Offshore Wind Colloquium Brief

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UK case of Fisheries Engagement

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Engaging with Fisheries in the Offshore Wind Development Process : a UK Case

The 1st Offshore Wind Colloquium, co-hosted by Solutions for Our Climate and the Korea Environment Institute, invited the Crown Estate (TCE), which manages offshore wind development in the United Kingdom, to have a constructive discussion under the theme of "How to engage with fishermen to discuss offshore wind deployment." TCE serves as the national landowner of the UK and is a national property management company. Its responsibilities include the management of the seabed and a significant portion of the coastline in England, Wales, and Northern Ireland.

In this webinar, Sion Roberts, a marine consents manager responsible for fisheries engagement and offshore wind permits at TCE, and Huub Den Rooijen, an advisor, were invited to deliver presentations and participate in discussion sessions. The sessions addressed the fisheries engagement programme in the UK, as well as insights into the experiences, challenges, and lessons learned in the UK. During the discussion session, the experts commented based on preliminary questions developed from stakeholder interviews in Korea.

This paper – Offshore Wind Colloquium Brief – presents a summary of the discussions from the 1st Colloquium Webinar in a question-and-answer format. Due to various points of discussion regarding compensation, support, and benefit-sharing mechanisms, these topics were not extensively covered in detail in this colloquium and will be addressed separately in upcoming colloquium series.

Summary
: The UK's Fisheries Engagement Strategies Learned from 20 Years of Experience

1. Fisheries engagement in the UK starts from the planning stage of site selection. Early engagement is crucial to minimize opposition and conflicts. In this regard, having high-quality data to support the process is essential.

2. Stakeholders are identified based on objective data. To be recognized as stakeholders, individuals must provide supporting evidence, such as fishing locations and fisheries/catch data.

3. There is a case where a conflict arising from overlapping fishing zones and offshore wind sites has been resolved through research demonstrating that there is no significant impact on fishing activities. However, such cases are rare, highlighting the importance of proactively mitigating the potential impact on fisheries prior to the completion of site selection processes.

4. There should be a platform or governance mechanisms, such as the Planning Inspectorate, that provide opportunities for stakeholders to access project information and submit their opinions at any time.

The "Colloquium for Sustainable Deployment of Offshore Wind Power," jointly hosted and organized by Solutions for Our Climate (SFOC) and the Korea Environment Institute (KEI), is a monthly platform that covers various topics, bringing together relevant stakeholders to explore strategies for promoting and expanding offshore wind power in the Republic of Korea. The Colloquium Brief is a publication that summarizes the content of each colloquium, while the accompanying newsletter provides key highlights.

Question 1: How do we identify relevant stakeholders to engage with?

Current State: South Korea

The classification of stakeholders in offshore wind projects in Korea is currently unclear, which is one of the main challenges hindering the deployment of offshore wind in Korea. Developers face uncertainty in determining the appropriate stakeholders to engage with, and stakeholders themselves are often chosen arbitrarily by developers. This can lead to conflicts not only between developers and local residents but also between residents and fishermen.

In the case of offshore wind power development under individual laws, the insufficient legal foundation and criteria for fisheries compensation exacerbate confusion and challenges on the ground. Moreover, as the fisheries compensation process is carried out in the later stages of the project, prior to the actual start of construction, it becomes difficult to clearly determine whom to communicate with due to the unclear distinction between directly affected parties and those experiencing indirect impacts.

The "Guideline for Offshore Wind Power Development with Local Residents and Fishermen," released in April 2023 by the Korean Ministry of Trade, Industry, and Energy (MOTIE) and the Korea Maritime Institute (KMI), introduces the principle of self-certification for stakeholder verification. This principle allows fishermen to provide objective data, such as the legal location of fishing boats, as evidence of their involvement. However, this self-certification approach is only suggested if a local council is established as proposed in the guidelines, which would consist of major stakeholders involved in offshore wind development. Presently, there are no other official channels for stakeholder verification in Korea.

Case Study: The UK

In the UK, **stakeholder identification relies on evidence that substantiates actual fishing activities**, and there are no prescribed distance regulations for determining the scope of stakeholders. Individuals can register as stakeholders through the Planning Inspectorate (PI), but they must be able to self-verify their stakeholder status. Fishermen can provide evidence of their primary fishing grounds by submitting data obtained from the Vessel Monitoring System, Automatic Identification System, or chart plotter.

The PI is a government agency that serves as a single point of contact for permit-related matters, functioning as a one-stop-shop, as understood in Korea. Developers of offshore wind projects submit the necessary documentation to the PI in order to obtain a Development Consent Order (DCO). Subsequently, the PI collates the submitted documents and stakeholder opinions and forwards them to the relevant government departments for final permitting decisions.

All fishermen in the UK are obliged to submit fishery data to the Marine Management Organisation (MMO). The MMO collects and administers various datasets that are utilized in evidence-based decision-making processes regarding compensation matters. Additionally, stakeholders may include foreign fishermen engaged in fishing activities within UK waters. By utilizing fishing data, it is possible to determine the nationality of fishermen, thus enabling effective communication with foreign fishermen and their representatives.

Question 2: When should fishermen initially access project information and be able to actively engage?

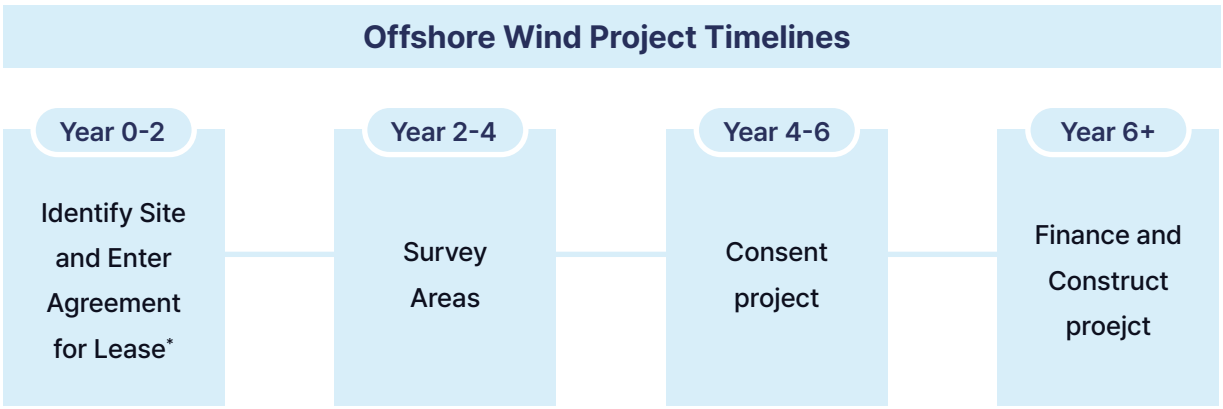
Current State: South Korea

Most fishermen and residents typically become aware of offshore wind projects at a **relatively late stage**. In general, they become informed about the project after the site selection process or the approval of permits. For example, there are legal procedures in place to gather public opinions at various stages, including obtaining permits for installing wind condition measurement instruments in public waters, permits for electricity generation business, and conducting environmental impact assessments. Nonetheless, stakeholder engagement is frequently subject to delays and tends to be perceived as a mere formality, leading to criticism regarding the fairness of the process and concerns about potential impacts on fisheries.

In addition, developers engage individually with fishermen and residents to obtain consent forms that are necessary for acquiring permits. In Korea, although consent forms do not have a legal basis, they serve as an informal indicator to assess local acceptance. Local governments involved in the permitting process may require developers to obtain 100% consent from residents. The process of obtaining consent forms often involves arbitrary financial support, and there is ambiguity regarding whose consent should be obtained (Question 1), resulting in various conflicts.

Case Study: The UK

The following presents the timeline for offshore wind projects in the UK.



Source: Presentation material by TCE

* The Agreement for Lease (AfL) is a "preliminary right" granted by TCE for site assessments. As TCE is not the regulatory body responsible for issuing Development Consent Orders (DCOs), actual construction of offshore wind farms requires obtaining DCOs from relevant government departments. Once regulatory approval is obtained, TCE finalizes the lease agreement with the developer. (Source: TCE website, TCE documents).

A significant distinction from the process followed in Korea is that permits are granted after conducting site assessments and engaging with stakeholders. In contrast, in Korea, permitting related to site selection and stakeholder engagement under the Environmental Impact Assessment Act takes place subsequent to obtaining electric utility license.

The noteworthy point here is the shift in the timing of fishermen's engagement in the UK. Historically, the majority of fishermen became aware of projects during the "survey areas" phase (Year 2-4) following site identification (Year 0-2). The fisheries and environmental impacts identified during the survey phase are utilized by the PI and the Secretary of State in determining the approval of DCO.

However, **in the current context, the UK is actively promoting stakeholder engagement starting from the site identification phase (Year 0-2). Over the years**, valuable experience has shown that **involving stakeholders from the site identification phase significantly mitigates the impacts on fisheries and fosters cooperation among industries**.

In the past, as in Korea, the UK also relied on developers for the "First Contact" with fishermen. However, going forward, the Crown Estate (TCE) aims to take a more proactive role in this process. TCE engages with fishermen and relevant representatives from the early stages of site identification, collecting their views and opinions. During these engagements, the most commonly expressed concerns from fishermen are 'where the project will be located' and 'whether they will be able to resume fishing activities after the project is completed'.

Meanwhile, it remains crucial for developers to maintain direct communication channels with fishermen through Fisheries Industry Representatives and Fisheries Liaison Officers. To ensure their independence, it is recommended that Fisheries Liaison Officers be individuals who can understand the fishermen's perspective, such as retired fishermen.

In the UK, there is considerable caution regarding individual financial support, distinct from legal compensations. Such support may potentially lead to division among fishing communities and stakeholders, hindering effective communication with the entire fishing community in the long term.

The Fisheries Engagement Timeline (Year 0-2)

First Contact	Areas of Search	Refined Areas of Searcch	Final Project Areas
• Identify and agree key datasets • Identify key representatives through local dialogue • Support fisheries to provide additional evidence	• Engaging with national and regional representation • Running local engagement events • Gather stakeholder evidence to support refinement	• Engaging with national and regional representation • Receipt of final evidence from external stakeholders	• Engage the national and regional representation in the decision-making process • Convene the fishing stakeholders and the developers to discuss mitigation

Source: Presentation material by TCE

Question 3: Is there a platform available for fishermen to consistently access project information and provide their opinions?

Current State: South Korea

In Korea, there is currently **no comprehensive official platform available for fishermen to access and monitor project information, track progress, review relevant documents, and provide their opinions**. Despite the existence of legal provisions for information disclosure and procedures to gather public views, these processes have been subject to criticism for their formalistic nature and perceived limitations. Currently, project information can be obtained in the following two stages: information disclosed through daily newspapers, websites, and other such means when a permit for electricity generation business is acquired, in accordance with the Electricity Business Act, and through public hearings organized under the Environmental Impact Assessment Act. However, when business information undergoes changes, it is not individually notified to stakeholders, and the process for gathering their opinions is also inadequate.

Case Study: The UK

Stakeholders, including fishermen, may access project information at any given time and submit their opinions through the Planning Inspectorate (PI). The PI serves as the sole entity responsible for permit-related matters, processing applications for projects and related material submissions. The National Infrastructure Planning website, managed by the PI, provides readily available updates on project progress and submitted documents. **Registered stakeholders have a period of 6 months after the developer submits the application to provide their comments and supporting evidence**. While developers may submit a "Statement of Agreement" similar to the "Consent Form" used in the Korean context, the final approval is determined by the relevant government department, taking into account a comprehensive assessment of national energy goals and stakeholders' opinions.

Question 4: How can the fisheries and offshore wind industries discuss coexistence measures together?

Current State: South Korea

Currently, there is **no distinct entity or governance responsible for consultation and coordination between stakeholders**, including fishermen and developers. Recommendations have been proposed, suggesting the involvement of local governments, third-party organizations, or other entities to ensure stakeholder acceptance. Another suggestion is the establishment of local (public-private) councils to facilitate sufficient consultation. These suggestions are outlined in the "Guideline for Offshore Wind Power Development with Local Residents and Fishermen." However, since the guideline does not possess legal competence, these suggestions remain as proposals.

Case Study: The UK

To promote the coexistence of both the fishing and offshore wind industries, the UK has established two programs: the **Fisheries Liaison with Offshore Wind and Wet Renewable (FLOWW)**, which focuses on connecting the two industries, and the **Offshore Wind Evidence+ Change (OWEC)**, which is an evidence-based program for offshore wind deployment.

FLOWW was established in 2002 as a communication group with the objective of fostering collaboration and coexistence between the fisheries sector and offshore wind developers. FLOWW comprises representatives from the fishing industry, offshore wind industry, relevant government departments, and research institutions. The group convenes regularly, typically holding 3 to 4 meetings per year, to engage in discussions concerning ongoing matters and challenges.

FLOWW has published best practice guidelines in 2014 and 2015, and the process of updating the latest version is currently underway. These guidelines hold significance as they are developed through consensus within a group consisting of both fishermen and offshore wind developers.

TCE has been implementing the Offshore Wind Evidence+ Change (OWEC) program since 2020, following the FLOWW program. The objective of this program is to better understand and address the cumulative environmental impacts of offshore wind farms and their effects on various stakeholders and local communities.

A notable example of coexistence between fishermen and developers is the **Westermost Rough** offshore wind farm. The Westermost Rough site was an area where the proposed wind farm development overlapped with the fishing grounds for crab and lobster, resulting in strong opposition from the fishing community. In order to address the conflict, a collaborative study was conducted by fishermen and developers to assess changes in lobster catch volume after the construction of the offshore wind farm.

The study findings indicated that there were no significant changes in catch rates following the completion of the wind farm. The study was funded by the developer, but it was conducted in response to the needs and concerns of the fishing community, thereby ensuring a higher level of trust in the study results among the stakeholders.

However, TCE notes that the case of the Westermost Rough is ideal but rare, emphasizing the importance of minimizing conflicts between fisheries and developers by taking measures to mitigate the impact on fisheries through **fishermen's participation from the site selection process onwards**.

In line with this, the Virtual Windfarm Planning, aimed at reviewing offshore wind planning and design criteria, was conducted under the funding of the OWEC program and organized by the National Federation of Fishermen's Organisations (NFFO). It is noteworthy that the fisheries and offshore wind industries collaborated in recognizing the necessity of the study.

Other: Are there any cases in the UK of benefit sharing?

Current State: South Korea

In the context of Korea, benefit sharing is proposed as a prominent approach to improve social acceptance. The specific methods of benefit sharing may vary, but the current legislation in Korea only presents investment participation such as the “resident participation system,” where local residents make investments in the power plant and subsequently receive returns on their investment.

Case Study: The UK

In the UK, a benefit sharing model comparable to that in Korea is not present; however, a similar concept exists in the form of Community Funds, which can be regarded as a form of endowment. When establishing and managing such funds, transparency and democracy are of utmost importance. Guidelines encompassing these principles were published by FLOWW in 2015.

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Solutions for Our Climate (SFOC) is an independent policy research and advocacy group that aims to make emissions trajectories across Asia compatible with the paris Agreement 1.5°C warming target.

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