WORKSHOP REPORT

Marine Spatial Planning and stakeholder engagement in the North Sea

Meeting: Marine Spatial Planning and stakeholder engagement in the North Sea
Parties: NSAC members, external stakeholders
Date: 3 May 2023
Time: 10:00 - 16:45 CET
Location: Renaissance Hotel, Brussels
Moderator: Jacopo Pasquero
Rapporteur: Fiona Birch

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Workshop Proceedings

1. Opening remarks and introduction to the workshop

Jacopo Pasquero (NSAC Ecosystem WG Chair) introduced himself as the moderator of the North Sea Advisory Council (NSAC) workshop on Marine Spatial Planning (MSP) and stakeholder engagement in the North Sea. He welcomed the attendees and commenced proceedings.

He outlined that many activities take place in European seas. At any given time, fishing, aquaculture, shipping, renewable energy, nature conservation, and other uses compete for maritime space. MSP is a management tool for the coherent allocation of marine space and to ensure that human activities take place in an efficient, safe, and sustainable way.

The objective of the workshop was to explore the state of play of MSP in view of the so-called 'spatial squeeze' in the North Sea, and the role the NSAC can play in these processes through stakeholder engagement. If the NSAC can fulfil its mission and present itself as a forum for wider stakeholder engagement in fisheries and ecosystem management, this could result in management measures that are co-created by the stakeholders and therefore rendered more legitimate. The workshop would also explore topics including transboundary cooperation, research priorities, multiuse and coexistence concepts, and cumulative effects.

The moderator highlighted the opportuneness of the workshop following the signing of the Ostend Declaration on 24 April 2023, by leaders and ministers from nine countries, to accelerate the deployment of offshore wind power in the North Sea. The joint goal for the North Sea is to more than quadruple current production to 120 gigawatts (GW) by 2030 and to at least 300 GW by 2050 – larger than any of the co-signatories' existing generation capacity at a national level. The North Sea is set to become increasingly crowded as a result of this agreement.

2. Legislative context: EU MSP Directive

Juan Ronco Zapatero (DG MARE, European Commission) provided an introduction to the EU Maritime Spatial Planning Directive (Directive 2014/89/EU).

He stressed the importance of MSP for anticipating future uses and activities in the ocean, reducing conflicts on access to marine space, preserving marine ecosystems, improving certainty and predictability for private investments, and reducing coordination costs for public authorities.

The EU MSP Directive was adopted in September 2014. It aims to ensure the sustainable, economic growth of marine/coastal economies while enabling sustainable use of resources in line with ecosystem-based management. The Directive covers coastal waters, territorial waters, and Exclusive Economic Zones (EEZs) of 22 coastal EU Member States. It does not cover overseas countries and territories of Annex II of the Treaty and French overseas Departments and Collectivities.

The Directive stipulated that all EU countries must have developed their own MSP plan by 31 March 2021. These plans are required to: apply an ecosystem-based approach; promote coherence; take land-sea interactions into account; consider spatial and temporal distribution of activities; involve stakeholders; use best-available data; and cooperate with bordering Member States and non-EU countries.

While the Directive lists the possible activities to be included, it is up to Member States to decide on the content – the actual planning is the responsibility of Member States. Furthermore, the Directive does not determine whether a plan has to be legally binding.

In May 2022, the Commission produced a report reviewing progress on the implementation of the MSP Directive, with the headline 'good progress but more work needed'. It indicated that five countries already had plans in place, 13 countries succeeded in establishing their plans within the deadline fixed by the Directive or later, while a further five countries had no MSP plans in place – these countries face ongoing infringement procedures.

Within the EU, five work streams dedicated to MSP exist: EU MSP Directive; MSP Expert Group; funding MSP cross-border projects; EU MSP Platform; and International MSP.

The MSP Expert Group, which meets twice per year, works on exchanges of best practices in the EU. Its mission is to serve as an informal forum of national experts on the implementation of the MSP Directive; to establish cooperation/coordination between the Commission and Member States or stakeholders on questions relating to policies in the field of MSP; and to facilitate the exchange of experience and good practice in the field of MSP.

The work stream on funding MSP cross-border projects supports a wide range of initiatives that produce data, tools, and methodologies to aid MSP and cross-border planning. It is supported through EMFAF, Horizon Europe, Interreg, LIFE, and national funding.

The EU MSP Platform is an online resource providing technical support, studies, and workshops. It is a service for Member States to share relevant knowledge and experiences on MSP. Similarly, the European Blue Forum is set to launch on 26 May 2023, to provide a platform for sea users to coordinate dialogue around marine management.

The International MSP work stream explores best international practices, transboundary pilot projects, and international workshops. It was highlighted that a 2022 study demonstrated that Europe represents 30% of countries engaged in MSP across the world. The European Commission is also cooperating with IOC UNESCO on MSPGlobal 2.0 – a project set to run from 2023-2025 on the implementation of cross-border MSP guidance, supported by two pilot projects.

3. Evaluation of EU MSP plans

Helena Rodrigues (WWF) presented WWF's evaluation report (2022) on MSP in the North Sea, which reviewed the implementation of the Directive at Member State level. The report was developed in collaboration with the North Sea Foundation.

Since the establishment of the MSP Directive, WWF has been working with MS to ensure that the Directive's implementation aligns with an ecosystem-based approach. A core element of WWF's work has been the translation of the Directive's requirements for MSP into 33 indicators that, when all achieved, would successfully deliver an ecosystem-based approach to MSP. These indicators fall under four categories, each assessing a key domain of effective MSP in national maritime spatial plans: 1) inclusion of nature; 2) socio-economic considerations; 3) good ocean governance; 4) comprehensiveness of the complete MSP process.

According to the results of the review, based on these parameters, Rodrigues indicated that the North Sea region has partly succeeded in applying an ecosystem-based approach to MSP, achieving a 45% regional average. She emphasised that a score below 50% denotes a

negative performance. Among the four categories, 'inclusion of nature' and the 'comprehensiveness of the complete MSP process' were the lowest (38%) and highest scoring (54%) categories, respectively.

Rodrigues gave an overview of the drivers for MSP in the North Sea, namely that the region is simultaneously one of the most biologically productive seas and one of the most disturbed marine areas in the world. It is home to some of the world's largest economies, who have an interest in maintaining power – a healthy sea with sustainable management is, therefore, essential. Furthermore, by the end of 2021, all North Sea nations had published their national maritime spatial plans.

She also listed several challenges. The North Sea is one of the most disturbed and traversed seas in the world with multiple and overlapping activities (fisheries, aquaculture, shipping, oil and gas extraction, wind energy, sand and gravel extraction, harbours (three of the world's largest ports, Rotterdam, Antwerp, and Hamburg), and coastal development). The region has limited space and resources, and in 2019, fewer than half of the areas set aside for protection (47%) had management plans for implementation and monitoring.

On stakeholder engagement, all North Sea Member States performed well. Belgium, Germany, Netherlands, and Sweden scored 100%, while Denmark and France scored 50%. However, all were, overall, unsuccessful in considering all industries and stakeholders in their final national plans, both in terms of allocating space to different maritime sectors and in preparing a forward-looking vision that steers those sectors towards more sustainable models.

She shared case studies serving as positive examples of balancing multiple maritime sectors and referenced the Dutch North Sea Agreement (NSA) where NGOs, industry, and government have collaborated on MSP.

She concluded by sharing recommendations on the way forward. Consideration should be given to how labour and income in maritime industries will change over time, to support the just transition of workers from the oil and gas industry into high-quality jobs in the renewables sector. Similar efforts are needed to halt the loss of North Sea biodiversity and ensure the region's maritime activities support a truly sustainable blue economy. It is crucial that all North Sea Member States dedicate more space to nature via effectively managed Marine Protected Areas (MPAs) that cover at least 30% of national waters, with at least 10% of areas under strict protection. They must also adopt a regional approach to monitoring the cumulative impacts of human activities, including transboundary cooperation and collaborative planning.

4. Cross-border cooperation: OSPAR Regional Sea Convention

Philip Stamp (OSPAR) shared an overview of OSPAR's involvement in MSP. He highlighted that while OSPAR does not work directly on MSP, many of its products and groups are highly relevant.

OSPAR provides a forum for cross-border cooperation in the North Sea across a wide range of human activities, bringing together EU and non-EU Parties. He highlighted that OSPAR does not manage fisheries, but it should be a key partner in promoting ecosystem-based management, which is a key thread to its work.

There are 16 Contracting Parties of the OSPAR Convention, including the EU and the UK. The Convention is legally binding, providing a legal basis for adopting new recommendations and decisions where needed. It also contains work areas on 'environmental impacts of human activities' and biodiversity, which address marine litter, underwater noise, offshore renewables, MPAs, restoration, and the protection of species and habitats, among other issues.

OSPAR collates spatial data relevant to MSP through the OSPAR Data and Information Management System (ODIMS), such as MPAs, threatened/declining habitats, offshore oil and gas, and presents it in a publicly available online mapping tool. OSPAR also develops thematic and indicator assessments on stocks, habitats, and food webs, as well as status assessments on threatened and declining species. There is capability for cross-sectoral analysis using ODIMS and the programme of assessments. Evidence reports further help to document marine impacts and have led to the publication of OSPAR recommendations on actions and measures.

Stamp drew attention to the fact that many relevant objectives are detailed within the North-East Atlantic Environment Strategy 2023. These objectives include the development of methods for the analysis of cumulative effects in the marine environment, accounting for ecosystem services and natural capital, and building a practical approach for regional scale ecosystem-based management.

He concluded that cross-sectoral working is challenging in any organisation, however, MSP provides an excellent mechanism to promote long-term ecosystem-based management, especially when supported by high quality data and analysis.

5. Emerging ecosystem-based MSP in the North Sea region

Nico Buytendijk (Netherlands Enterprise Agency (RVO)), provided an introduction to the eMSP NBSR project, which represents 'Emerging ecosystem-based Maritime Spatial Planning topics in North and Baltic Sea Regions'. eMSP NBSR brings national and regional authorities responsible for MSP together with research organisations and intergovernmental corporations from the North Sea and Baltic Sea regions. It aims to support coherence of maritime policy and MSP plans in these regions and the continued development of MSP to identify and address present and future challenges.

He shared an overview of some of the challenges for MSP and stressed that both climate change and the EU Green Deal are important frameworks underpinning the project. He posed MSP as an instrument to steer changes within the marine environment across borders. eMSP NBSR works to facilitate this through a community of practice approach – a model based on creating forums for policymakers, practitioners, and researchers to discuss important MSP topics in key thematic areas. Ten partner countries are involved, led by the Netherlands, to build an active network and assist Baltic and North Sea countries to establish a structure for cross-border collaboration and learning, thus equipping them to address MSP challenges. The network seeks to provide practical solutions and recommendations in relation to the most urgent emerging topics: ocean governance; ecosystem-based management; sustainable blue economy; systems for monitoring and evaluation; and sharing data, information and communication technology serving MSP.

He touched on the concept of multi-use and noted the uncertainties and risks associated with it, especially within offshore wind farms. In order for multi-use to be pursued further, it will be important to create controlled environments to allow activities to develop safely. He coined the term 'maripark', which translates as a nature inclusive maritime business area to facilitate multi-use, and could be a viable option in the future. He concluded that multi-use is likely to develop slowly, and at present, the risks for emerging industries are too significant.

6. Energy sector: Integration and involvement in MSP processes

Mattia Cecchinato (WindEurope) shared a cumulative overview of offshore wind energy in Europe. A total of 30 267 megawatts (MW) from 126 wind farms are connected to the energy grid, from 5 954 turbines across 13 countries. According to WindEurope, offshore wind energy generation is predicted to grow rapidly in the coming years, and significantly more so than onshore wind.

He outlined the four phases of offshore wind farm development. The process commences with leasing, which lasts two years. During this phase, governments and/or developers scope out wind farm locations and commence environmental and spatial planning. Secondly, the consenting phase, which lasts four years, involves early site survey work such as initial site layout and feasibility studies. The third phase following a successful consenting process, is financial close. This involves detailed site design and supplier selection by the wind farm operator. It lasts two years during which a Final Investment Decision (FID) is acquired. The final phase is wind farm installation and construction, including grid connection and commissioning, typically lasting three years. Overall, from start to finish, offshore wind farm development is expected to take approximately 10 years.

7. ICES Roadmap: An ecosystem-based approach towards understanding the effects of offshore renewable energy development on the environment and society

Andrew Gill (ICES/Cefas) is co-chair of the ICES Workshop on a Research Roadmap for Offshore and Marine Renewable Energy (WKOMRE). The aim WKOMRE is to create a research roadmap to better coordinate science on offshore renewable energy development – identifying scientific capabilities and services that ICES can provide to meet transboundary science needs.

ICES has a number of expert groups working in relation to offshore renewable energy development, exploring the interactions with other human activities, impacts on marine habitats, and scientific operations. An increasing number of expert groups have recently started working on specific aspects related to offshore renewable energy development, each with a specific focus: Working Group on Marine Benthal and Renewable Energy Developments (WGMBRED); Working Group on Offshore Wind Development and Fisheries (WGOWDF); Working Group on Offshore Renewable Energy (WGORE).

Gill explained that ICES has recognised the need to act urgently on MSP to fill knowledge gaps, develop and use best practices, and synthesise information, given the rapid transformation of ocean space. The establishment of WKOMRE was the first step on the road to coordinating an ICES response.

WKOMRE is chaired jointly by Jon Hare (NOAA) and Andrew Gill. The first meeting took place on 7-9 March 2023 at ICES headquarters in Copenhagen with 25 participants. The Terms of Reference state three objectives relating to the identification of ecosystem challenges and opportunities associated with offshore renewable energy developments, reviewing relevant work to identify synergies and knowledge gaps, and developing recommendations for a research roadmap.

The inaugural meeting also facilitated the identification of challenges to be addressed, which apply across science, data, and advice. For science, challenges include understanding the effect of offshore developments on the structure and function of marine ecosystems, current and future human activities, and scientific data collections to support sustainable management of marine resources. Data challenges relate to collating information to inform best practices considering diverse management objectives and adapting data collection systems. For the advice process, challenges arise from the need to modify the current advice process to include quickly evolving scientific information resulting from offshore and marine renewable development.

Following WKOMRE in March, the group is developing a report entitled 'ICES Roadmap: Integration of Science, Data, and Advice in a New Era of Human Use of the Ocean', due in May for the attention of ICES ACOM and SCICOM. It aims to better coordinate data, science, and advice on offshore renewable energy development in an ecosystem-based management context. It will set out challenges, opportunities, and potential outcomes for ICES and propose a strategic approach for building an ICES offshore and marine renewable energy roadmap.

8. MSP case studies: institutional arrangement and allocation of maritime activities

8.1 Sweden

Gonçalo Carneiro (Swedish Agency for Marine and Water Management) provided the Swedish experience of MSP. Sweden has three MSP plans covering the Gulf of Bothnia, the Baltic Sea, and the Skagerrak/Kattegat, respectively. The Swedish Agency for Marine and Water Management is responsible for drafting plan proposals. The Government adopts the plans and may also issue regulations on measures, prohibitions, or restrictions on activities in an area covered by a plan as needed to achieve the purpose of the plan. Thus, Sweden's marine plans do not impose strict constraints on marine users, though there is the capacity to do so within government if needed. To date, the establishment of offshore wind farms in Sweden has been driven by predominantly private interests. The increasingly large number of private licence applications has become a challenge for authorities, who face a suddenly increased workload.

Sweden possesses designated areas of national interest, both on land and at sea, which are protected and shield sensitive features from significant impairment by other users. If a development is likely to adversely affect an area of national interest, it can be denied. However, the definition of 'impairment' is subjective and thus far, no applications have been denied based on potential impacts on fisheries (though there have been denials based on ecosystem/environmental grounds). He emphasised that the authorities are increasingly looking to set aside low-impact areas for the development of offshore wind developments as part of their MSP plan.

Sweden is working on producing a new draft plan by the end of 2024. A public consultation is underway around the Swedish coast to gather stakeholder feedback on the plan.

8.2 Denmark

From Denmark, **Kim Raegaard (Danish Ministry for Food, Agriculture and Fisheries)** shared that the Danish MSP plan is available online and illustrates the full range of uses and activities within the Danish EEZ. The plan clearly shows that Denmark's sea basin is extensively used. In 2021, the plan went out to public consultation and the authorities are currently working to update it, before it will go back out to public consultation in the coming months. One significant update to the Danish plan is a shift from 15% to 30% seabed designation for offshore development.

Zonal distribution within the MSP plan is split to development zones, special use zones, nature conservation and protection zones, and general use zones. However, these categories do not include fishing, shipping, recreational use, and tourism, because these are permitted to take place anywhere where it is legal to do so. However, in practice this can present displacement issues for these sectors.

Raegaard said that the Danish Ministry for Food, Agriculture and Fisheries is working to ensure Denmark's valuable fisheries are not detrimentally impacted by the growth in offshore renewables and associated spatial squeeze. He highlighted that there are also extensive nature conservation areas in the Natura 2000 system, and that the authorities are exploring coexistence between nature protection and offshore development.

From a fisheries standpoint, he reflected that accurate fisheries data is key for informing MSP. Making fisheries data accessible to wind farm developers at the start of the planning process gives fisheries a stronger voice in MSP decisions. Each wind farm site faces a myriad of different challenges and opportunities when it comes to potential coexistence with fisheries. For example, the placement of wind turbines and cables may be adjusted to enable fisheries to continue their activities, if data is available to support the reliance of fishing on a given area. To this end, the Ministry is working to establish a dialogue between offshore wind farm operators and fisheries bodies.

He concluded with the suggestion that Member States should discuss sharing data in order to stimulate MSP discussions at a regional level, which can support the identification of cumulative impacts. However, he noted that this is not an easy conversation to have, as some countries are more protective of their data than others and do not readily supply fisheries information.

8.3 The Netherlands

Nathalie Scheidegger (Dutch Ministry of Agriculture, Nature and Food Quality) presented the Netherlands EEZ as one of Europe's busiest seas. It is 57 800 km^2 in size and supports 3 874 km of shipping routes, 10 offshore wind farms (5 operational, 5 under construction), 160 oil/gas platforms, 4 500 km of pipelines, 3 300 km of cables, 6 MPAs, and over 500 fishing vessels (Dutch fleet).

The Dutch North Sea has faced growing pressure after the Paris Agreement increased European and national ambitions for offshore wind energy. This has created tensions between different sea users, who all compete for space. Consequently, there is a demand for more integrated policies for MSP in the North Sea and for stronger management to find a balance among the nature, food, and energy transitions.

In 2020, the Dutch Ministry of Agriculture, Nature and Food Quality set up the North Sea Council, consisting of an independent chair, prime stakeholders, and national government representatives. It is a political platform that facilitates discussions about the coexistence of nature, fisheries, and energy, while taking other interests into account (e.g. safety of shipping, military interests, and recreation). Together, the Council drew up the North Sea Agreement, which was adopted by Parliament in 2021. It is a detailed agreement of actions for implementation in the coming years (until 2030) that aim to protect the interests of nature conservation, offshore wind energy generation, and fisheries.

The Netherlands is now in the third cycle of MSP, preparing its latest plan that will run until 2027. Spatial elements of the North Sea Agreement form the basis of the plan, including search areas for offshore wind energy, nature conservation areas, shipping lanes, and sustainable blue economy. Nevertheless, Scheidegger indicated that MSP is broader than the North Sea Agreement alone, incorporating elements of the Marine Strategy Framework Directive (MSFD), sand extraction, cables, recreation, and cultural heritage. Some early stage thinking has also been undertaken with CoP Noordzee and eMSP NBSR to explore a code of practice for multi-use within wind farms.

Scheidegger went on to highlight the Greater North Sea Basin Initiative (GNSBI). The Netherlands believes that the current sectoral and separate geographical decision-making in the North Sea is insufficient due to cumulative ecosystem pressures and spatial tensions between the different uses of the North Sea. This will have a large influence on the carrying capacity of the ecosystem and may hamper decision-making in the region. Therefore, it will be important to foster new ideas and avenues for possible future cooperation on interlinked transitions for the marine environment, energy, food, and towards a sustainable blue economy, and to investigate governance approaches. The GNSBI intends to address these gaps.

A DG meeting in Paris on 22-23 May will focus on the possible tensions (regulatory, spatial) between the different users of the sea and identify governance possibilities and win-win situations of cooperation. It will feed into ministerial meetings under the Netherlands NSEC chair in the autumn 2023.

9. MSP established practices in third countries

9.1 United Kingdom: Dogger Bank case study

Jacques Villemot (Royal Society for the Protection of Birds (RSPB)) presented the situation for MSP in the UK. Villemot said his presentation would focus on the English context.

In England, MSP is split into 11 areas (6 inshore and 5 offshore). The UK's first pilot MSP plan was developed in 2014, named 'England East Marine Plans'. Following the East Marine Plans, South Marine Plans were subsequently adopted in 2018. All of England's MSP plans were later finalised in 2021. The plans are due for review every three years. Scotland and Wales

adopted established MSP plans in 2015 and 2019 respectively. Northern Ireland is in the process of doing so.

He shared a case study of the Dogger Bank Special Area of Conservation (SAC), where the offshore plan covers the UK part of the Dogger Bank and some of the most significant offshore wind developments in the UK. The Marine Management Organisation (MMO) has initiated a byelaw process in MPAs, in which the first stage covered four sites, including the Dogger Bank. In this first phase, a byelaw banning bottom towed fishing gear was implemented in the Dogger Bank SAC in 2022 by the MMO on the grounds of nature conservation.

A recent review of the East Marine Plans found that they were no longer fit for purpose, due to a lack of consistency in management and in light of newer offshore wind targets set in 2020. The plans also fail to offer holistic, strategic considerations (they provide a list of policies rather than a spatial plan) and are not ecosystem-based.

Next steps for MSP in England will involve a new Marine Spatial Prioritisation Programme, which will engage a wide range of stakeholders, enabling them to work together to co-develop a more holistic and inclusive MSP plan. More resources will also be applied to explore co-location opportunities, as well as mapping biodiversity and human activity in UK seas, such as the POSEIDON project. The MMO byelaws process is also set to continue with stages 2 and 3 ongoing, and stage 4 set to look at Special Protection Areas (SPAs) and SACs for highly mobile species.

9.2 Norway

Jan Henrik Sandberg (Norwegian Fishermen's Association) shared that the Norwegian fishing industry consists of 11 000 fishermen and 5 500 fishing vessels, harvesting 2.5 million tonnes of seafood each year, which is exported to more than 130 countries. The Norwegian Fishermen's Association is a politically independent national organisation for professional fishermen, working to safeguard national fishermen's interests. It is an active participant in national and international fisheries management.

He indicated that fishermen have a positive attitude towards other marine industries and interests. However, they believe that emerging industries should not harm fishing activities, spawning and breeding grounds, the marine environment, or seafood security. Norwegian marine waters are extensive, totalling 2 039 951 km^2, a large proportion of which is suitable for aquaculture. Approximately 80% of catches are taken in 20% of Norway's sea area, and it is the industry's view that these areas should be reserved for fishing.

MSP in the coastal zone requires municipalities to make legally binding coastal zone plans within 1 nm of the coastline, which is particularly relevant for aquaculture. Further offshore, management plans have been established for the Barents Sea, the Norwegian Sea, the North Sea, and the Skagerrak. The purpose of these plans is to 'provide a framework for value creation through sustainable use while maintaining the high environmental value of marine areas'.

Regarding marine protection, 'particularly valuable and vulnerable areas' is an important basis for marine management plans and marine conservation. As a result, fisheries are restricted in

accordance with the Marine Resources Act, and the Norwegian government is working on new legislation on marine protection beyond the EEZ.

Sandberg emphasised that extractive marine industries are becoming an increasing threat, namely oil, gas, and marine mining. Industrial plans for Norway's marine areas are under development to control the growth of these industries, following a government declaration in 2021. The industrial plans shall 'facilitate a comprehensive development of existing and new marine industries, and support employment and the goal of the greatest possible overall value creation within a sustainable framework'.

Offshore aquaculture and wind farm developments are also gaining momentum in Norway. In May 2022, the government made a commitment to allocate sufficient marine space to develop 30 GW from offshore wind by 2040. This represents a substantial increase upon current levels of energy generation (0.1 GW) and has potential to be problematic for fisheries because offshore wind turbines are typically placed in relatively shallow sea areas. These shallow areas usually coincide with the most important fishing grounds and spawning areas, which cannot be moved to other locations.

In late April 2023, Norwegian authorities proposed to investigate 54 000 km^2 of its EEZ for wind power development, however, it has been assumed in the past that 30 GW of offshore wind power could be developed within an area of 500 km^2. The fishing industry is particularly concerned about the impacts of spatial squeeze in the North Sea, as most wind farm developers have an interest in building offshore wind power plants south of Bergen.

He concluded by signposting to BarentsWatch, a resource that supports an online, interactive map of MSP activities in Norwegian waters.

10. Multi-use in offshore wind farms

Lobke Jurrius (Wageningen Marine Research) introduced her research project on multi-use by fisheries of offshore wind farms in the Netherlands, commissioned by the Dutch Ministry of Agriculture, Nature and Food quality. She reiterated that the Dutch government's ambitious MSP plans to grow offshore wind will result in the loss of traditional fishing grounds and that the government is interested in multi-use as a means to achieve coexistence between passive fishing activities and offshore wind. The current focus in the Netherlands is on passive (static) gears, as active gears will not be allowed in wind farms for the time being, despite most Dutch fishermen using active gears.

Her research explores opportunities for passive fishing within offshore wind farms, using the Borssele wind farm as a pilot test site. Borssele is a 'new style' of wind farm – it has a regulatory framework in place, which is controlled by the government – compared to 'old style' Dutch wind farms, which were largely operator controlled. Moreover, these newer farms provide greater space between turbines for multi-use to take place. Therefore, 'government controlled' wind farms are more amenable to scientific research and field trials. The research is truly transboundary, investigating everything from safety aspects, to ecological impacts, to considerations around gear type, cost, and political regulations. Fishermen, government representatives, researchers, and the WFO are all involved in the work.

This year marks the start of pilot experiments in the Borssele wind farm. The gears to be trialled have been selected with help from fishermen and include handline fishing (sea bass), gillnet fishing (sole), multi-species pots (cod, sole, cuttlefish), and mechanical jigging (mackerel, horse mackerel, squid).

Jurrius concluded that much work still needs to be done before commercial passive fishing will take place within wind farms. Nonetheless, the required ambitions and motivation from both the fishing industry and the government is present. Fishers, operators and the government will need to strike compromises and remain flexible to realize fruitful fishing within offshore windfarms. For the time being, fishing inside wind farms will inevitably be different from fishing outside wind farms. Fishermen will need to adapt to increased levels of communication with operators when entering/leaving wind farm sites and fishermen that use active gear arerequired to change their practices by transitioning to static gears before being allowed in the farms. She emphasised however that it will be a learning process for all involved.

11. NSAC industry experience with MSP and stakeholder engagement

11.1 Sweden

Ingemar Berglund (Swedish Fishermen's Producer Organisation (SFPO)) reported on the process of stakeholder involvement in MSP and offshore wind development in Sweden.

The Swedish government adopted three distinct MSP plans for its territorial waters and EEZ in February 2022. At the same time, the government commissioned the Swedish Energy Agency, the Swedish Agency for Marine and Water Management (SwAM), and several other national authorities to propose additional areas for offshore wind power that could support an increase in energy generation from 20-30 TWh to 120 TWh. Based on these proposals that were delivered in March 2023, SwAM will initiate the next planning round to produce new proposals for MSP plans, to be delivered by the end of 2024. SwAM has gone on to develop a toolbox for the implementation of the ecosystem-based approach in MSP. It stipulated that all relevant authorities and stakeholders as well as the wider public shall be involved in the process at an early stage, with results readily communicated, and that ecosystem impacts should be considered. Berglund reflected that these principles for stakeholder engagement worked reasonably well for the first Swedish MSP. However, a fundamental flaw in the Swedish planning system is the open-door system for wind farm projects.

A total of 43 offshore wind farms, each at a different stage, are ongoing in Swedish waters. To date, there has been no consultation with the fishing industry prior to site selection. Compulsory consultations on coexistence have taken place later in the permit process, however, fishers believe this is too late and it has led to marginal or no possibilities of coexistence with fishing. The newly proposed wind farm areas to meet the ambition of 120 TWh overlap with nationally important commercial fishing grounds by 44%.

He questioned how the revision of the current Swedish MSP plans and implementation of newly proposed areas for offshore wind farms, will fulfil the principles of the ecosystem approach and stakeholder involvement formulated for the MSP process. He accentuated this to be an important challenge for MSP in Sweden. He concluded by emphasising his key message, that industry involvement at an early stage in the planning process is essential.

11.2 Denmark

Henrik Lund (Danish Fishers PO) shared the Danish fishing industry's experience in MSP and stakeholder engagement. He noted that the first offshore wind farm in Danish waters was established in 1991. Danish waters are shallow and attract high winds, making the EEZ ideal for offshore wind.

He presented a case study of the Hesselø wind farm, built between 2018 and 2023. Several factors are considered during wind farm site selection, including wind occurrence, water depth, shipping corridors, raw material extraction activities, military zones, nature conservation areas, and electricity infrastructure on land. However, fishing is not formally factored into decision-making. Consequently, Hesselø was located on an important nephrops fishing ground. The fishing industry objected but was told to move elsewhere.

Lund showed a map overlaying nephrops fishing areas with other designations, including wind farms and MPAs. He stressed that fisheries are being squeezed out, with potentially large scale implications for fleets.

He stressed the critical importance of "real stakeholder involvement" in MSP, which should prioritise consultation with fishermen as early as possible in the process, ideally at the first screening. Planning decisions should also be better informed, based on scientific documentation, and take cumulative effects into account. A 'real' bottom-up approach is key for ensuring coexistence and by extension, intelligent decisions.

12. Breakout group discussions

To inspire further discussion, the attendees seated at each table were invited to review a list of questions. The questions pertained to MSP and interactions with offshore activities, including energy, environmental conservation, fisheries and food security, and wider stakeholder engagement through the NSAC. These discussions would form the basis of an NSAC advice recommendation to the European Commission on MSP.

Following the group discussions, a representative from each table reported on the key points raised and the conclusions made, to all attendees present. An array of common themes emerged, which are summarised below.

12.1 Drivers of MSP

The major drivers for MSP in the EU that were identified by workshop participants included the legal obligation to implement MSP through the MSP Directive. The EU's ambition to grow its offshore renewable energy sector was also highlighted as a strong driver. This is especially pressing in light of the recently signed Ostend Declaration in which the target for offshore wind in the North Sea is now 120 GW by 2030, and a minimum of 300 QW by 2050.

Further important drivers included the need to protect natural ecosystems and minimise environmental degradation, and it was felt more attention should be placed on ensuring the effectiveness of existing conservation measures before establishing new nature protection areas. Coexistence between traditional marine spatial activities such as fishing, shipping, and

nature conservation, with newer, emerging activities such as aquaculture, offshore renewable energy, and interconnectors, are also key drivers for MSP, particularly in the face of ever-increasing spatial squeeze.

12.2 Challenges facing MSP

One of the major difficulties facing MSP in the EU was reported to be the legal framework behind EU MSP policies, in that some MSP measures are not legally binding and need to be strengthened. Cooperation between EU countries which each have their own, unique governance structures, spatial plans, and policies, and coherence with other EU legislation such as the Marine Strategy Framework Directive (MSFD) and Renewable Energy Directive (RED) were also highlighted as challenges. It was felt the EU needs to work on developing a joined-up approach to spatial management – clear boundaries should be set, with clear targets, objectives, and plans in place.

Attendees felt that the data underpinning planning decisions typically lack sufficient coverage and detail, and do not consider all marine users. Thus, planning decisions are not sufficiently transparent in terms of costs and benefits across stakeholder groups and offer poor levels of stakeholder engagement. For example, the fishing industry is often excluded from offshore renewable energy consultations.

It was felt that all activities are legitimate in their spatial demands, however, some industries benefit from greater allowances and 'weighting' than others, making it important to reiterate the legitimacy of fisheries and their rights, to policymakers. Furthermore, facilitating data sharing is important for characterising and evidencing fishing effort and the locations of important fishing grounds in relation to proposed offshore developments and MPAs. However, a historic lack of trust and transparency has meant that data is not readily nor effectively shared between countries.

The pace of change in marine development poses a huge challenge and there is a risk that so-called adaptive management measures cannot keep up. Ensuring that marine industries develop sustainability whilst leaving room for nature protection is part of this challenge, especially as environmental costs and the associated cumulative effects on nature are not always taken into account in planning decisions. Moreover, the effect of climate change and associated distributional changes in fish stocks poses a challenge for the future of MSP.

12.3 Energy security

With regard to energy security, workshop participants commented that Russia's aggression in Ukraine, which exposed the EU's energy vulnerabilities, is now being mitigated by plans for vast expansion of offshore wind in the North Sea. The pace and scale of offshore development was again highlighted as problematic, and countries have not monitored this growth. As a result, the development and assessment processes are being rushed, despite a lack of sufficient baseline data on the people, stocks, and habitats that will be impacted by the vast expansion.

It was felt that the allocation of wind farm licences to operators in some countries is developer-driven, and this type of licensing could lead to the privatisation of marine space. Operator-driven processes could also create bias in the impact assessment process. For instance, it

was felt that the ecological considerations detailed in wind farm tenders are not shared transparently, and stakeholder engagement is normally poor, coming too late in the assessment process. Operators also have a poor track record of reporting back to all stakeholders about how their inputs have been integrated into planning decisions. Emphasis was placed on the need to engage stakeholders from the very start.

Coexistence between the offshore energy and fisheries sectors was met with mixed views, with the majority of attendees feeling pessimistic about its effectiveness given the restrictions imposed by tight turbine spacing and cabling (particularly floating wind farms), exclusion zones, and broader cumulative pressures on fish stocks and ecosystems. Nevertheless, it was felt that sharing marine space is important and multi-use should be encouraged. It was noted that it should be possible for aquaculture and mariculture operations to coexist within wind farms. Nature's stake in coexistence was also highlighted as important, though it was felt it is currently not given the consideration it deserves.

12.4 Conservation

The overarching perspective on whether MSP takes into account the preservation and restoration of marine ecosystems, was negative. Attendees underlined that nature conservation in the North Sea is far off 2023 targets for protection and restoration, and that even when MPAs are designated, effective management and enforcement is often lacking, resulting in 'paper parks'. It was suggested that the Netherlands is the only country that has accounted for restoration within its MSP plan, and governments typically hold nature protection to be less of a priority than the gains available from the energy sector.

Participants agreed that the compatibility of conservation with blue sectors would be difficult to achieve. It was felt that blue sectors are not currently contributing to environmental restoration or conservation, and attendees struggled to name positive examples of how a blue sector has meaningfully contributed to biodiversity objectives. However, a selection of positive case studies were raised, including the UK's obligation on offshore developers to ensure biodiversity net gain and the Lyme Bay Fisheries and Conservation Reserve, where fishing and nature conservation coexist.

It was felt that conservation needs to be both active (where ecosystems require restoration) and passive (where ecosystems require preservation), though it was emphasised that conservation can contribute to spatial squeeze. Nature-based MSP design could offer a way forward and low trophic aquaculture, such as seaweed farming, was highlighted as a positive approach to enhancing habitats and contributing to conservation.

12.5 Fisheries and food security

With regards to fisheries, participants noted that fishing interests are very diverse and range from small-scale inshore interests to large-scale commercial operations. Whilst it was noted that fisheries are often excluded from conversations around MSP, fishers should be given greater support to participate in the MSP process. In addition, the industry should help themselves by sharing data to evidence their activities and show their reliance on certain fishing grounds, as well as liaising with their authorities and neighbouring countries where possible, to encourage data harmonisation and sharing between parties. This could help to enhance consideration in the national MSP processes of third countries.

It was widely recognised that the fear held by fishers of being driven out of their traditional fishing grounds, was legitimate. The industry's claim for marine space is important from a food security argument, and further claims could be made under the remit and goals of the Common Fisheries Policy (CFP).

12.6 Role of the NSAC in MSP

Attendees evaluated the NSAC's current and potential future role in MSP. While the NSAC is engaged in MSP, attendees did not think the NSAC has fulfilled its full potential as a stakeholder representation body in MSP. This is largely because the NSAC has insufficient resources and capacity to engage in MSP, given its remit to advise on aspects of the CFP.

It was felt that space could be made within the NSAC's membership for additional marine actors, such as the offshore wind energy sector. This could help to ensure fisher views are communicated to operators at an early stage. OSPAR and the Maritime Spatial Expert Group (MSEG) were also raised as possible avenues that the NSAC could explore. Finally, it was indicated that external stakeholders, such as energy companies, could make more of an effort to learn about and engage in the NSAC's work.

13. Conclusions and recommendations

The moderator summarised the workshop discussions. He stressed that innovation is key for effective MSP and promoting coexistence, and that innovative thinking needs to be applied across the board, particularly to fishing methods, wind energy operations, and funding.

He shared that the legal governance framework for MSP is already in place, but it is currently weak. Strengthening this framework has the potential to give fisheries and nature conservation a stronger voice in MSP discussions. Furthermore, climate and ecosystem considerations should be prioritised and mainstreamed into MSP decisions.

The moderator noted that parties should make a greater effort to think innovatively when they engage with MSP to free themselves of assumptions. There are innovative approaches to enhance energy generation without needing to take up more space.

Innovation to facilitate improved stakeholder engagement in national decision-making processes will be essential, as well as sharing data and information between neighbouring countries. Governments and offshore operators must recognise their responsibility to feedback to stakeholders regarding how their input has been integrated into the planning process.

With regards to the role of the NSAC, the moderator concluded that there is room for improvement. The NSAC has scope to be a voice for the industry in MSP given its direct channel of communication with the European Commission. However, the NSAC must remain mindful of its primary remit to advise on the CFP, as well as its resourcing and capacity.

14. Closing remarks

Kenn Skau Fischer (Chair of the NSAC) congratulated the speakers and attendees on their positive and fruitful workshop discussions. He noted it had been a very full programme, which he hoped had proven valuable. The NSAC would continue the momentum following the workshop and develop a balanced, consensus-based advice piece on MSP and stakeholder engagement in the North Sea.