

Proposals to close fishing for sandeel in all Scottish waters

Analysis of Consultation Responses

January 2024

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Terminology and Abbreviations

This report contains some terminology and abbreviations relating to the consultation, as well as those used in the BRIA (Business and Regulatory Impact Assessment).

While these are explained when first introduced in the main report, lists of relevant abbreviations can be found below:

Abbreviations relating to the consultation:

BEIS	Department for Business, Energy and Industrial Strategy
BRIA	Business and Regulatory Impact Assessment
EEZ	Exclusive Economic Zone
EU	European Union
GDPR	General Data Protection Regulation
GES	Good Environmental Status
HRA	Habitats Regulation Assessment
ICES	International Council for the Exploration of the Sea
ICO	Information Commissioner's Office
MPA	Marine Protected Area
MSC	Marine Stewardship Council
NC	Nature Conservation
OSPAR	Convention for the Protection of the Marine Environment of the North-East Atlantic
PMF/s	Priority Marine Feature/s
RIF	Respondent Information Form

SEA	Strategic Environmental Assessment
TAC	Total Allowable Catch
TCA	EU-UK Trade and Cooperation Agreement
UK	United Kingdom

Abbreviations used in the BRIA:

BRIA	Business and Regulatory Impact Assessment
EEZ	Exclusive Economic Zone
EU	European Union
FFM	Future Fisheries Management
GES	Good Environmental Status
ICES	International Council for the Exploration of the Sea
JFS	Joint Fisheries Statement
MMO	Marine Management Organisation
MPAs	Marine Protected Areas
OSPAR	The Convention for the Protection of the Marine Environment in the North-East Atlantic
SEA	Strategic Environmental Assessment
TAC	Total Allowable Catch
TCA	Trade and Cooperation Agreement
UK	United Kingdom

Executive Summary

Introduction

This report presents the independent analysis of responses to the consultation on proposals to close fishing for sandeel in all Scottish waters. The public consultation ran from Friday 21st July 2023 to Friday 13th October 2023.

Aligned with Scotland's Fisheries Management Strategy, which does not endorse sandeel fishing within Scottish territorial waters, this initiative stems from a joint UK-Scottish Government call for evidence in 2021 to safeguard sandeel stocks and broader marine biodiversity. The proposal aims to enhance sandeel management for ecological benefits, beyond the existing closure in sandeel management area 4. It aligns with the Scottish Government's international commitments in relation to protecting marine biodiversity and the terms of the UK/EU trade agreement. It prioritises sandeel protection, diverse ecosystem benefits, and complementing existing management measures in relation to sandeel.

The public consultation sought input on the proposals to close fishing for sandeel in all Scottish waters, with the primary objectives of ensuring effective sandeel protection, fostering wider environmental and ecosystem benefits, and complementing existing management measures. It sought views and comments on five documents relating to proposals, including:

- the consultation paper,
- a Review of Scientific Evidence,
- a Draft Strategic Environmental Assessment (SEA) Report,
- a Draft Partial Business and Regulatory Impact Assessment,
- a Data Protection Impact Assessment.

The consultation featured six questions covering support for the closure, benefits of closing fishing for sandeel, impacts on island communities, costs and benefits, and assessment of the Strategic Environmental Assessment (SEA). Respondents were invited to provide further comments in an open-ended question. The analysis of responses in this report follows the structure of the consultation paper, considering each question individually.

The consultation received 494 responses via Citizen Space or by email to the Scottish Government, comprising of responses from 443 individuals and 51 organisations. Of the responses where the respondent identified as responding on behalf of an organisation (51), there were nineteen responses from organisations in the environmental/conservation sector, thirteen in the fishing sector, seven in the

energy sector, five in the community sector, one in the recreation and six other organisations.¹

In addition to this, 9,815 campaign emails which appear to be associated with the RSPB, where respondents add their name to text produced by a campaign organiser, were received. These responses are analysed and considered alongside the direct responses to the consultation questionnaire.

Support for closure of fishing for sandeel in all Scottish waters - preferred option (Q1)

Overwhelming support was expressed in the consultation responses for the preferred option to close fishing for sandeel in all Scottish waters. Of the closed responses, 97% indicated support, with only 3% in opposition. While organisational responses showed slightly lower support at 82%, individuals overwhelmingly favoured the proposal at 99%.

The consultation also received 9,815 campaign letters expressing support for the closure, indicating a widespread endorsement of the proposed measures among respondents. These letters were identical or similar in content, and appear to be from RSPB (Royal Society for the Protection of Birds) supporters.

Many respondents expressing support for the preferred option emphasised the need to protect depleting fish stocks, particularly emphasising the crucial role of sandeel in marine ecosystems. Concerns were raised about the impact of commercial harvesting on threatened seabirds, including species like guillemot, razorbill, puffin, arctic tern, and kittiwake. Support was also tied to broader environmental goals, such as the Scottish Government's net-zero target by 2045 and the '30 by 30 target' to protect 30% of Scottish waters by 2030. Some respondents believed that achieving these targets necessitates limitations on unsustainable fishing practices, which they considered included sandeel fishing.

Those opposing the preferred option questioned the need for additional measures, expressing scepticism about what they viewed as the absence of direct scientific evidence justifying the proposal. Some argued that the closure could contradict other outcomes, such as the Marine Scotland Blue Economy Outcomes. A few respondents mentioned recommendations put forward by the International Council for the Exploration of the Sea (ICES), highlighting potential adverse economic consequences, particularly for European and Scottish salmon producers who rely on sandeel for fishmeal and fish oil. Some respondents believed the closure was unnecessary, asserting that the current sandeel fishery management is precautionary and aligned with ecosystem requirements. An international perspective was provided around concerns about the proposed measures'

¹ Organisations were not able to select their own categorisation in response to the consultation. Therefore, these were agreed with Scottish Government during analysis and applied to organisational responses.

disproportionality and potential economic impact on the Danish fisheries sector, who have a major interest in the sandeel fishery.

Alternative or complementary measures that could be considered in the longer-term for the protection of sandeel in Scottish waters (Q2)

Many respondents supporting the proposal to close fishing for sandeel in all Scottish waters did not offer views on alternative or complementary measures for the longer-term protection of sandeel, with some suggesting that any alternatives should be rejected as incompatible with the goal of increasing sandeel stock resilience.

Among those expressing opinions on alternatives, ideas focused on ecosystem-based fisheries management, emphasising the importance of a holistic approach involving the closure of UK waters to sandeel fishing to minimise displacement issues. Concerns were raised about the effectiveness of alternative technical measures, such as increased mesh sizes, and temporal closures that don't cover the full fishing season.

Some respondents considered the possibility of zero-Total Allowable Catches (TACs) for relevant sandeel stocks but noted political challenges, particularly regarding continued EU interest. Others emphasised the need for robust monitoring schemes for sandeel stocks and effective control and enforcement of the closure, while a few respondents remained sceptical about the effectiveness of the alternative measures outlined in the SEA Environmental Report.

Any further evidence that should be considered (Q3)

Respondents overwhelmingly supported the proposal to close sandeel fishing throughout all Scottish waters, emphasising the importance of increased sandeel populations for protecting seabirds, marine mammals, and other fish species. They highlighted benefits such as improved lifespans and breeding success for declining seabird populations, enhanced biodiversity, and positive impacts on river and seabed health, water quality, and carbon capture. The cessation of vessels targeting sandeel was seen as advantageous, with examples of increased white fish stocks in Marine Protected Areas (MPAs).

Some respondents raised concerns about the allocation of the Total Allowable Catch (TAC) to EU's Scandinavian vessels, the potential impact of offshore wind developments on seabirds, and the need for coordination between English and Scottish legislation. A few suggested using the closure's benefits as compensation for offshore wind farm projects. However, a minority expressed scepticism about the scientific rationale behind the closure and called for further quantification of potential displacement.

Evidence relating to the impact on island communities (Q4)

The consultation sought opinions on the impact of closing fishing for sandeel in all Scottish waters on island communities. Respondents varied in their views – a large number of respondents emphasised the positive impacts of increased sandeel populations on seabirds, wildlife, and the commercial fishing industry. Some supporters also cited the potential benefits for wind energy developments. However, a few concerns were raised about negative financial effects on island communities, with some arguing that existing management practices were sufficient. A few questioned the closure's impact, pointing to the limited evidence of improvement in biomass levels in previously closed areas. Many respondents, both supportive and concerned, emphasised the need for further work, including mitigation strategies and additional quotas for affected vessels.

Partial Business and Regulatory Impact Assessment (BRIA) (Q5)

The partial Business and Regulatory Impact Assessment (BRIA) highlights that sandeel quota has not been allocated to UK vessels since 2021. The main benefits of the proposed closure include positive impacts on sandeel populations, seabirds, whitefish species, marine mammals, MPAs, and progress towards achieving Good Environmental Status. The primary costs involve the impact on businesses, mainly non-UK vessels fishing for sandeel in Scottish waters.

In response to the consultation, many respondents supported the preferred option, emphasising the environmental benefits over potential costs. They argued that the financial aspects should be secondary to preventing an 'environmental catastrophe'. Respondents believed that Scottish businesses, particularly the processing sector, would be minimally affected, while non-UK vessels, mainly Danish or EU, would bear the largest costs.

Some respondents noted concerns about the potential disruption to supply chains, regulatory impacts, and difficulties in negotiating with the EU. Some respondents highlighted the need to consider the indirect socio-economic benefits of offshore wind deployment resulting from sandeel closures. A few respondents suggested alternative assessment frameworks, and some expressed concerns about the long-term implications of depleted sandeel stocks.

Strategic Environmental Assessment Environmental Report (Q6)

The Strategic Environmental Assessment (SEA) evaluates the environmental impacts and alternative strategies associated with the proposals to close fishing for sandeel in all Scottish waters. It considers alternatives in coming to the preferred response, asserting that complete closure is the most beneficial and risk-averse option.

Respondents in favour praised its evidence base, while critics expressed doubts about hypothetical impacts and called for a more thorough assessment. Concerns ranged from the report's language and immediate policy action to disputes over ICES advice and economic impacts on the sandeel industry. Overall, these

responses highlighted the need for careful consideration of ecological and economic implications before implementing any proposed closure.

Introduction

This report provides an analysis of responses to the Scottish Government consultation on “Proposals to Close Fishing for Sandeel in all Scottish waters”. This public consultation ran from 21st July 2023 to 13th October 2023.

Policy Context

The Scottish Government would like to see a marine environment that is clean, healthy, safe, productive and biologically diverse and that meets the long-term needs of nature and people. In July 2023, the Scottish Government initiated a consultation on proposals to close fishing for sandeel in all Scottish waters in alignment with Scotland's Fisheries Management Strategy.²

Sandeel are a key component of the ecosystem of Scotland's seas due to their role in marine food webs as a prey source for a range of species including seabirds, seals, cetaceans (e.g., whales, dolphins and porpoises), and predatory fish. Declines in sandeel abundance can negatively impact the survival and reproduction of ecologically important species.

Given the importance of sandeel to the wider ecosystem and the subsequent benefit provided by the species in aiding long-term sustainability and resilience of the marine environment, it remains an overarching Scottish Government position, reflected in Scotland's Fisheries Management Strategy, not to support fishing for sandeel in Scottish waters. This position was emphasised in June 2021 when the Cabinet Secretary for Rural Affairs and Islands committed in Parliament to considering what management measures could be put in place to better manage the North Sea sandeel fisheries in Scottish waters.

There are several measures in place for the protection of sandeel stocks including through the network of MPAs. Furthermore, a sandeel closure in sandeel management area 4 has been in place since 2000, and the UK has not allocated sandeel quota to UK vessels since 2021.

A UK wide call for evidence in 2021 was conducted to gather information to better inform considerations for future management for sandeel and Norway Pout. The Scottish Government is committed to considering how best to manage fishing for sandeel in Scottish waters, with the aim to benefit both sandeel stocks and the wider ecosystem, including sensitive marine species.

Therefore, the Scottish Government has consulted on proposals to close fishing for sandeel in all Scottish waters. The proposal is driven by the importance of sandeel in marine food webs, supporting species like seabirds, seals, cetaceans, and predatory fish.³ It also aligns with international commitments to protect marine biodiversity, and to take necessary measures to protect and conserve the marine

² [Future fisheries: management strategy - 2020 to 2030 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/future-fisheries-management-strategy-2020-to-2030/pages/1-introduction.aspx)

³ [Call for Evidence on future management of Sandeels and Norway pout - Defra - Citizen Space](https://www.defra.gov.uk/citizen-space/call-for-evidence-on-future-management-of-sandeels-and-norway-pout/)

ecosystem and the UK/EU trade agreement on sandeel quotas, prioritising sandeel protection, diverse ecosystem benefits, and complementing existing management measures in relation to sandeel (see Section A).⁴

This initiative prioritises effective sandeel protection, diverse ecosystem benefits, and complementing existing management measures, contributing to Scotland's Blue Economy and environmental goals.^{5 6}

The consultation

The public consultation sought views and comments on several documents relating to proposals to close fishing for sandeel in all Scottish waters. These documents included:

- the **consultation paper**,⁷
- a **Review of Scientific Evidence**, providing a review of the available scientific evidence on the potential effects of sandeel fisheries management on the marine environment,⁸
- a **Draft Environmental Report**, produced from the strategic environmental assessment on proposals to close fishing for sandeel in all Scottish waters,⁹
- a **Draft Partial Business and Regulatory Impact Assessment**, representing an initial assessment of the potential costs, benefits and risks of the proposals and their potential impact,¹⁰
- a **Data Protection Impact Assessment**, explaining how respondents data will be handled.¹¹

The public consultation was undertaken with the purpose of bringing about wider environmental and ecosystem benefits. These include potential benefits to sandeel, seabirds, marine mammals, and other fish species.

The desired aims of the consultation were as follows:

a) To seek effective protection of sandeel, as a contribution to the wider marine ecosystem,

⁴ [Consultation on proposals to close fishing for sandeel in all Scottish waters \(www.gov.scot\)](https://www.gov.scot)

⁵ [The Six Outcomes - A Blue Economy Vision for Scotland - gov.scot \(www.gov.scot\)](https://www.gov.scot)

⁶ [National Outcomes | National Performance Framework](https://www.gov.scot)

⁷ [Consultation on proposals to close fishing for sandeel in all Scottish waters \(www.gov.scot\)](https://www.gov.scot)

⁸ [Sandeel fishing consultation: review of scientific evidence - gov.scot \(www.gov.scot\)](https://www.gov.scot)

⁹ [Sandeel fishing consultation: strategic environmental assessment - draft environmental report - gov.scot \(www.gov.scot\)](https://www.gov.scot)

¹⁰ [Sandeel fishing consultation: draft partial business and regulatory impact assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot)

¹¹ [Sandeel fishing consultation: data protection impact assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot)

- b) To provide the opportunity for wider ecosystem benefits to a range of species, including commercial fish species, seabirds and marine mammals, that will also improve resilience to changes in the marine environment,
- c) To complement, as far as possible, existing sandeel management measures.

The consultation contained six questions – five open, and one closed with the space to provide further comments. The questions covered:

- Support to close fishing for sandeel in all Scottish waters (Question 1-2),
- Benefits or value in closing fishing for sandeel (Question 3),
- Impacts on island communities (Question 4),
- Cost and benefits of the option (Question 5),
- SEA Environmental Report (Question 6).

Appendix 1 contains a complete list of consultation questions.

Aim of this report

This report presents a robust and systematic 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.

Approach to the analysis

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.

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

Tables demonstrating a breakdown of the number of responses to each question are included at the beginning of each section. 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.

In line with qualitative reporting practices, phrases such as 'many', 'several' or 'some' have been used to indicate the volume of responses in relation to the particular points or themes discussed. Here, 'many' or 'most' can be understood as the majority of respondents, 'several' or 'some' as a smaller subset of respondents, and 'a few' as a minority of respondents. Phrases like 'one respondent' or 'one participant' are used where a respondent raised pertinent points that summarised, or contrasted, the views of others.

Comment on the transferability of the consultation findings

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.

About the respondents and responses

The consultation received a total of 10,309 submissions, comprising of:

494 responses to the consultation via Citizen Space or email, as well as

9,815 campaign emails associated with the RSPB (Royal Society for the Protection of Birds)

Of the 494 valid responses (i.e. those responses that were not blank or duplicate responses) that were received to the consultation, a majority were submitted by individuals (90%) (see Table 1).

Table 1: Type of respondent

Respondent type	Total	%
Individual	443	90%
Organisation	51	10%
Total	494	100%

As noted above, 9,815 campaign emails, where respondents add their name to text produced by a campaign organiser, were received in response to the consultation which appeared to be with the RSPB. These responses are analysed and considered alongside the direct responses to the consultation questionnaire.

The campaign response highlighted the importance of bringing an end to industrial sandeel fishing for a number of reasons, including: building resilience in, and protecting, seabird populations; ensuring a critical source of food for marine wildlife and many seabirds; preventing overfishing of sandeel; boosting resilience of seabirds that depend on sandeel; and boosting numbers of commercially targeted fish who feed on sandeel.

Of the responses where the respondent identified as responding on behalf of an organisation (51), there were nineteen responses from organisations in the environmental/conservation sector, thirteen in the fishing sector, seven in the energy sector, five in the community sector, one in the recreational sector and six other organisations (see Table 2).¹²

¹² Organisations were not able to select their own categorisation in response to the consultation. Therefore, these were agreed with Scottish Government during analysis and applied to organisational responses.

Table 2: Organisational responses

Respondent type	Total
Community	5
Energy Sector	7
Environmental/Conservation	19
Fishing Sector	13
Recreation	1
Other	6
Total	51

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

It should be noted that many respondents simply answered the first question on their general support for proposals and did not provide answers to the remaining questions to expand on this support.

However, it remains an over-arching and long-held Scottish Government position not to support fishing for sandeel in Scottish waters, which is reflected in Scotland’s Future Fisheries Management Strategy. As such, since 2021 sandeel quota has not been allocated to UK vessels.

Response to the consultation

Question 1 received 494 valid responses – 51 from organisations and 443 from individuals. Overall, 97% of closed responses indicated support for the preferred option to close fishing for sandeel throughout all of Scottish waters. The remaining 3% opposed. The level of support was lower among organisational responses (82% Yes) and higher among individuals (99% Yes).

Among organisational responses, 18% do not support the preferred option to close fishing for sandeel throughout all of Scottish waters (see Table 3).

Table 3: Responses to Q1

Respondent type	Yes	No
Individual	99%	1%
Organisation	82%	18%
Total	97%	3%
Organisation Type		
Community	100%	0%
Energy Sector	100%	0%
Environmental/Conservation	100%	0%
Fishing Sector	54%	46%
Recreation	100%	0%
Other	50%	50%
Total	82%	18%

Among organisational responses, views were most divided among organisations categorised as ‘Other’ with half supporting and half opposing the preferred option. Views were also more mixed in the fishing sector with 54% supporting the proposal of the Scottish Government and 46% not supporting the proposal .

In addition to these responses to the direct question in the consultation, 9,815 letters were received indicating their support for the proposal, see Annex 1 for a summary of the contents of the campaign responses.

Therefore, there was overwhelming support among consultation respondents for the proposal set out in the consultation to close fishing for sandeel in all Scottish waters.

Support for the preferred option

Many of those who indicated their support for the preferred option discussed a need to protect depleting fish stocks, which rely on sandeel and other species lower down the food chain. Respondents mentioned how sandeel are an important

species whose abundance affects the health and reproductivity of predatory fish, seabirds – including puffins and kittiwakes – and marine mammals:

“Commercial harvesting of sandeels limits the amount of prey available to a range of threatened and declining seabirds, such as guillemot, razorbill, puffin, arctic tern and kittiwake. These species are all struggling immensely with the compounding problems of climate change and avian influenza, to take away part of their food source is wrong.

Threatened fish populations such as Atlantic salmon, cod and bass all need good populations of sandeel to feed on, harvesting sandeel restricts the growth and resilience of these ecologically and economically important species” – [Individual].

In keeping with the sentiment of the above quote, many respondents – particularly those who submitted campaign responses – described how seabirds face significant challenges from climate change, unsustainable fishing practices, avian flu outbreaks, and upcoming offshore energy developments.

They noted that sandeel are crucial sustenance for seabirds who are struggling to find an adequate supply, and stressed Scotland's status as home to over 70% of the UK's seabirds and 60% of the UK's seas. The proposals to close fishing for sandeel throughout all of Scottish waters were therefore seen a crucial step in building resilience and protecting these birds from mounting threats.

There was also support for the preferred option where this would contribute towards the achievement of related targets and strategies, such as Scottish Government's legally binding target to reach net zero by 2045 and the binding interim targets for 2030 and 2040. Others felt that the '30 by 30 target' - the target of legally protecting 30% of Scottish Waters by 2030 – will only be achievable if there is a limit and/or ban on the most unsustainable fishing practices, which they considered included sandeel fishing:

“Protecting 30% of waters will be pointless and likely irrelevant if the waters surrounding these oases of life are stripped bare of fish and damaged by excessive fishing pressure” – [Individual].

Others discussed climate change as a primary threat to sandeel, and welcomed the consultation as a means to address the additional pressure from industrial-scale overfishing. It was noted how such overfishing exacerbates the pressure on sandeel populations, compounding the challenges posed by climate change and other issues like pollution:

“Industrial fishing is a significant contributor to the growing problem of marine plastic pollution, continuing with Sandeel fishing risks further adding to the problem of marine plastic pollution through the loss of fishing gear at sea” – [Individual].

Moreover, those in support of the proposals also felt that the preferred option would have minimal impact on the Scottish fishing fleet, while commercially targeted fish dependent on sandeel could potentially benefit from increased numbers.

Several respondents offered their support with the caveat that this was only if this closure, together with any other relevant fisheries management measures which may subsequently be considered by the Scottish Government, qualify as suitable compensation measures under the Habitats Regulations and the Marine Acts where project level derogations are required to facilitate the consenting and deployment of offshore wind projects at pace and scale.

Opposition to the preferred option

Looking to the 3% who were opposed to the preferred option, their reasoning was that they were unconvinced of the need to introduce any additional measures to protect sandeel in Scottish waters, and felt there to be an absence of direct scientific evidence to justify the proposal:

“While there is plenty of evidence that sandeels are important to seabirds (and other predators) and that variations in sandeel abundance can affect seabird breeding success, there is little or no direct scientific evidence that fishing affects the abundance of sandeels or the animals that prey on them. That is despite a number of significant long-term sandeel fishery closures around Scotland” – [Organisation].

Some believed that the proposals appear contradictory to achieving other outcomes, such as the Scottish Government Blue Economy Outcomes. A few respondents mentioned recommendations put forward by the International Council for the Exploration of the Sea (ICES), whereby implementing a complete ban on sandeel fishing across all Scottish waters could result in adverse economic consequences:

“These proposals are expected to have wide-ranging consequences, affecting both the economic and ecological aspects that impact European and Scottish salmon producers. Sandeel is a short-lived species that is not directly consumed by humans, but it contains vital proteins and fats essential as feed ingredients in aqua feed production. By producing fishmeal and fish oil from sandeels, we are supporting the aquaculture production, thereby helping to address the food requirements of the world's growing population” – [Organisation].

A few respondents saw the closure of Scottish waters for sandeel fishing as unnecessary, and they felt that the present management of the sandeel fishery is precautionary and aligned with ecosystem requirements. Others put forward further arguments, for example, that pelagic trawling has little to no impact on seabed habitats and wildlife as the doors and nets are designed to be fished in the water column and target sandeel at times when they form mid-water schools.

A respondent from Denmark – a country whose fleets currently make up a large proportion of sandeel catch in Scottish waters - said they found the measures suggested in the consultation to be disproportionate and not scientifically justified, with concerns around the impact of the closure on the Danish fisheries sector and economy:

“The fishing for sandeel in Scottish waters is of great significance to the Danish fishers, and a possible ban will affect not only the Danish fisheries sector, but also the entire value chain with significant economic consequences to follow. In a 6-year period from 2018-2022 the average amount of Danish sandeel catches in Scottish waters is 111 million DKK (£13 million)” – [Organisation].

Similarly, another EU-based respondent felt that EU fleets would be unfairly affected by the preferred option to close fishing for sandeel throughout all of Scottish waters, impacting fisheries as well as the onshore processing industry. They also expressed concerns about a high predicted Net Present Cost to EU fleets, and felt that the closure may have implications for compliance with certain Articles of the TCA.

Section B: Alternative or complementary measures that could be considered in the longer-term for the protection of sandeel in Scottish waters (Q2)

A total of 43 respondents answered question 2 of the consultation. The question was phrased to be for those who answered no or unsure to question 1. However, it was displayed to those who answered yes. The analysis below presents an analysis of all comments given in relation to this question.

These responses were from 16 individuals and 27 organisations. Many of the respondents who expressed their support for the proposal to close fishing for sandeel throughout all of Scottish waters did not have any views on alternative or complementary measures that could be considered in the longer-term for the protection of sandeel (See Table 4).

Table 4: If your answer is "no" or "unsure" to question 1, do you have any views on alternative or complementary measures that could be considered in the longer-term for the protection of sandeel in Scottish waters (please see the SEA Environmental Report for alternatives)?

Respondent type	n
Individual	16
Organisation	27
Total	43
Organisation Type	
Community	2
Energy Sector	3
Environmental/Conservation	8
Fishing Sector	10
Recreation	0
Other	4
Total	27

Indeed, there was some discussion that any alternative should be rejected as being incompatible with achieving the desired aim of increasing the resilience of sandeel stocks.

Views on alternative or complementary measures

Of those who did have views on possible alternative or complementary measures, some suggested initiatives to capitalise on the opportunity to implement ecosystem-

based fisheries management. These were considered additional, rather than alternative, measures, geared towards maximising the effectiveness of the closure.

A holistic approach to forage fisheries management, involving a concerted closure of UK waters to sandeel fishing was seen as particularly important in minimising displacement issues, as was continued engagement between national and international administrations:

“In addition to spatial management in the UK EEZ [Exclusive Economic Zone] for sandeels, there must also be continued engagement across the UK’s devolved administrations and with the EU to move towards truly ecosystem-based fisheries management that takes full account of ecosystem (such as predator) needs and dynamics” – [Organisation].

It was felt that alternative technical measures, like increased mesh sizes, may make fisheries less efficient and be less effective than a full closure, particularly where fish (sandeel or others) become damaged by these. Similarly, there were concerns that a temporal closure not covering the full fishing season might result in displacement, making the potential benefits of such a measure redundant.

Some respondents considered the agreement of zero Total Allowable Catches (TACs) for the relevant sandeel stocks as another option, though felt this seems politically unlikely due to continued EU interest in the fishery. Moreover, they noted that any closures must be factored into the way TACs are set for any areas that remain open to fishing, to minimise the risk of displacement and local depletion caused by renewed concentration of fishing effort in such areas.

Others saw a need for an adequate, non-invasive monitoring scheme to enable the robust assessment of the health of sandeel stocks and the overall progress of the closure towards achieving the envisaged ecosystem benefits, as well as reliable control and enforcement of the closure.

Meanwhile, a few respondents believed that none of the alternative measures outlined in the SEA – discussed later – will provide longer-term protection for sandeel in Scottish waters.

Some respondents commented that the proposals – as well as any alternative or complementary measures – could have limited benefits and, instead, risk negative impacts.¹⁶ These respondents noted that the current management practices in place are already sufficient to protect the ecosystem and that any additional benefits were unlikely:

“[Organisation] appeals the Scottish government to thoroughly consider the dual ramifications, encompassing both economic and ecological aspects, that will impact the island communities.

¹⁶ It should be noted that these comments were made in response to question 4 of the consultation but relate to question 2.

There is a limited or negligible likelihood of any direct positive outcomes or improvements in the ecosystem or other aspects resulting from the full closure of industrial sandeel fishing in Scottish waters within the North Sea. This is primarily due to the fact that the existing management practices already adhere to the ICES ecosystem-based advice, which takes into account the ecosystem's needs and ensures sustainable fishing practices. Therefore, implementing a complete closure would not yield any additional benefits beyond what is already being achieved through the current management approach. We refer to your own quote from the consultations evidence “Therefore, predicting the effect of further fishery closures on Sandeel abundance and their availability to marine top-predators is difficult, as the effect of the closure could be concealed by other sources of mortality”
- [Organisation]

Section C: Any further evidence that should be considered (Q3)

Response to the consultation

Question 3 of the consultation asked respondents for any further evidence that they thought should be considered in terms of the potential benefits or value of the preferred option. A total of 173 respondents gave responses to this question, with 129 coming from individuals and 44 from organisations (see Table 5).

Table 5: Is there any further evidence that should be considered in terms of the potential benefits or value of the preferred option that could be considered?

Respondent type	n
Individual	129
Organisation	44
Total	173
Organisation Type	
Community	4
Energy Sector	7
Environmental/Conservation	16
Fishing Sector	12
Recreation	1
Other	4
Total	44

Sandeel population important for the protection of other species

As mentioned earlier, the vast majority of respondents emphasised the value of increased sandeel populations – which could come from the preferred option to close fishing for sandeel throughout all Scottish waters – in the protection of other species.

A need to protect seabirds – particularly those in decline - was widely cited. Many mentioned the significance of sandeel for kittiwake and puffin populations, where sandeel are a vital food source and thus contribute to improved lifespans and breeding success amongst these birds. Others went on to discuss the wider benefits of seabird communities to ecosystems, where they, for instance, account for large amounts of nutrient turnover.

There was a general sentiment that a resulting increase in sandeel populations would help seabird colonies become more resilient and ‘give them a chance’ against the pressures of avian flu and other plights:

“Seabirds are one of the most threatened groups of birds in the world and Scottish seabirds rely heavily on sandeels as their main food source. Closing sandeel fisheries would greatly reduce some of the pressures facing these incredible species” – [Individual].

In addition, sandeel were highlighted as a critical source of food for other fish, like salmon, sea trout and mackerel. Many respondents saw sandeel as playing a core role in the marine food web and felt the closure of fishing for sandeel throughout all Scottish waters would boost the health and abundance of other marine species. Consideration was also given to the benefits for larger marine mammals, like whales and dolphins:

“Numerous marine mammals and sea birds consume Sandeels in this part of the region, especially minke whales. It has been showed that the movements and seasonal patterns of minke whales can be mapped to match that of sandeel habitats. Marine mammals are vulnerable and face several other anthropogenic threats which cannot easily be controlled in one area (sea temperatures rising for example) but the closure of sandeel fisheries would be invaluable for the species who are resident and seasonal” – [Individual].

Wider benefits for biodiversity, wellbeing, rural tourism and sustainability

Many respondents disseminated the wider benefits of the preferred option – i.e. the closure of fishing for sandeel throughout all Scottish waters – on biodiversity, wellbeing, rural tourism and economic and environmental sustainability.

They commented that the closure of fishing for sandeel in all Scottish waters would help ensure the future health of biodiversity and the planet and emphasised a need for such care in the context of the climate crisis. More specific benefits of the closure on river and sea-bed health, water quality and increased carbon capture were also mentioned:

"The wider benefits to the marine environment of increased biomass of sandeel, such as the increased carbon capture potential of an ecosystem with more biomass" – [Individual].

Others saw the subsequent boost to the health and numbers of other species (as a result of the preferred option) as advantageous in improving public wellbeing. Respondents linked the presence of healthy wildlife populations with opportunities for people to feel connected to nature and take part in activities like bird/wildlife watching. Such opportunities were seen to benefit local residents and communities and encourage rural tourism, for instance, through the wider revenue brought by visitors to areas with large puffin colonies.

Some respondents discussed the impact of the preferred option in sustaining the rural economy across Scotland, particularly where so-called ‘iconic’ Scottish fish – like Atlantic salmon – are important to the packaging/manufacturing and food and drink sectors.

Positives linked to the cessation of vessels targeting sandeel

Several respondents highlighted the perceived positive impact of the cessation of vessels targeting sandeel. Some gave an example of the impact of a Marine Protected Area (MPA) in the Western Isles, leading to additional white fish stocks, while others felt that having fewer sandeel-targeting vessels and related fishing gear would limit disruption to seabeds:

“Industrial trawling for sandeels has negatively impacted their abundance causing a decrease in stock size which makes them less resilient to interannual variability and changes in environmental conditions. [...] Other forms of commercial fishing also have an impact on sandeels but to a lesser extent. For example, there is evidence for a decrease in sandeel abundance in areas that sustain a high intensity of bottom towed fishing” – [Organisation].

Other Commentary

Others commented on the proportion of current sandeel catch by EU’s Scandinavian, namely Danish, vessels for fishmeal, as well as for pig and mink feed. Some felt this is unnecessary where sustainable alternatives for high protein animal feed are becoming available. In addition to this, others believed that bycatch is ‘unchecked’ and that Danish fleets’ access to Scottish waters should be revoked.

Indeed, some noted that EU countries have been allocated around 97% of the Total Allowable Catch (TAC) for sandeel in UK waters for 2023, while sandeel has not been fished commercially by a UK vessel since 2021.

Some respondents noted the importance of co-ordination between English and Scottish legislation – if England proceeds with the closure of fishing for sandeel but Scotland does not – with concerns there could be displacement to Scotland’s waters. A summary of responses to the UK government consultation was published in July 2023.¹⁷

Several respondents raised concerns about the threats that offshore wind developments pose to seabirds like kittiwakes or puffins, by forcing them to travel further to find food or causing collisions with turbine blades. It was felt, then, that the closure of fishing for sandeel throughout all Scottish waters might be beneficial in driving seabirds away from these dangerous areas, as they look for food elsewhere. Some suggested that making the benefits of a closure of fishing for sandeel in Scottish waters available as a compensation measure for offshore wind farm projects (or any other developments) would help to realise the Scottish Government’s Net Zero targets.

¹⁷ [Summary of responses - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Conversely, a small number of respondents floated the possibility of an allowance for catching small, specific quantities of sandeel as part of recreational fishing.

One respondent who did not support the introduction of the preferred option said they were unconvinced of its scientific rationale and feel that more needs to be done to quantify any resulting displacement.

Section D: Further evidence relating to impact on island communities (Q4)

Context

As an island-based society, the sea around Scotland has always had an important role to play, offering a source of food and recreation. The consultation wished to gather opinion on any further evidence which demonstrates any impact – positive or negative – of the closure of fishing for sandeel in all Scottish water on island communities.

Response to the consultation

A total of 102 respondents gave responses to question 4, 72 of these responses were from individuals and 30 from organisations (see Table 6).

Table 6: Is there any further evidence that should be considered to demonstrate any impact on island communities?

Respondent type	n
Individual	72
Organisation	30
Total	102
Organisation Type	
Community	2
Energy Sector	7
Environmental/Conservation	8
Fishing Sector	9
Recreation	1
Other	3
Total	30

Responses to this question varied in their support of the proposals to close fishing for sandeel in Scottish waters, with a majority of respondents stating they had no additional comments to make in response to this question, a number of respondents highlighting positive potential impacts of the closure on island communities, and others expressing concerns.

Positive impact of increased sandeel stock

One theme that emerged across the supportive responses echoed the content of responses to previous questions: given that sandeel are at the base of many marine food chains, it was noted that any increase in sandeel populations would lead to an increase in larger, predatory fish stocks, as well as increases in populations of seabirds and other wildlife:

"The scientific evidence presented in the SEA report shows that sandeel are a key species for seabirds during breeding seasons. An increase in sandeel

abundance would increase the health and the abundance of bird populations breeding on islands...Moreover, it is possible that as sandeel increase in abundance, predatory fish will grow in abundance in turn..." – [Organisation]

It was noted that wildlife tourism and recreational (fishing) tourism would benefit from increased wildlife and seabird populations for example:

"The interest in the natural world is rapidly increasing and nature tourism can be massive to the long standing benefit of our island communities. If we preserve sandeel populations and all the other wildlife that depends on them our islands will be fantastic destinations for ecotourism. To allow the destruction of our natural world does island communities no favours at all" – [Individual]

The less quantifiable benefits of a healthy marine generally were also noted:

"A total ban on this industrial Sandeel fishery can only be beneficial to our island communities...[sandeel fishing] is totally destructive, to all in the sea that is part of a delicate food chain, to our rare sea birds already at risk from climate change, avian flu, pollution, and more. Please take heed and end this Sandeel fishery to help protect the health of our precious Scottish waters, and therefore all the creatures that depend upon it being so. Only good can come from an outright ban on this fishery." [Individual]

Several supportive respondents cited the positive benefits that could be realised if the closure of fishing for sandeel in Scottish waters enabled offshore wind deployment:

"It is important to reiterate that our island communities suffer from the highest levels of fuel poverty. Therefore, if sandeel closures can help enable offshore wind deployment, they would benefit from lower energy prices and the wider socio-economic benefits associated with their development." – [Organisation]

Other supportive respondents noted that UK vessels do not currently catch sandeel, and therefore there would be no negative financial impact on island fishing industries.

"Since, according to the Draft Partial Business and Regulatory Impact Assessment (BRIA), no sandeel quota is currently allocated to UK fishing vessels, islands-based commercial fishing activity as such would not be affected by the proposed sandeel fishery closure" – [Individual]

One respondent offered an alternative view, noting that there would be no concerns for island communities to begin with, as the impacts would be felt elsewhere in Scotland:

“Banning sandeel fishing in Scottish waters is mostly an issue for the Scottish east coast mainland, since historic coastal fisheries off Shetland and the Western Isles have ceased. The re-establishment of such fisheries are unlikely to ever fulfil sustainability criteria, as was demonstrated for the Shetland sandeel fishery” – [Individual]

Some respondents who were supportive of the proposed closure also highlighted the need for further work in some areas, specifically the need for additional quotas to be made available:

“The permanent closure of the sandeel fishery will have no economic impact on vessels operating in the inshore waters around the Outer Hebrides and may result in additional white fish stocks returning to inshore grounds and may be of benefit in the future to inshore vessels providing there is additional quota available to enable vessels to diversify from their high dependence on shellfish stocks.” – [Organisation]

Negative impact on island communities

Some concerns were raised about the impact on island communities of ceasing sandeel fishing, largely relating to financial effects:

“Island populations and economies should be protected, Green proposals to effectively wipe these communities out are reminiscent of previous excesses of state control in other parts of the world.”- [Individual]

One respondent highlighted several concerns relating to the lack of benefit or impact on island communities by proposals to close fishing for sandeel in Scottish waters. They noted that many of the areas proposed in this closure have been closed since 2000 and that the SEA stated that, despite the closed fishery, the biomass levels had not reached levels in 2008-2009 that were similar to those observed in 1997/98 when the fishery was active. They also highlight the Scottish Government’s statement that any closures may take many years to demonstrate any improvement, but that there was limited or no evidence to indicate any improvements since closures near Shetland and the West Coast and note that there is no data to show impacts on ecosystems in those areas.

Those with concerns about the impact on island communities suggested further work was needed to offset this impact.

Section E: Partial Business and Regulatory Impact Assessments (BRIA) (Q5)

Context

Sandeel quota has not been allocated to UK vessels since 2021, therefore only a partial Business and Regulatory Impact Assessment (BRIA) was produced. It summarised the expected impact on Scottish, UK and non-UK businesses of the proposals presented in this consultation¹⁸.

The EU catching sector is expected to be most affected by any management measures introduced for all Scottish waters, with Scottish businesses anticipated to be impacted minimally. The BRIA also outlined the anticipated costs and benefits of the preferred option.

The anticipated **benefits** of the preferred option are as follows:

- **Sandeel:** The extended closure would cover all of the sandeel fishing grounds in Scottish waters of sandeel area. Restricting sandeel fishing in Scottish waters therefore may benefit the health of the stock, which may lead to an increase in abundance.
- **Seabirds, whitefish species and marine mammals:** Sandeel is a key prey species for some seabird species (e.g., kittiwakes, guillemots, puffins, and gannets), whitefish species (cod, whiting, haddock) and marine mammals (grey and harbour seals, harbour porpoises) which are present in the area that would be included in this closure. Restricting sandeel fishing will also reduce bycatches of whiting and mackerel, as these bycatches are currently taken in the sandeel fishery and counted against the sandeel quota.
- **Marine Protected Areas:** The extension to all Scottish waters would mean that the closure would cover all MPAs in Scottish waters, including those in which seabirds and marine mammals are a protected feature. This also includes MPAs designated due to the importance of sandeel populations (e.g., Mousa to Boddam, North West Orkney and Turbot Bank).
- **Good Environmental Status:** As of October 2019, the UK has not achieved Good Environmental Status (GES) for breeding seabirds and for harbour seals in the North Sea. Better management of sandeel fisheries in Scottish waters could contribute to achieving GES for these receptors.

The main costs associated with the preferred option are the **costs** to businesses (catching and processing) of a sandeel closure.

¹⁸ [Sandeel fishing consultation: draft partial business and regulatory impact assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/sandeel-fishing-consultation/draft-partial-business-and-regulatory-impact-assessment-2021/pages/100/index.aspx)

As quota is currently unallocated to Scottish vessels and this would be the expected status quo going forward, the cost to the Scottish sandeel catching sector for Option 1 (preferred option) is zero.

The second group that will be impacted by a complete sandeel fishery closure is made up of mainly non-UK vessels that fish for sandeel in Scottish waters and land in any port (UK or elsewhere). This group will face the largest cost as they are the main catchers of sandeel in Scottish waters. The vessels are primarily Danish, or simply EU vessels where the home country is not specified in the data.

The third group of businesses affected will be non-UK vessels which land their catch in Scotland. Whilst in 2021-22 there were no sandeel landings into Scottish ports, in the years before that all UK landings were into Scottish ports.

Other costs, which are detailed further in the BRIA report, include those to:

- Scottish onshore processors
- Compliance operations
- Familiarisation costs to fishers and other stakeholders.

Response to the consultation

A total of 82 respondents gave a response to question 5. 50 of these responses were from individuals and 32 from organisations (see Table 7).

Table 7: Do you have any comments on the assumptions made in the partial Business and Regulatory Impact Assessments (BRIA) concerning the costs and benefits of the option?

Respondent type	n
Individual	50
Organisation	32
Total	82
Organisation Type	
Community	2
Energy Sector	6
Environmental/Conservation	9
Fishing Sector	11
Recreation	1
Other	3
Total	32

The benefits of the option outweigh the possible costs

Many respondents felt that the benefits of the preferred option outweigh the possible costs, with a general sentiment that financial considerations must be weighed against a 'possible environmental catastrophe' caused by not protecting sandeel and the wider marine ecosystem:

“We cannot continue to take without severe impacts. The views of the BRIA should be secondary to the evidence produced that show the ecological benefits of putting the ban in place” – [Individual].

Again, respondents observed that species such as kittiwakes, terns and puffins would benefit from the proposals presented in the consultation documents, as would those linked to commercial fisheries, like cod, whiting and haddock.

Several respondents agreed that any impacts of the preferred option on Scottish businesses would be minimal, and mainly related to the Scottish fish processing sector. Others felt there would be no direct impact on the Scottish fishing industry or local fishing communities as no Scottish (or UK) vessels currently fish for sandeel.

Indeed, many respondents saw the costs of the preferred option as more impactful on businesses outwith Scotland and the UK. They noted that most of the sandeel fishing effort is by vessels from outside the UK (e.g. Denmark), where sandeel are often processed and used as animal feed. For many, this aspect led to heightened agreement with the full closure of sandeel fishing to all EU and Non-EU vessels:

“Given that the UK has a 2.97% share and the EU a 97.03% share of the parties’ combined sandeel quota, and the UK doesn’t issue their quota to vessels to catch, then there is no benefit to Scotland or the UK to the fishery remaining open” – [Organisation].

Impact on offshore wind

Some organisational respondents pointed out that the BRIA did not consider the indirect socio-economic benefits of offshore wind deployment that could be facilitated by the allocation of sandeel closures as a compensation measure. Such benefits were seen as contributing to key Scottish Government objectives, like those linked to a Just Transition, and the wider Scottish economy.

Potential disruption and difficulties

As above, many respondents said they supported the preferred option on the basis that the impact on Scottish businesses would be minimal. However, some were concerned that the BRIA does not consider the long-term implications of depleted sandeel stocks, which could have prolonged negative impacts on Scottish businesses, disrupt supply chains and cause regulatory impacts.

Others felt that opportunities for UK vessels hoping to increase their share of the TAC (Total Allowable Catch) during upcoming negotiations – where the UK/EU agreement is said to allow fishing for EU vessels in Scottish waters until 2025– would be lost by the proposals to close fishing for sandeel in Scottish waters. There were also worries that the preferred option would result in backlash from the EU,

possibly causing difficulties in negotiating with countries such as Denmark and burdening white fish fleets.

Other Commentary

One respondent suggested that it might be better to apply a 'capital' assessment framework to inform decision-making when considering an ecosystem management measure like the closure of fishing for sandeel in Scottish waters, rather than simply a monetary assessment. A few respondents said they had not read the BRIA and so did not wish to comment.

Section F: Strategic Environmental Assessment (Q6)

Context

The environmental impacts of fisheries displacement as a result of closing fishing for sandeel in Scottish waters were considered in the SEA.

The scoping exercise identified some alternative management strategies that could be taken that might achieve the same outcomes, as well as the alternative of taking no action. These alternatives included extension of the existing closure, seasonal closure of the sandeel fishery, voluntary closure and no action being taken.¹⁹

It was assessed that none of the identified reasonable alternatives were likely to result in additional benefits compared to the proposals to close fishing for sandeel in all Scottish waters, and that each carries additional risk when compared to the proposed closure.

Response to the consultation

A total of 76 respondents gave a response to this question in the consultation, these comprised 45 individual responses and 31 organisational responses (See Table 8).

Table 8: Do you have any comments on the SEA Environmental Report?

Respondent type	n
Individual	45
Organisation	31
Total	76
Org Type	
Community	2
Energy Sector	6
Environmental/Conservation	9
Fishing Sector	10
Recreation	1
Other	3
Total	31

The vast majority of respondents to this question did not have any comments on the SEA, had not read it, or were unsure. Where respondents did have comments

¹⁹ [Sandeel Fishing Consultation: Strategic Environmental Assessment - Draft Environmental Report - gov.scot \(www.gov.scot\)](http://www.gov.scot)

on the SEA, there was variation across their responses. A small number of responses to this question contained general statements about the value of conservation efforts, rather than comments on the SEA specifically.

Support for the report's contents

Respondents who voiced support for the SEA commented on the report's evidence base or the fairness of the report in their responses:

“Taken with the associated conclusions regarding the potential benefits to marine mammals and to predatory fish, these documents thus make a strong case in favour of the preferred option of full closure of the sandeel fishery in Scottish waters.” – [Individual]

Several respondents in support of the report's content commented on the rejection of the four alternative management strategies in particular as a positive aspect of the report:

“[organisation name] strongly agrees with the rejection of the four alternative management strategies and support the Scottish Government's justifications for this. The statement in the SEA on alternative management strategies that ‘none of the identified reasonable alternatives were likely to result in additional benefits compared to the proposed closure of all Scottish waters, and each carries additional risk when compared to the proposed closure’ illustrates that a full closure is therefore the only option.” – [Organisation]

Some respondents highlighted how the No Action option, in particular, would be risky, particularly given the need for synchronous and complementary closure of both English and Scottish waters to eliminate the risk of any cross-border displacement of sandeel fishing effort:

“I strongly agree that the 'No action' option would carry the risk of potential detrimental effects from potential displacement of fishing effort into Scottish waters under the UK Government's preferred option of closure of English waters within the North Sea. The uncertainty of timing of the latter makes it all the more important and precautionary to initiate the sandeel fisheries closure of Scottish waters not later than the start of the 2024 sandeel fishing season.” – [Individual]

Criticism of the report

Other respondents were more critical of the report. A number of respondents highlighted how the impacts of the proposed closure were largely hypothetical:

“The SEA Environmental Report combines matter-of-fact, known food web linkages with extremely vague predictions of what might or might not occur with the closure of the sandeel fishery. Thus we have clear language about what eats what and a host of qualifiers around what the closure of the fishery might mean, with 'could', 'may', 'possibly' taking the place of more convincing language. Without labouring the point, we would point to sections such as the

following: "the proposed sandeel fishery closure are (sic) expected to provide potential environmental benefits for a range of marine species that eat sandeel, including seabirds, seals, cetaceans, and predatory fish, as well as the direct benefits to sandeel stocks". Expecting a potential? This is a disappointingly feeble basis on which to take policy action." – [Organisation]

Two distinct responses raised several issues with the proposal in their identical responses to this question. They recommended that the Scottish Government thoroughly assess the potential adverse effects on the ecosystem resulting from the proposal to close fishing for sandeel in Scottish waters and highlighted several interconnected themes in their responses.

Firstly, they expressed ecological concerns regarding the proposed closure of fishing for sandeel in Scottish waters. They warned of potential shifts in fishing efforts to other species, emphasising the delicate balance within the ecosystem and the resulting biodiversity loss, particularly affecting 0-group sandeel and seabird populations. The organisations stressed the necessity for a holistic fisheries management approach, considering the complex interactions in the marine ecosystem and ensuring the long-term sustainability of sandeel populations and dependent species.

Secondly, they raised economic reservations, criticising the proposed management approach, deviating from established guidelines, and highlighted potential negative impacts on the fishing industry. The divergence in opinions hinted at differing expectations regarding the commercial benefits arising from the proposed closure, with them urging a more careful evaluation of economic consequences.

"The proposed changes by the Scottish Government regarding the sandeel fishery, which deviate from the established management approach aligned with ICES escapement advice for short-lived species, would also have a detrimental impact on international earnings derived from this commercially significant resource. These "proposed measures overlook the crucial importance of maintaining sustainable practices and optimizing economic benefits associated with the sandeel fishery". It is essential to recognize the interconnectedness between ecological considerations and the financial viability of this resource, thus avoiding any actions that may jeopardize international earnings generated by the sandeel industry." – [Organisation]

Additionally, they underscored the contribution of sandeel to feed production for healthy food products, particularly in Scottish salmon production. The organisations advocated for the sustainability of marine resources as a precautionary alternative to land-based production, stressing the need to avoid shifting the burden onto less environmentally friendly alternatives.

Both concluded their comments by noting that they would be open to further discussion with the Scottish Government about their aforementioned concerns.

Additional suggestions or comments for the report

One respondent extensively criticised the SEA, pointing out various flaws in their view. They highlighted issues with the report's treatment of ICES advice, emphasising instances of overfishing in 2018 and 2021. Additionally, the respondent argued that the report failed to distinguish between Scottish inshore and offshore fisheries, especially those involving other European nations. They contested the relevance of fisheries displacement in the proposals to close fishing for sandeel in Scottish waters and disputed the designation of sandeel as a protected feature in MPAs. The respondent also pointed out what they deemed to be inaccuracies in the report, including an incorrect characterisation of adult sandeel and discrepancies in historical information.

Several respondents expressed concerns about what they saw as the report's inadequacy in demonstrating the benefits of the proposed closure. One response highlighted the importance of sandeel to cetacean species and argued that the closure would benefit various cetaceans in addition to supporting population recovery. Another response contested the report's conclusion regarding evidence linking fishing pressure to seabird demography. They referenced the Ossian project and regional compensation measures.

“The importance of sandeel to the distribution, abundance, and health of the three cetacean species included in the SEA Environmental Report are clearly evidenced. However, various other species which are recorded with increasing regularity in Scottish waters such as humpback and fin whales and common dolphin are not included in the documents to support the consultation [even though they will also benefit from access to increased sandeel stock on which to feed]...The proposal to close fishing for sandeel in all Scottish waters will therefore benefit a wide range of cetacean species and support the recovery of cetacean populations.” – [Organisation]

“The review of the scientific evidence provided with the consultation makes clear the benefits to the marine environment that can be expected from a closure of sandeel fisheries in Scottish Waters. However the review concludes that the evidence to support the link between fishing pressure and seabird demography is lacking. From the work COP has been involved with in relation to the Ossian project and regional compensation measures, we would suggest that the evidence is not lacking. Rather than list this evidence here, a comprehensive list of evidence is included in the publicly available Berwick Bank Derogation Case.” – [Organisation]

In the case of the link between fishing pressure and seabird demography, some responses provided a comprehensive list of additional evidence to contradict the SEA's conclusion that the evidence to support this link is lacking while acknowledging that the review of the scientific evidence provided with the consultation makes clear the benefits to the marine environment that can be expected from a closure of sandeel fisheries in Scottish Waters. The responses addressed eight key areas, presenting evidence to demonstrate the link between sandeel fisheries and seabird demographics. They challenged the report's conclusions on breeding seasons, the displacement of fishing in SA4, recovery

time, the reason for fisheries closure, the impact of fishing mortality, climate change effects, and the quantification of benefits to seabirds. The response emphasised the need to consider adult survival, immediate benefits from the cessation of fishing pressure, and the quantifiable impact on seabird populations through ecosystem models and correlative relationships.

Appendix 1: Consultation questions

The full list of consultation questions can be found below:

Question 1: Do you support the preferred option to close fishing for sandeel in all Scottish waters?

Question 2: If your answer is no to question 1. do you have any views on alternative or complementary measures that could be considered in the longer-term for the protection of sandeel in Scottish waters (please see the SEA Environmental Report for alternatives)?

Question 3: Is there any further evidence that should be considered in terms of the potential benefits or value of the preferred option that could be considered?

Question 4: Is there any further evidence that should be considered to demonstrate any impact on island communities?

Question 5: Do you have any comments on the assumptions made in the partial Business and Regulatory Impact Assessments (BRIA) concerning the costs and benefits of the option?

Question 6: Do you have any comments on the SEA Environmental Report

Appendix 2: Frequency analysis of closed questions and count of responses to open questions

Question 1: Do you support the preferred option to close fishing for sandeel in all Scottish waters?

Respondent type	Yes	No	Total
Individual	438	5	443
Organisation	42	9	51
Total	480	14	494
Individual	99%	1%	100%
Organisation	82%	18%	100%
Total	97%	3%	100%

Appendix 3: List of organisational respondents

The list of organisation names given by respondents is listed below:

Organisation name	Type of organisation
angelhouse ltd	Other
Atlantic Salmon Trust	Environmental/ Conservation
BirdLife Europe and Central Asia (on behalf of the following supporting organisations: BirdLife Sveridge; Bloom; ClientEarth; The Fisheries Secretariat; Fuglavernd; LOD; NABU; SPEA)	Environmental/Conservation
Caledonia Offshore Wind Farm	Energy Sector
ClientEarth	Environmental/Conservation
Clyde Porpoise CIC	Fishing sector
CNE-Siar	Fishing sector
Coastal Communities Network	Community
Community of Arran Seabed Trust	Community
Copenhagen Offshore Partners	Energy Sector
EFFOP - European Fishmeal and Fish Oil Producers	Fishing sector
Esk Rivers Fisheries Trust.	Community
European Commission	Other
Fish Legal	Environmental/Conservation
Fisheries Management Scotland	Fishing sector
Forth Rivers Trust	Community
Hebridean Whale & Dolphin Trust	Environmental/Conservation
JNCC	Environmental/Conservation
Living Seas, Scottish Wildlife Trust	Environmental/Conservation
MID - Marine Ingredients Denmark	Other
Ministry of Food, Agriculture and Fisheries of Denmark	Other
Montrose Port Authority	Other
National Trust for Scotland	Recreation
NatureScot	Environmental/Conservation
North East and East Ornithology Group (NEEOG)	Community
Ocean Rebellion	Environmental/Conservation
Oceana	Environmental/Conservation
Ossian Offshore Wind Farm Ltd	Energy Sector
Our Seas	Environmental/Conservation
River Tweed Commission	Fishing sector
RSPB Scotland	Environmental/Conservation
Scottish Anglers National Association	Fishing sector
Scottish Environment LINK (supported by Marine Conservation Society, National Trust Scotland, Scottish Wildlife Trust, Whale and Dolphin Conservation, The Scottish Seabird Centre, RSPB Scotland)	Environmental/Conservation
Scottish Fishermen's Organisation	Fishing sector
Scottish humpback ID	Other

Scottish Pelagic Fishermen's Association	Fishing sector
Scottish Renewables	Energy Sector
Scottish Seabird Centre	Environmental/Conservation
Scottish White Fish Producers Association Limited	Fishing sector
ScottishPower Renewables	Energy Sector
Seaful	Environmental/Conservation
Seawilding	Environmental/Conservation
Shark Trust	Environmental/Conservation
Shetland Fishermen's Association	Fishing sector
Skye and Lochalsh Rivers Trust	Environmental/Conservation
SSE Renewables	Energy Sector
Sunbeam Fishing Ltd	Fishing sector
The Estates Office	Other
The Pew Trusts	Other
Thistle Wind Partners Limited	Energy Sector
University of Dundee	Other
WESTERN ISLES FISHERMEN'S ASSOCIATION	Fishing sector
Whale and Dolphin Conservation	Environmental/Conservation
WildFish Scotland	Environmental/Conservation
Wildlife Trust	Environmental/Conservation
Williams	Other

Appendix 4: Campaign Responses

Based on a review of consultation responses there would appear to be some examples of campaign responses received.

There were more 9,815 letters received in relation to the Scottish Government's consultation on proposals to close fishing for sandeel in all Scottish waters which were identical or similar in content; these appear to be from RSPB (Royal Society for the Protection of Birds) supporters.

These letters argued for the importance of ceasing industrial sandeel fishing for the following several key reasons:

- **Protecting Seabirds:** Seabirds face significant challenges from climate change, unsustainable fishing practices, avian flu outbreaks, and upcoming offshore energy developments. The proposal is seen as a crucial step to build resilience and protect these birds from mounting threats.
- **Critical Role of Sandeel:** Highlighting the critical role of sandeel as a vital food source for marine wildlife and threatened seabirds, such as Puffins and Kittiwakes. Overfishing exacerbates the pressure on sandeel populations, compounding the challenges posed by climate change.
- **Addressing Climate Change Impact:** Acknowledging climate change as a primary threat to sandeel, the consultation is welcomed as a means to address the additional pressure from industrial-scale overfishing.
- **Supporting Struggling Seabirds:** Seabirds relying on sandeel for sustenance are struggling to find an adequate supply. Ending sandeel fishing is seen as a crucial intervention to provide these birds with a vital lifeline and enhance their resilience in the face of multiple threats.
- **Minimal Impact on Fishing Fleet:** Emphasising that a closure would have minimal impact on the Scottish fishing fleet, while commercially targeted fish dependent on sandeel could potentially benefit from increased numbers.
- **Urgency for Seabird Protection:** Stressing the urgency of taking ambitious measures to protect seabirds, especially given Scotland's status as home to over 70% of the UK's seabirds and 60% of the UK's seas.

In conclusion, the letters express gratitude for considering their consultation response and hopes for the swift implementation of a sandeel fishing closure, deemed as the single most impactful action to protect threatened seabird species in Scotland and the UK.



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