Future Catching Policy- Analysis of Consultation Responses: Final Report

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Scottish Government
Riaghaltas na h-Alba

Contents

Executive Summary

1. This report provides an analysis of responses to the consultation on 'Scotland's Future Catching Policy'. The consultation ran from15th March 2022 to 7th June 2022.

2. The consultation received 245 responses in total. This included one duplicate response. After this response was removed, the analysis was based on 244 responses. Organisational responses included fishing organisations, conservation organisations, public sector and third sector organisations.

3. The purpose of this public consultation was to seek views on a Future Catching Policy which is intended to take a co-management approach to reducing unwanted catch of fish and other marine species, tackle the challenges associated with discarding under the current landing obligation by introducing a suite of measures tailored to consider the varied fleet and geographical differences, and to provide a means to further enhance our management of fishing activities as set out in the Fisheries Management Strategy.

4. The consultation contained 24 questions – 20 closed, 2 open and 2 multiple choice with space to provide further comments. The questions covered the following topics:
    - The principles of the landing obligation
    - General
    - Pots and creels
    - Gillnets and longlines
    - Additional selectivity for directed fisheries
    - Discard exemptions
    - Process
    - Additional comments
    - Business Regulatory Impact Assessment

5. The questions throughout the consultation covered a wide variety of topics as set out above. This consultation report considers each question in turn providing quantitative analysis of closed questions and analysis of open responses throughout including extracts from responses to the consultation.

6. During the public consultation period for the FCP the Scottish Government was also running a separate but related consultation on proposals relating to Remote Electronic Monitoring (REM)[1]. Within both consultations, the clear links between the two policies were identified by some respondents. For example, by requesting that additional monitoring of bycatch be undertaken using REM to inform action under the Future Catching Policy. The Scottish

[1] Ensuring Long Term Sustainability from Scotland's Marine Resources - Remote Electronic Monitoring (REM): Consultation (www.gov.scot)

Government will need to consider the results of both consultations to inform the development of these policies in a complementary way.

7. A group of responses called for the inclusion of spatial measures to limit or ban bottom-trawling and dredging in Scotland's inshore waters. These groups of responses often tended to make this point throughout the consultation using similar language and identifiable shared sentiment.

1.Introduction and background

1.1. This report provides an analysis of responses to the consultation on 'Scotland's Future Catching Policy'.[2] The consultation ran from 15th March 2022 to 7th June 2022.

1.2. Scotland's seas are rich and diverse, with an abundance of fish stocks meaning that Scottish waters are some of the most desirable in the world for sea fishing, both in terms of quality and quantity. There are a significant number of domestic and international fishing vessels operating around the coast of Scotland, fishing for different stocks (including pelagic, demersal and shellfish species) and using a wide variety of fishing methods. These fishing vessels are focussed on harvesting a healthy, nutritious source of food for both domestic and international markets and play a key economic and social role in rural and island communities.

1.3. The abundance of fish in Scottish waters means that a varied industry has developed over time, with many different types of fishing vessels operating as part of a mixed fishery. There are different target species, depending on the type of fishing vessel and where it operates, and different issues around bycatch of other species too. For example, in the whitefish demersal sector, vessels targeting a species such as haddock will often catch many other whitefish species alongside their target, for example cod and hake. Given the sheer number and variety of fishing vessels present, fisheries management can be complex and challenging and therefore management solutions need to be tailored to take account of the varied situation in which we are operating.

1.4. The breadth of human activity at sea inevitably brings consequences and impacts for the natural marine environment. It is important to ensure that fishing activity within Scottish waters is operating sustainably and responsibly, in a way that minimises negative environmental impacts and which secures our natural resources for generations to come. Many of the rules and regulations that are already in place to support responsible and sustainable fisheries management are designed to do just that, ranging from technical conservation measures to managing the type of gear fishers can use and the areas in which they can fish, to the Total Allowable Catches (TACs) that are set in order to limit the number of fish landed.

1.5. It is also the case that practices such as discarding need to be properly addressed. The consultation document sets out a number of historic reasons for discarding, including:

- Catching fish below Minimum Conservation Reference Size (MCRS) which have no or minimal economic value but count against quotas.

[2] Scotland's Future Catching Policy Consultation

- Catch composition rules which exist to prevent vessels from using inappropriate gear to target fish (this is largely obsolete now that the landing obligation requires vessels to retain and land everything they catch).

- 'High grading' which has been illegal since 2011. This is the process of only retaining a certain size of fish on board to meet maximum market value while other fish less valuable but still of marketable size are discarded to maximise the value return against quota usage.

- Discarding of fish with low or no market value which involves discarding fish as there is no return for the cost of landing it.

- Lack of quota.

- Accidental catch of sensitive or vulnerable fish and non-fish species.

1.6. Taking account of the level of fishing activity in Scottish waters, there is significant potential for environmental and ecological damage through the discarding of fish and non-fish species, dead, back into the sea. Although the introduction of the landing obligation has helped mark a reduction in such discards taking place, it remains an issue that requires focussed and sustained activity to address. One of the key ways in which to ensure that fishers are operating sustainably is to set limits (TACs) on the number of fish that can be harvested. In a situation where discards are continuing, without proper controls and accountability in place, it can be difficult to ensure that these limits are being adhered to.

1.7. The consultation document states that across the industry, bycatch and entanglements of non-fish species, including cetaceans, seals and seabirds, can also occur and this needs to be tackled. The rules and regulations in place to manage fishing activity need to ensure that such catch is minimised and, where possible, eliminated.

1.8. During the public consultation period for the FCP the Scottish Government was also running a separate but related consultation on proposals relating to Remote Electronic Monitoring (REM).[3] REM and advancements in Machine Learning (ML) provide opportunities to modernise the way in which accountability and confidence is provided in delivering responsible and sustainable fisheries management.[4]

The consultation

1.9. The purpose of this public consultation was to seek views on a Future Catching Policy which is intended to take a co-management approach to reducing unwanted catch of fish and other marine species, tackle the

[3] Ensuring Long Term Sustainability From Scotland's Marine Resources - Remote Electronic Monitoring (REM) Consultation

[4] Future fisheries: management strategy - 2020 to 2030

challenges associated with discarding under the current landing obligation by introducing a suite of measures tailored to consider the varied fleet and geographical differences, and to provide a means to further enhance the management of fishing activities as set out in the Fisheries Management Strategy.

1.10. The consultation contained 24 questions – 20 closed, 2 open and 2 multiple choice with space to provide further comments. The questions covered:

- The principles of the landing obligation (Q1-2)
- General (Q3-6)
- Pots and creels (Q7-11)
- Gillnets and longlines (Q12-16)
- Additional selectivity for directed fisheries (Q17-19)
- Discard exemptions (Q20)
- Process (Q21-22)
- Additional comments (Q23)
- Business Regulatory Impact Assessment (Q24)

1.11. Annex 1 contains a complete list of consultation questions.

Aim of this report

1.12. This report presents a robust analysis of the material submitted in response to the consultation. The structure of the report follows the structure of the consultation paper and considers the response to each consultation question in turn.

1.13. Annexes 1-3 provide further detail about the consultation questions, the responses, the respondents, and the views expressed.

Approach to the analysis

1.14. The analysis seeks to identify the most common themes and issues. It does not report on every single point raised in the consultation responses. All responses where the respondent has given permission for their comments to be published will be made available on the Citizen Space website.

1.15. Equal weighting has been given to all responses. This includes the spectrum of views, from large organisations with a national or UK remit or membership, to individuals' viewpoints.

1.16. This analysis report quotes and paraphrases some of the comments received. However, this does not indicate that these comments will be acted upon or given greater credence than others.

Comment on the generalisability of the consultation findings

1.17. As with all consultations, the views submitted in this consultation are not necessarily representative of the views of the wider public. Anyone can submit their views to a consultation, and individuals (and organisations) who have a keen interest in a topic – and the capacity to respond – are more likely to participate in a consultation than those who do not. This self-selection means that the views of consultation participants cannot be generalised to the wider population. For this reason, the main focus in analysing consultation responses is not to identify how many people held particular views, but rather to understand the range of views expressed and the reasons for these views.

2. Respondent profile

2.1. The consultation received 245 responses in total. This included one duplicate response. After this response was removed, the analysis was based on 244 responses.

2.2. A vast majority of consultation responses were submitted through the online portal, with the remainder submitted to the Scottish Government directly, for example, by email. Where this was the case, the Scottish Government passed all correspondence directly to the Diffley Partnership for review and logging.

2.3. Diffley Partnership exported responses from Citizen Space into Microsoft Excel and manually added non-Citizen Space responses for data cleaning, review, and analysis.

2.4. Responses were submitted by 200 individuals and 44 organisations (see Table 1.1).

Table 1.1: Type of respondent

Respondent Type	**N**	**%**
Individuals	200	82%
Organisations	44	18%
Total	**244**	**100%**

2.5. Organisations are classified as follows:

- Fishing organisations (including representative bodies and fishing industry) (n=19)
- Conservation (n=15)
- Public Sector (n=4)
- Scientific body/academia (n=1)
- Third Sector (n=1)
- Other (n=4)

3. The principles of the landing obligation (Q1-2)

3.1. The consultation paper discussed proposals for the FCP to ensure that additional spatial and technical measures are put in place to reduce unwanted catch (e.g., increased gear selectivity), particularly in relation to undersized and juvenile fish. The intention set out is to help fishers to avoid unwanted catch in the first place, and therefore remove one of the primary reasons that causes discarding to occur. The consultation paper also states that the Scottish Government supports the principles underpinning the EU landing obligation regarding reducing waste and increasing accountability.

Q1. Rules around the landing obligation

Question 1: Do you agree that the current rules around the landing obligation need to be adjusted, taking into account regional and sectoral variances with a focus on the landing of marketable fish and avoidance of unwanted catch (in particular, juvenile fish) through various spatial and technical measures?

Overview

3.2. In total, 230 respondents (191 individuals and 39 organisations) provided closed responses to Q1. Most of those who responded to the consultation did not agree (57%) that the current rules around the landing obligation need to be adjusted through various spatial and technical measures, whilst 43% agreed.

3.3. Almost identical levels of organisations (46%) and individuals (43%) agreed that the current rules around the landing obligation needed to be adjusted. Conservation organisations were particularly likely to disagree that the current rules around the landing obligation need to be adjusted, while fishing organisations were more likely to agree.

3.4. 157 individuals and 38 organisations provided open responses explaining their answer to question 1.

Rules do not need adjusted

3.5. The majority of those who did not agree that the existing rules around the landing obligation need to be adjusted thought that those currently in place are suitable, necessary, and fit for purpose. Indeed, some within this cohort felt that any adjustments to the rules might reduce their effectiveness:

> "These rules were implemented for a very good reason - to protect fish stocks - weakening them would be regressive and out of touch" **[Organisation, Conservation]**

> "The existing rules banning discards are good, have been proven so and need to be maintained" **[Individual]**

> "The current rules are not perfect, but the suggested changes are definitely worse. By all means try to find better solutions, but not this one. Keeps things as they are" **[Individual]**

Rules need adjusted

3.6. On the other hand, others believed that the current rules around the landing obligation are ineffective – particularly where goals and implementation timelines are contradictory or difficult to meet - and therefore agreed with a need to adjust them:

> "It was widely recognised even before the UK left the EU that the Common Fishery Policy and in particular Article 15 (The Landing Obligation) was not meeting its objectives. The principal reasons for this were that the Regulation was too broad and simplistic and didn't take into account the individual sectors and fisheries. Its goal of combining Maximum Sustainable Yield with zero discards was a virtual impossibility in most mixed fisheries. The timelines for implementation also were very challenging and resulted in widespread non-compliance as the rules were often contradictory or opaque" **[Organisation, Fishing organisation]**

> "…the EU's failed landings obligation policy has delivered quite the opposite of its intended effect. Instead of increasing reliability in accounting for total fishery removals, it has instead resulted in a lack of confidence in the stock assessment and management process and contributed to a culture of mistrust between government and industry" **[Organisation, Fishing organisation]**

Spatial and technical measures

3.7. Several respondents mentioned spatial and technical measures they might want to see implemented. Within these discussions, there were suggestions that such measures already exist but are not being sufficiently deployed and monitored.

3.8. Indeed, one respondent from a conservation organisation recommended that greater focus be centred on additional technical and spatial measures where they have potential to address accidental catch, rather than allowing exemptions to the current discard ban, particularly in relation to juvenile fish.

3.9. The importance of holistic, sustainable measures, which take eco-stocks and socio-economic issues into account, was also discussed. The regular review of spawning areas, for instance, was highlighted as a potential

guiding factor when making spatial management decisions, to ensure that stocks and timescales are proportionate to any changing eco-systems. However, careful consideration of spatial measures was also deemed imperative, so as to avoid triggering unintended consequences on stock health.

3.10. A few of those who disagreed with adjustment to the existing landing obligation rules put forward the protection of specific areas as an example of suitable spatial measures:

> "More protected areas like Lamlash [Bay No Take Zone (NTZ)]". **[Individual]**

3.11. As indicated by respondents, no marine life can be removed from such areas, by any method, potentially aiding the recovery of commercially important fish species.

3.12. On the other hand, respondents who agreed with a need to adjust the current rules were sometimes wary of limitations and the potential to 'over think' the spatial element of fisheries, noting that:

> "Fishermen are hunters and require a certain amount of freedom to operate within the current limits of quota availability and indeed other restrictions, such as protected areas etc. The ongoing spatial squeeze dictates that spatial measures to manage our fisheries should be at the bottom of the list of potential measures. **[Organisation, Fishing Organisation]**

3.13. The respondent quoted above went further by pointing out a need to review the appropriateness of technical measures before making resourcing decisions:

> "It is important, when talking about selectivity and technical measures, we look more at what the measure provides as opposed to increasing on what is already in place. As an example, is it more prudent in terms of selectivity to increase the size of the diamond mesh or to reduce the size of the mesh in favour of square mesh? This is only one example of where we could move away from what is now accepted as the norm." **[Organisation, Fishing Organisation]**

Wider points

3.14. Beyond notes on the effectiveness or ineffectiveness of the current rules, respondents made points around the availability, adjustment or removal of quotas, for example:

> "Quota should be available, but strictly regulated, for unwanted fish to be landed legally" **[Individual]**

"Quotas of stocks which are difficult to catch on their own and are part of a mixed fishery should be set at a level which takes this into account. For instance, to cut Ling quota and simultaneously try to have a megrim fishery North of Shetland leads to a shutdown of the ling quota when there's still a lot of megrim to catch" **[Individual]**

"No more sellable fish should be thrown overboard due to lack of quota" **[Individual]**

3.15. Respondents who argued for current landing obligation rules to remain in place were generally more inclined to mention quotas and the incentivisation of fishermen to avoid unwanted catch – as opposed to spatial and technical measures – though some suggested that alternative gear be used in areas where bycatch is high.

Q2. Issues addressed by FCP

Q2: Do you agree that the FCP should address issues with unwanted catches of fish and accidental bycatch other species, e.g., cetaceans, seals and seabirds where appropriate?

Overview

3.16. The consultation asked respondents whether the FCP should address issues with unwanted catches of fish and accidental bycatch of other species. The consultation paper noted an awareness of wider issues around bycatch which could be addressed through the introduction of additional effective technical measures and adjusting operational practices while at sea.

3.17. For instance, REM (Remote Electronic Monitoring) – around which a coinciding public consultation has taken place – could help provide scientific benefits in terms of monitoring stocks which might include addressing negative impacts on the wider marine environment, including sensitive species bycatch.

3.18. Such bycatch can have a negative impact on fishers, for example, by reducing the amount of fishing time and gear lost due to entanglements e.g., of whales. It can also have a significant impact on the welfare, health and survival of such species and affects the wider operation of the marine ecosystem.

3.19. In total, 210 respondents (173 individuals and 37 organisations) provided closed responses to Q2. The vast majority of those who responded to the consultation agreed (94%) that the FCP should address issues with unwanted catches of fish and accidental bycatch of other species, such as cetaceans, seals and seabirds, where appropriate, whereas 6% disagreed.

3.20. 71 individuals and 37 organisations provided open responses explaining their answer to question 2.

Addressing issues with unwanted catch

3.21. There was wide support that the FCP should address issues with unwanted catches of fish and accidental bycatch of other species, where appropriate:

> "Of course. We must constantly strive to eliminate bycatch. As technology improves, we must incorporate it into gear and tackle" **[Individual]**

> "Every measure possible should be taken to avoid bycatch of these species and recording and reporting accidental catches should be compulsory" **[Individual]**

3.22. Various respondents mentioned that accidental bycatch of other species can be specially related to seasonality, the depth fished and geographical areas, and commented that technical improvements to gear, alongside the effective use of good practice documents or codes of conduct, could help manage this issue.

3.23. Several respondents also suggested a need to address the effect of static fishing methods on fish and other species, whilst others recommended banning of certain gear, equipment and practices – such as gillnets, longline practices and scallop dredging – as a possible way of addressing problems around unwanted or accidental bycatches. Apart from one fishing organisation, the remainder of those organisations who shared this view worked in the conservation sector. Individuals were typically more likely than organisations to make these suggestions, perhaps given the general distribution of respondents:

> "The FCP should address the effect of static fishing methods on cetacean deaths and also look at ways of reducing discarded fishing gear or making it more biodegradable" **[Individual]**

3.24. A small number of responses queried the meanings and definitions of 'wanted' and 'unwanted' catches and a potential need to treat unwanted catches and accidental bycatch of other species as separate issues:

> "Unwanted catches and accidental bycatch of other species are typically separate issues and should be addressed using specific policy and technical / spatial / temporal measures. The Project UK Nephrops FIP (and the other FIPs) address each under specific performance indicators and strategies through the respective action plan" **[Organisation, Fishing organisation]**

> "To avoid misunderstandings, it may be prudent to explain the specific meaning, within the policy, of 'unwanted' and 'wanted'. As I understand these are pragmatic technical terms that arose in the context of the

CFP and ICES as a blanket term that covers fish of low or no market value, or fish that cannot be marketed for human consumption because a vessel or a nation has insufficient quota. It might be helpful to state unambiguously whether accidental captures, e.g. entanglements of marine mammals and sea-birds are included as 'unwanted catch' in the narrow technical sense" **[Organisation, Other]**

3.25. There were also examples of other solutions and ways to address such issues, including a re-introduction of a three-mile limit, the exclusion of high bycatch fisheries from inshore waters, and, in line with question 1, the implementation of spatial and technical measures, such as REM, to reduce the catching of these species at source:

"A 3-mile limit should help reduce catches of birds, seals. Known nursery grounds could have restrictions depending on the season." **[Individual]**

"Bycatch minimisation must be underpinned by effective monitoring to understand bycatch rates and risks and mitigation use. REM is a highly effective tool for both determining levels of non-target species bycatch and ensuring vessels are compliant with mandated mitigation measures" **[Organisation, Conservation]**

"Practical measures such as leaded lines between creels, avoidance of overly long buoy lines could be implemented immediately. Mandatory tagging of creels to monitor gear loss. Spatial management to reduce gear conflict, reducing damaged and lost gear on/near the seafloor" **[Individual]**

4. General (Q3-6)

Q3. Broad fleet segments

Q3: Do the broad fleet segment categories identified within this section appear correct?

Overview

4.1. The consultation document sets out that the FCP is proposed to take a fleet segment approach by splitting Scottish fisheries operating in Scottish waters into seven distinct segments. This is to allow a tailored approach to addressing the individual issues with unwanted catch and discards associated with each of these segments.

4.2. The document notes that in partnership with stakeholders, through the Fisheries Management and Conservation Group (FMAC), that additional mandatory technical and spatial measures would be developed as required, through a co-management approach to reduce unwanted catch, using the fleet segment approach.

4.3. The consultation document proposes that the fleet segments are divided as follows:

1. Pelagic fleet segment (pelagic trawls and purse seiners)
2. Offshore whitefish fleet segment (large mesh demersal trawls and seine nets)
3. Offshore mixed fleet segment (small mesh offshore demersal trawls)
4. Small inshore mobile fleet segment (small mesh inshore demersal trawls and small mesh seine nets)
5. Scallop fleet segment
6. Pots and creels fleet segment
7. Gillnet and longline fleet segment

4.4. A total of 164 respondents (126 individuals and 38 organisations) answered the closed element of question 3 which asked if respondents agreed with the broad fleet segments identified above. A majority (82%) of those who responded agreed that the broad fleet segments looked correct. This was higher among individual respondents (88%) than among organisations (63%). Fishing organisations were more likely to agree with these broad fleet segments while conservation organisations were split on whether these were correct.

4.5. In total, 25 individuals and 28 organisations provided open responses explaining their answer to question 3.

Support for proposed fleet segments

4.6. Among those who agreed that the broad fleet segments listed in the consultation document were correct some points of clarification were raised.

4.7. A small number of fishing organisations noted that a separate mention should be granted to inshore squid fisheries as the current classification under the small inshore mobile fleet segment does not accurately reflect the distinctive approach required for this type of fishing.

4.8. Another view expressed was that the broad classifications looked correct but that the proposed segments should not be viewed as fixed or unchangeable, the following quote reflects these views:

> "While we have no objection to the segmented fleet approach, we would not wish the segments to be regarded as fixed or unchangeable for other policy purposes and into the future. One of the effects of fisheries regulations over the past few decades has been a regrettable compartmentalisation of the fleet, with all that implies for flexibility and diversification." **[Organisation, Fishing organisation]**

4.9. One respondent noted that they felt that the creel sector should be split between prawns and shellfish as the two creeler types were sufficiently different to require separate management strategies.

Opposition to proposed fleet segments

4.10. A variety of reasons were given by respondents who did not feel that the broad fleet segments proposed appeared correct.

4.11. Concerns that were raised consistently centred around missing sectors such as diver collection, handlines and emerging fisheries. Others felt that large inshore mobile fleet vessels were also an omission. In addition to concerns around the sectors that were seen to be missing, the view was expressed that the current categorisations did not adequately look to 'future-proof' for novel fisheries that may develop and how these would be dealt with. The following quotes provide a summary of these types of concern:

> "There seems to be no future proofing within the policy for new and novel fisheries that may develop and how these will be dealt with." **[Organisation, Conservation]**

> "The small inshore vessel shellfish sector using hand collection, raking or electrofishing does not seem to be included. Similarly with hand diving for scallops. This may be because it is considered there is no substantial discarding by these activities so they do not need including in the FCP, but I would suggest they do need to be included, at least so that any future issues which arise do not just fall between the cracks when issues are considered by the RIFG/FMAC or the alternative route

proposed later in the consultation. An alternative could be to subdivide fleet segment 4 into those vessels using demersal trawls or seine nets, and those vessels using the other techniques mentioned above." **[Organisation, Scientific body/academia]**

4.12. Another view raised, particularly by conservation organisations, was that there was no differentiation between inshore and offshore fleet segments which they felt was an important distinction for fisheries management.

4.13. Relatedly, one public sector body queried whether the definition of offshore would be based on vessel characteristics or some other consideration. The quote below summarises views raised in these types of responses:

> "[Organisation] recognises the distinction between 'inshore' and 'offshore' as being a useful approach in developing fisheries management policy; however, this is only applied in respect of whitefish and mixed demersal trawl segments. [Organisation] would consider similar distinctions to be appropriate also for the Scallop and Pots/Creels segment, particularly in consideration of measures to "support fishing at sustainable levels". **[Organisation, Public Sector]**

4.14. A lack of differentiation within the categorisations between quota managed sectors and non-quota managed sectors was an issue in the view of some respondents. The quotes below illustrate these views:

> "No, there is no differentiation between inshore and offshore fleet segments and quota managed sectors and non-quota managed sectors. For example, within creel fisheries there are quota species (nephrops) that are shared with the trawl fleet and non-quota species (crab and lobster) which are targeted exclusively by creels. The segments should reflect that inshore demersal dredge and trawl fisheries cannot be managed in absence of consideration of conflicts and competition between and across those sectors." **[Organisation, Fishing organisation]**

> "There are arguably sufficient differences in the fishing practices, quota/non-quota, ecosystem footprint, entanglement risk and mitigation options from nephrops creeling compared to crab and lobster creeling to justify a separate category of subcategory for these two fishing activities." **[Organisation, Conservation]**

4.15. A few responses focused on the gillnets and longline segments and felt that more detail was needed here to differentiate between gillnets and longlines and types of gillnets within that categorization.

4.16. A small number of respondents noted that they felt the question was too technical for a public consultation, that they did not understand what was being asked or that this was not their area of expertise. For example:

"Don't know, I'm not familiar with every type of commercial fishing enterprise, plus its really hard to learn about it." **[Individual]**

Q4. Specific geographical differences

Q4: Are there any specific geographical differences of the sea which you think we should take account of within the FCP?

Overview

4.17. Respondents to the consultation were asked whether there were specific geographical differences at sea that the FCP should take account of.

4.18. A total of 160 respondents (126 individuals and 34 organisations) responded to the closed element of this question. A majority of respondents (82%) felt that there were specific geographic differences of the sea that the FCP should take account off. This was consistent across individuals and organisations.

4.19. For the open element of the question, 93 individuals and 30 organisations provided reasons for their answer to question 4.

Specific geographical differences to be accounted for

4.20. The most common geographical difference raised by respondents to be accounted for was inshore areas.

4.21. Some respondents, including those from conservation organisations, noted that inshore waters were complex ecologically, contained known nursery areas and therefore should be subject to more stringent management measures. For example:

> "In particular, as inshore waters are frequently the most complex ecologically, and have key roles as spawning and nursery grounds for commercial and non-commercial fish stocks, they should be subject to particularly stringent management measures (e.g., spatial zoning to protect the seabed from mobile gears). Such measures could be determined by the stocks, habitats or marine features found in different locations. Alternatively, the whole inshore could be subject to a simpler national inshore limit on the most destructive fishing gears." **[Organisation, Conservation]**

> "There are obviously inshore areas which should be conservation areas, for the preservation of fish stocks, birds and other animals as well as the marine environment. Allow these areas to be destroyed at our peril.... remember, this is for the preservation of future generations of fish, animals, invertebrates, plant species the marine environment and the continued success of our fishing fleet in the future" **[Individual]**

4.22. A group of responses, largely from individuals and conservation organisations, made explicit reference to protecting inshore waters from dredging and trawling with some calling for this practice to be banned in inshore waters.

4.23. Another view raised with regards to inshore fishing was that inshore waters should be protected from industrial fishing to protect small local fishermen using sustainable methods such as creels.

4.24. A group of responses called for the reinstatement of the 3-mile inshore trawling limit in response to this question.

4.25. A fishing organisation highlighted that West coast mixed fisheries should be taken account of due to the significant difference in their makeup compared to East coast fisheries. They also highlighted that there are specific issues which are not relevant to other parts of Scottish waters and would require local solutions such as high bycatch of spurdog in nephrops fisheries in the Minches.

4.26. Areas where stock has been identified as in a critical state were also identified as areas which could require more targeted measures and innovative management. One response by a conservation organisation focused on this in detail and pointed out that the West of Scotland was where more targeted measures may be needed to support restoring stocks. Within this response there was focus on the protection of critical fish and shellfish habitats through spatial management being an important feature of the Future Catching Policy:

> "There are certain sea areas where some stocks are identified as in a critical state - the West of Scotland for example and where more targeted measures and innovative management may be needed in order to support restoring stocks. Protection of critical fish and shellfish habitats throughout Scotland's marine areas is crucial, and therefore we think that the Future Catching Policy, and access to quota, should be linked to spatial management.
>
> The inshore area is particularly important for providing critical fish and shellfish habitats, many of which are Priority Marine Features (PMFs), and this should be recognised as a geographical area in which only lower impact activities are allowed. Furthermore, there are some sea areas which we know are important for certain protected or vulnerable species like cetaceans or seabirds which should be factored into management decisions given the commitment to make fisheries management help contribute to the achievement of GES. For example, the large MPA designated for cetaceans and other wildlife to the west of Scotland and 14 marine SPAs for marine birds. Certain gear types and areas known to be associated with entanglement and bycatch should be prioritised for mitigation and monitoring. **[Organisation. Conservation]**

4.27. Relatedly, differences between North Sea in terms of its geography, depth and structure compared to the seas off the West coast was raised as a specific geography requiring attention. The reason given for this was that the continental shelf, slope, marine and ecosystem habitats were thought to be more fragile in the North Sea.

4.28. Another view raised was that regional areas should be smaller to better manage stocks. Reasons given for this were in relation to research due to different stock levels of different fish (such as cod) in different regions.

4.29. One respondent raised the view that it was essential that fallow areas be taken account of within the FCP.

4.30. One respondent noted that the continental shelf edge from north Shetland to St Kilda had to be considered:

> "The continual blanketing of the continental shelf edge from north Shetland to St Kilda has to stop, this is a disaster in the making." **[Organisation, Conservation]**

No specific geographical differences should be accounted for

4.31. A small number of responses gave reasons why they felt that no specific geographical differences should be accounted for in the FCP.

4.32. A small number of responses, one from a fishing organisation, stated that the sea was one interconnected entity and should be managed as such.

4.33. One response stated that they felt Marine Scotland was best placed to determine whether the Catching policy should take into account geographical areas:

> "Marine Scotland is best placed to determine whether its Catching Policy should take into account geographical areas, for example, North Sea, West Coast, etc. In particular, the overall health of quota species between different stock-management areas may inform the approach to further regionalisation of catching policy, and whether permitted discards may have consequences for "choke" scenarios in specific areas." **[Organisation, Conservation]**

Q5. Proposed actions

Q5: Do you think that the proposed actions for each fleet segment sound appropriate?

Overview

4.34. The consultation asked respondents whether the proposed actions set out for each fleet segment in the consultation document were appropriate.

4.35. There was a total of 135 responses (104 individuals and 31 organisations) to the closed element of this question with 36% of respondents stating that they felt the proposed actions were appropriate and 64% stating that they did not think they were appropriate. Individual respondents (39%) were more likely to think that the proposed actions were appropriate than organisational respondents (26%). Conservation organisations were particularly likely to feel that the proposed actions were not appropriate.

4.36. There were 93 responses to the open element of this question from 63 individuals and 30 organisations.

The proposed actions sound appropriate

4.37. Very few respondents gave reasons why they felt that the proposed actions set out in the consultation document were appropriate.

4.38. However, one respondent noted their support for the measures in relation to the scallop and pot and creel sectors. With relation to the scallop sector, there was a recognition of work carried out by the Scottish Government to promote Remote Electronic Monitoring (REM) across the fleet and to support improved transparency. On the pot and creel sector, this response raised the view that bycatch is a minor concern for these fisheries but agreed that there was a need to consider some means of limiting activity in this segment given the increasing creel numbers related to the landings of brown crabs decreasing.

4.39. One response stated that they felt that the appropriateness depended on the region and fleet and encouraged agreements to be reached at FMAC/IFGs (Fisheries Management and Conservation Group/Inshore Fisheries Groups).

4.40. Another response stated that they felt they were appropriate and that some fishing must be allowed for local fishermen, while stating their view that deep sea trawlers and bottom trawlers should not be authorised within marine conservation areas.

The proposed actions do not sound appropriate

4.41. Respondents who did not feel that the proposed actions for each fleet segment were appropriate gave a variety of reasons.

4.42. One concern that was raised by some respondents was in relation to Minimum Conservation Reference Size (MCRS). One respondent felt that the proposals as they stand allowed for the continued discarding of over MCRS whitefish by small inshore vessels which they felt was wrong:

> "The argument is that landing them would be economically too costly due to a lack of fishmeal processing facilities, which is true. However, surely a better alternative would be to reallocate a small portion of whitefish quota from offshore to the inshore vessels allowing them to land and market what seems to be a small amount of prime whitefish. This would also act as a stimulus to local fish markets e.g. Mallaig, Oban which are presently entirely dominated by shellfish which are mainly exported out of the local area. **[Organisation, Scientific body/academia]**

4.43. One response from a fishing organisation made detailed comments in relation to the offshore whitefish fleet and gillnet fleet. These comments noted the need for engagement with the active fleet to provide credible stock advice and that engagement with the active fleet would provide the sound and robust data necessary, as well as fostering confidence within the fishing industry that the data reflects what fishers see on the ground.

4.44. Another concern raised in relation to MCRS was that the proposals allowed for the continued discarding of below MCRS fish which would not assist in the reduction of bycatch or fish conservation. The following quotes reflect these views:

> "The proposal to allow discarding of <MCRS fish just brings the law down to the level of enforcement, where discarding is being allowed now. This replicates previous failures to control razor fishing by legalising previously illegal behaviour rather than controlling it.
>
> Why isn't the law enforced? Why aren't observer data being used to identify the problem and target enforcement? Why are so few boats fitted with REM? The bycatch problem could be addressed through better monitoring, and spatial management to move high-bycatch fisheries away from areas with large numbers of <MCRS fish, rather than giving up on this measure." **[Individual]**

> "The introduction of de minimis exemptions of by catch below MCRS would not assist in the reduction of bycatch nor in fish conservation. Without a healthy juvenile population the adult stock will continue to decline. Discard in each sector should be reduced by spatial and technical means with the retention of the landing obligation paramount in order to fully monitor stocks and the effectiveness of the measures introduced." **[Individual]**

4.45. A few respondents stated that they felt that the proposed actions around discards were taking a step backwards. For example:

> "The policy will:
> Backtrack on the discard ban and legalise the controversial practice of discarding fish at sea, including already depleted populations of cod.
> Deregulate unsustainable practices and damage seabed carbon stores and inshore nursery grounds.
> Fail to commit to spatial management plans to resolve conflict between large industrial and small-scale lower impact fisheries, despite promising to deliver such measures.
> Backslide on EU law and weaken post-Brexit environmental protection." **[Individual]**

> "We consider the intention to relax current rules around discards for some segments of the fishing fleet to be a retrograde step and not justified at the current time, particularly whilst there are acknowledged issues with monitoring and compliance. Until these have been addressed and any additional technical and spatial measures put in place, we believe the discard ban should stay in place."
> **[Organisation, Third Sector]**

4.46. One response called for a shift towards a regime of incentives to minimise discards:

> "The [organisation] would stress again, the need to shift towards a gradual reduction towards a minimum level of discarding that will account for those discrepancies created by the method of quota allocation and compatible with errors and fluctuations in the quality of the available science. The shift toward a regime of incentives to minimise discards (inspired to the Norwegian model) would be considered very positive.
>
> In addition, the bare definition of the Landing Obligations creates an unnecessary complication to the whole process. It does not make sense in terms of biological sustainability to actually land even a minimised biomass, when that could be made available to the trophic chain at sea and also avoid the burden of its disposal ashore. It is fundamental instead to move towards a full documentation and monitoring of the catch.
>
> We would also suggest that data collection programmes should move beyond the idea of collecting data on landing and discards but should move towards sampling methods focusing on the catch profile."
> **[Organisation, Fishing Organisation]**

4.47. Other responses stated that they felt that other nations' vessels would have to comply fully through license conditions to the conditions of the FCP in order to ensure a level playing field in Scottish waters.

4.48. A group of respondents used this question to reiterate their desire for dredging, longlining and gillnetting to be banned.

4.49. Other issued raised by respondents included:

- Limitations on gear
- Concerns around the implementation of mandatory REM
- That the current proposals still allow for overfishing

Q6. Restriction on gear soak time

Q6: Given the restrictions relating to available marine space and the need to manage displacement issues, do you think a restriction on gear soak time (the length of time static gear can be left in the water to fish) should be set?

Overview

4.50. Question 6 asked whether respondents thought that a restriction on gear soak time should be set.

4.51. Of the 150 (116 individuals and 34 organisations) who gave a response to the closed element of this question a majority (78%) felt that some restrictions should be set. Individuals (82%) were more likely to believe this should be applied than organisations (65%) as a whole. There was broad support for these restrictions across organisation type.

4.52. A total of 100 respondents (65 individuals and 35 organisations) responded to the open-response element of the question.

Restrictions on gear soak time should be set

4.53. The most common view expressed among those who felt that restrictions on gear soak time should be set was that there should be strict rules on the time set for gillnets and longlines with some suggesting a maximum of 48 hours, some 24 hours and some stating that this practice should be banned. The following quotes reflect these views:

> "Gillnetters and longlinetters must not be allowed to leave their gear unattended as they are a danger to mobile gear users." **[Individual]**
>
> "All gill netting and longlines should be hauled and taken ashore when the vessel lands like the Norwegian model. Leaving gear in the water when the vessel is away landing is dangerous as it gets snagged by other vessels and has to be cleared from fishing gear and taken ashore, sometimes during severe weather conditions." **[Organisation, Conservation]**
>
> "A 24-hour soak time should be applied to the gillnet and longline fleet segment." **[Individual]**
>
> "Gillnet and longline 48h max and gear to be brought in when landing" **[Individual]**

4.54. One caveat notedby respondents in favour of restrictions on gear soak time was the importance of taking weather conditions and seasonal temperatures into account. For example:

"Excessive gear soak times are not conducive to well managed fisheries, but any rules would have to take into account variable weather conditions and that recovering gear after a certain time is not always practical." **[Organisation, Scientific body/academia]**

4.55. Some respondents called for the electronic tagging of all gear to monitor fishing activity and accountability. For example:

"We believe a restriction on gear soak time should be set and that all gear should be electronically tagged in order to help monitor fishing activity and accountability. While this is aimed to manage displacement issues, and avoid potential gear conflicts, restricting soak time can also be used to minimise wildlife-fishery interactions, increasing the ability for vulnerable bycatch species to be released alive and also has benefits for the quality and freshness of the catch." **[Organisation, Conservation]**

4.56. Other respondents focused on the usefulness of these restrictions for limiting bycatch and as a conservation tool:

"There has to be limits set in order to allow the environment, as well as the fish/species which may be affected by undisturbed aggressive access/overfishing. There has to be a built in avoid and recover policy adopted to ensure future stocks. All segments should be addressed (especially foreign fleets) either by time at sea, length of tow, soak time, legislated and monitored prohibited areas and the strict enforcement of inshore limits." **[Individual]**

"Time restrictions should also take into account the welfare of the aquatic animals captured" **[Organisation, Conservation]**

"The longer the gear is left in the water the more dead bycatch. This must be managed." **[Organisation, Conservation]**

Restrictions on gear soak time should not be set

4.57. A few respondents who did not support the setting of restrictions on gear soak time noted that they felt that as different gears required different soak times,limits should not be set.

4.58. Others questioned how such restrictions could be enforced in a practical way. For example:

"There are reports from throughout the UK that static-gear vessels 'hold ground' by keeping pots/creels on the seabed, often un-baited, for significant soak periods. This practice is undesirable from a fisheries management perspective in the context of displacement and gear-conflict; however, determining and monitoring soak time through

monitoring systems is often difficult unless those systems include string-specific loggers that capture this information." **[Organisation, Public Sector]**

4.59. One response felt the question was misplaced as they were of the view that it only related to two fleet segments. However, they also called for the establishment of a spatial plan for all segments which was a view shared by other respondents. The extract from this response below sets this out in further detail:

> "This question is incoherent given by definition it can only relate to two of the proposed fleet segments.
>
> Regardless, we disagree with establishing a soak time limit as a means to managing the space available for various types of fishing and any reduction in it. Clearly soak time regulation would not have any impact on displacement of the fishing segment which will most likely be impacted by reduction in marine space (e.g., by offshore windfarms being placed on offshore sandbanks).
>
> Instead, a spatial plan for all segments is needed, establishing where each segment is given priority access and the areas which are shared, and then both effort and catch levels controlled within each area.
>
> Doing so would secure sustainable stock management, ensuring that a stock is not overfished by limiting catch to sustainable levels, and link this to reducing unwanted catch, by ensuring that one segment is not overlapping with and inadvertently catching another segment's target species. We would support such a plan instead of these proposals." **[Organisation, Conservation]**

5. Pots and Creels (Q7-11)

5.1. The consultation paper asked respondents to consider a variety of limits to pots and creels. Questions on this topic ranged from general questions as to whether or not this should be implemented, to technical questions on where, and based on what criteria, creel limits should be implemented. This section also covers questions on additional measures that could be taken in managing the creel sector.

Q7. Restrictions on number of creels

Q7: Do you think there should be restrictions on the number of creels that can be deployed by a fishing vessel?

Overview

5.2. In total 140 individuals and 31 organisations answered Question 7. Overall, 85% agreed there should be limits set on the number of creels that can be deployed by a fishing vessel. The level of agreement did not differ much between individuals (84%) and organisations (87%).

5.3. 64 individuals and 29 organisations provided open text answers to this question. Many of these answers pre-empted discussions in Q8 and Q9 about how limits should be set, be that geographically or by boat/crew characteristics. Therefore, these themes are discussed in the relevant sections below. This section dissects the emerging themes from the remaining answers.

In favour of implementation

5.4. Among the majority of answers that favoured the implementation of creel limits a few themes emerged. Firstly, there were wide-spread beliefs of overfishing, reduced stocks, and the excessive use of creels. Many respondents also stated that they had observed large increases in the number of creels. Furthermore, entanglements were cited by a few respondents as a problem.

> "It is well known that excessive creel effort has developed in some areas. An analysis of UK wide stocks recently showed that a surprising number of shellfish stocks are presently over-exploited (Fox, C. J., 2022. Scoring the status of UK shared and national fish stocks around the time of Brexit. Mar Policy 135:104851)." **[Organisation, Scientific Body/Academia]**

> "I sailed right down the East coast of Scotland and areas up to 60m offshore are entirely occupied by creel lines/creels. It's completely unsustainable" **[Individual]**

5.5. Additionally, arguments were put forward that involving communities in setting limits could empower communities and small-scale fishing operations while also reducing the ability of larger boats to overfish. Arguments to involve communities ranged from maintaining the community fabric, involving local fishermen for their knowledge of sustainable fish stocks in their area and the importance of fishing for the local economy and employment levels.

> "Small scale operators are more likely to be aware of what a sustainable effort is in their locale. Larger operations with higher overheads are less likely to be concerned by overfishing." **[Individual]**

> "Small inshore fishing is an industry which can put money back into the local economy - there is no place for the destruction of an industry which probably has a great interest in managing its local resources to placate larger interests." **[Individual]**

> "As to the specifics of how fishing opportunities are distributed across the fleet, this should be determined by a management body involving fishers and other interests which, for inshore fisheries, should be as local as practicable. [...] This response takes into account that certain static gears have low energy use, low stock impact and low biodiversity impact, and high added value, and a high contribution to the local economy and employment. This is especially so in inshore areas where the cost of entry and operation are relatively low. For these reasons they have the potential to make an important contribution to achieving these and other goals set out in the SFMS 2020-2030." **[Organisation, Other]**

5.6. Additionally, a specific example of RIFGs collaborating with academics to limit pots was raised by a public sector organisation:

> "In the Outer Hebrides, through the Regional Inshore Fisheries Group, in partnership with St. Andrews University and with good support from the industry, a pot limitation scheme has been introduced in the area. Over 140 vessels are now participating in the scheme and hopefully the benefits of increased Catch Per Unit Effort will be seen in future years. In addition, over 40 static gear vessels have been fitted with a tracking device transmitting the location of the vessel. This has been developed alongside a mobile phone app enabling recording of catch quantities and discards. By combining vessel track and catch data this will build up an accurate picture of where and when fishing is taking place and how often with a view to calculation catch per unit effort in the static gear sector. This initiative demonstrates the commitment the island's fishers have for participation in sustainable, well-managed fisheries. Again, it cannot be overstated how significantly this project was developed with strong support from the creel sector." **[Organisation, Public Sector]**

5.7. As was the case in the Scottish Government's 2013 consultation on the introduction of controls to nephrops, crab and lobster creel fisheries, many supporters of creel limits made it clear that they only believed limits would be effective if implemented alongside spatial management and other fishing management strategies.

> "This should be considered as a measure under a wider action plan to improve management and sustainability of the fleet and its target stocks." **[Organisation, Fishing Organisation]**

Opposed to implementation

5.8. The minority that opposed the imposition of creel limits expressed a desire for other methods that they viewed as more effective, such as banning or regulating parlour pots/boats, setting catch limits, and improving buoy marking and identification:

> "If no parlour pots within 6-miles boats couldn't work to much gear. This method would regulate the amount of gear on its own" **[Individual]**

> "A boat can only hold so many creels safely. However, more emphasis should be put on buoy marking and identification." **[Individual]**

5.9. Additionally, a detailed response highlighted the differences in species caught by creels which made a blanket approach inappropriate, as shown by the following excerpt:

> "The rationale behind the need for creel limits and the appropriate limits varies between areas and sectors. For example, brown crab and lobster fisheries utilise similar creels and for most intents and purposes those creels are interchangeable. [...]
>
> The situation is quite distinct in nephrops fisheries, there are similarities in that there is extensive competition for access to fishing opportunity. However, there is no shortage of nephrops creel ground and the only limiting factor in the potential expansion of this fishery is gear conflict caused by the lack of spatial management between the nephrops trawl and creel fleets." **[Organisation, Other]**

5.10. One respondent expressed the view that creeling is a relatively harmless way of fishing in sensitive areas and should be encouraged rather than restricted further.

5.11. Another view raised was that any limit that was set that would require vessels to lift pots/creels would have to be carefully considered and avoid requiring vessels to go to sea in poor weather to lift pots and creels.

Q8. Creel limits according to geographical area

Q8: Do you think creel limits should be set according to geographical area, for example according to regional Inshore Fisheries Group (rIFG) area?

Overview

5.12. In light of work conducted by the rIFG network demonstrating differences in opinions on creel limits but broad agreement on the need for a tailored regional approach rather than blanket restrictions, the consultation paper asked respondents to consider whether setting creel limits by geographical area would be appropriate.

5.13. In total 123 individuals and 27 organisations provided a closed answer to Question 8. Overall, 80% of respondents agreed that creel limits should be set according to geographical area. Individuals and organisations held broadly the same rates of agreement.

5.14. 56 individuals and 30 organisations provided open text answers to this question. In many of these open text answers respondents clarified their agreement with the proposal by stating that they agreed that creel limits should be set according to geographical area, but not necessarily that rIFGs should be used as these geographical areas.

Views on creel limits according to geographical area

5.15. Firstly, several respondents argued that the boundaries should be decided by scientific data on stocks, ecosystems/species present (including number of juvenile fish), historical fishing effort and historical catch data. A small minority additionally mentioned measures such as depth and number of washed up creels as measures. A few respondents also highlighted that data on stocks could be used to create nursery areas to protect and replenish stocks.

> "The limits should be set based on scientific data. This will provide a fair approach to all areas, if not each region could be subject to local lobbying and influence. This would mean an unfair distribution of creels, rather than one fair standard of how many are allowed. **[Individual]**

> "Yes, if creel limits are to be introduced, they should be set according to geographical area. However, these areas should not be determined by RIFG boundaries, which have little to do with eco-system criteria, and more to do with funding constraints from central government. Instead, creel number limits should be determined by the boundaries of areas which are designated as 'creel-only' (i.e. where mobile gears are excluded)." **[Organisation, Conservation]**

"An area should be defined by historical catch data, present fishing effort, and by an overview of ecological importance - i.e., is the area more important as an untouched nursery area than as a fishery." **[Individual]**

5.16. Of those who engaged specifically with the idea of using rIFGs as boundaries, many suggested the rIFGs were too big, particularly on the West coast. Amongst those more supportive of using rIFGs, agreement tended to be either unexplained or caveated by statements about rIFGs being a good place to start but other localised measures and boundaries should be used in conjunction.

"Needs to be at a much lower spatial resolution than rIFG though as the West Coast IFG literally covers the whole West Coast." **[Individual]**

"Communities with areas deemed to be exceptionally busy with creels should be allowed to manage their local fisheries, possibly through the IFG system, but they must also be allowed to introduce measures for other sectors too, something which the IFGs so far have failed completely to do." **[Individual]**

5.17. A minority of open responses opposed the proposal on the grounds that they viewed fishermen as best able to comment on stocks and highlighted the mobile and dredge sector as the major offenders when it came to unsustainable fishing.

Q9. How creel limits should be dictated

Q9: Do you think creel limits should be dictated by a) overall length of vessel, b) kilowatt engine power, c) per fisher or d) another metric?

Quantitative analysis

5.18. The consultation asked respondents if they thought creel limits should be dictated by vessel length, engine power, crew size, or another metric.

5.19. In total, question 9 received 151 closed responses – 123 from individuals and 28 from organisations. The table below shows the popularity of each suggested approach (note that respondents could select more than one) to dictating creel limits both overall and amongst individuals and organisations.

Table 5.1 Responses to Q9

Respondent Type	Overall length of vessel	Kilowatt engine power	Per fisher	Another metric	None of the above
Individual	20%	7%	54%	7%	23%
Organisation	29%	7%	21%	29%	29%

Total	21%	7%	48%	11%	24%

Another metric

5.20. Among those who suggested another metric be used to dictate creel limits a wide variety of suggestions were put forward. A general theme emerged around the need for metrics to be area specific, echoing calls in question 8 for consideration of things like stock level, creel fishing effort and sea-bed metric area. Less consistent were attitudes towards imposing limits on specific boats. Some suggested metrics included using track record, environmental impact, daily capacity, licence information etc.

5.21. Overall, 33 Individuals and 25 organisations provided additional comments clarifying their response to question 9. Echoing responses to question 8 and the suggested alternative metrics listed above, the most consistent suggestion among these open responses was that limits be dictated by stocks and sustainable fishing.

> "Understanding potting intensity thresholds is vital to ensure pot limits are set at sustainable levels.
>
> In addition, lessons should be learned from areas such as Northumberland IFCA who have relatively recently applied a pot limitation of 800 pots per boat. Adaptive fisheries management plans should be developed regionally with fishermen, scientists, conservationists, Government and the local community. Plans should include provisions for long term monitoring and a just transition to account for costs associated with reduction in pots. A scenario where pot limits are introduced inshore might lead to displacement of effort offshore. This should be avoided, and efforts applied to ensure that pot limitation means a reduction on the number of pots and overall effort in Scottish waters." **[Organisation, Conservation]**

Views on specific options

5.22. In relation to the specific options listed in question 9, the overall length of vessel and engine capabilities being used as measurements was criticized by some because it could give a monopoly to larger boats or encourage people to simply buy larger boats or change their engines.

5.23. Similarly, the suggestion to dictate limits by fisher was viewed to have the same problems of simply encouraging expansion of crews and would be difficult to monitor.

> "Needs to be linked to licence, I think. If by vessel size there's the likelihood that larger vessels will be bought." **[Individual]**

> “Size of engine, boat, fisherman - should not even be a consideration- these are all decided by purse strings - tradition etc.” **[Organisation, Conservation]**

5.24. Finally, a few suggested that a combination of the metrics provided in question 9 and information on stocks in specific areas be used to dictate limits.

Q10. Restrictions on the Pots and Creels Segment

Q10: Do you think a restriction on string length should be set for the Pots and Creels Segment?

Overview

5.25. In light of entanglements and accidental bycatch of other species, the consultation asked respondents to consider if limits should be set on string length for the pot and creels segment.

5.26. Question 10 received 136 closed responses – 115 from individuals and 21 from organisations. Overall, 68% of respondents were in favour of a restriction on string length. This was largely driven by support from individuals, 70% of which supported this measure compared to 52% among responding organisations.

5.27. 56 open text responses were provided, 28 from individuals and 28 from organisations.

In support of restrictions

5.28. The open responses were varied, reflecting the figures above. Amongst those who support restrictions on string length, one or both of two main reasons were provided. Firstly, the fact that this could reduce entanglements/gear conflict. Secondly, there were general references to sustainability and protection of wildlife/stocks that this would provide.

> ”Whales and other cetaceans can get entangled in the strings” **[Individual]**

> “To avoid entanglements and rope breaking up leading to more plastic pollution” **[Individual]**

Opposition to restrictions

5.29. Of those who opposed this restriction, this was largely because it was deemed as irrelevant if creel limits are already in place. Respondents of this view did not agree that it would impact sustainability and found that entanglements would be better reduced by using different gear or through spatial management. A few negative answers also highlighted issues in the enforcement of this measure.

"No. The length of string has no impact on the (already very low) level of bycatch and discards from this segment. If the string length restrictions are being proposed in order to address gear conflict issues, then they should only be introduced as part of a package of measures which also reduces the most unsustainable fisheries (rather than the most sustainable) – most obviously through the introduction of spatial management measures to exclude mobile gears from where they do harm to the ecosystem and to other marine users." **[Organisation, Conservation]**

5.30. A minority of 'on the fence' open answers put forward that this would need to be a regional/local level decision, or be dictated by scientific data, or would need to be part and parcel of various measures. One response suggested a value for this limit.

"Setting the limit of 60 per string will probably be accepted by most creel boats under the 10M category." **[Organisation, Other]**

Q11. Additional management measures

Q11: Are there any other additional management measures, such as escape panels, soak time restrictions or measures to reduce entanglement of marine species, that we should be considering as part of a package of measures to improve management of the creel sector?

5.31. The consultation asked respondents to provide open answers suggesting other measures that could be implemented to improve the management of the creel sector.

5.32. 95 respondents (66 individuals and 29 organisations) suggested additional management measures to improve management of the creel sector. There were a number of suggestions and the most popular are summarised below.

5.33. Overall escape panels were viewed favourably by many respondents to protect wildlife. Soak times were also viewed favourably but there were concerns about how bad weather would be accounted for to ensure fishermen did not put themselves in danger to ensure they did not exceed soak times.

"Escape panels are an effective means of reducing bycatch of sub-MCRS target species. Although survivability of target-species discards in pot/creel fisheries may be high, sorting can lead to limb loss, which has a negative impact on the value of those individuals in subsequent season." **[Organisation, Public Sector]**

"Yes soak time is important- not to leave the pots down for longer than 12-24 hours, many more species than the intended get trapped in the

pots and entangled in the lines- causing death." **[Organisation, Conservation]**

"[Organisation] view is that soak time and escape panels are the main measures affecting catch and for that they should be examined. There should be though an acceptance that there will be exceptions. I.e., in velvet crab fisheries escape panels are detrimental." **[Organisation, Fishing Organisation]**

"All of the measures should ideally be contained within an effective FMP. The requirement for escape panels and soak time restrictions should be based on data related to fishing mortality and stock abundance. There has been coverage in the media recently around entanglements issues in West coast fisheries, so it seems timely to address the issue through stakeholder engagement." **[Organisation, Fishing Organisation]**

5.34. As noted throughout this section, calls for creel limits generally, improved spatial management, improved regulation of parlour pots, a ban on trawlers, dredgers and gillnets, and improved regulation of unlicensed boats were repeated.

5.35. Beyond these repetitions, the most common additional suggested measure was the introduction of weighted lines between creels. Ropeless creels and line markers/ pingers were also suggested based on international use of these tools. However, it was noted that ropeless creel are an emerging technology.

"In areas where there is a higher likelihood of entanglement issues we should restrict the further expansion of the creel sector by capping the gear in those areas at present amounts and, if entanglement issues persist, consider a reduction in creel densities and/or if we wish to increase creel densities in such areas we should consider the introduction of further entanglement mitigation measures like negatively buoyant ropes, single ends or ropeless systems etc" **[Organisation, Fishing Organisation]**

"Restraining excess creel effort would assist in reducing entanglement risks simply because there would be less gear on the ground. Ropeless creels are being trialled, especially in North America, but there are considerable issues of costs and reliability still to be solved. Limiting creel effort within especially high entanglement risk areas could be one approach as an interim measure while more technical approaches, such as ropeless creels, are developed." **[Organisation, Scientific Body/Academia]**

"Following an increase in whale entanglements in South African waters, swift action of the South African government led to implementation of sinking groundlines, ropeless/on demand instead of

endlines and spatial closures and resulted in a reductions in the number of whale entanglements (Daniel, 2021)."
[Organisation, Conservation]

5.36. Finally, a minority made suggestions unrelated to the physical creel lines/ropes, instead opting for replenishing stocks by releasing berry carrying crustaceans or instituting limited time closures of certain sea areas.

6. Gillnets and longlines (Q12-16)

Q12. Measures for gillnets and longlines

Q12: Do you agree that we need to develop measures with regards to gillnets and longlines in order to ease the pressure on shared marine space and avoid conflict?

Overview

6.1. The consultation asked respondents whether they agreed with a need to develop measures with regards to gillnets and longlines in order to ease the pressure on shared marine space and avoid conflict.

6.2. In total, 161 respondents provided closed responses to Q12; 133 of whom were individuals, whilst 28 were organisations. Most of those who responded to the consultation agreed (90%) that there is need to develop measures with regards to gillnets and longlines in order to ease the pressure on shared marine space and avoid conflict, whereas 10% disagreed. Individuals (93%) were more likely to agree with this proposition than organisations (75%).

6.3. A group of responses, with comparable attitudes and similar language, had raised their opposition to gillnets and longlines being in operation at all throughout their responses to the consultation and reiterated this point in this question.

6.4. 72 individuals and 33 organisations provided open responses explaining their answer to Question 12.

Views expressed in relation to the need to develop measures

6.5. A common theme amongst open responses was that restrictions ought to be placed on the number of gillnets and longlines in operation, with some – who argued that these are unsustainable and cause damage to the marine environment and wildlife – calling for a complete ban on these. Among this group of responses similar language was used and there was an identifiable shared sentiment within those responses. The general shared sentiment was summarised where one respondent felt that:

> "Gillnets should be banned completely. They are indiscriminate, they kill many life forms, and they pollute the environment. There is no escape from them.

Longlines have less of an impact and are more targeted in their approach to fisheries/stocks and wildlife. I would still limit them to set max length/number of hooks, and soak time" **[Individual]**

6.6. As alluded to in the above quote, several respondents outlined a preference for the use of longlines, as opposed to gillnets, where these:

"Have far better credentials regarding selectivity, entanglement and bycatch" **[Organisation, Fishing organisation]**

6.7. Looking towards practical measures with regards to gillnets and longlines which might ease the pressure on shared marine space and avoid conflict, some respondents recommended that the spatial footprint of mobile gears must be decreased to reduce seabed disturbance and enable ecosystem recovery, whilst others also raised points around maximum net length, soak time and hook numbers. Many respondents who mentioned these (and other) measures answered in list form:

"5-mile gaps between sets of gear. Depth limit on large gillnetters of 250 metres minimum. Gear to be marked and limited to a certain length which can be checked by fishery officers" **[Individual]**

"Restrict gill net activity to +400m depth. Reduce soak time to 24h. AIS buoys on gear. All gear tagged and monitored to check gear discarding" **[Individual]**

"Better and more marking buoys with larger buoys and danbuoys" **[Individual]**

6.8. One response to question 5 commented specifically on gillnet and longlines in the context of the marking of gear arguing that the proposals in the consultation document all related to the management of marine space and gear conflict. This response argued that the management of spatial conflict could be best achieved through good industry practice by clear marking of static gear and use of AIS transponders and through communicating the location of static gear. The response concludes:

"We consider that such practices could be translated into a code of conduct for the industry to work by rather than seeking blunt and disproportionate legislative measures that would discriminate against particular fleet segments. There is no evidence that such an approach has been considered in the lead up to or as part of this consultation. It is considered that where legislation may have a role is to support a code of practice, such as my introducing requirements to use AIS transponders." **[Organisation, Fishing organisation]**

6.9. In addition, the establishment and monitoring of designated areas, as well as limits on time spent in these, was also suggested as a way of fostering

an effective shared marine space and avoiding conflict. One respondent went further by noting the potential assistance of on-board transponders in this scenario:

> "Why not set out designated areas for each type of fishing to avoid conflict. Then change those areas periodically, with a 2 or 3 day no fish day in between, again to avoid conflict. Plus any boat wanting to be a commercial fishing boat should have a transponder on board, continually working. They use this system for commercial fishing boats on the Great Barrier Reef in Australia. A computer continually monitors boats and their speeds, if a boat is moving at working speed through a restricted area or if they're transponder stops working they are contacted immediately and have to immediately return to port" **[Individual]**

6.10. Furthermore, a few respondents believed there was a need to avoid using longlines and gillnets on the routes of migratory fish:

> "Avoid fishing on salmonid smolt migration routes during migration. Avoid return routes for migratory salmonids where possible" **[Individual]**

> "Ban all such fishing on the routes of migratory fish. Properly police the rules otherwise they're a waste of time" **[Individual]**

Q13. Separation of minimum distances

Q13: Do you think we should set minimum separation distances between sets of nets or longlines in order to create corridors for mobile vessels to move through?

Overview

6.11. The consultation asked respondents if they thought there was a need to set minimum separation distances between sets of nets or longlines in order to create corridors for mobile vessels to move through and, if so, what this minimum distance should be.

6.12. In total, 146 respondents (123 individuals and 23 organisations) provided closed responses to Q13. The majority of those who responded to the consultation agreed (77%) that minimum separation distances between sets of nets or longlines should be set in order to create corridors for mobile vessels to move through, whereas a small proportion of respondents did not think there was a need for this (23%). Just over half (57%) of those organisations, and 81% of individuals, who responded agreed with this idea.

6.13. 54 individuals and 30 organisations provided open responses explaining their answer to Question 13.

Discussion of separate distances

6.14. Several respondents suggested various minimum separation distances in miles, nautical miles, metres and other metrics. It should be noted that, to ensure readability, these have been converted into miles to determine their correct subheading categorisation, though the metrics given in quotes remain unchanged. Some felt that these minimum separation distances should be set at less than one mile:

> "Enough to give a safe way through. That will likely be obvious, but say 50 metres" **[Individual]**

> "Half a mile" **[Individual]**

6.15. Others recommended distances of one to two miles, whilst distances of three miles or more were frequently mentioned alongside rationale:

> "We believe a minimum separation distance should be applied with the minimum distance between sets of 2 miles" **[Organisation, Fishing organisations]**

> "Given the effect of tide on static gear, three nautical miles would be a reasonable minimum separation distance" **[Organisation, Fishing organisations]**

> "Yes, these nets should not be placed any closer than 5 miles within one another. This would allow plenty of space for mobile fishing vessels to fish in between static nets/lines. This would also allow sufficient separation distances between the nets/lines for marine mammals to pass safely, this reducing the huge numbers of mammals being killed in the 1000s of miles of static gear permanently deployed in our waters" **[Individual]**

6.16. Greater minimum separation distances such as 20 or 50 miles were suggested by a few respondents. However, most responses comprised more general remarks, including those around the impact of nets and longlines on the marine environment and a perceived need to reduce or ban longlines. One respondent suggested that:

> "Access Codes should be developed amongst marine users in areas of heavy concentration of set nets or longlines and corridors or gates should be recognised to allow vessels to trawl between fleets. Gear should be set in a certain direction by all vessels so that mobile vessel could tow alongside and set gear in the knowledge that it would be easy to avoid gear" **[Organisation, Fishing organisations]**

6.17. Others were uncertain as to whether such minimum separation distances between sets of nets or longlines would be practical and questioned the importance of creating corridors for mobile vessels as opposed to other vessels:

"Possibly. But some nets will be set according to seabed topography or seabed type, which will not follow neat corridors. Another possibility is that some nets will only be set during certain states of the tide (spring vs. neap), which may provide opportunities for cohabitation" **[Organisation, Other]**

"Maybe in some instances but why should the mobile sector get priority? They have access to a much greater space and their fishing methods are typically less selective and sustainable and should not be given priority" **[Individual]**

Q14. Gillnet depth

Q14: Should we adjust the depth at which gillnets can be set (minimum and maximum) in order to further utilise the marine space and avoid gear conflict?

6.18. The consultation asked respondents if they felt there was a need for the FCP to adjust the depth at which gillnets can be set (minimum and maximum) in order to further utilise the marine space and avoid gear conflict.

6.19. In total, 132 respondents (106 individuals and 26 organisations) provided closed responses to question 14. Most of those who responded to the consultation agreed (79%) there was a need to adjust the depth at which gillnets can be set in order to further utilise the marine space and avoid gear conflict, whereas 21% did not see a need for adjustment. Over three quarters (78%) of those individuals, and 81% of organisations, who responded agreed with this idea.

Discussion on depths at which gillnets should be set

6.20. Several respondents recommended various depths at which gillnets should be set in miles, fathoms, metres and other metrics. A few respondents suggested depths of under 150 fathoms (equivalent to 274 metres/0.17 miles/900 feet), while others believed that these should be 150 fathoms or more:

"No less than 150fthm [fathoms], but preferably 200 fthm" – **[Individual]**

"Outside 200 fathoms but banning them in our waters is by far a better option" **[Individual]**

"Yes, consideration should be given to increasing the maximum depth to 800m. This would ease pressure in shallower waters that resulted from displacement when the depth was reduced from 800m to 600m" **[Organisation, Fishing organisation]**

6.21. Some respondents suggested greater spatial management of the mobile fleet to reduce gear conflict and the use of depth zoning, whilst others felt that gillnet depth adjustments should only be implemented alongside measures which also restrict the use of mobile gears. A few respondents queried the potential impact of depth adjustments for gillnets on smaller inshore vessels and felt they may be acceptable if they do not stop small local inshore vessels from gillnetting. Others believed that any proportionate measures – including gillnet depth adjustment – which can be implemented to provide fairer access to marine space and avoid gear conflict, should be investigated, noting that:

> "adjusting [the] depth at which gillnets are set may also help reduce wildlife bycatch and this should be a key consideration when determining minimum and maximum depth at which gillnets can be set" **[Organisation, Third Sector]**

Q15a. Restrictions on numbers of gillnet and longline vessels

Q15a: Do you see any need to restrict the numbers of gillnet and longline vessels operating in Scottish waters at any one time?

Overview

6.22. The consultation asked respondents if they saw a need to restrict the numbers of gillnet and longline vessels operating in Scottish waters at any one time.

6.23. In total, 155 respondents (127 individuals and 28 organisations) provided closed responses to Q15a. The majority of those who responded to the consultation agreed (93%) there was a need to restrict the numbers of gillnet and longline vessels operating in Scottish waters at any one time, whilst 7% did not see a need for this.

6.24. 53 individuals and 35 organisations provided open responses explaining their answer to Question 15a.

Views on restricting gillnet and longline vessels

6.25. As was noted in the analysis of previous questions, many respondents felt that levels of gillnet and longline vessels operating in Scottish waters at any one time ought to be restricted in certain circumstances or banned. Although similar numbers of individual and organisational respondents mentioned a need for restrictions on gillnet and longline vessel operation, the majority of calls to ban these came from individual respondents:

> "All fisheries need management, but to allow the effective management of other fisheries the mobile fleet must be restricted and not granted almost blanket access to our seabed" **[Organisation, Conservation]**

"Restrict them to zero 100% of the time" **[Individual]**

6.26. Indeed, respondents offered further rationale around the perceived advantages of such restrictions, particularly around sustainability and the conservation of fish stocks:

> "I have no doubt these play a part in the decline of wild salmon and removal, even for a prescribed period, would assist in re establishing stock levels" **[Individual]**

> "Restrictions should come into force whenever stocks are found to be in danger of falling below sustainable levels" **[Individual]**

6.27. Others believed that whilst restrictions on the numbers of gillnet and longline vessels operating in Scottish waters at any one time may not be necessary, limits on the amount of gear that they can use could prevent large areas being 'boxed off'. Similar points were made around potential restrictions on the number, location and timing of gillnets and longlines that are deployed, rather than the number of vessels that deploy these gears:

> "Restricting the number of vessels alone would not necessarily correlate to a reduction in fishing effort as vessels may set many sets of hooks or nets. As such the focus should be on overall fishing effort in the water and the use of effective mitigation measures" **[Organisation, Conservation]**

6.28. More generally, a few respondents felt that Scottish registered gillnet and longline vessels should have priority over non-Scottish and non-UK vessels where space in Scottish waters is limited. Though this view was shared by both individual respondents and those from organisations, individuals were typically twice as likely to make this point; this is perhaps reflective of the general breakdown of respondent types for this question.

Q15b. Restrictions on vessels using mobile gear

Q15b: On the same basis should similar restrictions apply to vessels using mobile gear?

Overview

6.29. The consultation asked respondents if they saw a need to restrict the numbers of vessels using mobile gear operating in Scottish waters at any one time.

6.30. In total, 157 respondents (126 individuals and 31 organisations) provided closed responses to Q15b. Most of those who responded to the consultation agreed (78%) that there was a need to restrict the numbers of vessels using mobile gear operating in Scottish waters at any one time,

whereas 22% did not see a need for this. 82% of those individuals who responded agreed with this idea, as did 65% of organisations; just over one third (35%) of organisations did not agree with the application of such restrictions on vessels using mobile gear.

6.31. 37 individuals and 31 organisations provided open responses explaining their answer to Question 15b.

Discussion on restrictions

6.32. Most respondents who agreed with this proposal felt that there should be no exceptions to the application of restrictions on numbers of vessels – and vessels using mobile gear, in particular – operating in Scottish waters at any one time, in order to ensure sustainability and optimise social, economic and environmental outcomes:

> "Yes of course. It should be obvious to any reasonable person that you have to restrict the numbers of vessels and or their deployed gear in every fisheries sector to ensure our fisheries are both sustainable and optimised from a social, economic and environmental perspective. This is especially true of mobile gears where technological creep has masked a decline in catch per unit effort, where mobile gears are providing sub optimal social, economic and environmental outcomes and where the current demersal fleet is obviously above capacity…Restricting the numbers of and spatial extent of mobile gears is required with the utmost urgency!" **[Organisation, Fishing organisations]**

> “Trawls and dredges MUST be restricted. Damage to fish nursery grounds limits other sectors as well as the tourism sector. More fish, more to see, more tourists, greater income” **[Individual]**

6.33. Some respondents went further by providing examples where time-based restrictions have been effective:

> “The existing weekend ban on mobile gear use in the Firth of Clyde is one functional example of temporal measures already in operation. The reduction in harm to the ecosystem (from e.g., reduced benthic disturbance, and lowered bycatch) arising from restricting mobile gears would benefit the entire fishery (through stock recovery and a reduction in gear conflict) and the wider marine economy” **[Organisation, Conservation]**

6.34. Others offered broad support for the application of these restrictions, though caveated this with a need for further examination of how these could be fairly implemented in practice:

> “We believe that restrictions on numbers are warranted, especially as fishing effort can be concentrated in relatively small areas. Further discussion is warranted, however, as it is not immediately obvious how

a level playing field could be established across different types of mobile gear" **[Organisation, Fishing organisations]**

6.35. Many respondents who did not see a need to restrict the numbers of vessels using mobile gear operating in Scottish waters at any one time felt that such gear is typically well managed and that the mobile nature of these vessels – in that they do not remain static in one area – reduced any potential for conflict. Comparisons to other vessel types were also made:

> "Trawlers and seine netters are mobile by definition, hence they tend to fish with a different approach and have the prerogative to move around. As per their own nature they don't block extended areas of the marine space for lengthy period of time. It is gillnetters' and longliners' static nature that prevents a harmonic coexistence and, on that basis, there is no need for similar restrictions to be applied for mobile gear" **[Organisation, Fishing organisations]**

6.36. Other respondents considered there to be certain circumstances where restrictions on the numbers of vessels using mobile gear operating in Scottish waters at any one time may be appropriate, for instance, in 'sensitive' areas like nursery fish reproduction areas. Again, a few respondents believed that priority should be given to Scottish vessels, as opposed to foreign or flagship vessels, if restrictions are implemented.

Q15c. How measures should apply

Q15c: In consideration of questions Q15a and Q15b should these measures apply generically or in a specific geographical area?

Overview

6.37. The consultation asked respondents to consider whether the measures discussed in Q15a and 15b should apply generically or in a specific geographical area.

6.38. In total, 142 respondents (118 individuals and 24 organisations) provided closed responses to Q15c.

6.39. Responses were mixed; slightly more respondents thought that these measures should be applied generically (53%) than in a specific geographical area (47%). Those responding as organisations were more likely to agree with the targeted application of measures in specific geographic areas (71%) as opposed to generic application (29%) when compared to individual respondents; 42% and 58% of individuals chose 'specific geographic area' and 'generically', respectively.

6.40. 25 individuals and 27 organisations provided open responses explaining their answer to Question 15c.

Discussion

6.41. Most respondents who believed that the measures discussed in Q15a and 15b should apply in a specific geographical area felt that this would better respond to, and take into account, the specific geographical conditions and fishing patterns of individual areas, enabling the development of adaptive management solutions. The tailored application of measures was also considered necessary for areas which are essential for conservation:

> "If any restrictions are introduced they should be by geographical area, supported by RIFGs [Regional Inshore Fisheries Groups], reflecting the issues faced in that particular area" **[Organisation, Public Sector]**

6.42. Similarly, others noted that both manners of application might be effective, dependent on trends in stock, patterns and conditions:

> "Restrictions on use of fishery management measures should preferably be applied in specific geographical areas, in response to local fishing patterns and ecosystem conditions. However, it may be that, in certain instances these patterns and conditions will apply in all areas and so the measures could be applied generically" **[Organisation, Conservation]**

6.43. As seen in responses to other questions, some respondents also called for the establishment of a three-mile limit, on the basis that this might help define areas of application:

> "Measures should apply geographically dependent on stock health and conservation status. The reintroduction of the 3 mile limit will further promote this" **[Individual]**

6.44. Moreover, further monitoring of local, regional and national evidence and data, alongside greater communication between sectors, was deemed to be important in determining the most suitable application of measures:

> "Given there is often excellent, freely available data about local habitat, bathymetry, stock and vessel data at fine resolutions, and the aim of any fishing measures is to balance the benefits vs the harms, any measures ought to be tailored to the specific circumstances of the waters being fished" **[Individual]**

> "Such management should be assessed through an FMP [Fisheries Management Plan], the appropriate temporal and spatial controls implemented on a sea area basis with regular updates and reviews" **[Organisation, Fishing organisation]**

> "It is best that specifically referenced geographic areas are addressed through communications between respective industry segments

through agreement on good practice and defined any gear clearance or corridors" **[Organisation, Fishing organisation]**

Q16. Additional measures

Q16: Are there additional measures that we should be considering, for example to help prevent entanglements in the gillnet and longline fishery?

Overview

6.45. The consultation asked respondents whether there are any additional measures that should be considered within the FCP, which, for example, might help prevent entanglements in the gillnet and longline fishery.

6.46. In total, 122 respondents (92 individuals and 30 organisations) provided closed responses to Q16. The majority of respondents (79%) thought that there were additional measures which the FCP should be considering, with almost all respondents from organisations sharing this view (93%).

6.47. 56 individuals and 31 organisations provided open responses explaining their answer to Question 16.

Additional measures

6.48. Alongside limits on net length, hook numbers and soak time, respondents gave examples of other practical tools and solutions to prevent entanglements in gillnet and longline fishery:

> "There is considerable research on anti-entanglement solutions for sea mammals from other areas in the world e.g. ropeless retrievable creels, in Canada" **[Organisation, Fishing organisation]**

> "With respect to longlines, international best practice includes technical measures (e.g., hook design modification), spatial measures (e.g., avoidance of locations frequented by cetaceans) and temporal (e.g., avoidance of specific grounds in certain migratory routes at specific times)" **[Organisation, Conservation]**

6.49. Others advocated for measures to prevent catching small, juvenile fish in inshore nursery grounds in the first instance and a need for more stringent policy and policing to halt inshore trawling and protect nursery grounds, sea grass and reefs. A few respondents believed that catch should not be driven by boat size or surface capacity but rather the health of fish stocks and their recovery.

6.50. More broadly, several respondents believed there is an additional requirement for data collection and monitoring, education around fishing practices, as well as the sharing of knowledge and best practice:

> "Deep education and passed skill sets for operating at sea, requiring a knowledge of species and of the impact on pollution" **[Individual]**

"Yes, apart from the obvious need to reduce the mobile sector and introduce extensive spatial management. There is an obvious requirement to ensure best practice is applied to any gill-net and or longline fishery. This should mean highly detailed accounting of the fishing effort, and accounting (along with appropriate mitigations) for the bycatch and any gear losses" **[Organisation, Fishing organisation]**

6.51. There were repeated suggestions for the use gillnets and longlines to be reduced or banned, particularly where respondents stated their opinion that their use had environmental and/or animal welfare implications.

6.52. A few respondents suggested that gillnets and longlines to be verified at the beginning and end of voyage to combat issues of abandoned gear or, alternatively, that gears should have identification tags.

6.53. It was noted that there are likely to be further measures which should be explored with fishermen, environmental groups and scientists in the IFMACs/FMACs [Inshore Fisheries Management and Conservation Groups/Fisheries Management and Conservation Groups] and with fishermen in IFGs [Inshore Fisheries Groups].

7. Additional selectivity for directed fisheries (Q17-19)

Q17. Options to be introduced

Q17: Of the options provided in this section, which option (or combination of options) do you think should be introduced, and why?

Overview

7.1. The consultation document presents a range of technical conservation measures already in place and states that they are intended to help deliver responsible and sustainable fishing practices. Rules have grown in both number and complexity over time which has resulted in numerous technical measures that fishers have to comply with which can lead to confusion.

7.2. One recent reform introduced a new baseline mesh size of 120mm for trawl fishing. The intention of this was to improve selectivity and reduce unwanted catch, whilst also providing for 'directed fisheries' which would be able to use smaller baseline mesh sizes, for example, if targeting Nephrops or squid. However, within the technical conservation rules there is no definition for 'directed fisheries' which has resulted in a lack of clarity in the rules.

7.3. Therefore, the consultation document presents a number of options to address the lack of definition and to further increase selectivity and reduce unwanted catch. These options were as follows:

- Option 1: under the existing technical conservation rules the minimum standard mesh size in Scotland is 120mm unless a vessel is targeting a specific designated species e.g. Nephrops, or if they are using a selectivity device which is proven to be as selective as a 120mm net. Under this option, it would be specified that any vessel seeking to use any gear of less than 120mm to target a designated species e.g. Nephrops, would need to ensure that the target species constituted at least 50% of their total catch.

- Option 2: whilst some parts of the fleet, e.g., whitefish vessels, must now use a 120mm net as standard, for other parts of the fleet working under a specific directed fishery (e.g. Nephrops), vessels are often using a less selective net e.g. 80mm. We are proposing to increase selectivity for these vessels. One way to do this would be to introduce a minimum mesh size of 100mm for defined directed fisheries such as nephrops, with all other trawl fisheries (with the exception of squid and pelagic) required to use a minimum mesh size of 120mm.

- Option 3: Building on Option 2, rather than increasing the baseline mesh size for defined directed fisheries to 100mm, another option would be to increase the effectiveness of Square Mesh Panels via an increase in mesh size and changes to positioning so that they offered an equivalent selectivity to 120mm nets. Evidence suggests that a 200mm Square Mesh Panel rigged at 9- 12m from the cod-line would have similar selectivity as a 120mm cod-end.

7.4. Respondents were asked to select from the options provided to be introduced. A total of 124 respondents (97 individuals and 27 organisations) provided responses to the closed element of this question.

7.5. The most selected option was option 3, to increase the effectiveness on square mesh panels, which was selected by 49% of those who responded to this question.

7.6. A further 17% selected option 1, which was to ensure that the target species constituted at least 50% of their total catch. Fishing organisation were less likely to pick this option than conservation organisations.

7.7. Option 2, introducing a minimum mesh size of 100mm for defined directed fisheries such as nephrops, with all other trawl fisheries (with the exception of squid and pelagic) required to use a minimum mesh size of 120mm, was selected by 17% of respondents. This was largely driven by individual responses.

7.8. Around a quarter (24%) of those who responded to this question selected none of the options. This included half of fishing organisations who responded to this question.

7.9. A total of 64 respondents (35 individuals and 29 organisations) provided reasons for their selection.

Option 1

7.10. A few responses stated that they felt that option 1 should be introduced and that if vessels could not prove that the target species constituted at least 50% of their total catch then they should be made to change gear. The quote below is illustrative of this view:

> "Option 1 is a reasonable way forward – if a vessel is targeting a specific designated species with a smaller mesh size than would otherwise be used it is appropriate for that vessel to demonstrate that the targeted species constituted at least 50% of the vessel's catch. However, Option 3 may also be beneficial." **[Organisation, Public Sector]**

7.11. Of the responses who believed option 1 should be introduced, one reason given was that it made it easier to keep track if boarding a vessel. Another

reason given was that this option was beneficial for conservation requirements.

7.12. Another reason given by a respondent was that option 1 was largely an administrative change and therefore would avoid potentially expensive net changes.

Option 2

7.13. One reason given in support for option 2 was that any improvements in selectivity were to be welcomed in the context of nephrops trawls, particularly, in the West Coast being blamed for poor recovery rates of fish stocks there.

7.14. Another view expressed that option 1 would inevitably result in by-catch and that the goal of minimising by-catch was imperative. It was also stated that whichever option should be selected should be the least destructive.

Option 3

7.15. Those who opted for option 3 gave a variety of reasons. One of these reasons was a feeling that simply increasing the diamond mesh size may have limited effectiveness. For example:

> "Overall aim 3 may be more effective. Simply increasing diamond mesh size may have limited effectiveness, especially as the load in the cod end increases as the diamond meshes close up." **[Organisation, Scientific body/academia]**

7.16. Other responses focused on the impact option 3 would have on saving small fish, citing the benefits of this:

> "The more juvenile fish that escape the better in the long term for both the fish stocks and commercial fishermen." **[Individual]**

7.17. There was also a call for the Square Mesh Panel to be placed on the topside of the net within response supporting option 3.:

> "A prime concern for nephrops processors is the maintenance of a size mix which provides sufficient larger nephrops for the whole prawn market, and smaller nephrops for the tails market. Selectivity measures could have significant impacts on the nephrops markets if smaller nephrops slip through larger mesh cod-ends, impacting both primary and secondary (scampi) processors.
>
> Research indicates that the best option from this perspective would be the Square Mesh Panel (SMP) placed on the topside of the net. Nephrops tend to move passively along the bottom of the net and are thus retained in the cod end while white fish more actively swim towards the net ceiling allowing escape through the SMP. SMP trials have demonstrated that placement of SMPs in the upper net have very

significant reductions in whitefish bycatch with negligible impacts on commercially sized nephrops. For this reason we would favour option 3." **[Organisation, Fishing organisations]**

7.18. Other reasons given in favour of option 3 were that the option which did the least amount of damage should be favoured and that more work needed to be done to reduce bycatch.

None of the proposed options

7.19. One respondent stated that they felt that the catches needed to be reduced overall and that net sizes need to be increased:

> "Catches need to be reduced overall, the size of mesh needs to be increased to give unintended species a chance for escape, and for only full-grown fish of a species to be caught- but with consideration for numbers- as these are the breeding fish for the future. So with this in mind the net size needs to be reduced by at least half- catches smaller- boats smaller - restrictions on size of trawlers in Scottish waters would be fairer for all concerned." **[Organisation, Conservation]**

7.20. Another view expressed for not favouring any of the options outlined to this question was that a 120mm mesh size was already in place outside 'mud areas' as part of the National Cod Avoidance Plan (in the North Sea) so there would be little gain in adding another layer of regulation on the directed fisheries concerned in this proposal.

7.21. Another argument forwarded for none of the options was the impact on the efficiency and viability of affected fishing vessels. A response from a fishing organisation noted that there had already been significant improvements in gear selectivity in recent years such as low standing nets and square mesh panels. This response also discussed the North Sea cod avoidance plan and using nets of 120mm plus in fish and mud designated areas. This response also called for Marine Scotland to conduct impact assessments on each of the proposed measures in order to share information with FMAC so that this aspect of the FCP could be considered further.

7.22. A response from a fishing organisation noted their position that maintaining the economic fabric of the fleet is also a priority and that any adjustments should be incremental while also noting that it is important to protect spawning aggregations and concentrations of juvenile fish. This response also noted:

> "Through their own initiative, fishermen have delivered several improvements to selectivity in recent years. These improvements have delivered real gains regarding unwanted catch. It will be important to deliver further adjustments through a co-management process working with those same fishermen whilst, at the same time, avoiding top-

down, prescriptive approaches that create their own resistance to change." **[Organisation, Fishing organisation]**

7.23. One response which queried whether the options presented did enough expressed concern about any method that achieved only 50% catch of the target species.

7.24. A small number of responses who selected 'None' stated that they felt they did not have enough knowledge to answer the question. They stated that they would need more knowledge or to see evidence on the following:

- An understanding of the design of the trawl and how it works in more detail
- Would need to see bycatch data for options in order to make a judgement

7.25. Other views expressed by those who did not want to see any of the options introduced were as follows:

- This should be discussed and agreed at FMAC
- That top-down approaches should be avoided and that through their own action's fisheries have delivered improvements to selectivity over recent years
- Any changes to the pelagic sector should be avoided as the sector is clean and non-wasteful and can operate with no changes in relation to mesh size and discards

7.26. A group of respondents who believed that none of the options should be introduced stated that they believed that the options did not do enough. This was used as an opportunity by some to again reiterate a desire to see bottom towing and trawling methods banned in inshore areas or to call for the reintroduction of the 3-mile limit.

Q18. Unintended consequences

Q18: Do you foresee any unintended consequences of any of the options described within this section, particularly those intended to increase minimum mesh sizes and adjust the Square Mesh Panel requirements?

Overview

7.27. Respondents were asked if they could foresee any unintended consequences of the options described in the consultation paper. They were asked to give particular consideration to increase minimum mesh sizes and the adjustment of requirements of the Square Mesh Panel.

7.28. A total of 109 (84 organisations and 25 organisations) gave responses to the closed elements of this question. Overall, 44% stated that they could see unintended consequences as a result of the options described while

56% said they could not. However, individual respondents were much less likely to agree that they could foresee unintended consequences (36%) than organisational respondents (72%). Conservation organisations, in particular, reported that they could foresee unintended consequences from any of these options.

7.29. There were 58 responses to the open element of this question, with 31 provided by individual respondents and 27 by organisational respondents.

Unintended consequences identified

7.30. A number of unintended consequences were identified within the responses to this question.

7.31. These unintended consequences included:

- Boats circumventing rules and potentially lax policing around these requirements
- That option 1 could inadvertently introduce a perverse incentive to discard whitefish to continue to use a 100m mesh net
- That option 2 could encourage switching between nephrops and whitefish fishing depending upon quay prices which could lead to swings in supply as one fishery becomes more profitable than the other
- Further depletion of the marine environment
- That adopting these measures would create a perception of sustainable fisheries when more work would need to be done
- It would lead to costs for the fishing fleet in terms of additional investment on new gear and impacts on viability if less fish could be caught

Q19. Exceptions for low powered vessels

Q19: Do you consider there should be an exception for low powered vessels working in inshore waters?

Overview

7.32. The consultation asked respondents whether they believed any exceptions should apply for low powered vessels working in inshore waters. A total of 143 respondents (112 individuals and 31 organisations) provided a response to the closed element of this question.

7.33. A majority (67%) of respondents believed that an exception for low powered vessels should not be considered. Organisations (52%) were more likely to think that an exception should be in place than individuals (28%). The majority of fishing organisations were in favour of an exceptions while the majority of conservation organisations were not.

7.34. A total of 57 respondents (30 individuals and 27 organisations) provided responses to the open element of this question.

Those in favour of an exception

7.35. Those in favour of an exception gave a variety of views. One of these, was that an exception should be granted for smaller boats:

> "Absolutely smaller under 8 metre vessels should be exempt. These guys have a hard enough time as it is." **[Individual]**

> "Smaller boats should not come into this - Again a 3 mile, 6 mile and 12 mile limit rule with boat sizes and fishing methods would manage this." **[Individual]**

7.36. It was also noted that some exceptions may be required in order for low powered vessels to remain economically viable.

7.37. Another possible exception that could be granted was for vessels with an engine output of 300hp or less.

7.38. Another view that was expressed was that exceptions could incentivise low impact fisheries on the ground of lower catching capacity and that smaller inshore vessels tend to be more environmentally aware:

> "Sustainable fishing should give more agency to local fishing operators who fish and land locally as this will better distribute employment and give a stronger incentive for more careful management of local fishing grounds. A significantly stronger disincentive should be placed on large corporate fleets who have no disincentive to over catch as they can just sail to another ground (e.g., feeding the "tragedy of the commons" effect)." **[Individual]**

7.39. Other responses felt that the current exemptions for vessels under 112kw should be maintained.

Those not in favour of an exception

7.40. One view expressed among those who did not feel that there should be an exception argued that for the changes to be most effective they should be applied to all vessels:

> "[Organisation] is advocating for comprehensive management measures to control fishing effort in the inshore. These measures should be implemented for all vessels working in the fleet." **[Organisation, Conservation]**

7.41. Others felt that there was no rationale not to include smaller vessels with some suggesting that there should be no demersal trawling allowed in inshore waters:

“Low powered inshore vessels are the ones which tow the most on nursery grounds, therefore better selectivity is probably even more important for this sector.” **[Individual]**

“The power of the vessel is irrelevant to reducing the amount of unwanted catch. Low powered vessels can catch significant amounts of unwanted catches.” **[Organisation, Conservation]**

8. Discard exemptions (Q20)

Q20. Issues or unintended consequences of accounting for discard in this way

Q20: Do you foresee any significant issues or unintended consequences of accounting for discards in this way?

Overview

8.1. The consultation frames the way that the landing obligation and total allowable catch deductions have worked in the past and asks respondents to consider a proposed simpler system of discard rules. This system would involve making deductions to total allowable catches for species below Minimum Conservation Reference Sizes (MCRS) in a way that allows fishers to discard the catch under a blanket exemption, but the catch would be accounted for and factored into stock assessments and quotas.

8.2. Question 20 received 134 closed responses with 68% of answers indicating that respondents did foresee issues or unintended consequences of accounting for discards in the way the consultation proposes.

8.3. 91 respondents (61 individuals and 30 organisations) provided open response descriptions of issues foreseen. A wide variety of issues were suggested, most falling under the following two themes: sustainability issues and implementation issues.

Sustainability

8.4. Concerns with sustainability generally centred on discards and bycatches. Firstly, one argument among those who opposed the premise of accounting for discards in the way set out in the consultation document is that they viewed tight restrictions on discards or a ban on discards as favourable for sustainability reasons. Secondly, many respondents viewed these proposals as removing fishermen's incentives to avoid bycatch, and that this would therefore increase bycatch and reduce sustainability in fishing.

> "Discarding must be outlawed; it is unacceptable in an age of biodiversity and climate crises. It is appalling that such cavalier activities are still allowed." **[Individual]**

> "The purpose of the landing obligation was to incentivise avoidance behaviours, encourage and incentivise a shift towards more selective gear and to reduce catches of depleted stocks. Simply, allowing for a blanket exemption for undersize fish will completely remove any incentive to avoid catching these fish." **[Organisation, Conservation]**

> "The fact that Marine Scotland are removing the individual incentive to avoid bycatch and are essentially doing away with the discard ban/landings obligation is reprehensible and makes this proposal not fit for purpose!" **[Organisation, Fishing organisation]**

Implementation issues

8.5. Various responses came under the umbrella of general implementation issues. On one side, concerns were expressed that it would be a challenge for scientists to come up with the required estimates, and that this could result in science being out of touch with fish stocks and the implementation of excessively low quotas. There were also concerns about enforcement and ability for fishermen to falsely report this information, with some respondents explicitly mentioning the role of REM in mitigating this.

> "The success of these deductions is going to lie in the effectiveness of monitoring catches. The claim is made that "the catch would be fully accounted for and factored into stock assessments and quotas" but no indication is given as to how this will be achieved. Without effective monitoring through the use of REM and cameras to inform TAC deductions or quota top-ups, unintended overfishing may occur. It is vital access to quota top-ups is only given to vessels which can demonstrate compliance with the Future Catching Policy and all authorised discards are fully deducted from the TAC to prevent undermining efforts made to restore and protect fish stocks." **[Organisation, Conservation]**

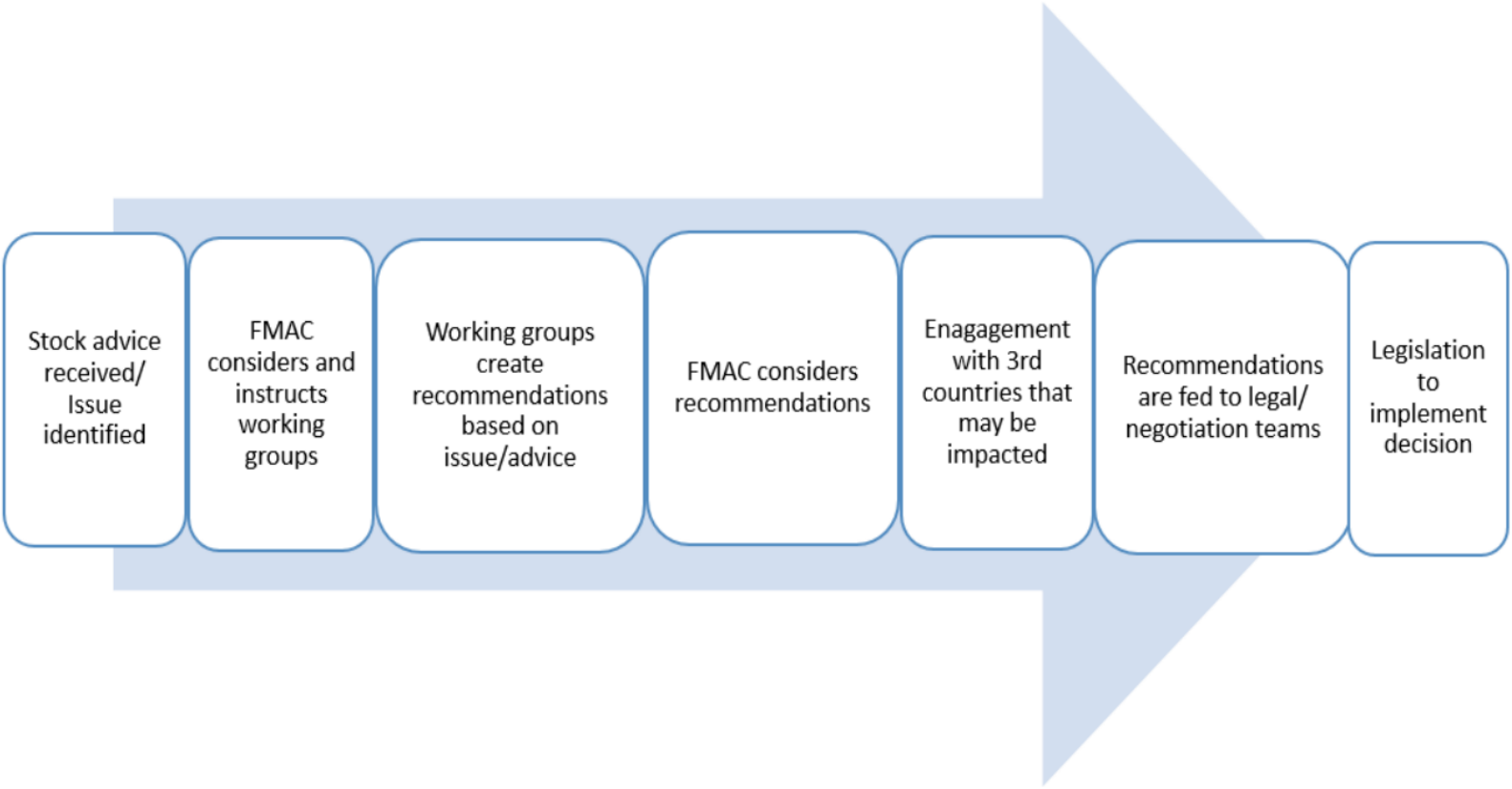
9. Process (Q21-22)

Q21. Management decisions

Q21: Do you agree that this process is the best way to make management decisions in a cooperative manner?

Overview

9.1. The consultation asked respondents to comment on a proposed management system pictured the figure below:



9.2. Question 21 had a relatively high response rate in this consultation, receiving 201 closed responses – 171 from individuals and 30 from organisations. Overall, 68% expressed opposition to the proposed process for making management decisions in a cooperative manner. Opposition was slightly stronger among individuals (69%) compared with organisations (60%).

9.3. A large number of respondents, 163, provided open responses to question 21. The following key themes emerged.

Views on the proposed process

9.4. Firstly, many expressed the view that more groups need to be included in the process. Particularly, many responses argued that not including local communities was a mistake. Many responses of this type used very similar

wording, with a key focus on the process being undemocratic to a lesser extent, there were also calls to include more independent scientists, fishermen, conservationists etc.

> "The current proposals do not provide any opportunity for communities or the wider public to have a say about how our seas are managed. Our seas are the common good of the people of Scotland and are being run into the ground by a total failure to acknowledge how much we have lost due to bad management, that the current situation is not sustainable, or that we should be taking urgent action to change it […] The Scottish Government should take urgent action to enhance local and national fisheries, and give communities and the wider public more of an opportunity to input." **[Organisation, Conservation]**

> "The current proposals do not provide opportunity for the wider public to have a say about how our seas are managed.
>
> This is inappropriate and counter to local democracy. The Scottish Government should enhance local and national fisheries management and give communities and the wider public more regular opportunities to input to fisheries management." **[Individual]**

9.5. A minority of responses also put forward that certain groups should have less power in the process, such as eNGOs on one hand or fishermen/industry bodies on the other.

9.6. While a few respondents favoured a consensus style approach, others argued that stalemates could be used to excuse inaction and pointed out the length and complexity of the process could be used to 'kick the can down the road' for issues requiring urgent action.

9.7. It was noted that FMAC's centrality in the process posed issues for inshore fishing as it is perceived to be an offshore forum. Furthermore, the reliance of ICES data was criticised by many groups who believe this to be inaccurate.

Q22. Unintended consequences

Q22: Do you foresee any unintended consequences to making decisions this way?

Overview

9.8. Question 22 received 138 closed responses – 108 from individuals and 30 from organisations. Overall, 70% of respondents foresaw unintended consequences of making decisions in the way proposed, with organisations more likely to foresee issues (80%) than individuals (68%).

9.9. The 100 open responses - 73 from individuals, 27 from organisations – illuminated the unintended consequences respondents felt were likely. There was significant overlap in open responses to this question and views provided in response to question 21.

Unintended consequences

9.10. Firstly, many identified the length and complexity of the process as possibly hindering urgent action.

> "With so many groups and interests involve it will becoming overly bureaucratic and long winded resulting in slow and ineffectual weak management. The sustainable management of the fishery has to be at the centre even if some of the management measures are hard for sectors of the industry to adjust to." **[Individual]**

9.11. Similarly, there were several concerns about power of the groups involved in the process. Most prolifically, there were concerns that influential well-funded fishing groups could hinder conservation efforts.

> "It is very clear that some sectors of the industry are more poorly represented than others. The big money vessels can afford to pay representatives and usually dominate proceedings at these meetings. Marine Scotland must at last wake up to this and make sure that the small vessel sectors in particular are not being misrepresented by larger umbrella groups, particularly on issues where there may be conflicting interests." **[Individual]**

> "Yes, allowing the same old suspects to dominate the same old fisheries management decision making process and marginalising the IFMAC group will only result in more of the same." **[Organisation, Other]**

9.12. There were also repeated concerns as to how decisions made centrally could be applied to different local situations.

10. Additional comments (Q23)

Q23. Additional comments

Q23: Do you have any additional comments to make regarding the Future Catching Policy?

Overview

10.1. A total of 183 respondents (145 individuals and 38 organisations) provided additional comments on the Future Catching Policy.

Themes

Within the additional comments the following themes were raised:

- That the industry is feeling increasingly squeezed with rapid changes in Marine Protected Areas and that fisheries must be taken into account in marine planning.
- A group of responses called for the inclusion of spatial measures to limit or ban bottom-trawling and dredging in Scotland's inshore waters. These groups of responses often tended to make this point throughout the consultation using similar language.
- A call for more research and regulation for non-UK vessels in Scottish waters.
- That the science around issues referred to in the consultation document needs to be improved.
- The perceived need for more localised quota management.
- Scientists and fishers need to work together in order to address issues in a workable way.
- Some felt that the plans did not go far enough on sustainability and environmental damage and that they did not represent a plan to recover the health of seas and fish populations.
- A few respondents stated that they felt the proposals set out in the consultation document represented a backwards step in fishery management.
- That Crown Dependencies should be considered where appropriate particularly in relation to scallop fisheries.
- Some concepts in the proposal lacked precise definitions.
- Better future stock assessment was required.

11. Business Regulatory Impact Assessment (Q24)

Q24. BRIA

Q24: Taking in to account the Business Regulatory Impact Assessment (BRIA) supplementing this consultation, do you have any comments or views which you would like to put forward? - Please note this is a draft partial BRIA at this stage. Given the measures aren't set in stone yet, this partial BRIA is setting the foundation for a full assessment which will take form as the measures do.

11.1. The consultation document was supplemented by a draft Business Regulatory Impact Assessment (BRIA). Respondents were asked to express any comments or views on the BRIA. In total, 35 respondents expressed views on the BRIA.

11.2. Some respondents noted the draft nature of the BRIA prior to making comments and suggested that the BRIA should be discussed at FMAC.

11.3. Other respondents used this question to reiterate points made throughout the consultation.

11.4. In terms of comments relating to the BRIA, the following views were raised by respondents:

- That the policy statements and commitments contained within the BRIA were only achievable where a level playing field between all nations and fleet sectors within Scottish waters is established and consistently applied from the outset.
- Any action taken must be considered with its own socio-economic and environmental impact assessment.
- That the BRIA required more detail.
- That there should be more use of the knowledge of fishermen.
- That any business impact should be considered secondary to sustainable management of fish stocks.
- Quotas need to be increased in light of the current fuel prices.
- A sense that the policies set out are economically inaccurate and only look at the benefits to the industries that the agencies are set up to regulate.
- That the language used throughout the consultation was not conducive to a public consultation which made it difficult for some to fill out.

- The costs of not complying with the 2020 Fisheries Act should be evaluated.

Annex 1: List of consultation questions and response counts

Question		Number of responses	% Of total responses (base=244)
1	Do you agree that the current rules around the landing obligation need to be adjusted, taking into account regional and sectoral variances with a focus on the landing of marketable fish and avoidance of unwanted catch (in particular, juvenile fish) through various spatial and technical measures?	230	94%
	Please provide details in the text box below	195	80%
2	Do you agree that the FCP should address issues with unwanted catches of fish and accidental bycatch other species, e.g., cetaceans, seals and seabirds where appropriate?	210	86%
	Please provide details in the text box below	108	44%
3	Do the broad fleet segment categories identified within this section appear correct?	164	67%
	Please provide details in the text box below	53	22%
4	Are there any specific geographical differences of the sea which you think we should take account of within the FCP?	160	66%
	Please provide details in the text box below	123	50%
5	Do you think that the proposed actions for each fleet segment sound appropriate?	135	55%
	Please provide details in the text box below	93	38%
6	Given the restrictions relating to available marine space and the need to manage displacement issues, do you think a restriction on gear soak time (the length of time static gear can be left in the water to fish) should be set?	150	61%

	Please provide details in the text box below	100	41%
7	Do you think there should be restrictions on the number of creels that can be deployed by a fishing vessel?	171	70%
	Please provide details in the text box below	93	38%
8	Do you think creel limits should be set according to geographical area, for example according to regional Inshore Fisheries Group (rIFG) area?	150	61%
	Please provide details in the text box below	86	35%
9	Do you think creel limits should be dictated by	151	62%
	Please provide details in the text box below	58	24%
10	Do you think a restriction on string length should be set for the Pots and Creels Segment?	136	56%
	Please provide details in the text box below	56	23%
11	Are there any other additional management measures, such as escape panels soak time restrictions or measures to reduce entanglement of marine species, that we should be considering as part of a package of measures to improve management of the creel sector?	95	39%
12	Do you agree that we need to develop measures with regards to gillnets and longlines in order to ease the pressure on shared marine space and avoid conflict?	161	66%
	Please provide details in the text box below	105	43%
13	Do you think we should set minimum separation distances between sets of nets or longlines in order to create corridors for mobile vessels to move through?	146	60%
	Please provide details in the text box below	84	34%
14	Should we adjust the depth at which gillnets can be set (minimum and maximum) in order to further utilise the marine space and avoid gear conflict?	132	54%

15a	Do you see any need to restrict the numbers of gillnet and longline vessels operating in Scottish waters at any one time?	155	64%
	Please provide details in the text box below	86	35%
15b	On the same basis should similar restrictions apply to vessels using mobile gear?	157	64%
	Please provide details in the text box below	68	28%
15c	In consideration of questions Q15a and Q15b should these measures apply generically or in a specific geographical area?	142	58%
	Please provide details in the text box below	52	21%
16	Are there additional measures that we should be considering, for example to help prevent entanglements in the gillnet and longline fishery?	122	50%
	Please provide details in the text box below	87	36%
17	Of the options provided in this section, which option (or combination of options) do you think should be introduced, and why?	124	51%
	Please provide details in the text box below	64	29%
18	Do you foresee any unintended consequences of any of the options described within this section, particularly those intended to increase minimum mesh sizes and adjust the Square Mesh Panel requirements?	109	45%
	Please provide details in the text box below	58	24%
19	Do you consider there should be an exception for low powered vessels working in inshore waters?	143	59%
	Please provide details in the text box below	57	23%
20	Do you foresee any significant issues or unintended consequences of accounting for discards in this way?	134	55%
	Please provide details in the text box below	91	37%

21	Do you agree that this process is the best way to make management decisions in a cooperative manner?	201	82%
	Please provide details in the text box below	163	67%
22	Do you foresee any unintended consequences to making decisions this way?	138	57%
	Please provide details in the text box below	100	41%
23	Do you have any additional comments to make regarding the Future Catching Policy?	185	76%
24	Taking in to account the Business Regulatory Impact Assessment (BRIA) supplementing this consultation, do you have any comments or views which you would like to put forward? - Please note this is a draft partial BRIA at this stage. Given the measures aren't set in stone yet, this partial BRIA is setting the foundation for a full assessment which will take form as the measures do.	35	14%

Annex 2: Frequency analysis of closed questions

Question 1

Table A2.1- Do you agree that the current rules around the landing obligation need to be adjusted, taking into account regional and sectoral variances with a focus on the landing of marketable fish and avoidance of unwanted catch (in particular, juvenile fish) through various spatial and technical measures?

Respondent Type	Yes		No		Total	
	n	%	n	%	n	%
Individuals	82	43%	109	57%	191	100%
Organisations	18	46%	21	54%	39	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	13	72%	5	28%	18	100%
Conservation	2	15%	11	85%	13	100%
Public Sector	2	100%	0	0%	2	100%
Scientific body/academia	1	100%	0	0%	1	100%
Third Sector	0	0%	1	100%	1	100%
Other	0	0%	4	100%	4	100%
Total	**100**	**43%**	**130**	**57%**	**230**	**100%**

Question 2

Table A2.2- Do you agree that the FCP should address issues with unwanted catches of fish and accidental bycatch other species, e.g., cetaceans, seals and seabirds where appropriate?

Respondent Type	Yes		No		Total	
	n	%	n	%	n	%
Individuals	163	94%	10	6%	173	100%
Organisations	34	92%	3	8%	37	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	13	87%	2	13%	15	100%
Conservation	13	93%	1	7%	14	100%
Public Sector	2	100%	0	0%	2	100%
Scientific body/academia	1	100%	0	0%	1	100%
Third Sector	1	100%	0	0%	1	100%
Other	4	100%	0	0%	4	100%
Total	**197**	**94%**	**13**	**6%**	**210**	**100%**

Question 3

Table A2.3- Do the broad fleet segment categories identified within this section appear correct?

Respondent Type	Yes		No		Total	
	n	%	n	%	n	%
Individuals	111	88%	15	12%	126	100%
Organisations	24	63%	14	37%	38	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	15	83%	3	17%	18	100%
Conservation	6	50%	6	50%	12	100%
Public Sector	1	50%	1	50%	2	100%
Scientific body/academia	0	0%	1	100%	1	100%
Third Sector	1	100%	0	0%	1	100%
Other	1	25%	3	75%	4	100%
Total	**135**	**82%**	**29**	**18%**	**164**	**100%**

Question 4

Table A2.4- Are there any specific geographical differences of the sea which you think we should take account of within the FCP?

Respondent Type	Yes		No		Total	
	n	%	n	%	n	%
Individuals	102	81%	24	19%	126	100%
Organisations	29	85%	5	15%	34	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	11	79%	3	21%	14	100%
Conservation	12	100%	0	0%	12	100%
Public Sector	1	50%	1	50%	2	100%
Scientific body/academia	0	0%	1	100%	1	100%
Third Sector	1	100%	0	0%	1	100%
Other	4	100%	0	0%	4	100%
Total	**131**	**82%**	**29**	**18%**	**160**	**100%**

Question 5

Table A2.5- Do you think that the proposed actions for each fleet segment sound appropriate?

Respondent Type	Yes		No		Total	
	n	%	n	%	n	%
Individuals	41	39%	63	61%	104	100%
Organisations	8	26%	23	74%	31	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	5	36%	9	64%	14	100%
Conservation	1	11%	8	89%	9	100%
Public Sector	1	50%	1	50%	2	100%
Scientific body/academia	0	0%	1	100%	1	100%
Third Sector	0	0%	1	100%	1	100%
Other	1	25%	3	75%	4	100%
Total	**49**	**36%**	**86**	**64%**	**135**	**100%**

Question 6

Table A2.6- Given the restrictions relating to available marine space and the need to manage displacement issues, do you think a restriction on gear soak time (the length of time static gear can be left in the water to fish) should be set?

Respondent Type	Yes		No		Total	
	n	%	n	%	n	%
Individuals	95	82%	21	18%	116	100%
Organisations	22	65%	12	35%	34	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	12	67%	6	33%	18	100%
Conservation	8	80%	2	20%	10	100%
Public Sector	0	0%	2	100%	2	100%
Scientific body/academia	1	100%	0	0%	1	100%
Third Sector	1	100%	0	0%	1	100%
Other	0	0%	2	100%	2	100%
Total	**117**	**78%**	**33**	**22%**	**150**	**100%**

Question 7

Table A2.7- Do you think there should be restrictions on the number of creels that can be deployed by a fishing vessel?

Respondent Type	Yes		No		Total	
	n	%	n	%	n	%
Individuals	118	84%	22	16%	140	100%
Organisations	27	87%	4	13%	31	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	13	100%	0	0%	13	100%
Conservation	11	92%	1	8%	12	100%
Public Sector	2	100%	0	0%	2	100%
Scientific body/academia	1	100%	0	0%	1	100%
Other	0	0%	3	100%	3	100%
Total	**145**	**85%**	**26**	**15%**	**171**	**100%**

Question 8

Table A2.8- Do you think creel limits should be set according to geographical area, for example according to regional Inshore Fisheries Group (rIFG) area?

Respondent Type	Yes		No		Total	
	n	%	n	%	n	%
Individuals	99	80%	24	20%	123	100%
Organisations	21	78%	6	22%	27	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	9	82%	2	18%	11	100%
Conservation	8	80%	2	20%	10	100%
Public Sector	1	50%	1	50%	2	100%
Scientific body/academia	1	100%	0	0%	1	100%
Other	2	67%	1	33%	3	100%
Total	**120**	**80%**	**30**	**20%**	**150**	**100%**

Question 9

Table A2.9- Do you think creel limits should be dictated by

Respondent Type	Overall length of vessel		Kilowatt engine power		Per fisher		Another metric		None of the above		Total	
	n	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**	**n**	**%**
Individuals	24	20%	8	7%	67	54%	9	7%	28	23%	123	100%
Organisations	8	29%	2	7%	6	21%	8	29%	8	29%	28	100%
Organisation type												
Fishing organisations (including representative bodies and fishing industry)	4	33%	2	17%	4	33%	4	33%	2	33%	12	17%
Conservation	2	20%	0	0%	2	20%	2	20%	4	20%	10	40%
Public Sector	1	50%	0	0%	0	0%	0	0%	0	0%	2	0%
Scientific body/academia	0	0%	0	0%	0	0%	1	100%	0	100%	1	0%
Other	1	33%	0	0%	0	0%	1	33%	2	33%	3	67%
Total	**32**	**21%**	**10**	**7%**	**73**	**48%**	**17**	**11%**	**36**	**24%**	**151**	**100%**

Question 10

Table A2.10- Do you think a restriction on string length should be set for the Pots and Creels Segment?

Respondent Type	Yes		No		Total	
	n	**%**	**n**	**%**	**n**	**%**
Individuals	81	70%	34	30%	115	100%
Organisations	11	52%	10	48%	21	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	6	67%	3	33%	9	100%
Conservation	5	71%	2	29%	7	100%
Public Sector	0	0%	2	100%	2	100%
Other	0	0%	3	100%	3	100%
Total	**92**	**68%**	**44**	**32%**	**136**	**100%**

Question 12

Table A2.11- Do you agree that we need to develop measures with regards to gillnets and longlines in order to ease the pressure on shared marine space and avoid conflict?

	Yes	No	Total

Respondent Type	n	%	n	%	n	%
Individuals	124	93%	9	7%	133	100%
Organisations	21	75%	7	25%	28	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	12	75%	4	25%	16	100%
Conservation	7	78%	2	22%	9	100%
Public Sector	1	100%	0	0%	1	100%
Other	1	50%	1	50%	2	100%
Total	**145**	**90%**	**16**	**10%**	**161**	**100%**

Question 13

Table A2.12- Do you think we should set minimum separation distances between sets of nets or longlines in order to create corridors for mobile vessels to move through?

Respondent Type	Yes		No		Total	
	n	%	n	%	n	%
Individuals	100	81%	23	19%	123	100%
Organisations	13	57%	10	43%	23	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	10	77%	3	23%	13	100%
Conservation	3	33%	6	67%	9	100%
Other	0	0%	1	100%	1	100%
Total	**113**	**77%**	**33**	**23%**	**146**	**100%**

Question 14

Table A2.13- Should we adjust the depth at which gillnets can be set (minimum and maximum) in order to further utilise the marine space and avoid gear conflict?

Respondent Type	Yes		No		Total	
	n	%	n	%	n	%
Individuals	83	78%	23	22%	106	100%
Organisations	21	81%	5	19%	26	100%
Organisation type						
Fishing organisations (including	12	86%	2	14%	14	100%

representative bodies and fishing industry)						
Conservation	7	78%	2	22%	9	100%
Third Sector	1	100%	0	0%	1	100%
Other	1	50%	1	50%	2	100%
Total	**104**	**79%**	**28**	**21%**	**132**	**100%**

Question 15a

Table A2.14- Do you see any need to restrict the numbers of gillnet and longline vessels operating in Scottish waters at any one time?

Respondent Type	**Yes**		**No**		**Total**	
	n	**%**	**n**	**%**	**n**	**%**
Individuals	121	95%	6	5%	127	100%
Organisations	23	82%	5	18%	28	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	13	81%	3	19%	16	100%
Conservation	10	91%	1	9%	11	100%
Other	0	0%	1	100%	1	100%
Total	**144**	**93%**	**11**	**7%**	**155**	**100%**

Question 15b

Table A2.15- On the same basis should similar restrictions apply to vessels using mobile gear?

Respondent Type	**Yes**		**No**		**Total**	
	n	**%**	**n**	**%**	**n**	**%**
Individuals	103	82%	23	18%	126	100%
Organisations	20	65%	11	35%	31	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	8	50%	8	50%	16	100%
Conservation	10	91%	1	9%	11	100%
Public Sector	0	0%	1	100%	1	100%
Third Sector	1	100%	0	0%	1	100%
Other	1	50%	1	50%	2	100%
Total	**123**	**78%**	**34**	**22%**	**157**	**100%**

Question 15c

Table A2.16- In consideration of questions Q15a and Q15b should these measures apply generically or in a specific geographical area?

Respondent Type	Generically		Specific to geographical areas		Total	
	n	%	n	%	n	%
Individuals	68	58%	50	42%	118	100%
Organisations	7	29%	17	71%	24	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	3	23%	10	77%	13	100%
Conservation	4	50%	4	50%	8	100%
Public Sector	0	0%	1	100%	1	100%
Third Sector	0	0%	1	100%	1	100%
Other	0	0%	1	100%	1	100%
Total	**75**	**53%**	**67**	**47%**	**142**	**100%**

Question 16

Table A2.17- Are there additional measures that we should be considering, for example to help prevent entanglements in the gillnet and longline fishery?

Respondent Type	Yes		No		Total	
	n	%	n	%	n	%
Individuals	68	74%	24	26%	92	100%
Organisations	28	93%	2	7%	30	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	14	88%	2	13%	16	100%
Conservation	10	100%	0	0%	10	100%
Public Sector	1	100%	0	0%	1	100%
Third Sector	1	100%	0	0%	1	100%
Other	2	100%	0	0%	2	100%
Total	**96**	**79%**	**26**	**21%**	**122**	**100%**

Question 17

Table A2.18- Of the options provided in this section, which option (or combination of options) do you think should be introduced, and why?

	Option 1	Option 2	Option 3	None	Total

Respondent Type	n	%	n	%	n	%	n	%	n	%
Individuals	16	16%	19	20%	52	54%	19	20%	97	100%
Organisations	5	19%	2	7%	9	33%	11	41%	27	100%
Organisation type										
Fishing organisations (including representative bodies and fishing industry)	1	7%	2	14%	5	36%	7	50%	14	100%
Conservation	3	43%	0	0%	2	29%	2	29%	7	100%
Public Sector	1	50%	0	0%	1	50%	0	0%	2	100%
Scientific body/academia	0	0%	0	0%	1	100%	0	0%	1	100%
Other	0	0%	0	0%	0	0%	2	100%	2	100%
Total	**21**	**17%**	**21**	**17%**	**61**	**49%**	**30**	**24%**	**124**	**100%**

Question 18

Table A2.19- Do you foresee any unintended consequences of any of the options described within this section, particularly those intended to increase minimum mesh sizes and adjust the Square Mesh Panel requirements?

Respondent Type	Yes		No		Total	
	n	%	n	%	n	%
Individuals	30	36%	54	64%	84	100%
Organisations	18	72%	7	28%	25	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	8	62%	5	38%	13	100%
Conservation	7	88%	1	13%	8	100%
Public Sector	0	0%	1	100%	1	100%
Scientific body/academia	1	100%	0	0%	1	100%
Other	2	100%	0	0%	2	100%
Total	**48**	**44%**	**61**	**56%**	**109**	**100%**

Question 19

Table A2.20- Do you consider there should be an exception for low powered vessels working in inshore waters?

Respondent Type	Yes		No		Total	
	n	%	n	%	n	%
Individuals	31	28%	81	72%	112	100%
Organisations	16	52%	15	48%	31	100%

Organisation type						
Fishing organisations (including representative bodies and fishing industry)	12	75%	4	25%	16	100%
Conservation	3	30%	7	70%	10	100%
Public Sector	1	100%	0	0%	1	100%
Scientific body/academia	0	0%	1	100%	1	100%
Other	0	0%	3	100%	3	100%
Total	**47**	**33%**	**96**	**67%**	**143**	**100%**

Question 20

Table A2.21- Do you foresee any significant issues or unintended consequences of accounting for discards in this way?

Respondent Type	**Yes**		**No**		**Total**	
	n	**%**	**n**	**%**	**n**	**%**
Individuals	70	68%	33	32%	103	100%
Organisations	21	68%	10	32%	31	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	6	40%	9	60%	15	100%
Conservation	10	100%	0	0%	10	100%
Public Sector	1	50%	1	50%	2	100%
Scientific body/academia	1	100%	0	0%	1	100%
Third Sector	1	100%	0	0%	1	100%
Other	2	100%	0	0%	2	100%
Total	**91**	**68%**	**43**	**32%**	**134**	**100%**

Question 21

Table A2.22- Do you agree that this process is the best way to make management decisions in a cooperative manner?

Respondent Type	**Yes**		**No**		**Total**	
	n	**%**	**n**	**%**	**n**	**%**
Individuals	53	31%	118	69%	171	100%
Organisations	12	40%	18	60%	30	100%
Organisation type						
Fishing organisations	6	50%	6	50%	12	100%

(including representative bodies and fishing industry)						
Conservation	2	20%	8	80%	10	100%
Public Sector	2	100%	0	0%	2	100%
Scientific body/academia	1	100%	0	0%	1	100%
Third Sector	1	100%	0	0%	1	100%
Other	0	0%	4	100%	4	100%
Total	**65**	**32%**	**136**	**68%**	**201**	**100%**

Question 22

Table A2.23- Do you foresee any unintended consequences to making decisions this way?

Respondent Type	**Yes**		**No**		**Total**	
	n	**%**	**n**	**%**	**n**	**%**
Individuals	73	68%	35	32%	108	100%
Organisations	24	80%	6	20%	30	100%
Organisation type						
Fishing organisations (including representative bodies and fishing industry)	10	67%	5	33%	15	100%
Conservation	8	89%	1	11%	9	100%
Public Sector	2	100%	0	0%	2	100%
Scientific body/academia	1	100%	0	0%	1	100%
Other	3	100%	0	0%	3	100%
Total	**97**	**70%**	**41**	**30%**	**138**	**100%**

Annex 3: List of organisational respondents

In total, 44 organisational responses were submitted. Five responses completed the consultation as individual responses but gave an organization name, these are marked with an asterix. These are listed below.

Conservation (17)
Aquatic Life Institute / Ethical Seafood Research
Blue Marine Foundation
Clyde Porpoise CIC
Community of Arran Seabed Trust (COAST)
Fairlie Coastal trust

Fishing Forward UK GB
Little Loch Broom Marine Life
Marine Concern*
Our Seas
Scottish Marine Animal Stranding Scheme*
Sea Change Wester Ross
Seawilding
Stop Climate Chaos Scotland
Sustainable Inshore Fisheries Trust (SIFT)
The Open Seas Trust
Future Fisheries Alliance[5]
WDC, Whale and Dolphin Conservation

Fishing organisations (including representative bodies and fishing industry) (20)

Aberdeen Fish Producers Organisation Ltd
CB Marine and Domestic Carpentry*
CIFA
Clyde Fishermen's Association
Eastern England Fish Producers Organisations
Hooktone Group
Klondyke Quota Management Group Ltd
Macduff Shellfish Ltd
Mid Clyde Angling Association
Northern Producers Organisation Ltd
Ockran Oysters
Orkney Fisheries Association
Scottish Creel Fisherman's Federation
Scottish Fishermen's Federation
Scottish Fishermen's Organisation
Scottish White Fish Producers Association
Shetland Fishermen's Association and Shetland Fish Producers Organisation
The National Federation of Fishermen's Organisations
Western Isles Fishermen's Association
Whitby Seafoods

Other (4)

Belamansa Marine Services
Fish Legal
Logie Estate*
Modus Vivendi
Patagonia

[5] A coalition of WWF, RSPB and Marine Conservation Society. This submission is supported by Client Earth and National Trust for Scotland.

Public Sector (4)

Comhairle nan Eilean Siar
Crown Estate Scotland
Isle of Man Government - Department of Environment, Food and Agriculture
Law Society of Scotland

Scientific body/academia (2)

Anglia Ruskin University*
Scottish Association for Marine Science

Third Sector (1)

National Trust for Scotland

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