

Consultation on the Proposed Introduction of new Statutory Scallop Fishing Management Measures – Outcome Report

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Executive Summary

This document provides an analysis of responses to Marine Scotland's Consultation on the Proposed Introduction of new Statutory Scallop Fishing Management Measures. A copy of the consultation can be found at <http://www.scotland.gov.uk/Publications/2012/01/7927>. The consultation sought views on:

- Joint Anglo-Scottish management measures
- Increasing the minimum landing size of scallops

There were 51 responses, with the largest number coming from private individuals, which made up 64 per cent (33) of the total. Fourteen per cent (7) were from environmental organisations. Twelve per cent (6) were from fishermen's associations. Six per cent (3) were from processors and the remaining four per cent (2) were made up of a Scottish local authority and Scottish Water.

A list of those who responded (and who gave permission for their details to be disclosed) can be found at Annex A of this document. Where permission was given, consultation responses have been placed in the Scottish Government library. To make arrangements to view responses contact the Scottish Government Library on 0131 244 4560, or at: Area GD Bridge, Victoria Quay, Edinburgh, EH6 6QQ). Responses can be copied and issued but a charge may be made for this service

Summary of responses

Overall, respondents were mixed in their support for the proposed changes, but clear themes emerged:

- Environmental groups **welcomed** tighter restrictions within 12 nautical miles but were **opposed** to lifting restrictions outside 12 nautical miles
- **More evidence** is required to establish the environmental and economic rationale for adopting the joint management approach to dredge restrictions
- **Further analysis** is needed to establish the economic impact of increasing the minimum landing size of scallops and whether all stocks of scallops grow to 110mm

A number of responses, particularly those from environmental groups, thought the proposals did not go far enough and a more holistic approach to scallop management, which took account of its impact on the marine environment, was required. Other management measures proposed included curfews on fishing and no-take zones.

There was concern from members of the fishing industry that the Scottish Government should not be embarking on new management measures while uncertainty associated with days at sea limits in Area VII was impacting the industry.

There was also strong support for the introduction of restrictions on bar length instead of (or in addition to) dredge number restrictions.

Outcome

With the exception of the removal of dredge restrictions outside 12 nautical miles the proposals put forward in the consultation were basically supported by respondents. However, responses raised important questions in relation to the rationale for the proposed management measures and the impact these measures could have on the businesses impacted. Therefore it has been decided to maintain the status quo in relation to scallop management but carry out work to decide whether changes to the current scallop management structure are necessary.

To establish a more complete picture of the scallop sector in Scotland there will be a review of the fishery commencing early next year. The review will analyse economic, environmental and technical aspects of the fishery and if necessary recommend changes to the current management measures. Information on the review will be available on the Marine Scotland website.

Introduction

This report provides detailed analysis of each element of the Consultation on the Proposed Introduction of new Statutory Scallop Fishing Management Measures. It looks at the responses provided to each consultation question and provides an analysis of the views of particular groups highlighting trends and issues where appropriate.

Background to the consultation

Marine Scotland issued the Consultation on the Proposed Introduction of new Statutory Scallop Fishing Management Measures on 23 January 2012 and the consultation closed on 16 April 2012.

The consultation sought views on two areas. Firstly, it requested opinions on the introduction of new measures in the dredge fishery forming part of a more closely aligned Scottish/English management regime. The first three questions sought consensus on the three main aspects of this joint management approach:

Question 1 – Do you support the introduction of a flat rate 8 per side limit on dredges within the 12 nautical mile zone?

Question 2 – Do you support the removal of restrictions on dredges outside 12 nautical miles of the Scottish coast?

Question 3 – Do you support exempting from regulation, attachments to dredges whose purpose is to increase the safety and speed with which dredges can be handled?

The remaining two questions sought opinion in relation to increasing the minimum landing size of scallops that can be landed into Scotland.

Question 4 – Would you support the introduction of a phased increase in the minimum landing size for scallops from 100mm to 105mm and then to 110mm?

Question 5 – Do you agree that all scallops landed into Scotland and carried within the Scottish zone must comply with the Scottish minimum landing size?

The consultation document outlined the rationale for adopting each of the proposals and welcomed views from those interested in responding.

Consultation Responses

Fifty-one consultation responses were received by (or shortly after) the closing date for the consultation of 16 April 2012. The breakdown of the 51 responses is shown in Table 1.

| Group Type | Number | Percentage |
|---|---------------|-------------------|
| Private individuals | 33 | 64% |
| Environmental organisations | 7 | 14% |
| Fishermen's associations | 6 | 12% |
| Processors | 3 | 6% |
| Other (local authority and Scottish Water) | 2 | 4% |
| Total | 51 | |

Table 1 – Breakdown of those who responded by group

Methodology

Consultation questions were set out in such a way as to invite closed responses (yes/no answers), however many respondents extended on answers and/or included additional text, which has required qualitative analysis.

Questions and Responses

This section records the responses received in relation to each question and provides a brief summary of comments. The analysis seeks to draw out underlying themes and concerns.

Question 1: Do you support the introduction of a flat rate 8 per side limit on dredges within the 12 nautical mile zone?

Rationale:

- To discourage larger vessels from targeting the area within the 12 mile zone
- Promote sustainable stocks for the smaller inshore vessels whose fishing activities are more restricted by the distance of the fishery from home port and weather

Summary of views received:

There were 47 responses to this question and a majority supported new restrictions on the number of dredges per side that can be used within 12 nautical miles of the coast. Some also felt that bar length restrictions should be used alongside, or instead of, dredge restrictions.

Opponents to the proposed limit fell into two groups.

Firstly, there were those who opposed the measures on environmental grounds. They felt that the proposal did not go far enough and would be of limited success in reducing overall effort in the dredged fishery. Further controls were called for including fewer dredges per side, closed areas and the prohibiting of scallop dredging within three miles of the coast. Environmental groups in particular highlighted the wider impact that scallop dredging can have on the marine environment.

There were also those who opposed the changes on fishing grounds. Some felt the restrictions may make some vessels unviable and there was criticism that the measure would impact the same vessels that been most heavily affected by inshore restrictions introduced in The Prohibition of Fishing for Scallops (Scotland) Order 2003. Marine Scotland was challenged that this proposal was discriminatory.

Question 2: Do you support the removal of restrictions on dredges outside 12 nautical miles of the Scottish coast?

Rationale:

- Ensure that British vessels operating outside 12 nautical miles are not subject to dredge restrictions that do not affect vessels of other EU member states

Summary of views received:

There were 47 responses to this question and a majority were against proposals to lift dredge restrictions outside 12 nautical miles. Opponents stated the move would be a step back for scallop management in Scotland and would have a negative impact on stock conservation and on the seabed. It was felt there needed to be some restrictions in place in the offshore sector.

Some respondents thought that authorities should be pursuing an EU wide adoption of the 14 per side limit outside 12 nautical miles.

Those who supported the lifting of restrictions commented that the measures would help with displacement and ensure equality with vessels from other EU Member States.

Question 3: Do you support exempting from regulation, attachments to dredges whose purpose is to increase the safety and speed with which dredges can be handled?

Rationale:

- Clarify those attachments which can be attached to dredges in order to increase the safety and speed of handling/tipping dredges

Summary of views received:

Forty-five responses were received to this question and there was near universal support. However, there was concern that no attachments should be allowed which reduced the selectivity of dredges and that any changes would need to be clearly defined and well enforced.

Question 4: Would you support the introduction of a phased increase in the minimum landing size for scallops from 100mm to 105 and then to 110?

Rationale:

- Increase the minimum landing size of scallops in a two step process from current 100mm to 105mm and then after two years to 110mm
- Allow individuals longer to survive to maturity in order to reproduce

Summary of views received:

Forty-nine responses were received to this question with a majority supporting the proposal. Comments in support of the measure included: it would help to improve the quality of the product; it is difficult to find a market for smaller scallops and it would result in a greater number of scallops being left in the sea to breed.

However, there was also strong opposition to the proposal. It was suggested that in some Scottish waters scallops do not grow large enough to justify the increase and there were calls for evidence of the scientific and economic impact of increasing the minimum landing size. There were strong objections on the grounds that the increase may make some businesses unviable (not only fishing vessels but processors also).

Other objections stated proposed measures did not go far enough and called for larger minimum landing sizes, or that 110mm should be adopted immediately instead of the two stage process.

A range of minimum landing sizes was proposed as an alternative, such as: 105mm, 112mm and 120mm. Those who supported the smaller increase to 105mm also tended to state that scallops in some areas around the coast did not grow to 110mm. Those supporting larger minimum landing sizes did so on the grounds that this would improve stock recruitment and support stock conservation measures.

Question 5: Do you agree that all scallops landed into Scotland and carried within the Scottish zone must comply with the Scottish minimum landing size?

Rationale:

- Scallop fishing can be highly nomadic. Different areas of the UK have different minimum landing sizes and this proposal would make enforcement easier

Summary of views received:

There were 47 responses to this question and a majority felt all scallops landed or carried into Scottish waters should comply with the Scottish minimum landing size. Those who expanded on their response felt that compliance would otherwise be difficult or impossible.

However, there were those who thought the effects of this measure, coupled with the increase in minimum landing size, would have a negative impact on their business. This was particularly true in respect to onshore processors.

An alternative suggestion was that a reporting system could be put in place. Here, fishermen could report that they had fished in areas with different minimum landing size restrictions and would be landing different sized scallops.

Other comments received

A range of views on topics not covered in the consultation were also received in relation to scallop management.

Environmental groups thought the proposals did not go far enough and wider management measures were needed to protect scallop stocks and the marine environment. Measures proposed included closed areas, curfews and the introduction of a ban on mobile fishing (including dredging) within three miles of the Scottish coast.

A range of responses, including those from some fishing associations and environmental organisations highlighted a lack of knowledge of scallop stocks around the Scottish coast and a lack of justification – both scientific and economic – for the proposals.

Though its response did not deal with the proposals in the consultation, Scottish Water used the opportunity of the consultation to put forward suggestions in relation to its infrastructure. It proposed that there should be an exclusion zone of 250m on either side of Scottish Water cables and pipelines in order to stop potential damage to equipment and also for food hygiene reasons.

Outcome

This consultation sought opinion on changes in two areas:

- Introducing joint Anglo/Scottish management measures with regards to dredge restrictions

and

- Increasing the minimum landing size of scallops and changing compliance

With regard to the adoption of joint Anglo/Scottish dredge limits, although there was a majority in support of restricting the number of dredges that could be used in the six to 12 nautical mile zone (though with comments that this may make some vessels unviable), there was strong opposition (especially from environmental organisations) to the lifting of restrictions outside 12 nautical miles.

Increasing the minimum landing size of scallops earned majority support (as did changing compliance measures to make policing easier). However, there was strong opposition from processors and some catchers whose comments fell into two categories. Firstly, that the proposal would negatively impact upon their business and secondly that in some areas around the Scottish coast scallops did not grow to 110mm.

A clear theme in the responses was a lack of scientific underpinning for changes and concerns from businesses regarding the economic impact proposals could have on vessels and onshore processors. It has therefore been decided to maintain the status quo in relation to scallop management, but carry out work to decide whether changes to the current scallop management structure are necessary.

Next Steps

To ensure current management measures used in the scallop fishery are suitable and that its environmental impact is properly understood, Marine Scotland will commission a review of technical, economic and environmental aspects of the fishery with a view to making recommendations about governance.

The review will be based on a specification prepared by Marine Scotland and will be advertised at the end of January 2013. The review will begin in April 2013 and will be concluded by autumn 2013.

Annex A – List of Respondents

Organisational Responses

Clyde Fishermen's Association
Community Of Arran Seabed Trust
Manx Fish Producers' Organisation
Orkney Fisheries Association
Orkney Islands Council
Save Seil Sound Campaign Group
Scottish Environmental Link
Scottish Inshore Fisheries Trust
Scottish Natural Heritage
Scottish Water
The Glendale Trust
The Scottish Wildlife Trust
Western Isles Fishermen's Association

Individual Responses

Alasdair Hughson
Alexander Smith
Alistair Bruce
David Fraser
Derek Wood
Donald MacLean
Duncan MacRae
Eric Mclwraith
Ian Balgowan
Ian Gray
James MacNab
James Monaghan
James Adam
Konrad Kosierhpzki
Peter Brunton
Steven Girgan
Tony Finlay



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