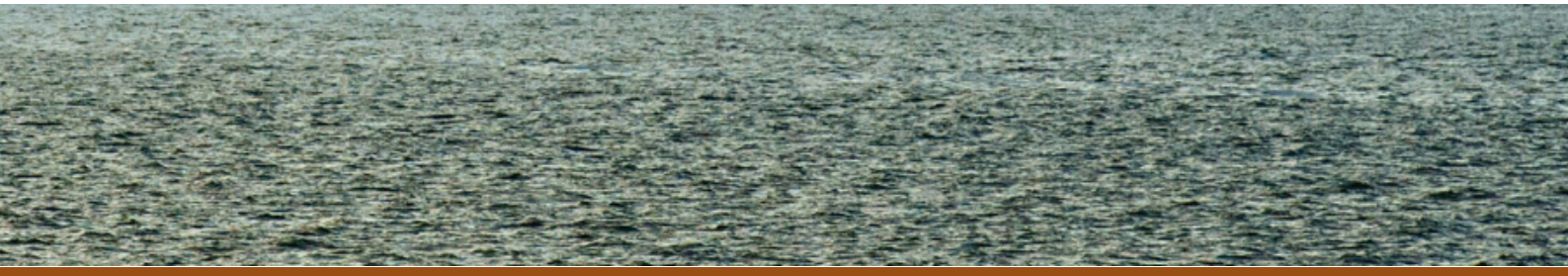
WHY WAS THIS EVENT CONVENED?

Competition for space in UK waters is regarded by many fisheries stakeholders as the single greatest challenge now facing the fishing industry. On 30 November 2022, the APPG on Fisheries organised an event bringing together Parliamentarians, policymakers, fishing industry representatives, and other marine stakeholders to discuss challenges around marine spatial planning (MSP) and potential policy solutions.

Various activities in UK waters contribute to marine spatial competition, including offshore wind farm development, Marine Protected Area designations, aquaculture, and pipelines and cables. However, attention at the APPG event focused mainly on offshore wind, which is viewed by the fishing industry as the most significant threat, especially as the expansion of offshore wind capacity accelerates to help meet the UK's Net Zero by 2050 target (1, 2).

> ***"There's always an assumption that fishing can move without harm. But it's like a piece of elastic - when it gets so far it runs out of stretch. And we're at that point now."***

This briefing synthesises discussions from the APPG event. Where additional sources have been consulted in producing this briefing, citations are provided.



WHAT WAYS FORWARD WERE RECOMMENDED BY PARTICIPANTS TO POLICYMAKERS?

1. Apply the **precautionary principle to all** marine plans and activities, not just fisheries.
2. **Link up** all Government departments, Parliamentary bodies, and statutory agencies involved in MSP to **avoid siloing** and **minimise the risk of cumulative impacts**.
3. Fund and otherwise **facilitate** the fishing industry to **collect comprehensive data** on where fishing takes place in UK waters, as a vital first step towards a more spatial approach to fisheries management.
4. Establish a statutory adviser or intermediary to **represent the fishing industry** in MSP consultations.
5. Ensure that fishers are **consulted as early as possible** in MSP, leasing, licensing, and development processes, via appropriate channels and with accessibility in mind.
6. Encourage consultation and feedback processes **to continue after planning decisions** have been made.
7. Establish a **clear regulatory regime to overcome insurance and liability concerns** which are acting as barriers to the fishing industry exploring whether co-location with offshore infrastructure is feasible.

THE ISSUE OF DISPLACEMENT

Why does it matter?

The UK fishing industry plays a vital role in the UK coastal economy and the wider seafood supply chain. It can be a principal source of income, employment, and cultural heritage for often vulnerable coastal communities. It also supports national food security, providing a valuable source of protein with low carbon emissions compared to protein derived from livestock. Any reduction in landings or shrinkage of fishing fleets would have knock-on economic and social impacts, with members of the fishing industry concerned that any local jobs lost as a result of competition would not be replaced by equivalent opportunities in the renewable energy sector.

What are the impacts on fishers?

Competition for space in UK waters mainly affects the fishing industry through displacement. While discussion at the APPG event focused mainly on displacement as a result of offshore wind farms (OWFs), the displacement impacts of Marine Protected Areas (MPAs) and Highly Protected Marine Areas (HPMAs), and cables, are each of similar magnitude (3). When fishing vessels are forced out of their usual fishing grounds and into those traditionally fished by others, the potential for conflict increases. Conflict becomes more likely between mobile and static gear users, and/or between vessels of different sizes. Small inshore vessels are especially vulnerable to displacement by larger vessels coming closer to shore, and there are financial costs and safety risks associated with inshore vessels being forced further out to sea. Concentrating fishing effort within smaller areas also increases the risk of overexploitation of stocks or environmental damage, especially where incoming fleets use higher-impact gears.

What are the impacts on fish?

New marine infrastructure has the potential to negatively affect fish stocks themselves. The construction and presence of OWFs and other infrastructure may affect spawning and nursery grounds for key fish stocks, for example through physical habitat disturbance (4) or the generation of electromagnetic fields which have been found to affect the behaviour of rays, sharks, and lobsters (5). Reductions or migrations in fish stocks as a result of infrastructure will further affect where fishers can fish and how much they are able to catch.

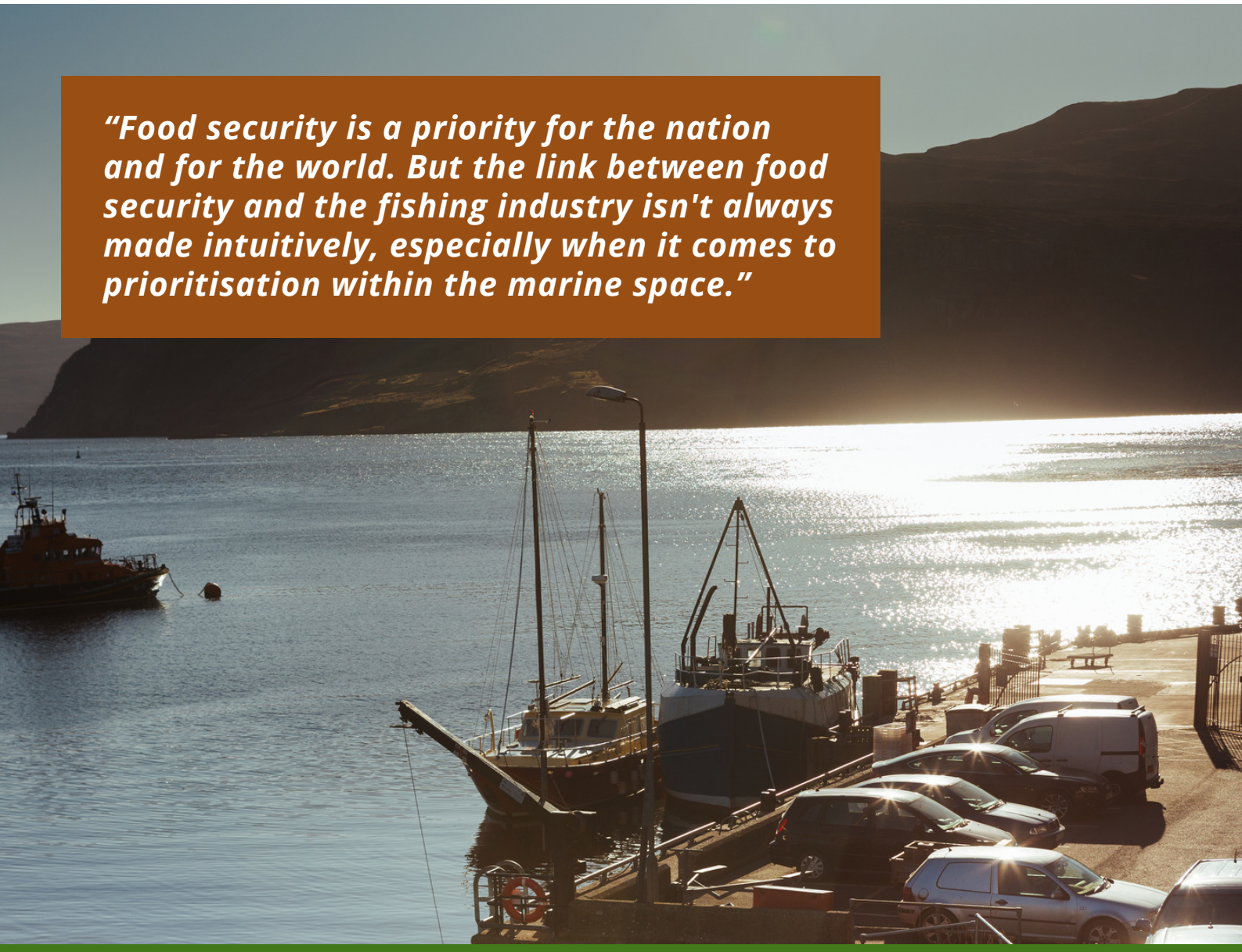
Fish migration and displacement of fishing could in turn affect fisheries science and management. Periodic stock assessments draw on data on

distributions of fishing patterns which may become outdated more quickly as fisheries are forced to move, while regional legislation or quota restrictions may in some cases limit how far certain fisheries can shift. It is also the case that stock assessment surveys may be directly affected if survey vessels are prevented by OWFs from entering areas that have been selected through random or stratified sampling (6), making it more challenging to ensure that fisheries are being managed sustainably.

Cumulative risk

Compounding the issues described above is the risk of cumulative impact as more and more development takes place in UK waters. For example, OWFs are expected to cover 8% of the North Sea by 2025 and potentially 16% by 2050 to reach UK Government targets (7). This issue is particularly relevant for fleets and ecosystems spanning multiple borders, with the potential for OWFs to be approved by different devolved bodies without taking account of the impacts of OWFs in other jurisdictions. The UK Government's announcement in April 2022 that it intends to establish a fast-track consenting route for some OWFs (1) further adds to the urgency of recognising the scale of the impacts of competition in UK waters.

"Food security is a priority for the nation and for the world. But the link between food security and the fishing industry isn't always made intuitively, especially when it comes to prioritisation within the marine space."



BUILDING THE EVIDENCE BASE

The challenges

While some fishers already report feeling the pressures of displacement, industry members consider there to be a lack of systematic evidence detailing which fleets and boats are being displaced, and the economic and social consequences of this. Research commissioned by the NFFO and SFF concluded that 23% of the UK's Exclusive Economic Zone (EEZ) is currently off-limits to demersal trawlers - the largest part of the UK fishing fleet by landings - and that this proportion could rise to 49% by 2050 in a worst-case scenario (3). Further research would be needed to gain a comprehensive picture of displacement across the UK fishing industry.

Concrete evidence on the cumulative and long-term effects of development on fish stocks and wider marine ecosystems is similarly considered to be sparse. However, work is underway to address this, for example research at Defra and Natural England into coexistence and displacement challenges, and the Scottish Marine Energy Research Programme (ScotMER) and government-supported ECOWind which aim to fill knowledge gaps on the impacts of OWFs on the marine environment.

"We understand fishing to an extent, but we don't have a clue about floating offshore wind at the moment."

Ways forward

In the absence of more comprehensive and long-term data, it is suggested that the precautionary principle is systematically applied in marine spatial planning and the awarding of licences for development. This would bring MSP and development in UK waters into line with the Fisheries Act 2020 and Joint Fisheries Statement which include a 'precautionary objective', whereby the absence of knowledge on potential impacts does not justify failing to take measures to avoid or mitigate these potential impacts (8, 9). The Marine Management Organisation (MMO) has produced guidance for its staff on how to conduct Socio-Economic Impact Assessments (SEIAs) for marine licensing, which could support a precautionary approach. However, neither applicants nor the MMO are legally required to conduct an SEIA (10). There could also be a greater focus during the risk assessment stage on planning for actions to be taken should any unforeseen consequences for fisheries or fish stocks emerge.

The risks of environmental damage during OWF construction could be mitigated through regulatory and technological measures. For instance, piling in particular appears to affect some fish species and stocks. In response, Germany has introduced a 160-decibel limit for sound levels within half a mile of construction (11). Some developers are meeting this requirement through the use of "bubble curtains" to dampen noise (12, 13). The UK government is currently developing aims and principles for Marine Net Gain (14), the purpose of which would be to ensure that all marine development activities are accompanied by improvements benefitting marine biodiversity. Natural England also recently put forward the option of strategic closure of fisheries to offset potential impacts of OWFs on seabirds (15), though this option is unlikely to be popular with the fishing industry and also risks further displacement.

A MORE JOINED-UP APPROACH

Who is involved in marine spatial planning and licencing in the UK?

Overarching objectives and policies for use of the marine space in the UK are set out in England's six marine plans, the Welsh National Marine Plan, the Marine Plan for Northern Ireland (under revision), and Scotland's National Marine Plan (under revision). These plans interact with or are affected by other key government strategies and priorities; for example, Scotland's National Marine Plan 2 – expected to be adopted in 2025 – is intended to align with the Blue Economy Vision for Scotland, the Bute House Agreement, and the Future Fisheries Management Strategy.

The Department for Business, Energy & Industrial Strategy (BEIS) sets and oversees the UK's energy policy, including targets for offshore wind expansion. The Marine Management Organisation (MMO) is responsible for most marine licensing in English inshore and offshore waters and for marine licensing in Welsh and Northern Irish offshore waters. Natural Resources Wales is also involved in marine licensing in Wales. The Crown Estate has responsibility for leasing and licensing specifically for OWFs and other infrastructure development in the waters of England, Wales, and Northern Ireland, while for Scottish waters this role is performed by the Crown Estate Scotland. The MMO works closely with the Crown Estate and Crown Estate Scotland through its Strategic Renewables Unit, and operates a public register for marine applications and licences in English waters.

The challenge

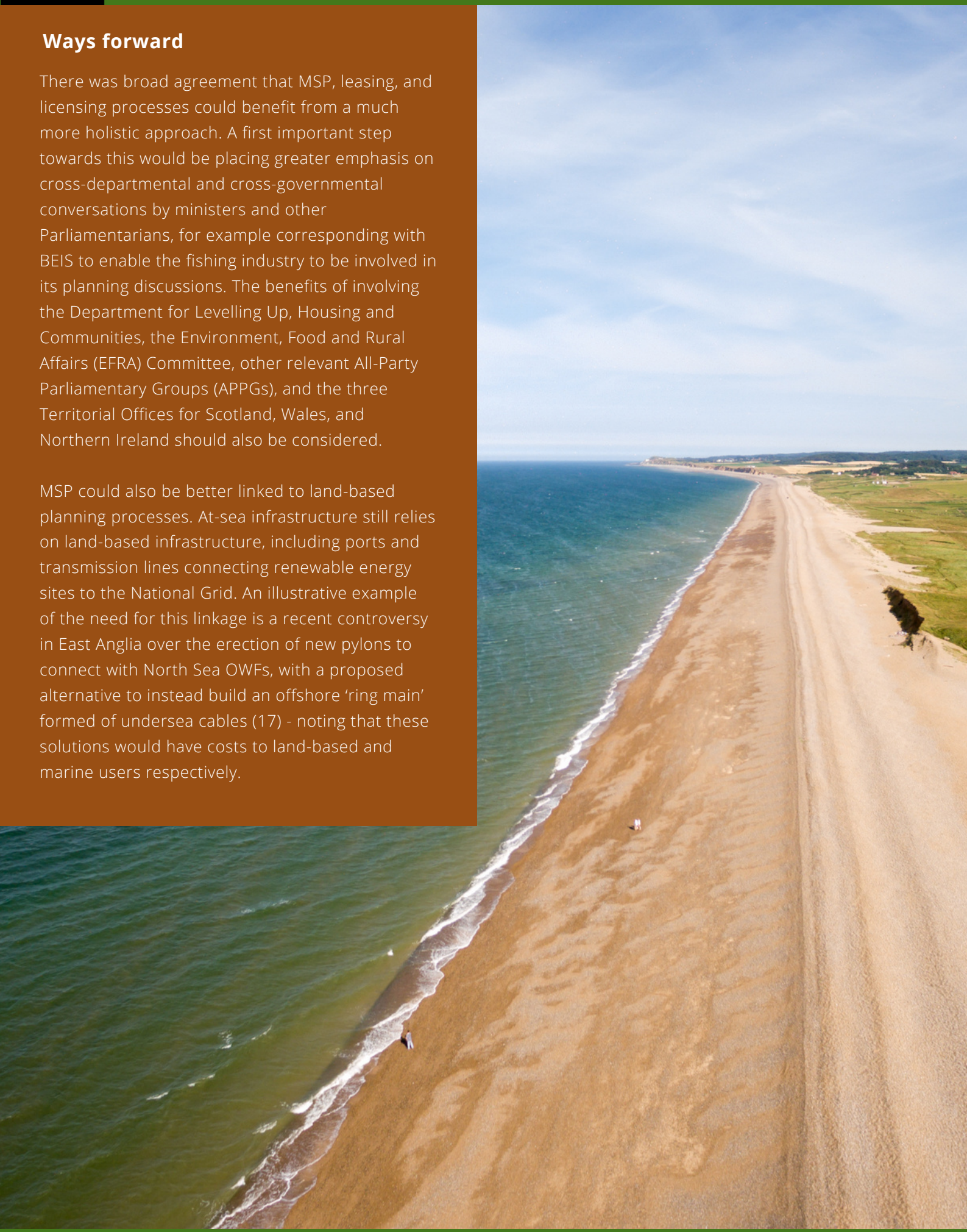
With a large number of governmental and non-governmental bodies holding responsibility for specific aspects of marine spatial planning (MSP) and decision-making, both across and within jurisdictions, MSP in the UK can be said to be fragmented (16). This poses challenges in recognising the cumulative nature of the impacts of marine spatial competition on the fishing industry, coastal communities, and the environment.

"It's a multi-department, multi-agency approach, with no one single focus on the marine space."

Ways forward

There was broad agreement that MSP, leasing, and licensing processes could benefit from a much more holistic approach. A first important step towards this would be placing greater emphasis on cross-departmental and cross-governmental conversations by ministers and other Parliamentarians, for example corresponding with BEIS to enable the fishing industry to be involved in its planning discussions. The benefits of involving the Department for Levelling Up, Housing and Communities, the Environment, Food and Rural Affairs (EFRA) Committee, other relevant All-Party Parliamentary Groups (APPGs), and the three Territorial Offices for Scotland, Wales, and Northern Ireland should also be considered.

MSP could also be better linked to land-based planning processes. At-sea infrastructure still relies on land-based infrastructure, including ports and transmission lines connecting renewable energy sites to the National Grid. An illustrative example of the need for this linkage is a recent controversy in East Anglia over the erection of new pylons to connect with North Sea OWFs, with a proposed alternative to instead build an offshore 'ring main' formed of undersea cables (17) - noting that these solutions would have costs to land-based and marine users respectively.



SPATIAL DESIGNATIONS FOR FISHING

The challenges

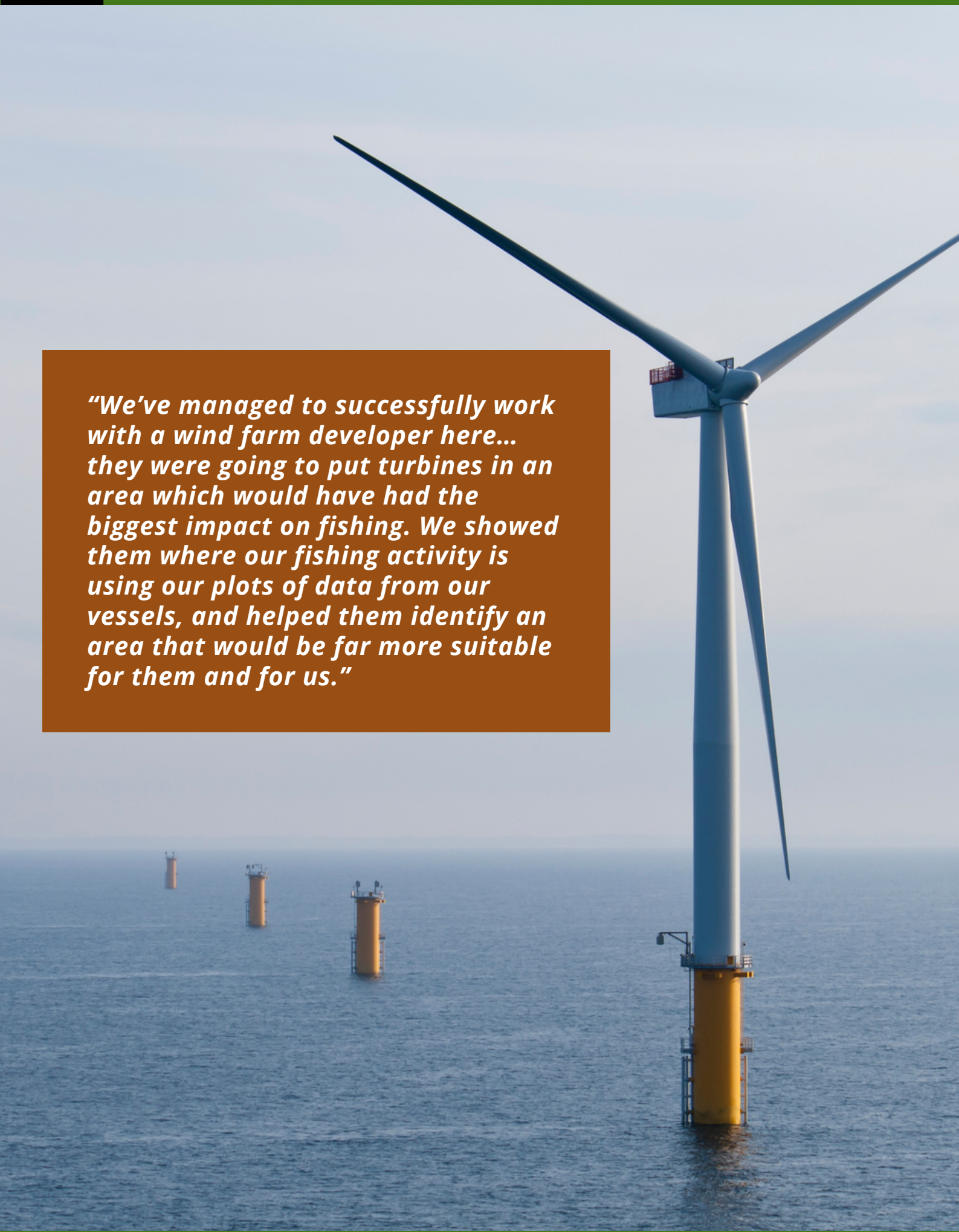
A key challenge raised by members of the fishing industry is that the UK's marine spatial planning processes do not involve spatially designating and protecting core fishing grounds. The potential to do so was explored in 2014 by the MMO (18); however, it was perceived that the industry did not have appetite for this at the time. One reason given for this is that many fish stocks are highly migratory, moving around from year to year, while some fish are shifting their ranges due to climate change; meanwhile, some UK fleet segments are more nomadic than others. As such, allocating fixed priority areas for fishing in future marine plans may not permit adaptation to changing conditions. It is worth noting that designating certain areas as single use, whether for fishing, OWF, protection, or otherwise could also lead to habitat or ecosystem fragmentation, due to degradation of non-designated areas and/or the "silo" effect of different organisations managing different areas.

Lack of data for key stocks as well as fishing activity presents another challenge, with the potential to do more harm than good if marine spatial plans are developed based on out-of-date or otherwise incorrect information. Most spatial data that currently exists for UK fisheries is from over-12m vessels which have been required to use Vessel Monitoring Systems (VMS) since 2012 (19). Under-12m vessels have only been required to use VMS since 2022 in Wales (20) and will be required to do so in England as of 2023 (21), while Scotland is still considering introducing this measure (19). Even where data is available, it is not necessarily accessible to OWF developers and other marine users.

Ways forward

Improved data collection and sharing appears to be essential for enabling better inclusion of fishing in MSP. There is acknowledgement in the industry that it has a role to play in providing data, and that it is important for the industry to "own" the data and ensure its accuracy. However, data sharing could be facilitated by coordinating entities, for example central or local government, or fishermen's organisations. The government could also financially support the industry to roll out equipment to collect the necessary spatial data.

It was also suggested that spatial management of fisheries could draw on the example of the Land Use Framework approach which supports the inclusion of farming interests in land-based spatial management (22). The option of a marine equivalent to the Environmental Land Management Scheme (ELMS) could also be explored, in terms of applying the 'public money for public goods' approach to sustainable fishing practices. However, the limitations of comparisons to farming are that fishers do not have legal titles for their areas of production, while fish stocks and fishers are constantly moving through the seascape. This dynamism must also be taken into account in MSP, potentially by directing OWF and other activities to areas where fishing is not currently prevalent. The development of adaptive fisheries management tools, which aid predictions about current or future productive fishing grounds, will also be highly useful if fully utilised. A more spatial-focused approach to fisheries management would align with the Joint Fisheries Statement, which provides national fisheries authorities with the option of basing their Fisheries Management Plans on defined geographic areas if and as appropriate (9).



"We've managed to successfully work with a wind farm developer here... they were going to put turbines in an area which would have had the biggest impact on fishing. We showed them where our fishing activity is using our plots of data from our vessels, and helped them identify an area that would be far more suitable for them and for us."

STAKEHOLDER ENGAGEMENT

The challenges

To date, the fishing industry has reported largely negative experiences with consultation and engagement processes for MSP, marine licensing, and OWF development. There is a widespread sense that decisions and developments are already set in stone by the time fishers have the opportunity to give input, forcing them to instead focus on trying to limit the harm that may be done to their livelihoods.

Adding to the problem of consultation occurring at too late a stage is the amount of time and effort needed to engage with what may be separate consultations for plans, leasing, licensing, and specific developments. The quantity of separate consultations relating to the same areas can make it harder to share data and, in the case of fishers, lead to consultation fatigue. This is felt to be a particular issue for fishing communities who are more dispersed along the coastline and less able to organise and collectively participate in consultations. Increased involvement earlier in the process, when marine plans are being formed that relate to larger areas and inform future decisions by marine users (16), were posited as a more appropriate and resource-effective point for input.

Finally, stakeholder input cannot be meaningfully used if plans developed through consultation are not adhered to in later leasing and licensing processes; the Scottish fishing industry has expressed frustration that they were consulted in the development of Scotland's current National Marine Plan, but that the ScotWind leasing round resulted in a much greater extent of Scottish waters being allocated for OWFs than the industry had expected (23).

Ways forward

Multiple opportunities exist to improve the effectiveness of consultation. Firstly, the possibility has been raised of making the fishing industry a statutory consultee, to formalise and ensure its inclusion in consultations. The Marine Scotland Licensing Operations Team noted that it already treats fishers as statutory consultees as far as possible, even if they are not formally recognised as such. The MMO has also signalled the strategic importance of fishing stakeholders by appointing a Fisheries Lead within its Marine Planning Team. An alternative approach could be to establish a statutory adviser or intermediary to represent the industry. Regardless, fishing stakeholders could be better served by ensuring the availability of up-to-date policy guidance for fair and effective stakeholder engagement, which should include aspects raised in this briefing.

Fishing stakeholders should be consulted as early as possible, at both the MSP level and project level, recognising the different nature of MSP versus licensing of individual developments, as well as the need for site-specific data and discussions. Different communication methods need to be utilised to make fishers aware of these consultation opportunities, for example via local media and councils. As well as giving fishers a greater chance of protecting key fishing grounds or spawning or nursery grounds for fish stocks, early consultation would reduce the risk of developers expending resources to obtain licences for sites that prove to be important to fishers. Multiple consultations should be consolidated where appropriate, to save all parties time and operational costs. An example of this kind of improved efficiency is the work of the Crown Estate to collate and share data from competing interests among stakeholders during offshore leasing processes.

Specific to fishers is the need for consultations to fit around working schedules which are tied to the tides and seasonal fish movements; the need for fishers to be out at sea at certain times was illustrated at the APPG meeting by the fact that two attendees joined from the wheelhouses of their boats. Statutory and non-statutory bodies and developers must take this into account. One way this can be achieved is to take advantage of existing groups and forums, something that the MMO and Marine Scotland already aim to do, and which could also alleviate consultation fatigue and assist with spreading word of consultation opportunities. It has been suggested that in England, the Regional Fisheries Groups – created to support government and industry collaboration on quotas and other fisheries management aspects (24) – could play a role in this.

Members of the fishing industry at the APPG event felt strongly that communication and discussion should not end after planning decisions have been made, and that developers, fishers, and other stakeholders should aim to build and maintain trust through feedback processes. In particular, being able to demonstrate to fishers that their evidence and input has made a difference would encourage further engagement. It is essential that input from stakeholders is taken into account as much as possible, and that plans developed through consultation are adhered to in later leasing and licensing processes. Ongoing feedback processes would also support the monitoring of the impacts of infrastructure on fish stocks and ecosystems.

"It's not the amount of engagement that matters, it's the moment of engagement."

"We recognise that we're going to have renewable energy in our waters. What we want is to be at the table at the start, to be recognised as a user of the marine space."

"What we've done with development in the Celtic Seas is to... bring the fishing industry into the conversation right at that early stage... to understand what data and information we should be using. And to keep returning to the fishing industry to involve them in the discourse, so that there is an opportunity for them to say, 'The data doesn't represent what we know to be happening in this area.'"

CO-LOCATION AND MITIGATION

The challenges

Co-location, whereby fishers can continue to fish close to or within offshore infrastructure including OWFs, is considered to be one way to mitigate the impacts of spatial competition. Indeed, a 2015 survey by the Plymouth Marine Laboratory found OWF developers to be broadly supportive of co-location (25). However, the fishing industry has pointed out a number of caveats. In addition to the potential for construction and the presence of infrastructure to affect fish stocks or the wider ecosystem, the fishing industry has raised several key risks, including safety, the loss of fishing gear, and voiding insurance (25). Cables laid on the seabed as part of OWFs and for telecommunications present a particular concern for bottom-trawling fleets in terms of legal liability (26). Many fishers have opted to avoid fishing near OWFs to avert any risk.

"It's important to identify this kind of opportunity and engage with the local fishing industry in a constructive way, nice and early, so that they can see that opportunity and start to understand where they could seek to gain benefit."

Ways forward

Some mobile and static gear fishers report that they have successfully fished around OWFs (25, 27). The potential for co-location can be optimised through consultation; for example, in North Wales, developers worked with scallop fishers to determine the layout of their turbine arrays, and accepted the increased construction costs required by this. The placement of cables also has significant bearing on the potential for co-location, with the grouping of cables or the sharing of cable corridors raised as ways to reduce their footprint and therefore their impact on fishing. However, in some cases this will require a facilitator to ensure communication and collaboration between competing developers. Confidence in the fishing industry to fish around OWFs and waters containing cables could also be increased if the government were to establish a clear regulatory regime to overcome insurance and liability fears.

The potential for OWF and other marine industries to benefit local communities in other ways should be further explored. Examples raised include the oil and gas sector funding construction of roads and other amenities in places such as Shetland, and a telecommunications agency funding a fishermen's association to enable it to develop a fuel facility. The offshore renewable energy sector could provide similar financial support, and has a commercial incentive to fund port infrastructure, which would also benefit local fishing fleets. Early, effective consultation and engagement with the fishing industry would facilitate the exploration and development of such shared opportunities.

It is possible that in some cases, fishing as a livelihood will become untenable. In a similar theme to calls for a "just transition" to support workers in the oil and gas industry to move into other, greener jobs (28), the possibility of a just transition for fishers could be considered by the government.

CONCLUSIONS

Marine spatial conflict is of growing concern to the UK fishing industry. Fishers are increasingly unable to access traditional fishing grounds, and are concerned about the risks to their livelihoods and the fish stocks on which they depend. With the UK government's Net Zero target driving a surge in construction of OWFs, it is essential for policymakers to take steps to mitigate potential impacts on the fishing industry, coastal communities, and the marine environment.

What was clear from the APPG on Fisheries' event is that fair and effective consultation and engagement processes are an essential basis for improving MSP in the UK, principally by furnishing developers and other users of the marine space with the data and information they need to avoid negative impacts on fishers as much as possible. The government has a key role to play in this by ensuring cross-departmental and cross-border collaboration, consistently applying best practice in consultation processes, supporting the fishing industry to collect and share data, and placing the precautionary principle at the heart of its decision-making on MSP. The government could also enhance opportunities for co-location by introducing a regulatory regime that accounts for the breadth of interactions now taking place between fishing and infrastructure in the UK's marine space. At the APPG's event, the fishing industry made clear that they recognised the need for increasing the nation's renewable energy capacity, but urged that this was not at the cost of losing a valuable and culturally significant industry.

"It's not just about evidence. It's not just science, it's about humanity. It's about morality. It's about supporting each other as human beings."

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