



The Scottish Parliament
Pàrlamaid na h-Alba

Gillian Martin MSP
Minister for Energy and the
Environment,
Scottish Government

Rural Affairs and Islands Committee
c/o Clerk to the Committee
The Scottish Parliament
Edinburgh
EH99 1SP

rural.committee@parliament.scot

By email only

1 February 2024

Dear Minister,

THE SEA FISH (PROHIBITION ON FISHING) (FIRTH OF CLYDE) ORDER 2024

In advance of our consideration of the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2024, the Committee would appreciate further information on the following.

Science, data and monitoring

During the Committee's consideration of the 2023-24 seasonal closure, stakeholders raised concerns about the quality of the science underpinning the rationale for the proposed approach to the 2023-24 seasonal closure.

In your [11 January letter](#) to the Committee regarding the 2024-25 seasonal closure, you state that you have "*reviewed the available scientific evidence to reassure ourselves that this approach [to the 2024-25 seasonal closure] is the most appropriate and proportionate*".

The information provided in the documents accompanying the SSI indicate continuing uncertainty with regards to the scientific evidence for the effectiveness of the seasonal closure and the health of cod stocks in the Firth of Clyde.

For example, the policy note for the 2024-25 closure proposal states that monitoring work carried out by Marine Directorate Compliance during the 2022 and 2023 closure suggest "*either, that the closure is in the correct area for spawning or, there are not many cod in the Clyde*" but further acknowledges an "*absence of more specific scientific evidence showing the abundance or otherwise of cod in the proposed closed area*" which requires Ministers to take a precautionary approach.

The Business and Regulatory Impact Assessment (BRIA) also states:

“There remains no definitive scientific evidence that cod stocks in the Clyde closure area have significantly improved as a result of the closure. The Marine Directorate accepts that additional scientific data gathering in the Clyde region would be beneficial, yet under current resource constraints this is not possible. The precautionary principle is therefore the approach taken”.

However, the narrative in your [17 January letter](#) to update on the annual fisheries negotiations for 2024 appears to contradict these statements and suggest more confidence in the health of cod stocks. You state:

“Establishing appropriate catch limits for North Sea and West of Scotland cod was Scotland’s top priority in this year’s negotiations, and the increases in these quotas for 2024 reflect an extremely positive picture of the health of the newly-defined north-western stock. It is clear that the narrative that West of Scotland and North Sea whitefish stocks are in a depleted state no longer holds, based on this year’s advice.”

Taken at face value, it appears to the Committee that these two different narratives are mutually exclusive. It is not clear what scientific evidence was reviewed to support the proposals for the 2024-25 seasonal closure and whether this evidence is different from the ICES evidence used to inform the 2024 negotiations on catch limits for North Sea and West of Scotland cod.

- 1. What scientific evidence was reviewed to inform the proposal for the 2024-25 seasonal closure? How is this scientific evidence compatible with your view that “it is clear that the narrative that West of Scotland and North Sea whitefish stocks are in a depleted state no longer holds, based on this year’s advice”?**
- 2. What work has the Marine Directorate undertaken since the previous 2022 Order to improve the data available to underpin an assessment of the status of inshore cod stocks in the Firth of Clyde?**
- 3. Is more work required to produce better data to provide specific evidence to assess the abundance or otherwise of cod in the proposed closure area so that Ministers can base future decisions on its approach based on robust evidence rather than resorting to a precautionary approach? If further work is required, please provide further information.**

Marine Directorate resource constraints

Information provided in the 2024-25 budget documents suggests ongoing work to deliver savings within the Marine Directorate “by achieving greater operational efficiencies.”

If it is the case that the current available scientific evidence does not provide a robust evidence base to develop proposals beyond a default precautionary approach, it is

not clear what action the Scottish Government proposes to take to resolve this impasse given current resource constraints.

- 4. Given the current resource constraints within the Marine Directorate highlighted in the BRIA and 2024-25 budget, how will the Scottish Government ensure the availability of the funding and resources necessary to improve the scientific evidence base to inform future proposals for seasonal closures and assess whether the current approach is achieving its policy objective? Can the Scottish Government confirm the “greater operational efficiencies” to be delivered within the Marine Directorate will not affect work to improve the scientific data underpinning policy decisions?**

ICES northern shelf cod benchmark report

The Committee is aware that ICES has recently changed its approach to how it assesses cod stocks and no longer treats West Coast cod stocks separately, but as part of a north-western substock of the overall North Sea stock.

Your 17 January letter to the Committee providing an update on the annual fisheries negotiations for 2024 refers to the recent ICES advice for the north-western substock of northern shelf cod which you state shows “a healthy recovering stock, including in the West of Scotland, with the biomass now twice the size of the sustainable biomass threshold”.

From the information provided, it is not clear to the Committee how the change of approach by ICES feeds into the Scottish Government’s consideration of the available scientific evidence.

- 5. What, if any, impact does ICES’s change in assessment approach have on the Marine Directorate’s ability to assess the status of cod stocks in the Firth of Clyde?**
- 6. Other than the ICES assessment for the north-western substock, what additional data, and/or evidence, does the Marine Directorate have of the status of cod in the Clyde?**

Exemptions

The BRIA indicates that most respondents to the Scottish Government’s consultation (61.7%) supported the reintroduction of some or all exemptions to the seasonal closure, with the highest number of responses (27 or 57.45%) supporting exemptions for creels.

It further states that the creel sector was particularly critical of the removal of their exemption as it considers creel fishing to be a low impact fishing method. However, the BRIA states that, despite this, scientific evidence suggests that creel fishing is “likely to cause some disturbance to spawning fish.”

It is not clear to the Committee whether the scientific evidence reviewed by the Scottish Government is sufficient to assess the impact of fishing by different gear types.

- 7. What evidence has the Scottish Government reviewed to evaluate the impact of different fishing gears on the disturbance of spawning cod? Does this evidence enable an assessment of whether certain fishing gears are less impactful than others?**

Financial impact

The summary of the BRIA provided in the policy note states that fishers affected by the seasonal closure in 2022 have *“seen a range of outcomes in 2022, with some being displaced to other areas and maintaining their catch, some unable to displace activity and catching less”* and hypothesises that *“[i]f the fishing fleet can maintain this level of adaptability in displacing their activity from the Clyde closure area, the impact on the fishing vessels and economy as a whole could be a little as £19,000 per annum”*.

However, the BRIA also notes that the closure *“can have a disproportionately large effect on a few vessels”* and that *“the impact of the closure is manageable for some but for others is an unmanageable pressure either directly or alongside cumulative pressures resulting in fishers leaving the market”*.

The BRIA acknowledges that some businesses have been negatively impacted by previous closures and therefore may continue to be impacted. However, the BRIA does not mention how this will be mitigated.

- 8. Has the Scottish Government provided any support to fishers who may be disproportionately impacted by the seasonal closure to compensate for lost earnings or to mitigate the impact of displacement**

The Committee would welcome a response by 12 February 2024.

Yours sincerely,



Finlay Carson MSP
Convener, Rural Affairs and Islands Committee