



**Office for
Environmental
Protection**

Office for Environmental
Protection
County Hall
Spetchley Road
Worcester
WR5 2NP

03300 416 581
www.theoep.org.uk

FMP Policy Team – Marine and Fisheries
Department for Environment, Food and Rural Affairs
Seacole Building
2 Marsham Street
London
SW1P 4DF

29 September 2023

Dear Sir/Madam,

Fisheries Management Plans – Frontrunner consultations

We write further to our [previous letter](#) of 11 April 2022, providing the OEP's response to Defra's consultation on the draft Joint Fisheries Statement (JFS). In that letter, we expressed our strong support for government's ambitions relating to the marine environment, including those captured by the 25 Year Environment Plan, and provided some critical observations which we trust were of assistance.

Following the finalisation of the JFS, we note that Defra is now developing six 'frontrunner' Fisheries Management Plans (FMPs) and has launched a series of public consultations to inform this process. In our JFS response, we broadly agreed with the principles underpinning the development of FMPs, and stressed the need for the JFS to set clear and achievable targets against which delivery partners responsible for developing FMPs can be held to account.

We remain interested in this work, and urge that Defra will continue to give it priority in light of its existing commitments. Goal 6 in the Environmental Improvement Plan 2023 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. We note they are also referenced as one of fifteen key policies which will deliver the apex biodiversity target – thriving plants and wildlife.

Many of the questions in the consultation documents invite feedback informed by a detailed scientific and technical understanding of specific fisheries, which others will be able to contribute to more directly. However, we would like to make the following general observations which we believe need to be addressed for the finalised FMPs to effectively deliver on Government's objectives:

More clearly identifying the policies that fisheries authorities must apply to restore or maintain relevant fish stocks at sustainable levels

Defra will be aware of its obligations under the Fisheries Act 2020. It is critical that each FMP complies in full with these legislative requirements and adheres to the proposals set out in section 5 of the JFS. This includes setting out policies designed to restore, or maintain, relevant fish stocks at levels capable of producing Maximum Sustainable Yield (MSY). However, the frontrunner FMPs are often lengthy and discursive. This means that, as they are currently drafted, it is often difficult to identify the policies that fisheries authorities are required to follow when discharging their functions.

It is also often difficult to identify the specific actions that will have the effect of restoring or maintaining the relevant fish stocks. The OEP would, for example, draw Defra's attention to the Whelk FMP, which does not currently set out sufficiently tangible actions that are likely to deliver sustainable fishing.

Government's stated intention throughout debates during the passage of the Fisheries Bill was for FMPs to constitute a legal commitment to fish sustainably. It is important that the finalised FMPs contain credible coherent delivery plans which set out clear and actionable policies that fisheries authorities must apply and the specific steps that must be taken to ensure they achieve that goal.

Adopting more prescriptive language

Where such policies can be identified in the frontrunner FMPs, improvements should be made to ensure that fisheries authorities are sufficiently constrained by them.

The Seabass FMP is a good example of this, whereby detailed stock level goals are set out at page 20, underpinned by a primary aim to ensure that the stocks in scope are harvested sustainably. However, the FMP also frequently refers to how these goals "can" or "could" be achieved. As Government intended for these to be the steps authorities will take to ensure that every stock is managed and fished sustainably, we recommend that finalised FMPs switch emphasis to how the goals "will" be achieved with more prescriptive language.

Taking a precautionary approach to fisheries management

Whilst we recognise that data poor stocks, like King Scallop, will need to be subject to additional evidence gathering before management measures capable of achieving MSY with any certainty are able to be developed, it is critical that this is not used to justify postponing or failing to take action to conserve stocks in the meantime.

Despite this, several of the proposed FMPs do not appear to adopt a sufficiently precautionary approach to fisheries management. The King Scallop, Whelk, and Crab and Lobster FMPs reference the need to deliver on management outcomes even where

information on stock status is uncertain or inadequate. However, all set out actions which are either largely concerned with gathering data or would otherwise benefit from further explanation and a scientific rationale underpinning their selection. We therefore recommend that finalised FMPs clearly set out the interim steps that will be taken to ensure that stocks are best positioned to achieve MSY, even during any data gathering stage.

We also trust that, should the final FMPs be adopted after the Environmental Principles Policy Statement (EPPS) comes into force, Defra will comply with its duty to demonstrate how it has had due regard to the EPPS. Including through its application of the precautionary principle.

We trust that our observations will enable the strengthening of both final frontrunner and future FMPs. Doing so will ensure fisheries are well-managed, and will show that Government has credible, coherent plans demonstrating how its ambitions, targets and goals can and will be delivered. We will continue to monitor the development of FMPs and would welcome the opportunity to meet with the FMP policy team to discuss our approach.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'G Stacey', with a long horizontal flourish extending to the right.

Dame Glenys Stacey
Chair
Office for Environmental Protection