



Department
for Environment
Food & Rural Affairs

Proposed Whelk Fisheries Management Plan Consultation

Date: July 2023

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We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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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 the 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.

The [Environmental Improvement Plan \(EIP\) 2023](#) sets out how we will improve our environment here in the UK and around the world and 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.

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 has learned lessons from the Common Fisheries Policy (CFP) and recognised the fishing industry's strong desire to take greater responsibility for managing fisheries. Our first plans have been developed very closely by or in close engagement with the fishing sector and with industry bodies.

The first six FMPs have been developed in close consultation with our Arm's Length Bodies, delivery partners, fishers and wider stakeholders and cover different types of fish stocks and fisheries. Each of the first FMPs has piloted a different approach to the development of FMPs so we can learn the best ways to work in collaboration with stakeholders. Some FMPs apply to one Administration only, while others cover two or more Administrations; the JFS sets out the administrations responsible for each plan.

Our first FMPs are:

- Crab and Lobster;
- King Scallop (developed jointly with the Welsh Government);
- Whelk;
- Seabass (developed jointly with the Welsh Government);
- Channel Demersal Non Quota Species; and

- Southern North Sea and Eastern Channel Mixed Flatfish.

The Whelk FMP

The proposed Whelk FMP covers English waters.

This consultation is seeking your views on:

- the draft Whelk FMP as required by Schedule 1, Part 3 of the Fisheries Act 2020. This has been drafted in partnership with the Sea Fish Industry Authority (Seafish) and in collaboration with the shellfish industry's Whelk Management Group; and
- the draft Whelk Environmental Report which describes the likely environmental impacts of the FMP, as required under the Environmental Assessment of Plans and Programmes Regulations 2004. This has been drafted by Defra.

A de-minimis regulatory impact assessment has also been developed, which describes the anticipated economic impact of the plan on the fishing sector and associated businesses. We would welcome additional economic evidence to update our assessment 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
- National and local interest groups such as environmental and recreational non-governmental organisations, and industry federations.

Consultations on the five other draft FMPs (see above) 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 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.

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 fishermen, 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 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) are legally required to act in accordance with the policies set out in the plans. Although, Inshore Fisheries and Conservation Authorities (IFCAs) are not national fisheries authorities for the purposes of the Act, we will work together 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 generally 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 fishermen and stakeholders about how to achieve successful future participation in FMPs through this consultation.

FMPs and other coastal States

Whilst the UK 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 with the EU and any similar long-term plans with other coastal States. Our FMPs may also be updated to reflect any agreements negotiated in these international fora.

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

Defra gathered evidence and met fishing and other stakeholders in 2020 to consider what stocks and fisheries should be prioritised in the JFS. The first six were chosen to cover a range of fisheries, with five FMPs for non-quota stocks/fisheries and one fishery with a mix of quota and non-quota stocks (NQS) chosen.

There is a particular focus on NQS stocks as these are not subject to a Total Allowable Catch. They are often high value, potentially vulnerable and generally data poor species. We have limited data on NQS, limited management and are therefore unable to accurately assess the health and sustainability levels of all NQS stocks that are targeted in English 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, fishermen 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 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 different 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 Whelk FMP

Whelks were prioritised for an FMP 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.

In 2021, whelk was the 4th most important shellfish fishery in the UK by volume (19,400 tonnes landed) and 5th by value (£22.2 million)¹. However, whelk fisheries are currently classed as data limited with little management in place outside some IFCA districts. There is little by way of comprehensive data programmes or formal stock assessments. There is also no formal national fishery management strategy, and there are few management measures in place to control fishing effort which has implications for the long-term health of the whelk fishery (either collectively or as individual whelk stocks). Improved management action is therefore needed to protect whelks and secure their future and the future of the industry that depend on them.

The Whelk FMP sets out a pathway to the long-term sustainable management of the whelk fisheries in English waters. Feedback from engagement with industry has shown that there is a need for better management of the whelk fishery in England. The FMP collates the evidence to assess the status on whelk stocks and the whelk fishery around England, identifies existing management measures and sets out short- and long-term actions to manage the whelk fishery.

The plan has been developed in partnership with Seafish and in collaboration with the Whelk Management Group (WMG) which brings together industry, government, and scientists. Seafish led the development of the FMP objectives and future management strategy through collaboration with working group and science sub-groups of the WMG. They also led stakeholder engagement around the coast during the development of the FMP to seek wider stakeholder views. The draft plan was then submitted to Defra for review.

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

Evidence

The FMP applies to the common Whelk (*Buccinum undatum*) in English waters. In 2021, 65% of the whelks landed in the UK (by UK and Crown Dependency vessels) were landed within English waters at a value of £13.8m¹. Domestic fishing effort for whelk has seen significant rises in the last two decades, with the expansion of global export markets². Since 2012, the total landings of whelks have increased by 19% from 2012 (10,181 tonnes at a value of £6.9m) to 2021 (12,070 tonnes at a value of £13.8m), peaking in 2020 with 13,716 tonnes landed at a value of £17.4m³. The increase in landings has also seen a rise

¹ [UK sea fisheries annual statistics report 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97422/uk-sea-fisheries-annual-statistics-report-2021.pdf)

² Skerritt, D., Durrance, S. (2018). Management recommendations for English non-quota fisheries: Common whelk. Blue Marine Foundation.

³ [UK sea fisheries annual statistics report 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97422/uk-sea-fisheries-annual-statistics-report-2021.pdf)

in the monetary value of the whelk, with the value per tonne of whelk landed nearly doubling over this period.

The increased landings of whelks over the last few decades have raised concerns over the sustainability of the whelk fisheries. At present there is no formal stock assessment for whelks in English waters, no delineation of stock boundaries, and no Maximum Sustainable Yield (MSY) reference points or proxies. Consequently, the lack of data available for these species limits Defra's ability to set species-specific management measures. As whelks are a sedentary species with limited mobility, they can form isolated populations which can be particularly susceptible to local depletion⁴. As such, it is important for us to understand the current abundance and health status of the stocks so that we can identify effective management measures to prevent overexploitation.

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

Goals for the management of whelk fisheries

Whelks are currently subject to limited management measures. A national Minimum Landing Size (MLS) of 45mm applies. Within the 0-6nm zone, whelk fishing is regulated by the IFCAs. Several IFCA jurisdictions enforce whelk specific management measures including larger MLS, permitting schemes, flexible byelaws with conditions, and pot limits. However, the lack of clear evidence on the state of the stock makes it difficult to assess the effectiveness of these measures. This FMP sets out to address this and gradually move whelk fisheries in English waters to a position where management is driven by a comprehensive harvest strategy underpinned by a reliable stock assessment methodology, supported by a consistent data collection and research programme.

The 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 whelk fishing are understood and where whelk pot fisheries are considered to have an adverse impact on the marine environment, action is taken to avoid, remedy or mitigate such impact.

As the fishery is characterised by local stocks and fleet variation, a one-size-fits-all approach is unlikely to be appropriate and a regional or local based management is needed together with better species and fishery data to ensure the long-term sustainability of these fisheries.

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

⁴ Fahy, E., Masterson, E., Swords, D. and Forrest, N. (2000) A second assessment of the whelk *Buccinum undatum* fishery in the southwest Irish Sea with particular reference to its history of management by size limit. Irish Fisheries Investigations No 6: 67

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 tables in the FMP set out the objectives for managing the whelk fishery and the proposed short and longer-term management measures.

To summarise, in the short term, we plan to introduce a permit scheme or licence entitlement with conditions. This will be done to help build the evidence base for whelks and would provide the structure through which future measures will be introduced to manage fishing effort. We will also explore the impacts and benefits of introducing seasonal closures to protect the stocks. In the longer term we will introduce additional changes to the rules to manage effort and protect whelk stocks such as pot or catch limits, gear requirements and landing size changes - once the evidence and data to do so becomes available.

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 introducing a permitting/entitlement scheme and how it might work; and on the possibility of introducing part or full seasonal closures.

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

A. Improving the evidence base:

Whelk stocks are currently classed as data limited because we do not have the scientific information available to assess stock abundance. Going forward, a strong data gathering system will be required to assess the exploitation, abundance, and health of the stocks to make informed interventions.

To address this the FMP includes a whelk research plan. The research plan aims to build on existing research and data for whelks, 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. In the short-term, the actions to address these evidence gaps include, but are not limited to, the development of data collection programmes, defining stock boundaries, and developing stock assessments.

The full evidence statement and evidence 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 key proposal is the introduction of a permit scheme or licence entitlement with conditions. English whelk fisheries are currently open access, meaning that any vessel with a fishing licence can fish for whelks in English waters. This makes whelk fisheries an attractive option for vessels that are displaced from other fishing grounds or fisheries, or during periods of high whelk prices, or price downturns for other species.

The introduction of a permit/entitlement system would restrict access to the whelk fishery so that only fishermen with a permit will be able to fish for whelks in English waters. This approach would provide a means to improve data on the fishery and stabilise or reduce fishing pressure, especially in offshore waters, where an unlimited number of vessels can target the stocks with unlimited number of pots and unlimited catches. A whelk management permit will not immediately address effort expansion from those operators already active in the fishery, but it can be used as the mechanism to apply future management measures. This means that measures, such as effort limitations (pot limits or days fished), spatial and/or temporal restrictions, or data gathering requirements, could be introduced as required.

However, introducing a permitting scheme is complex and further policy development will be required to implement the measure and explore options for the design of a permitting system. This would include considerations such as how to assess the number of permits, eligibility for permits, payment for permits, impacts on newcomers and control of transferability.

What are the possible benefits and drawbacks (environmental, economic, social) of putting in place a permit/ entitlement system for whelk fishing in English waters? What other points would need to be considered when developing such a scheme?

What are the possible benefits and drawbacks (environmental, economic, social) of restricting the number of vessels fishing for whelks in English waters?

Another short-term proposal is to introduce measures to protect whelk spawning stocks through seasonal closures.

Seasonal closures are a standard management intervention that has been applied in other shellfish fisheries across the UK and globally to protect spawning stocks and reduce overall fishing mortality. Given the limited understanding of whelk stock status, and concerns with stock health and longer-term stock sustainability and viability of the fishery, the proposed management intervention is intended to reduce fishing pressure, allowing spawning individuals a greater chance of reproducing successfully. This intervention, alongside other measures, should enhance recruitment rates and contribute towards the conservation of whelk stocks.

If proposed seasonal closures are supported, further policy development will be required to design and implement the measure. This would include considerations such as the appropriate areas, timing, and duration of closures, as well as the likely benefits/ impact on target and wider stocks, and industry

What do you think are the possible benefits and drawbacks (environmental, economic, social) of putting in place closures to protect whelk spawning stocks?

C. Longer term measures

Over time, as both the evidence base and monitoring of management effectiveness improves, the process of implementing more targeted measures will be developed or through future iterations. These measures will take longer to develop and further work is needed to decide on the most appropriate measures, or combination of measures to apply to ensure stocks are not excessively targeted.

Longer-term measures under consideration include MLS variations, pot and catch limits and gear design measures and these will be considered in collaboration with the Whelk Management Group and other relevant partners.

The FMP proposes an adaptive, iterative management approach in which management 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 whelk fishing are understood and, where appropriate, action is taken to avoid, remedy or mitigate such impacts.

Do you agree that the measures that have been prioritised for early action are the right ones and in line with the precautionary approach? If not, what should be prioritised and why? Please provide any additional views and evidence you would like us to consider.

Implementation

Once formally published, the plan will need to be implemented. This will be an incremental process and Defra 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; they 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 at least every six years and any amendments proposed will be consulted on as required by the Act.

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

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

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

Conclusion

In summary, the Whelk FMP describes existing management measures and the available science and evidence to assess the status of Whelk stocks around England in 2023 and determine a sustainable level of exploitation. At the time of drafting, there is insufficient evidence to determine a maximum sustainable yield for the whelk fishery around England. The FMP highlights where knowledge and evidence gaps exist to be able to establish sustainable whelk 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. The Whelk FMP aims to deliver a step change in moving us towards the long-term sustainable management of whelk fisheries in English waters.

Strategic Environmental Assessment

Defra is legally required to consider the environmental impact of policies, plans and programmes. The Environment Act 2021 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 has determined that the draft Whelk FMP is likely to have significant environmental effects and, therefore, has completed a SEA. Our initial results are documented in the draft Whelk FMP Environmental Report (ER) included within the current consultation. A final version will be published alongside the Whelk 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 Whelk 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 Whelk FMP to the baseline. The assessment identifies where the draft Whelk 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 developed the ER for the draft Whelk FMP. The scope and level of detail was informed through an early consultation with our statutory Consultation Bodies: Natural England, Environment Agency, and Historic England 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 whelk fishing on environmental features.

Summary of Whelk Environmental Report

The Whelk 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 Whelk 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 some additional sources of evidence to establish the status of 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 Whelk FMP.

Existing environmental effects of whelk fishing, in relation to Marine Protected Areas (MPAs) and the UK MS descriptors of Good Environmental Status 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 Whelk FMP's policies and proposed measures, alone and in-combination, have also been assessed.

Our SEA concluded that current evidence shows the whelk fishery has a limited impact on the wider marine environment beyond the whelk population itself. No significant issues in relation to MPAs were identified. The contribution of fishing related litter and potential bycatch of non-target species were identified as the principal potential impacts associated with whelk fishing. The contribution of whelk fishing to climate change related issues and cultural heritage was also identified as potential impacts. The draft Whelk FMP has considered these impacts and sets out proposals to monitor and where required introduce mitigation to address these impacts.

The environmental effects of implementing the Whelk FMP policies and measures will also be monitored to identify unforeseen adverse effects at an early stage, ensuring appropriate remedial action can be undertaken.

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 Whelk 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

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 Whelk 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 Whelk 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 to be done. These proposed measures could be regulatory or deregulatory, and positive or negative to business, hence it is not possible to estimate impacts.

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

- Sent via post to:

Consultation – Whelk 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 the summary on the UK Government's website.

Confidentiality and Data Protection information

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

Defra 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 (for example, 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 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/consultation-principles-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 has a statutory requirement to separately seek public views on the proposed FMP and its accompanying Environment Report.

The consultation survey has four parts:

1. Personal details and confidentiality (required)
2. Questions on the Whelk FMP
3. Questions on the Whelk 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 encourage you to complete part one and three 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/publications/joint-fisheries-statement-jfs)

The Act can be found here: [Fisheries Act 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2020/17)