



Department
for Environment
Food & Rural Affairs



Llywodraeth Cymru
Welsh Government

Consultation on the proposed King Scallop Fisheries Management Plan

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Introduction

The United Kingdom has some of the best wild seafood resources in the world. Our fish stocks are a public asset which generate food and create jobs in an industry with a strong sense of identity and pride for their communities. These fish stocks also form a vital part of our marine ecosystems.

Many of our fish stocks are under pressure from fishing and climate change. Fishing can also have impacts on our ecosystem, for example, through accidental bycatch or the effect of fishing gears on the seabed. It is therefore important to consider both the positive and negative effects of fishing as part of our overall management of the marine environment.

Defra and Welsh Government have set out their plans for protecting our environment into the future. Defra published its [Environmental Improvement Plan \(EIP\) 2023](#) that sets a plan for a decade of delivery with target-led actions towards leaving our environment in a better state than when we inherited it. Welsh Government published the [Environment \(Wales\) Act 2016](#) that provides an iterative framework to ensure that managing our natural resources sustainably is a core consideration in decision-making. Central to the Environment (Wales) Act is the need to adopt a new, more integrated approach to managing Wales' natural resources to achieve long-term sustainability.

The [Joint Fisheries Statement \(JFS\)](#) sets out how the UK fisheries policy authorities (Defra, and the devolved administrations in Northern Ireland, Scotland, and Wales) will prepare and publish 43 Fisheries Management Plans (FMPs) by 2028. The plans will bring together the evidence on the state of the stocks and identify measures and actions necessary to improve the evidence base and manage our fisheries in a sustainable way. Policies in an FMP will set out both the short-term actions and longer-term vision for the management of the fishery. The plans must also consider relevant wider legal obligations including the environmental principles under the [Environment Act 2021](#) and the need for strategic environmental assessment under the [Environmental Assessment of Plans and Programmes Regulations 2004](#).

Defra and Welsh Government have learned lessons from the Common Fisheries Policy (CFP) and recognised the fishing industry's strong desire to take greater responsibility for managing their fisheries.

Our first two joint FMPs – King Scallop and Seabass, have been developed in close consultation with our Arm's Length Bodies, delivery partners, fishers, and wider stakeholders.

King Scallop

The proposed King Scallop FMP covers English and Welsh waters.

This consultation is seeking your views on:

- the draft King Scallop FMP as required by Schedule 1, Part 3 of the Fisheries Act 2020. This document was drafted in partnership with the Scallop Industry Coordination Group Working Group; and
- the draft King Scallop Environmental Report which describes the likely environmental impacts of the FMP, as required under the Environmental Assessment of Plans and Programmes Regulations 2004. This document was drafted by Defra in collaboration with Welsh Government.

Defra and Welsh Government will prepare economic impact assessments when implementing the FMPs (see [Regulatory Impact Assessment section](#) later). Defra have produced a high-level de-minimis regulatory impact assessment to accompany this consultation. We would welcome additional economic evidence to produce full assessments for the publication of the final FMP.

This consultation is particularly relevant to:

- Individuals, groups, or businesses who are engaged in the fishing, seafood, or aquaculture sectors, including individuals, groups or businesses from outside the UK who fish in UK waters;
- Other individuals, groups or businesses who are sea users, for example, marine industries such as offshore renewables and sailing bodies; and
- National and local interest groups such as environmental and recreational non-governmental organisations, and industry federations.

Consultations on the other joint FMP (see above) and four other Defra FMPs and their Environmental Reports are taking place at the same time.

Background: Fisheries Management Plans

Why are we publishing FMPs?

Internationally, FMPs are considered the best way to manage fisheries. Leaving the EU means the UK is no longer bound by the CFP and has an opportunity to reconsider how best the UK's valuable and diverse fisheries are managed. Continuing to champion sustainable fishing and adopting management measures to rebuild and maintain stocks in the long term is central to future management. Goal 6 in the EIP also sets out the importance of FMPs to English fisheries by sustainably managing the harvesting of stocks and supporting the delivery of the appropriate objectives from the UK Marine Strategy.

The publishing of FMPs is in line with the Environment (Wales) Act 2016 as they provide a more integrated approach to managing our fish stocks to achieve long term sustainability.

[The Fisheries White Paper, Sustainable Fisheries for Future Generations, 2018](#) sets out the UK's commitment to reshape fisheries management following our departure from the

EU. The Fisheries Act 2020 (the Act) provides a legally binding structure to protect and recover stocks, support a sustainable fishing industry, and safeguard the environment. It sets out clear objectives to provide the basis against which the fisheries policy authorities of all four UK Administrations will manage their fisheries and a commitment to developing FMPs. This commitment was expanded upon in the JFS published in November 2022 which includes a list of 43 FMPs, setting out the lead authority, the stocks covered and a timetable for publication. Through our commitment to FMPs in the Act, we will reform and redefine our domestic fisheries management.

What are FMPs?

An FMP is an evidence-based action plan that sets out the short-term actions and longer-term vision required to achieve sustainable fisheries. The Act requires each FMP to set out policies designed to restore the stock(s) to, or maintain them at, sustainable levels. Each plan will set out a vision and goals for the target fisheries, together with the policies and management interventions necessary to achieve these goals in the shorter term. The plans will apply to all those catching fish in the target stocks, be they from the commercial or recreational sectors. Developed in a collaborative and transparent way the aim is to ensure that FMPs are relevant to the fishery or fisheries and support a more practical and flexible approach to fisheries management tailored to species, locations, and fishing activities.

FMPs may also address wider environmental, economic, and social issues and where appropriate, include elements which go beyond the statutory requirements in the Act. The EIP notes that these plans will promote selectivity, reduce negative impacts on the ecosystem and help to deliver the recovery of stocks. In Wales, the plans will help support the delivery of the goals of the [Well-being of Future Generations \(Wales\) Act 2015](#).

How FMPs work

Each FMP will set out goals and the actions needed to achieve sustainable fisheries. The approach needed will depend on the goals set out in each plan, our level of understanding and evidence as well as the nature of the stocks and fisheries. Whilst each FMP will focus on specific stock(s), it will also be important to ensure they work together and recognise the management needs of fishers, or stakeholders who fish stocks covered by more than one FMP. To have an impact on how fisheries are managed, FMPs will need to be implemented.

Fisheries are a devolved competency, currently managed by each administration through a combination of regulation (Retained EU Law, and domestic law including statutory instruments), byelaws, licence conditions and voluntary measures. In some cases, this management framework may remain appropriate, at least for the time being. In others, the management may need to change. This might mean the law, byelaws or licence conditions will need to be changed. Or in some cases, new management measures will need to be brought in, either by law, byelaws, through licence conditions or through voluntary

measures. Where appropriate, specific engagement and consultation will be carried out on measures to implement FMP actions.

National Fisheries Authorities (Defra and the Marine Management Organisation (MMO) for England, Welsh Government in Wales) are legally required to act in accordance with the policies set out in the plans. Although, Inshore Fisheries and Conservation Authorities (IFCAs) around England are not national fisheries authorities for the purposes of the Act, they will collaborate on implementation, and they may be bound by any legislation adopted to give effect to the plans if it covers their jurisdiction.

A key feature of FMPs is that they are adaptive. The actions required to implement the FMPs, and indeed the FMPs themselves, will iterate and build over time; this is particularly important where we need to gather additional evidence to inform the development of management measures. Each of the draft FMPs identifies a range of short- and longer-term actions. There will therefore be a rolling programme of implementation over the lifetime of the FMPs. It will take some time to show benefits in terms of improving the sustainability of stocks and fisheries covered by the FMPs.

Each FMP must be reviewed within six years of its publication or sooner, if required. An FMP can also be replaced or amended at any time following a consultation. These processes allow the plan to be kept up to date and adapted as knowledge and evidence improves, management measures take effect, and as things change.

We are keen to continue the collaborative and transparent approach used to develop FMPs into the implementation and then review phases. We are keen to hear from fishers and stakeholders about how to achieve successful future participation in FMPs through this consultation.

FMPs and other coastal States

Whilst the UK, as an independent coastal state, has regulatory autonomy to manage our fisheries, the UK is committed to working with other coastal state partners to secure the sustainable management of shared fisheries resources. This commitment was reaffirmed in the JFS. Through annual fisheries consultations with the EU and other coastal states and negotiations in other multilateral and bilateral fora, such as regional fisheries management organisations (RFMOs) or the Specialised Committee on Fisheries established under the Trade and Cooperation Agreement with the EU (TCA), the UK will seek to achieve, or contribute to the achievement of the fisheries objectives in the Act.

Our FMPs will set out a long-term framework of policy and measures to manage fishing activity to secure the sustainability of stocks and a healthy marine environment. Where appropriate, this will inform the approach to the development of multi-year strategies for conservation and management of stocks proposed by the UK and EU under the TCA and any similar long-term plans with other coastal states. Our FMPs may also be updated to reflect any agreements negotiated in these international strategies.

All regulatory measures to implement the FMPs will be binding on all vessels fishing in UK waters. Under the TCA any measures to be applied to EU vessels fishing in UK waters must be based on best available evidence and applied to both EU and UK vessels. The UK is also required to formally notify the EU of any changes to fisheries management measures likely to affect EU vessels. Defra will also ensure that other States affected by measures introduced through FMPs will be duly notified.

Approach to the development of the FMPs

The UK administrations gathered evidence and met fishing and other stakeholders in 2020 to consider what stocks and fisheries should be prioritised in the JFS. Defra and Welsh Government agreed to prioritise joint FMPs for King Scallops and Seabass for publication in 2023.

King Scallops are a Non-Quota Stock (NQS), not subject to a Total Allowable Catch (TAC). NQS are often high value, potentially vulnerable and data poor species. We have limited data on NQS, and limited management, so are therefore unable to accurately assess the health and sustainability levels of all NQS stocks that are targeted in English and Welsh waters. The Act sets out the precautionary objective in which the absence of sufficient scientific information is not used to justify postponing or failing to take management measures to conserve target species, associated or dependent species, non-target species or their environment.

Importantly, the fishing industry has also recognised these issues and has been keen to put in place better management to ensure the long-term sustainability of the stocks. One of the major requests from the fishing industry post-EU Exit, has been to have closer involvement with fisheries management with a view to moving over time to “co-management”. It will take some time for government, regulators, fishers, and wider stakeholders to adapt to enable co-management, which means taking joint responsibility for setting goals and delivering actions.

The ambition for closer partnership working was recognised in the 2018 Fisheries White Paper, and subsequently the JFS set out the vision that industry should play a greater role in managing fisheries. To support this ambition and recognising that there is no blueprint for developing FMPs, particularly for such complex fisheries as exist around the UK, our FMPs have trialled different approaches. A range of different organisations and groups have led the development of the first FMPs, with differing approaches taken to wider engagement in their development. As a result, whilst all FMPs are designed to meet the legal requirements set out in the Act, each looks different. We are seeking feedback through this consultation on the differing engagement processes to shape the development of these and other plans in future phases and our future policy.

To support the development of FMPs views of industry and other interested parties have been collected through a series of coastal visits, meetings, and online engagement. These have been used to inform the content of FMPs and to identify the actions and measures with most support as well as identify those which can be progressed quickly and

those requiring further consideration. The consultation is an opportunity to seek wider views on the output of this process. Responses to the consultation will be analysed and used to inform any changes to the draft FMPs ahead of the publication of final plans.

Summary of King Scallop FMP

King scallops have been prioritised due to the stock's vulnerability to over-exploitation, the economic value of the fishery, and a lack of evidence to properly assess and monitor the state of the stock.

King scallop fisheries around the English and Welsh coastlines represent a valuable commercial species, making up 12% of all seafood caught in these waters in value terms. Although stock assessments are carried out for the king scallop stocks to assess the harvestable biomass and exploitation rate experienced by harvestable scallops, these have only been in place since 2016. This means that king scallops are a data limited stock and require further information and data to supplement the existing stock assessments. This would allow accurate estimates of the available biomass that can be sustainably removed from the fishery.

The King Scallop FMP describes existing management measures and the available science and evidence to assess the status of king scallop stocks around England and Wales in 2023. The plan sets out the goal to ensure that exploitation of king scallop stocks restores and maintains populations of harvested scallops above biomass levels capable of producing maximum sustainable yield (MSY). The FMP highlights where knowledge and evidence gaps exist to be able to establish sustainable fisheries. The management objectives and associated evidence and research plan sets out actions to fill those gaps over time. The proposed management interventions seek to apply a precautionary approach to managing harvesting whilst the evidence improves. This King Scallop FMP will deliver a step change in moving us towards long-term sustainable management of king scallop fisheries in English and Welsh waters.

The King Scallop FMP is a long-term management plan for fisheries in English and Welsh waters. The purpose of the FMP is to manage fishing activity within sustainable limits, setting out the policies and measures required to reach and maintain our goal of a sustainable king scallop fishery for future generations. Feedback from engagement with industry has shown that there is a need for better management of the king scallop fishery in England and Wales. The FMP collates the evidence to assess the status on king scallop stocks and the fishery around England and Wales, identifies existing management measures, and sets out short, and long-term actions to manage the king scallop fishery.

The plan has been developed in partnership with the Scallop Industry Consultation Group Working Group (SICGWG) through a collaborative approach that brings together industry, government, and scientists. Seafish supported the SICGWG in delivering a series of stakeholder engagement events around the coast that sought wider stakeholder views to

inform the development of the FMP. The draft FMP was then submitted to Defra and the Welsh Government for review.

Do you have any comments on the process for developing the King Scallop FMP?

Evidence

This FMP applies to king scallops (*pecten maximus*) in English and Welsh waters. Domestic fishing effort for king scallops has seen significant rises since 2016. The total landings of king scallops from FMP waters by UK and crown dependency vessels have increased by 66% from 2016 (9,357 tonnes at a value of £21.3m) to 2021 (15,504 tonnes at a value of £26.4m). Similarly, increased landings can be seen by EU vessels from FMP waters with a 31% increase from 2016 (2,686 tonnes at a value of £8.1m) to 2021 (3,512 tonnes at a value of £10.9m)¹.

The increased landings of king scallops over the last few years have raised concerns over the sustainability of the fisheries. Stocks assessments have been carried out for king scallop stocks to assess the harvestable biomass and exploitation rate experienced by harvestable scallops since 2016.

Despite these annual stock assessments, data and evidence for the king scallop fishery exists in a piecemeal form that leaves the fishery vulnerable, with implied risks of over-exploitation and gaps in understanding some of the impacts on the wider marine environment. A better understanding of the current abundance and health status of the stock is required to achieve MSY and maintain this goal.

What are your views on the evidence presented on the current state of the king scallop stocks in English and Welsh waters and can you provide any other evidence which supports or differs from ours?

Goals for the management of king scallop fisheries

King scallops are non-quota stocks and are therefore not currently subject to catch limits. The scallop sector does have a degree of existing management in place to protect the stock. These measures are devolved in the UK, with management currently in place in England and Wales applied at national, regional and local levels through legislation, fishing licence conditions and byelaws. These measures include technical specifications of gear used, Minimum Conservation Reference Sizes (MCRS), licenses required to fish for scallops, a seasonal closure to protect spawning stocks. There are also days at sea fishing limits vessels of 15m and over in length fishing in certain areas, referred to as the Western Waters effort regime (retained EU Regulation 1954/2003 on the management of

¹ UK sea fisheries annual statistics report 2021 - GOV.UK (www.gov.uk)

the fishing effort relating to certain community fishing areas and resources). Most king scallops are targeted using spring-loaded dredges which are towed along the seabed; other fishing methods include hand diving and beam trawling.

This FMP identifies a series of specific objectives to address the data collection, assessment, and management requirements of the fishery. These objectives include, where relevant, impacts on data limited species. They are also focused on ensuring that the environmental impacts associated with king scallop fishing are understood and where king scallop fishing methods are considered to have an adverse impact on the marine environment, action is taken to avoid, remedy or mitigate such an impact.

As the king scallop fishery is characterised by fleet variation, a one-size-fits-all approach is not appropriate. A regional/local based management is needed together with better species and fishery data to ensure the long-term sustainability of king scallop fisheries in English and Welsh waters. A core principle driving the implementation of the FMP objectives will be adaptive management to reflect that as the evidence base improves, management interventions will be more responsive. Alongside improving the evidence base, the FMP seeks to set clear short-term actions and identify areas for longer-term work which can be developed through the next iterations of the FMP.

What will all this mean in practice?

The table in the FMP sets out the objectives for managing the king scallop fishery and the proposed short and longer-term management measures.

The FMP identifies priority measures for development and implementation in the short-term whilst the evidence base improves. These proposals have been prioritised based on existing evidence and stakeholder support. The first proposal is to explore opportunities to strengthen existing measures, including extending the scope of seasonal and area-based closures to protect spawning animals. The second proposal seeks opportunities to align measures, such as gear requirements, where there are environmental, social or economic benefits of doing so. These measures would help to provide increase protection to stocks in line with the precautionary principle whilst the evidence base for king scallop stocks continues to build. This strengthened evidence base will underpin and support future management measures, ensuring new and existing measures are applied at the most appropriate level. In parallel, longer-term management approaches will be developed by considering the advantages and disadvantages of scientifically based output and input control measures to support sustainable fishing, which will then be used to inform consultations on proposals for the implementation of new king scallop fisheries management measures.

As a guide, actions identified as short term are expected to be undertaken in one to two years of publication of the plan, medium term in the next three to five years and long-term measures in five or more years to reflect the more complex work required to develop them.

We are therefore primarily seeking views on the principle of exploring area-based management and broad alignment of measures as short-term priority actions, and on the proposed development of output and input control measures as a long-term aim.

The FMP sets out the following detail and justifications for proposed actions:

A. Improving the evidence base:

King scallop stocks are currently classed as data limited because we do not have the scientific information available to accurately assess the state of the stock. Work is required to improve the data gathering system to better assess the exploitation, abundance, and health of the stocks to make informed interventions.

To address this the FMP includes a king scallop evidence and research plan. The evidence and research plan builds on existing research and data for king scallop, detailing available science and evidence and highlighting where knowledge and evidence gaps exist and what is required to fill those gaps to provide the necessary protection for stocks now and in the future. The plan includes, but is not limited to, initiatives such as continuing to develop stock assessment methodologies, and indicators and reference points for stock units. The aim of the research plan is to build on existing research and data for king scallops so that management is driven by a comprehensive harvest strategy, reliable stock assessments, and a consistent ongoing data collection and research programme.

The full evidence statement and evidence and research plan can be read in Annexes 1 and 2 to the FMP.

What are your views on the evidence gaps identified within the FMP? Do you agree with the actions to address the evidence gaps?

B. Initial management measures

The FMP identifies measures that will be developed and implemented in the short-term whilst the evidence base improves. These measures have been prioritised based on existing evidence and stakeholder support and seek to address immediate sustainability concerns in line with the Fisheries Act 2020 precautionary objective. The proposals include seeking opportunities to strengthen existing measures such as extending the scope of seasonal and area-based closures to protect spawning animals. Since 2013 seasonal closures have been introduced in ICES area 7d in English waters to reduce fishing pressure on stocks during the spawning season, allowing juvenile scallops to grow to spawning size and Minimum Conservation Reference Sizes (MCRS) before encountering scallop fishing gear.

Potential future closures will need to be regularly reviewed to ensure the measure remains effective and can be applied flexibly to account for stock status, spawning times, and factors affecting fishing behaviour and activity levels, such as possible alterations to closure timings and duration.

What role can area-based closures play in effectively achieving stock sustainability and FMP goals under the proposed new management framework (in terms of environmental, economic, and social considerations)?

Are there particular stock areas you think closures could be beneficial (for example, to protect spawning stock, and/ or seabed during spat settlement), or detrimental to the FMP goals?

A second proposal seeks opportunities to align measures, such as gear requirements, where appropriate and where there are environmental, social, or economic benefits of doing so. Aligning measures can avoid unnecessary differences in measures across administrative management boundaries whilst also safeguarding stocks. To effectively align management measures, a review of existing measures needs to take place across all areas.

Where do you see opportunities for strengthening existing measures to ensure they are fit for purpose to achieve stock sustainability and FMP goals under the proposed new management framework (in context of environmental, economic, and social factors)?

C. Longer term management measures

Over time, as the evidence base and monitoring of management effectiveness improves, the process of implementing more targeted measures later in this FMP cycle, or through future iterations, will become more straightforward. This FMP proposes an adaptive and iterative management approach in which decisions are implemented, reviewed, and refined with new data to deliver long-term sustainability. This approach will also ensure that the environmental impacts associated with king scallop fishing are better understood and, where appropriate, action is taken to avoid, remedy, or mitigate such impacts.

Proposed longer-term approaches include exploring and developing science-based output controls, which would limit the proportion of stock that can be removed from the fishery, and input control measures which would limit the amount of fishing effort placed on the stocks. Consideration of the advantages and disadvantages of input and output control measures will be used to inform the evidence-based development of measures to support sustainable fishing. This will then inform consultations on proposals for the implementation of new king scallop fisheries management measures. During exploration of the management frameworks the current days at seas fishing limits regime will be reviewed.

Do you agree with the proposal to explore and develop a scientifically based output control approach and/or input control approach, and are there potential benefits and drawbacks (environmental, economic, social) that should be considered at any early stage in the process?

The development of management measures will be informed by strengthened evidence that will result from the actions set out in this FMP. The FMP sets clear goals for the future management of king scallop fisheries. The combination of measures to achieve this and how they are prioritised and sequenced will be developed iteratively through future

versions of the FMP as the evidence base improves and through consideration of available resources. This consultation seeks views on whether the FMP, as drafted, sets out the right initial actions to achieve its goals.

Are there any additional management measures that should be considered to protect king scallop stocks and the wider ecosystem, and why?

Are there any measures which should be prioritised for early action in line with the precautionary approach, and why?

Working towards a co-management approach

Defra and Welsh Government are keen to continue developing the collaborative approach with key stakeholders to support the development and implementation of this FMP. This FMP is another key step on the journey towards a co-management approach. This FMP sets out actions to research co-management approaches to fisheries management and explore how this can be applied to scallop management.

Do you agree that establishing a co-management approach is the most effective way to manage the king scallop fisheries in English and Welsh waters moving forward, and why? What role do you think you/your organisation could play to support a co-management approach?

Implementation

Once formally published, the plan will need to be implemented. This will be an incremental process and Defra and Welsh Government will be working closely with industry to develop a more detailed implementation programme including timings and milestones for delivery. We will engage with all stakeholders again before any changes or new measures are introduced. These measures will not be introduced upon publication of the FMP but will be implemented through existing processes such as byelaws and licence changes.

Publishing the FMP is the start of a multi-year process, and we will need to ensure that the plans strike the balance between building momentum for short-term actions and setting direction for the longer-term which can be further iterated as the evidence base is improved. The plans must be reviewed every six years and any amendments proposed will be consulted on as required by the Act.

One of Defra and Welsh Government's key aims has been to work closely with stakeholders to develop this FMP. Groups including regulators, government and industry representatives have been central to the development of the draft FMPs and Defra and Welsh Government want stakeholder involvement to continue beyond their publication. The successful delivery of the FMPs will depend on this on-going collaboration with all stakeholders.

How would you like to be involved in the delivery of the plan and the future management of the English and Welsh king scallop fishery?

Are there any important connections or links to other fisheries that we should consider when finalising this FMP or during its implementation process?

Conclusion

In summary, the King Scallop FMP describes existing management measures and the available science and evidence to assess the status of king scallop stocks around England and Wales in 2023 and determine a sustainable level of exploitation. The FMP highlights where knowledge and evidence gaps exist to be able to establish sustainable king scallop fisheries. The management objectives and associated evidence and research plan guide those seeking to fill those gaps over time. The proposed management interventions seek to apply a precautionary approach to managing harvesting whilst our evidence improves. This King Scallop FMP aims to deliver a step change in moving us towards the long-term sustainable management of king scallop fisheries in English and Welsh waters.

Strategic Environmental Assessment

Defra and Welsh Government are legally required to consider the environmental impact of policies, plans and programmes. The Environment (Wales) Act 2016 and the Environment Act 2021 establish frameworks to ensure that managing our natural resources sustainably is a core consideration in decision-making; the Environment Act sets out environmental principles to guide policy making. The Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations 2004) require any qualifying public plans, programmes, and strategies to undergo Strategic Environmental Assessment (SEA) during their preparation and prior to publication if they are likely to have a significant effect on a European marine site (either positively or negatively). FMPs are plans or programmes for the purposes of the SEA Regulations 2004. Defra and Welsh Government concluded the draft King Scallop FMP is likely to have significant environmental effects and, therefore, has completed a SEA. Our initial results are documented in the draft King Scallop FMP Environmental Report (ER) included within the current consultation. A final version will be published alongside the King Scallop FMP, revised to account for comments and/or further information provided during the consultation and to reflect the final form FMP published.

What is the Environmental Report and how was it developed

The SEA considers the likely significant environmental effects of implementing the policies and actions set out in the draft King Scallop FMP. The ER sets out the findings of this process. The report describes the current state of the environment (the baseline) and the likely significant effects of proposals in the draft King Scallop FMP to the baseline. The assessment identifies where the draft King Scallop FMP could make a positive impact on

the baseline and hence our marine environment. Where the FMP may have negative effects on the baseline, the report suggests actions to mitigate and/or monitor these effects.

Defra and Welsh Government developed the ER for the draft King Scallop FMP. The scope and level of detail was informed through an early consultation with our statutory Consultation Bodies: Natural England, Environment Agency, Historic England, Natural Resources Wales and Cadw together with further advice from the Joint Nature Conservation Committee (JNCC), as an advisor to the UK Government and Devolved Administrations on UK-wide nature conservation. We drew on published information on the state of the environment and the potential impact of scallop fishing on environmental features.

Summary of King Scallop Environmental Report

The King Scallop ER has been produced in accordance with the SEA Regulations 2004. The following issues (from Schedule 2 paragraph 6 of the SEA Regulations 2004) were scoped into the assessment: Biodiversity, Fauna, Flora, Geology and sediments (soil), Water, Climatic factors, Cultural heritage. Our report assesses the potential environmental effects of the draft King Scallop FMP on these issues.

The assessment was conducted against a baseline that primarily used existing evidence on the state of the marine environment set out in the updated [UK Marine Strategy Part 1](#) published in 2019. We used additional sources of evidence to establish the status of the environment in relation to climatic factors and cultural heritage that are not covered by the UK Marine Strategy. The historical impact of fishing activity on the marine environment has been considered part of the baseline. The assessment has been undertaken using the best available evidence to reach a suitable judgement on the environmental effects of the draft King Scallop FMP.

Existing environmental effects of king scallop fishing in relation to Marine Protected Areas (MPAs) and the UK MS descriptors of Good Environmental Status (GES) for the wider marine environment and climatic factors have been acknowledged and considered in this report. The potential positive and negative environmental effects of the draft King Scallop FMP's policies and proposed measures alone and in-combination have also been assessed.

Our SEA concluded that current evidence shows the king scallop fishery has an impact on the marine environment primarily through seabed disturbance. The impact of scallop fishing in MPAs is managed in the 0-12nm zone in English and Welsh waters. Management in MPAs beyond the 12nm limit is being implemented. Further work is required to reduce the impact of scallop fishing on habitats beyond MPAs to ensure GES targets for seabed integrity (D6) can be achieved. The contribution of scallop fishing to climate change related issues and cultural heritage was also identified as a potential impact. The draft King Scallop FMP has considered these impacts and sets out proposals to monitor and where required introduce mitigation to address these impacts.

Is there any additional evidence we could consider, to inform our environmental baseline?

Are there any other positive or negative environmental effects associated with the policies and actions of the draft King Scallop FMP that we could consider?

Do you have any comments on the proposed actions set out in the Environmental Report to monitor and/or mitigate any likely significant (negative) effects on the environment of the FMPs?

Do you have any additional comments in relation to the Environmental Report which you have not been able to provide in response to the previous questions?

Regulatory Impact Assessments

The King Scallop FMP is a joint plan with the Welsh Government. Fisheries management is devolved, and the implementation of specific measures will be taken forward by respective national fisheries authorities as appropriate. Any assessment of impacts for specific measures will also be completed by the relevant national fisheries authority, in line with each authority's individual assessment processes.

Wales

The Well-being of Future Generations (Wales) Act 2015 provides a framework for Welsh Governments approach to impact assessments within the seven well-being Goals and five ways of working.

The Welsh Government will carry out any necessary impact assessments before any measures are implemented. An Integrated Impact Assessment (IIA) will be conducted to enable the Welsh Government to undertake a comprehensive assessment of the impact of a proposed action, with a view to maximising economic, social, cultural, and environmental well-being, not just for now, but for the long term. The Environment (Wales) Act 2016 also sets out national priorities which must be considered as part of the IIA process when setting new policy.

If new measures result in the introduction of subordinate legislation, Welsh Government will ensure compliance with requirements of the Welsh Ministers' [Regulatory Impact Assessment Code for Subordinate Legislation](#) when they are implemented.

England

We recognise our commitment to balance the economic, social, and environmental aspects of sustainable fisheries and have considered the [Better Regulation Framework](#) guidance and the better regulation principles of robust evidence, transparency and

proportionality when preparing FMPs. Defra is completing regulatory impact assessments to assess the economic impacts of FMPs on businesses and the fishing sector.

For the purposes of the King Scallop FMP consultation, we have drafted a de-minimis assessment (DMA) that outlines our rationale and approach to assessing the potential impact of the plan on business. This DMA is a supporting document to the present consultation.

Whilst the King Scallop FMP identifies measures that could be introduced post-consultation, these proposed measures will be developed further and do not currently have sufficient detail for any economic analysis. These proposed measures could be regulatory or deregulatory with positive or negative effects on business, hence it is not possible to estimate economic impacts at this time.

When individual measures are specifically implemented, the statutory or non-statutory mechanism through which these will be implemented will have their own impacts assessed in the appropriate manner.

How to respond to this consultation

The consultation will run primarily via the Citizen Space online portal. However, we will accept email and hard copy responses for those unable to access the online survey. A response form to use for email and hard copy responses is included as a related document on the Citizen Space website.

The consultation questions are in bold throughout this document. They also appear in the response form and citizen space portal. Space is also provided for general comments.

Large print and braille versions of this document are available on request.

Duration of the consultation

The consultation starts on 17 July 2023 and will end on 1 October 2023. Responses must be received by 23:59 on 1 October 2023.

Responses

Responses can be:

- Submitted via the [King Scallop Citizen Space online portal](#).
- Sent via email to: FMPconsultations@defra.gov.uk

- Sent via post to:
Consultation - King Scallop FMP
FMP team – Marine and Fisheries
Seacole Building, 2 Marsham St
London
SW1P 4DF

At the end of the consultation period, we will summarise the responses, and place this summary on the UK Government website and Welsh Government's websites.

Confidentiality and Data Protection information

A summary of responses to this consultation will be published on the UK Government and Welsh Government's websites at: www.gov.uk/defra and www.gov.wales/consultations. An annex to the consultation summary will list all organisations that responded, but will not include personal names, addresses or other contact details.

Defra and Welsh Government may publish the content of your response to this consultation to make it available to the public without your personal name and private contact details (e.g. home address, email address, etc).

If you answer 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality. The reason for this is that information in response to this consultation may be subject to release to the public or other parties in accordance with the legislation on access to information (this is primarily the [Environmental Information Regulations 2004](#) (EIRs), the [Freedom of Information Act 2000](#) (FOIA), the [General Data Protection Regulation and the Data Protection Act 2018](#) (DPA)). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to recipients or to the public in certain circumstances. In view of this, your explanation for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation to be kept confidential, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

If you answer 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

There may be occasions when Defra and Welsh Government will share the information you provide in response to the consultation, including any personal data, with external

analysts. This is for the purposes of consultation response analysis and provision of a report of the summary of responses only.

This consultation is being conducted in line with the Cabinet Office 'Consultation Principles' and can be found at:

<https://www.gov.uk/government/publications/consultationprinciples-guidance>.

Our privacy notice is uploaded as a related document alongside our consultation document.

If you have any comments or complaints about the consultation process, please send them to consultation.coordinator@defra.gov.uk

Consultation questions

Defra and Welsh government have a statutory requirement to separately seek public views on the draft FMP and its accompanying Environment Report.

The consultation survey has four parts:

1. Personal details and confidentiality (required)
2. Questions on the King Scallop FMP
3. Questions on the King Scallop FMP environmental report
4. Consultee feedback on the Online Survey (required)

You only need to respond to the questions that you wish to. However, all respondents must complete the required 'Consultee Feedback on the Online Survey' and 'personal details and confidentiality' sections before you are able submit your response to the online survey.

If you have an active interest in both documents, Defra and Welsh government encourage you to complete part 2 and 3 in full.

Enquiries

If you want to submit a consultation response, please contact:

FMPconsultations@defra.gov.uk

If you have any general enquiries, please contact: FMPs@defra.gov.uk

The JFS can be found here: [Joint Fisheries Statement \(JFS\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statements/joint-fisheries-statement-jfs)

The Act can be found here: [Fisheries Act 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2020/12)