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Dear Convenor

Thank you for your letter of 1 February 2024 in relation to the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2024. I am happy to follow up on my letter of 11 January. Your letter poses several questions and I have set out my answers below.

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”?

As set out in my letter of 11 January, the policy objective of this SSI is to maximise the protection of spawning cod in the habitats they are likely to spawn on by prohibiting all fishing activity within two areas of the Firth of Clyde during the spawning season. The Committee will be familiar with the paper *Background to Clyde cod spawning closures by Dr Coby Needle, Chief Fisheries Advisor for Scotland Marine Scotland Science, 3 March 2022* which was sent to the RAINE Committee on 8 March 2022, as part of the Cabinet Secretary for Rural Affairs and Islands’ appearance at Committee on Wednesday 9 March 2022 (reference: <https://www.parliament.scot/-/media/files/committees/rural-affairs-islands-and-natural-environment-committee/correspondence/2022/clyde-cod-closure--submission-from-dr-coby-needle.pdf>). We maintain our view that the best available scientific evidence shows that any activity within 10 metres of the seabed can cause disturbance to spawning cod. We are confident that prohibiting all fishing activity within the closure area allows the spawning cod the best protection at a critical point in their life cycle and therefore the best possible chance of increasing in numbers and making a positive contribution to the recovery of cod stocks. No new evidence has been presented and so we are confident that we are basing our policy on the best available science.

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Monitoring carried out by Marine Directorate Compliance during the 2022 and 2023 closure indicated very few spawning cod being caught in the open area surrounding the Clyde closure area. This data therefore suggests that the closure is in the correct area for spawning, or that there are simply not many cod in the Clyde. In the absence of any additional evidence to suggest other potential spawning locations, it seems prudent to continue to maximise the protection for spawning cod without reintroducing exemptions.

In response to the second part of the question about how this relates to the ICES advice for Northern shelf cod, and how that might be compatible. This seasonal closure is set out through a biennial Scottish Statutory Instrument and, in order to have appropriate time for that to be made, the Marine Directorate begins preparations after the closure ends – April 2023. The ICES advice for cod was published on 19 September 2023 and the 2024 Total Allowable Catch was agreed on 8 December. The Marine Directorate of the Scottish Government reflected in the public consultation over the summer that there were significant changes on how the stock would be managed following the ICES benchmarks process. In the West of Scotland ICES benchmark report (ICES 2022), it is made clear that while the Clyde is considered to be part of wider Division 6a stock assessment (and hence the north-western substock of Northern Shelf cod), the best scientific evidence indicates that this is only because of data limitations within the Clyde, and that Clyde cod are very likely to be a distinct stock from the rest of Division 6a. Hence there is no contradiction between trying to protect spawning cod in the Clyde to recover the Clyde cod stock, and the allocation of cod fishing quotas in Division 6a. (reference ICES. 2022. Workshop on Stock Identification of West of Scotland Sea Cod (WK6aCodID; outputs from 2021 meeting). ICES Scientific Reports. 4:5. 24 pp. <http://doi.org/10.17895/ices.pub.10031>)

While the outlook on the sustainability of cod in the west of Scotland is far more positive than previously thought with the removal of the zero catch advice, we still have to be careful with the inshore stock in light of the recent ICES Northern Shelf cod benchmark report, and must make sure that we have robust protection measures in place with regards to protecting congregations of juvenile fish in inshore waters.

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?

The Marine Directorate was instrumental in the production of both the West of Scotland stock ID report (ICES 2022) and the subsequent Northern Shelf cod benchmark. As mentioned above, the 2022 report indicated that Clyde cod were likely to be a separate stock, although still assessed as part of the West of Scotland cod stock due to data limitations. During the spawning closure in Q1 2024, additional science work is proposed across three main strands: a) enhanced observer coverage of the commercial fleet; b) passive acoustic monitoring within the closure area to identify the presence of spawning cod, and c) science presence on compliance vessels during boarding and subsequent catch analysis, which builds on the monitoring carried out in 2022 and 2023. We have been exploring how we can involve fishers directly in this additional science work.

In parallel, the Marine Directorate is also involved in the development of a Clyde stock assessment model at the University of Strathclyde, although this is yet to be peer reviewed or published and therefore cannot yet be used for management purposes.

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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.

We have set out the planned work for 2024 to enhance our scientific observations in the Firth of Clyde in the previous answer, which will supplement the data gathered in monitoring of fishing activity in 2022 and 2023. I also outlined in my letter of 11 January that there will be parallel work under the trilateral for reviewing cod management across the Northern shelf stock, which will include a review of all spawning closures in the Northern shelf cod stock.

It is important that the Marine Directorate evaluates the data in 2024 to make appropriate improvements or adjustments in the quality of information gathered during 2025. We consider this to be an appropriate and efficient use of resources to enhance the management of cod to meet our objectives to protect spawning cod. The output from this work will be helpful in evaluating the policy objectives of this SSI and informing the proposals for 2026.

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?

Fisheries data collection to inform the evidence base for management is a statutory commitment on all UK administrations under the Data Collection Regulations and as laid out in the UK Work Plan and committed to in the Joint Fisheries Statement. As such, work on the evidence base for fisheries management remains prioritised in Marine Directorate business planning processes. High quality data will therefore continue to be delivered according to the high standards agreed and adopted internationally by national signatories to the International Council for the Exploration of the Seas (ICES) Convention for use in stock assessments and science advice to support management decisions. ICES comprises 20 member countries and convenes scientific expertise from 700 marine science institutes.

We can confirm that the operational efficiencies to be delivered within the Marine Directorate will not affect work to improve the scientific data underpinning policy decisions, and therefore the Directorate can deliver the enhanced science plan for the Clyde as a result of redirection of data collection resources. Marine Directorate scientists will work with policy officials on a review of both the 2024 evidence base for the Clyde and to provide science support for the planned work on reviewing management of the Northern shelf cod stock and relevant spawning closures.

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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?

As outlined above, the Marine Directorate, through ICES, was involved in that assessment work.

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?

The scientific literature on cod spawning is clear that physical disturbance of the male lek areas is likely to hinder or prevent spawning. Furthermore, males follow females up through the water column to around 10 metres off the seabed while spawning, so any activity closer than 10 metres to the seabed has the potential to interfere with spawning. Although we have no direct data on this aspect in the Clyde, the potential for spawning cod to be present over the coarse sediment areas (also highlighted in the literature) suggests that avoiding fishing with any method near the seabed in these areas during spawning should be beneficial for spawning success. Creels and divers both have the potential to disturb spawning activity, and for this reason are included in the regulation.

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?

This is answered above in question 1, disturbance applies to all fishing gear types.

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?

In line with our policy around similar management measures, including the National Cod Avoidance Plan and Marine Protected Areas, we are not considering any additional financial support schemes specifically related to this closure. Whilst we fully understand that removal of the exemptions may come with short term costs, this seasonal closure covers a short period of 11 weeks, during which vessels may fish in alternative locations, which the vast majority regularly do. The closure will not affect quotas, and should not affect the overall volume of fish that fishers are able to catch over the year. Moreover, cod and potentially other stocks should benefit from the closure period, allowing greater fishing opportunities on the reopening of the seasonal closure.

We will of course continue to monitor the impact of the closure on the fishing activity of those vessels who operate in the area throughout 2024 and 2025 to inform the proposals for 2026.

Your sincerely



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