



OFFICIAL REPORT
AITHISG OIFIGEIL

Rural Affairs and Islands Committee

Wednesday 8 February 2023

Session 6



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RURAL AFFAIRS AND ISLANDS COMMITTEE
4th Meeting 2023, Session 6

CONVENER

*Finlay Carson (Galloway and West Dumfries) (Con)

DEPUTY CONVENER

Beatrice Wishart (Shetland Islands) (LD)

COMMITTEE MEMBERS

*Karen Adam (Banffshire and Buchan Coast) (SNP)

*Alasdair Allan (Na h-Eileanan an Iar) (SNP)

*Ariane Burgess (Highlands and Islands) (Green)

*Jim Fairlie (Perthshire South and Kinross-shire) (SNP)

*Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con)

*Jenni Minto (Argyll and Bute) (SNP)

*Mercedes Villalba (North East Scotland) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Bally Philp (Scottish Creel Fishermen's Federation)

CLERK TO THE COMMITTEE

Emma Johnston

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Affairs and Islands Committee

Wednesday 8 February 2023

[The Convener opened the meeting at 10:15]

Petition

Trawl and Dredge Fisheries (Inshore Coastal Limit) (PE1951)

The Convener (Finlay Carson): Good morning, and welcome to the committee's fourth meeting in 2023, although this is our first meeting under our new name and slightly adjusted remit as the Rural Affairs and Islands Committee. I remind members who are using electronic devices to switch them to silent.

Our first item of business is consideration of petition PE1951, which was lodged on behalf of the Scottish Creel Fishermen's Federation. The petition calls on the Scottish Parliament to urge the Scottish Government to reinstate the inshore coastal limit on the use of dredge and trawl fishing gears. I welcome the petitioner, Alistair—Bally—Philp, to the meeting and invite him to make some opening remarks.

Bally Philp (Scottish Creel Fishermen's Federation): The petition has been submitted on the basis that we believe that the Scottish Government's existing plans and policies are not capable of allowing us to meet our national and international commitments to achieve good environmental status and other commitments under the sustainable development goals and the United Kingdom Fisheries Act 2020. For example, good environmental status requires us to have only 15 per cent of our sea bed classed as highly disturbed, whereas the Scottish Government's most recent assessment was that 58 per cent of our sea bed is highly disturbed.

The Government's proposals to mitigate those issues suggest designating 10 per cent of Scotland's waters as highly protected marine areas, conducting a priority marine features review and imposing a cap on fishing efforts inshore. It is quite easy to see that, cumulatively, those proposed measures are not capable of ensuring that only 15 per cent of our sea bed is classed as highly disturbed.

Accordingly, we need to introduce comprehensive and extensive spatial management to our inshore fishing areas to meet those international objectives. I believe that

introducing something that is akin to the former 3-mile limit will be effective. I will clarify that we are not asking for the old 3-mile limit, but for a variation on the original limit—we want there to be spatial management on an equivalent scale. Seascope spatial management is the only thing that is capable of allowing us to meet our commitments to achieve good environmental status.

The Convener: Thank you. That has given us a good overview of the petition.

Jenni Minto (Argyll and Bute) (SNP): Thank you for coming along, Bally. For the record, will you say why you think that a modern inshore coastal limit is needed?

Bally Philp: Unless we introduce spatial management at scale, we will not be able to achieve good environmental status. A modern inshore limit would also facilitate and incentivise a transition towards lower-impact fisheries, which is an obligation under the Fisheries Act 2020. If you create an area that can be exclusively used for creel fishing, line fishing and net fishing, people will adopt those techniques. However, if you allow people who are using low-impact gear to compete directly with more industrialised fisheries, the odds are that the bigger boats from the more industrialised fisheries will monopolise the resource space.

Unless you introduce a limit as well as spatial management that is at least on the scale of the former 3-mile limit, we cannot do the things that we have committed to doing, such as incentivising lower-impact fisheries or achieving good environmental status.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): You have indicated why you feel that the measures are needed. In the longer term, would there be some benefit for the creeling industry if the measures that you propose are implemented?

Bally Philp: For sure. Some assessments have been done by the Scottish Government. Those are in the document "Management of The Scottish Inshore Fisheries; Assessing The Options for Change", which was a review of what would potentially happen if we introduced a 3-mile limit.

The New Economics Foundation as well as Professor Alan Radford have indicated that, if we transitioned to creeling in inshore fishing grounds, we could employ more fishermen without catching any more fish—in this case, shellfish. The reason for that is that creel-caught shellfish attract a premium—nephrops or langoustine that are caught by creel boat fetch four times as much as those that are caught by trawler. Therefore, without catching a single extra nephrop, you could employ four times as many fishermen, which

would benefit the creel sector, the environment and our coastal communities.

Ariane Burgess (Highlands and Islands) (Green): You have talked a bit about the Fisheries Act 2020 and you have mentioned good environmental status. Will you explain what is meant by an ecosystems approach, as is set out in the act, and how that relates to good environmental status? Will you also touch a bit more on whether, in your view, Scotland's fisheries management is compliant with an ecosystems approach?

Bally Philp: The Fisheries Act 2020 describes an ecosystems approach as one that

"ensures that the collective pressure ... is kept within levels compatible with the achievement of good environmental status".

That is the legal definition, which is a bit clunky. In simpler terms, it means that, instead of managing individual species, which is how we manage most fisheries currently, we manage the environment where the species live. For example, at the moment, we are managing nephrops under a system that is called maximum sustainable yield—a single-species management for nephrops to keep our catching limits under those with which the nephrops can sustainably cope. However, that system does not consider the environment or the social and economic consequences.

If we swapped prawn or nephrops trawling for creeling, the environment would benefit considerably and we would generate more revenue. That aspect is not taken into account under a single-species management plan, but an ecosystem-based approach would look at the whole ecosystem and the social, economic and environmental impact of any particular fishing method in any particular area.

Ariane Burgess: In its response to the petition, the Scottish Government stated that it has a "tailored approach" to inshore management. What are your thoughts on what that means? Is the approach tailored to achieving ecosystem management and good environmental status for the foreseeable future?

Bally Philp: I do not think so. It is really up to the Scottish Government to explain what it means by a "tailored approach" and how that would achieve good environmental status. All the indicators that I can see are that the Scottish Government currently has no plans or proposals on the table that are capable of achieving good environmental status. I reiterate that that status has several indicators, one of which is the benthic habitat indicator, which states that only 15 per cent of the sea bed can be highly disturbed. There is nothing currently on the table that is capable of getting us anywhere close to that.

Karen Adam (Banffshire and Buchan Coast) (SNP): Good morning, Alistair; it is nice to see you. You spoke about the proposal being a variation on the previous 3-mile limit. What is your understanding of the implementation of that previous limit?

Bally Philp: The original 3-mile limit was actually more than 3 miles. There was a strip around the coastline of Scotland that was generically known as the 3-mile limit, but we also closed most of the firths—the Firth of Forth, the Firth of Clyde, the Sound of Jura, the Moray Firth and so on. We closed those big wedges of inland seas and allocated them the same legal criteria as the 3-mile limit.

That limit explicitly prohibited demersal towed gear and beam trawling. It is interesting that, in the interim, scallop dredging developed, which is a type of beam trawling. A lot of people argue that scallop dredging was never prohibited by the original 3-mile limit, but I would argue that it should have been, because scallop dredging involves towing a beam, and beam trawling was prohibited.

It is worth saying at this point that there were a lot of exceptions—for example, for small boats under a certain tonnage and for towing certain types of gear in certain areas that had historical entitlement. Over time, more and more bylaws were passed that allowed more and more mobile gear in the inshore waters. It was a very convoluted system. In the end, one of the arguments for getting rid of the 3-mile limit was that it was too complex and that there were too many exceptions and exemptions to the rule.

The basic premise of the 3-mile limit was that you should not tow mobile demersal fishing gear across the sea bed within 3 miles of land or within the inshore waters.

The Convener: You said that the limit was removed because it was too complicated. The Cameron report suggested that the limit was removed because it could not be justified on grounds of conservation, and it recommended the removal of the restrictions for the benefit of the fishing community.

Bally Philp: The Cameron report cited quite a lot of reasons for removing the 3-mile limit. One was that it was simply not being complied with. Another of the arguments was that it would not make any difference whether it was removed. Another was that it was almost impossible to enforce. We must remember that, at the time, we had a coal-powered fisheries enforcement vessel, and there was no GPS or vessel tracking—there were not even VHF radios.

The Cameron report cited a lot of grounds for removing the 3-mile limit. To be honest, the argument that I would dispute the most is that

there was no conservation benefit. In this day and age, as we are in the middle of a biodiversity and climate crisis, we are starting to understand more and more the implications and consequences of trawling and dredging inshore. The Scottish Government explicitly acknowledges that the single biggest impact on our marine environment is from trawling and dredging. All the facts would now refute that conclusion of the Cameron report from the 1970s.

The Convener: You talked about “facts”. What research justifies your saying that the Cameron report was wrong in relation to conservation and in saying that the removal of the limit would benefit fishing communities? What research has been done since then?

Bally Philp: There are several pieces of research. One that is worth mentioning is the Clyde ecosystem review. The inshore sea of the Clyde, which is one of the wider firths, was closed until the 1960s, and then the 3-mile limit was removed in the mid-1980s. Since that time, we have seen catastrophic declines in almost all demersal fin-fish inshore landings. At one point in our past, we were employing many tens of thousands of fishermen in catching demersal fin fish. I believe that there is now not a single fisherman left in Scotland who makes his living exclusively from catching demersal fin fish inshore. Inshore fish populations have catastrophically collapsed since the removal of the 3-mile limit. I think that that is clear enough evidence.

Rachael Hamilton (Etrick, Roxburgh and Berwickshire) (Con): Do you have examples of where restrictions exist on fishing similar to those proposed in the petition and where topography makes it harder for smaller fishing boats to adapt to being displaced further afield? What do you believe might be the impact of the 3-mile limit?

Bally Philp: It is a two-way street. We have to remember that the boats that suffered displacement were the smallest static gear boats—the creel boats. The vast majority of Scotland’s inshore fishing fleet is made up of creel boats that are under 10m. By making them compete directly with trawlers, there is already very extensive displacement, which is giving us poor social, economic and environmental outcomes versus not having that displacement.

It also works the other way. If we were to introduce a 3-mile limit, the smallest trawlers would, in turn, be displaced. It is arguable that, for each two-man trawler that we displace, we could have four equivalent creel boats. Yes, there would be displacement, and we would need to implement some kind of a just transition—there is no doubt about that—but we have to do that regardless of whether we introduce a 3-mile limit. The Scottish

Government has an obligation to achieve good environmental status. That cannot be achieved without comprehensive and extensive spatial management, whether or not we call it a 3-mile limit. Somebody somewhere will have to be displaced. The fishing industry is overcapacity if we are to achieve good environmental status. That is a simple fact.

Rachael Hamilton: I go back to my question about your possibly demonstrating a similar example somewhere else in Scotland, such as the Moray firth. What impact has there been in terms of the different topography?

Bally Philp: The thing about the different topography is that different sea bed types support different kinds of fishing industry.

At the moment, we have relatively extensive closures, but only 3 per cent of ground that is capable of being trawled is closed to trawling, which is only a few per cent. Most of the fisheries closures that we have are on ground that trawlers were not using. That is why it was amenable to the fishing industry to allow those closures to go ahead.

There are other examples of places where closures have been put in place. Lyme Bay, in England, is a very good example. I also believe that there is a 1-mile limit on towed gear and a 3-mile limit on any vessel over 10m in Wales and that in Norway we are looking at a 12-mile limit for almost all towed demersal gears.

Lyme Bay, in England, has a fantastic project that has been running for more than 10 years whereby scallop dredging and trawling are excluded, which has allowed the development of a buoyant and robust small-scale fishing industry. A recent study there said that fishing in the Lyme Bay reserve is not only sustainable but creates the highest level of happiness among fishermen that has been measured around the country. Considering that the fishing industry is under pressure everywhere, that is the kind of thing that we should be looking for in order to incentivise new entrants into fishing and facilitate sustainable fishing.

10:30

Rachael Hamilton: We need to take displacement very seriously. Off the Wash, it has been demonstrated that the topography has displaced smaller fishermen, who have had to go further out to protect their livelihoods. There could be arguments on both sides.

Your argument is that we should have a transition—we will discuss that later in the questioning—and that we almost have to make a sacrifice. Is that what you are saying? That

argument does not stand up, does it? In relation to the example of Norway and the Norwegian fleets, the restrictions are put in place not for conservation reasons but to restrict gear conflicts.

Bally Philp: Gear conflict is part of what is going on in Norway, but there are also huge economic, social and environmental benefits when you remove mobile demersal gear and manage static gear well in a zone.

It is probably worth emphasising at this stage that, if you are going to displace mobile gear, you need to manage static gear better. Nobody is proposing that we introduce a 3-mile limit in the absence of improving the management of the static gear.

It comes down to whether we have to displace any fishing industry at all and, if we do, which fishing industry should be displaced. There would be huge benefits from displacing trawl, and there would be far fewer benefits from displacing creel. Therefore, if we have to displace anybody, it should be those whose activities give us the poorest social, economic and environmental outcomes. Unfortunately, the people who will benefit from the displacement will not be the same people who will pay the price for it. Accordingly, we need some kind of a just transition to facilitate that.

Rachael Hamilton: I have one more small question. I am not sure whether other members will mention this, but we have spatial squeeze right now. The renewable offshore energy sector is presenting challenges for the future of fishing. Do you have concerns about spatial squeeze on top of the restrictions that you want to bring in through your petition?

Bally Philp: One reason why we have proposed the petition is the spatial squeeze. I appreciate that, on the face of it, it might appear as if this would compound spatial squeeze; for certain sectors of the fishing industry, there is no doubt about that. The problem with spatial squeeze is that we are potentially going to lose a significant proportion of our fishing grounds over the next 30 years, which will cause displacement of fishing activity.

When it comes to flat competition and survival of the fittest between the various fishing sectors, the biggest boats normally win and the mobile boats normally win. That is the opposite outcome from that to which the Scottish Government has committed. We are obliged to incentivise wherever possible low-impact fishing and fishing methods that have a reduced impact on the environment. If we allow spatial squeeze to take place in the absence of introducing management or mitigations, we will get the opposite of what we have committed to.

Introducing a spatial closure to mobile gear inshore will help to mitigate spatial squeeze. It will also allow us to employ more fishermen. The interesting point is that they will not be fishermen with the same gear; they will therefore not be the same fishermen, unless we facilitate a just transition. Creating a 3-mile limit should allow us to employ at least the same number of fishermen, if not more. It is a mitigation for spatial squeeze.

Mercedes Villalba (North East Scotland) (Lab): Good morning.

Going back to the discussion around the original 3-mile limit and the references to the Cameron report, is it fair to say that its conclusion that the original limit could not be justified on conservation grounds did not take an ecosystems-based approach and did not factor in the impact on the sea bed and related species? Is it also the case that research and evidence in this area have moved on and that we now have a greater understanding of the importance of ecosystems management?

Bally Philp: Good morning.

Yes, that is a perfect assessment of the situation. Initially, when the Cameron report came out, we did not really understand the ecosystems-based approach, and we certainly did not try to implement it. At the moment, though, the Scottish Government has a legal obligation to implement the ecosystems-based approach. If we were to produce such a report now, we would come to very different conclusions from those that Cameron report came to in the 1970s.

Alasdair Allan: Some of the argument is about introducing a variation on the historical limit. As you will know better than I do, that limit was brought in to keep steam-powered vessels out of coastal areas. From what you are saying today, it seems that the proposed variation is about trying to find a spatial management system that works. Spatial management comes up often in this committee. It seems to be a bit of a holy grail. How would a variation on the historical system work, and what would the spatial management system look like?

Bally Philp: We have to be clear that it is demersal-towed, bottom-contact gear that is causing us to fail to meet our obligation to achieve good environmental status. Any new variation on the 3-mile limit would have to include dredge gears and any gears that would drag extensively along the sea bed. If those were exempt from the original 3-mile limit—a lot of people argue that they are, although I am not sure—they would have to be included in the new system.

There is another variation that is probably worth considering. The 3-mile limit was a blanket approach—it was a 3-mile strip around the whole

coastline of Scotland—but in this day and age, such an approach would not reflect our fishing industry. On the west coast of Scotland, 90 per cent of all creels are still deployed within the former 3-mile limit area, and, as such, there is a very good case that a 3-mile limit would be appropriate there. On the east coast of Scotland, though, much of our creel sector is working as far as 12 miles offshore, and some of it is even further out. When you look at the 3-mile limit, you would want to do equivalent spatial management on the same scale, but you might want to do it as a series of boxes up the east coast.

I am sure that, if we took an ecosystems-based approach, we would be looking at the sea bed and the habitats and spawning grounds there, and at where the existing activity is taking place, and we would be able to draw the boxes based on scientific information. I do not think that it would be a 3-mile strip on the east coast of Scotland, and we are certainly not arguing for that.

Ariane Burgess: I would like to get a bit more detail on the stuff that you have already started to touch on. You said that a limit would not necessarily extend around Scotland as a blanket approach. I heard recently, for example, that it might not be needed in Shetland, because the sea bed is already so abraded by a dynamic sea.

I am also interested in hearing whether there are ways other than distance in which we could set a limit. I have heard something about measuring by depth; you have talked about that a bit. For example, you said that creelers go out to 12 miles on the east coast, but only 3 miles on the west coast.

Bally Philp: We would have to choose a set of principles to decide what type of fishing activity would be most appropriate where. That would include thinking about what would give us the best chance of achieving good environmental status, what would best protect our priority marine features, and what would give us the best social, economic and environmental returns.

I am sceptical about the argument that a sea bed can be abraded because it is already stormy there, or something along those lines. Once the sea bed gets below around 20m, there are very few storms on the planet that are capable of detrimentally impacting it to the same extent that scallop dredging or prawn trawling would do.

I do not want to appear as if I am simply anti-scallop dredging or anti-prawn trawling. In looking at an inshore limit, we need to look at managing the creel sector as well. There are certain environments where creel should be restricted; I would like to make that clear. Even within a 3-mile limit, we would have to look at managing fishing activity on the basis of what is necessary to

achieve good environmental status. That is our legal commitment, and that should be our aspiration.

Ariane Burgess: I understand what you are trying to get at in talking about some form of limitation. You said that we need a set of principles to decide which gear could be used where—that is helpful. We are trying to bring back the inshore abundance of fin fish and white fish that used to be there, which could, in the future, bring back a thriving sector.

I am also interested in enforcement. That came up with regard to the previous limit, which you mentioned was difficult to enforce. Given the budgetary constraints and the fact that that historical limit was removed, do you think that we could enforce it? You mentioned that we have much more technology that could help us with that.

Bally Philp: A lot of countries around the world are already doing very comprehensive, modern, progressive fisheries management, and we could learn from them. For example, as I said, there has been a policy of no scallop dredging or trawling in Lyme Bay for more than 10 years, and there does not seem to have been any problems with policing it. In this day and age, you can track your Amazon package, your Uber and all the rest of it, so I cannot understand why it would be particularly difficult technologically to manage the fishing industry with very complex and nuanced fisheries management.

Introducing comprehensive and extensive spatial management sounds like quite a bold ambition, but it is worth emphasising that we committed to doing it in 2010 under the Marine (Scotland) Act 2010, and we said that we would achieve good environmental status by 2020, but we are nowhere near it. Almost 50 per cent of our fish are fished above maximum sustainable yield outwith the scientific advice. That is a breach of the United Kingdom Fisheries Act 2020 and it goes against achieving good environmental status. Most of our sea bed—58 per cent of it—is still highly disturbed.

Policing the fishing industry to the nth degree and having extensive spatial management is indeed quite a bold ambition, but allowing ourselves to continue on our current trajectory is far bolder, I would say.

Ariane Burgess: Can I clarify that, when you are talking about spatial management, you mean the management of how one type of gear can work in one place and another gear can work in another? Is that part of it?

Bally Philp: Yes. Spatial management basically says that we have spaces, and one space is suitable for trawling in, one is suitable for dredging

in, one is suitable for creeling in and another is suitable for lining in. We can then consider the social, economic and environmental consequences of that management, and we might conclude that we should allocate more space to lining, netting and so on. That takes an ecosystems-based, area-based approach.

It is worth emphasising that the recently passed UK Fisheries Act 2020 committed us to producing the joint fisheries statement, which, in turn, committed us to producing fisheries management plans. Uniquely, in Scotland, we have not produced fisheries management plans for any of our shellfish fisheries, and that means that the vast majority of fishermen are working in relatively unmanaged fisheries. Scotland was unique in the UK in not introducing fisheries management plans for shellfish. The vast majority of Scotland's fishermen are employed in catching shellfish, so we are very much behind the times on that.

Spatial management is the only way that we can manage shellfish fisheries. The reason why the Scottish Government argued that we should not introduce fisheries management plans for shellfish was that we did not have enough scientific data on how to manage shellfish stocks. That is fair enough to an extent, but the 2020 act also compels us to take the precautionary approach. It says that, in the absence of scientific information, we should act according to a precautionary principle. That would mean introducing area-based fisheries management plans in the absence of single-species-based fisheries management plans. That is spatial management, by definition. We can call it an area-based fisheries management plan, spatial management or a 3-mile limit, but, unless we introduce the kind of management whereby we tell people, "You can fish here" and "You can't fish there," and unless we do so with a view to achieving good environmental status, we cannot meet our international obligations.

Jim Fairlie (Perthshire South and Kinross-shire) (SNP): Welcome to the committee, Bally.

I know very little about fishing. The sum total of my fishing knowledge comes from a day out on a hand-dived scallop boat. I therefore come to this from a different perspective. It would seem, anecdotally, that a 3-mile limit worked because there were more fish in the past. What is the science behind the basis of the 3-mile limit? If a 3-mile limit were set up, what is the science that tells us the level that we are trying to return the fish stocks to?

Bally Philp: Those are very good questions—and they are actually quite tricky. We have some historical baselines for landings. A good example is the Clyde, which I keep referring to because we have carried out something called an ecosystem review in the Clyde. We have examined the

historical fish landings, and we can see from them that the relative abundance in the past was fantastic compared to now. It was almost 100:1. There has literally been a 98 per cent decline in demersal fish landings in the Clyde. That does not necessarily equate to a 98 per cent decline in fish in the Clyde, but it shows that the fish are not there to catch any more.

We know that, once upon a time, there were fantastic volumes of fish in the inshore, and we know that, when the 3-mile limit was removed, those fish disappeared and we no longer have them. It is just an inference to say that, if we removed the pressures that are modifying the habitat and the bycatch that is stopping the fish recovering, the fish would recover. It is speculative to some degree, but I think that it is reasonable speculation.

As for evidence, the Scottish Government produced a report in 2015—I think that it was called "Assessing The Options for Change"—which concluded that the introduction of a 3-mile limit in most areas around Scotland's mainland coast would create more jobs and would allow ecosystem recovery. That is one piece of evidence.

Lamlash Bay in Arran and the marine protected areas that have restricted trawling so far have all shown significant increases in abundance of most species. They are commercially viable, and we want to protect priority marine features.

The best way to argue this is to put the inverse. We know for a fact that allowing trawling and dredging inshore is decimating many of our shellfish stocks and our priority marine features, so I think that it is reasonable to infer that, the Scottish Government having recognised trawling and dredging as the single biggest pressure on our marine environments, unless we stop that pressure, we cannot recover those environments.

10:45

The Convener: I refer to some of the language that you have used, such as "decimating". You say that 58 per cent of our sea bed is severely damaged. Where do you get that figure from? Is that 58 per cent within the 3-mile limit or within the 12-mile limit?

Bally Philp: It is within the Scottish sea area. I believe that the marine assessment came up with the figure of 58 per cent. It is not "highly damaged"; it is "highly disturbed". That means that fragile species that live on the sea bed are being decimated.

I do not think that "decimated" is the wrong word to use. I know that the Scottish Government took issue with the petition and with our using the word

“decimated” but, in the past 30 years, there has been a 92 per cent decline in cod abundance on the west coast of Scotland. We have a zero total allowable catch, which means that the International Council for the Exploration of the Sea has said that we should not be allowed to catch any cod at all on the west coast of Scotland. If that is not reflective of a decimated fish population, I do not know what is.

I could give you examples and use up your entire day, but I will just give you a couple more. There has been a 90 per cent decline in serpulid reefs in the Highlands since the last marine assessment, and that is just in one decade. There has been a 99.5 per cent decline in blue mussels in the Moray Firth area. There has been a 52 per cent decline in flame shell beds in the Argyll area. That is all within a 10-year period.

We have no herring quota left on the west coast of Scotland. Herring were once the pivotal, keystone species that supplied most of the employment and facilitated much of the ecosystem activity on the west coast. We now have a zero TAC for herring. If those things do not reflect a decimated ecosystem, I do not know what does.

The Convener: Your petition is all about mobile gear fishing. Surely you are not suggesting that mobile gear fishing is responsible for the situation. We know that ecosystems are complex—you have said that yourself. There are lots of different effects and causes of that. There is global warming, and plankton and sand eels are becoming more abundant further north. There is a reduction in seabirds. Your petition, however, suggests that it is all down to mobile gear within a 3-mile limit. Surely that is not scientifically based—not at the moment; you are just making an assumption that we should have a blanket 3-mile ban.

You have also said yourself that there are some places where there might not need to be a 3-mile ban—on the east coast or whatever. It is either a blanket ban or it is not a blanket ban. Further to what Jim Fairlie has mentioned, is there any science to back up what you are saying?

Bally Philp: Yes, I think there is. First, going back to the Clyde, there was a very good study that examined the history of fishing on the Clyde and how it related to the declines in the fish stock. We can conclude that much of the decline in the Clyde is a direct reflection of habitat modification and bycatch associated with trawl and dredge fisheries.

Professor Heath gave an example at the Rural Affairs, Islands and Natural Environment Committee. Although nephrops trawling catches only 1 per cent of cod in the Clyde by weight, that turns out to be two thirds of all cod caught in the

Clyde each year. That is bycatch in the nephrops trawl. They are not landed; they are bycaught.

The Scottish Government already recognises that the single biggest impact on the marine environment is the impact of towed demersal gear. That is the single biggest metric that is preventing us from achieving good environmental status. The reason why we are trying to achieve good environmental status and the reason why one of the metrics says that only 15 per cent should be highly disturbed is that it has already been concluded by society at large that extensively disturbing the sea bed is not good for the ecosystem. We are not talking about a little brush-by with a soft net; 58 per cent of Scotland’s sea bed is highly disturbed, and a significant proportion of our demersal fin fish are caught as bycatch and dumped overboard. That has consequences: there has been a 98 per cent decline in demersal fish landings inshore.

There is some science to back that up. Many countries that have been introducing inshore limits and restrictions on trawling are showing, in a general consensus, that those pressures have to be removed from the environment if we want the environment to recover.

The Convener: Is there any evidence to suggest that cod move north because of colder waters?

Bally Philp: Yes.

The Convener: Is that not a factor? It appears that you are suggesting that disturbance to the sea bed is wholly responsible for the decline.

Bally Philp: There is general consensus that cod are moving north at something like 2 miles a year, although that does not account for the declines in their abundance.

I would like to come back to cod and, again, the Clyde example. In the Clyde, there was a recognised spawning area 20 years ago. I believe that the committee heard some evidence on that in the past. It was recognised that we should protect that spawning area to protect the cod. For 20 years, we allowed scallop dredging and trawling on that spawning ground during the spawning season, and, in the interim, we are allowing trawlers to catch two thirds of the cod in the Clyde each year. It is a reasonable inference that that is why there are no cod in the Clyde.

Jim Fairlie: I appreciate that this is a difficult question session for you, Bally. Has there been scientific research into the matter, or is your evidence anecdotal? Is your position that we should close the area off for 10 years to see what happens? What would happen during that period? You have already talked about what happens to the communities that are reliant on fish at the

moment. In those 10 years—or whatever period—of closure, you want the fish stocks to increase. What level would the fish stocks recover to? Would you start fishing all over again after that? You would already have displaced other fishing boats out of the system.

I am trying to consider the matter from the point of view of fairness. How do you ensure that what your petition is calling for is fair for everyone in the system?

Bally Philp: The evidence is clear. The Scottish Government has already committed to achieving good environmental status and to fishing below maximum sustainable yield and in line with the scientific advice, but we are not doing that. The question is how we do it. You cannot achieve good environmental status without reducing the amount of sea bed that is disturbed, which you cannot do without reducing trawling and dredging. If you want to fish below maximum sustainable yield, we might have to catch fewer fish as bycatch.

It is simple, and that is the evidence. The Scottish Government has already conceded the evidence and made the commitment to achieve those things. The petition is a mechanism by which we might contribute to achieving that.

I will answer the second part of your question, which is about how we make the process fair. We must recognise that people will be displaced and that we have to create a just transition.

One of the beauties of a measure such as a 3-mile limit is that you can employ more people in static gear fisheries than you can in the equivalent trawl fishery. It is a simple consequence of the premium value that the product attracts. Therefore, we can transition much of the existing mobile capacity into the static sector within a 3-mile limit. Such a limit would be dramatically under capacity, so that would mitigate some of the job losses.

In future, once we are fishing below maximum sustainable yield, we have to ask ourselves which method gives us the best social, economic and environmental outcomes. If you have, say, a trawler versus a hand liner trying to catch fish, you will probably find that the hand liner offers better social, economic and environmental outcomes. Therefore, we should allocate the fishing opportunity on that basis.

The Convener: We have covered that issue well. There is one thing that I want to ask you. You said that 58 per cent of the sea bed was severely damaged—I think that you used the word “decimated”. Where do you get that figure from? Can you point the committee to where that research was done?

Bally Philp: I believe that it comes from the marine assessment, but I will have to commit to coming back to the committee on exactly where it comes from. I took it from the briefing note that Open Seas supplied to the committee.

Karen Adam: Thank you for your answers so far. I do not doubt your sincerity at all. I have read the petition, which makes some really bold claims. It talks about

“opportunities to optimise the social, economic and environmental returns”

and

“increases in fishing jobs and the revitalisation of coastal communities.”

My constituency has a coastal community, and I know that issues around infrastructure, tourism, support for small businesses, extending ports, helping fishers and farmers to decarbonise, investment in renewable energy and helping discussions between the different industries that are affected by the spatial squeeze are very complex. Therefore, when I see such statements, I ask myself where the evidence is to support that. There is no silver bullet that can help with all of that. I see that as possibly throwing something else into the mix.

Where is the evidence to support those statements, and what will that actually do for coastal communities? How will it help with all those complex issues?

Bally Philp: Again, I want to reiterate that the Scottish Government has already recognised much of that to be true, because we have committed to achieving good environmental status and to fishing below the maximum sustainable yield. To achieve that, you must have extensive spatial management. The inference that extensive spatial management will lead to improved fish populations, environmental health and jobs is already implicit in the Scottish Government’s commitments, the sustainable development goals and the UK Fisheries Act 2020. Indeed, it is implicit in all those things that we must have extensive spatial management of trawl and dredge gear and more static gears in order to meet our commitments.

Those commitments are based on the fact that the Government has already recognised that those are basic requirements for ecosystem health, and a healthy ecosystem will produce more jobs and more robust coastal communities.

There is, though, more direct evidence. In 2015, the Scottish Government commissioned a report called “Management of the Scottish Inshore Fisheries; Assessing the Options for Change”, which showed that the introduction of a 3-mile limit in Scotland would produce more jobs and supply

better ecosystem health and that it would also supply associated jobs, such as diving, angling and so on. There is huge potential for jobs to be created for coastal communities indirectly by introducing good environmental health to our marine ecosystem.

Furthermore, in 2016, the New Economics Foundation produced a working paper called "The Scottish Nephrops fishery: Applying social, economic, and environmental criteria". I will provide a bit of background to that. Article 17 of the common fisheries policy obligated us to use social, economic and environmental criteria as the basis for allocating fishing opportunity, but many people found that to be quite complicated and they wanted to know how to go about doing that. The New Economics Foundation wrote a report on how that would be progressed in the Scottish nephrops fishery. It concluded that swinging the bias towards more creel fishing would employ more fishermen, have a reduced impact on the environment and generate more revenues for coastal communities. I think we can infer from that that there would be more jobs as a consequence.

Lastly, the Scottish Creel Fishermen's Federation produced a document called "Correcting the Misallocation of Nephrops Stocks in Scottish Inshore Waters: Untapping a Vast Economic (and Environmental) Potential", which clearly demonstrated that every time that you take an equivalent two-man small-scale trawler out of the system, you could replace it with four two-men creel boats without extracting a single extra nephrop. Therefore, there would potentially be far more employment not just directly in the fishing industry but indirectly in angling, diving, marine tourism and suchlike. I think that that is a given.

The Convener: On some of the issues that you have covered, we could probably sit here all day and talk about that one question—it is a great question—about the co-dependencies, synergies, trade-offs and whatever. However, the Scottish Government has committed to developing a new national marine plan for Scotland by late 2025. Are you hopeful that that will cover some of the issues that Karen asked about?

Bally Philp: The existing marine plan does not deal with fisheries much at all; it deals with other marine spatial planning excluding fishing. If we are to have a new marine plan that deals with some of those issues, it is incumbent on the Scottish Government to demonstrate how, using that mechanism, it will achieve good environmental status. That is one of the foundational principles, legally and environmentally, that we must achieve. We must achieve good environmental status, and that is clearly defined.

If the marine plan is to be the solution to that problem, it is incumbent on the Government to

demonstrate how, in that context, it will achieve good environmental status. Personally, I do not think that you can get anywhere near good environmental status without introducing comprehensive spatial management, at least on the scale of the 3-mile line.

Jenni Minto: In some of your earlier comments, Bally, you touched on the risk of a 3-mile limit resulting in more creel fishermen. I am interested in your views on how we can measure that and what measures we can bring in to control that.

11:00

Bally Philp: That is a very good question. One of the best arguments that I have heard against the 3-mile limit is that, in the absence of comprehensive management of the creel sector, you could be swapping one unsustainable fishing sector for another. When we suggest introducing extensive spatial management, it is not in the absence of management of the gear in that space.

It is important that we recognise that we need fisheries management plans. The Government has committed to the ecosystem-based approach to developing FMPs, but we have not done that; we have just published what we are going to do with FMPs and they are all single-species FMPs.

An ecosystem-based approach to FMPs would require area-based FMPs, so you would perhaps have one for the south-west of Scotland and so on and so forth. Once you had a basic FMP, you would have to look at all the individual exceptions, because we have a lot of priority marine features and we have spawning grounds and so on. So, within area-based FMPs, you need local FMPs right down to the resolution of individual sea lochs and individual priority marine features.

That can be done, but we are not doing it. Several years ago, we made a proposal to pilot that approach in the inner sound of Skye, to try to develop community-managed fisheries that are based on geographical spaces, which would be the equivalent of an ecosystem-based fisheries management plan. Unfortunately, the Scottish Government pushed very hard against that, so we have no examples of ecosystem-based FMPs in Scotland to date.

It would be a requirement of any spatially managed area that we would introduce ecosystem-based fisheries management plans. That would then tell you how much gear is sustainable and what gear to use where and when. There is no doubt that we would have to do that. I am not for a second suggesting that a 3-mile limit would solve all our problems. A 3-mile limit in the absence of fisheries management would be a complete waste of our time.

Jenni Minto: As an example, an established creel fisherman with 650 creels might think, “Oh, a 3-mile limit—great. I will increase to 1,000 creels.” Do you propose a limit to the number of creels?

Bally Philp: Yes. The limit would have to be based on the carrying capacity of the geographical area. That has been done—in the Lyme Bay project in the south of England, the University of Plymouth has established the carrying capacity of the various ecosystems. That specifies the exact number of creels that you can deploy in any given area. Who gets to deploy them is based on historical entitlement and track record, and whether there is overcapacity or undercapacity.

We have to manage the ecosystem at that resolution if we are going to implement ecosystem management. You could have a national cap on the number of creels. It is worth emphasising that—this is one of the issues that has led us to where we are today—we have no effort controls or catch limits in our inshore fisheries, which means that you can have as many trawlers as you like trawling in the same place over and over again. There is no limit to the amount of trawling or creeling that you can have in any given place and no limit to the amount of shellfish that those trawlers or creelers can extract from a place. It is complete madness in the 21st century to have such an absence of management over fisheries. So, yes, we would need to have effort limits and catch limits.

Jenni Minto: I have a final question. Clearly, because you are a creel fisherman, we have focused on that area, but I am interested in hearing about what discussions or agreements you have had with other types of fishers on the 3-mile limit.

Bally Philp: You will find that anybody who might be displaced by a 3-mile limit will not be in favour of it, at least until we can tell them how we can facilitate a just transition. Again, the Scottish Government has committed to that ecosystem-based approach, so it is up to the Scottish Government to tell us how it will achieve such an approach and good environmental status in a just manner.

I think that we could subsidise the decommissioning of the smallest trawl boats, because those are the ones that will be impacted the most. We should help to facilitate those guys, wherever they want, to come into the creel sector, which would be undercapacity in the event of extensive spatial management. That would be my personal suggestion, but it is up to the Government to tell us how it will achieve good environmental status and an ecosystem-based approach, and how it will do that in a just manner. That is not my responsibility.

Jim Fairlie: Following on from Jenni Minto’s question, is the type of gear that is used in inshore fisheries your biggest issue? You do not specifically mention gear in your petition.

Bally Philp: It is gear and the management of that gear. Those two things cannot be separated. Do not get me wrong—you can have sustainable trawling, but you cannot have very much of it, and you can have nowhere near as much of it as you could have of sustainable creeling. You can also have unsustainable creeling.

We have to recognise that the issue is not just the gear in and of itself; it is the combination of the gear and the management of that gear. At the moment, we have no inshore fisheries management plans in Scotland. For all intents and purposes, it is a free-for-all. There are no effort controls, no catch limits and no inshore FMPs. If we had those, we might not need a 3-mile limit. But, if we then tried to achieve good environmental status, we would have to introduce spatial management.

The two things cannot be separated. We cannot achieve good environmental status without reducing the impacts of demersal gear. The Scottish Government has recognised that the impacts of demersal gear on the ecosystem are the single biggest factor that is preventing us from achieving good environmental status. We cannot achieve that status without looking at the gear and the management of it.

Jim Fairlie: I am mindful of Jenni Minto’s point that other people are currently in the same waters and that there will have to be some balance.

The Convener: I call Ariane Burgess.

Ariane Burgess: Which question are we on, convener?

The Convener: You had a supplementary to question 8.

Ariane Burgess: Okay—thank you.

Mr Philp, you have started to talk about all the different components that would need to be in the mix. It is not just the 3-mile limit—there are other elements that would need to be part of that. Perhaps you could talk about other ideas for minimising gear conflict that might work alongside a 3-mile limit or the spatial management measures that you mentioned, such as the inner sound pilot, territorial rights and that kind of thing.

Bally Philp: It really comes down to fisheries management plans. A fit-for-purpose FMP that applied the ecosystem approach and sought to achieve good environmental status—because those are the foundational principles that we should be working towards—would dictate who could fish where and what gear they could use.

One of the interesting things is that, as you transition towards more selective gear and gear with the greatest impact on the environment, you often end up with a higher employment ratio, because those gears attract a premium. In order to reduce the detrimental impacts of extensive spatial management, you would want to facilitate a transition, as far as possible, from higher-impact gears to lower-impact gears. In that way, you could generate more employment without taking any more resource out of the system.

We could do a whole array of things to make this work better and to mitigate the negative consequences. We always have to remember, though, that if we want to achieve good environmental status, we cannot do so without reducing sea bed disturbance; that if we want to reduce sea bed disturbance, we cannot do it without reducing the amount of trawling and dredging; and that if we want to reduce that, we have either to transition those guys to lower-impact fishing or to decommission those elements of the fishing industry. Some might argue that that is not just, but it all leads back to the commitment to achieve good environmental status in the first place.

To some degree, the Scottish Government has to demonstrate how it will achieve good environmental status. Our petition says that it cannot do so without extensive spatial management, and a variation on a 3-mile limit would be a really good place to start.

Ariane Burgess: I want to follow that up. The Bute house agreement covers highly protected marine areas. You have said that 58 per cent of the sea bed is highly damaged and that the intention is for a Lamlash Bay-type approach with a no-take zone.

One of the things that has come out of today's session is that this is not about having a blanket 3-mile limit—the approach is more nuanced than that. It seems to me that we would need some places around the coastline where there are no-take zones. I am interested in hearing your reflections on how we could fit that into the spatial management mix.

Bally Philp: Again, it is about context—everything is about the context here. Highly protected marine areas, in the context of a fishing industry that is overcapacity, where there is spatial squeeze and there are no fisheries management plans, are potentially just compounding the problem.

If we believe the Scottish Government's report that 50 per cent of our fishing effort is already above maximum sustainable yield and therefore, by definition, unsustainable, the introduction of highly protected marine areas would, in that

context, have a potentially detrimental effect. By that, I mean that if we are already overcapacity and we remove 10 per cent of the opportunity for the fishing industry but not 10 per cent of the fishing industry, we just compound the extent to which everything else is overcapacity or we make the viability of the existing fishing businesses marginal, or more marginal.

That is not to say that we should not have highly protected marine areas. It means that if we want those areas to work and to be beneficial, they must be part of a comprehensive fisheries management plan. Hypothetically, if the fishing industry was undercapacity, it would not be harmful to create no-take zones or highly protected marine areas. However, if the fishing industry is overcapacity, as the Scottish Government's study says that it is, introducing highly protected marine areas will only make things worse.

I do not think that the argument is for or against highly protected marine areas. The argument has to be that if you want to introduce those areas, they should be part of a comprehensive fisheries management plan and we should look at mitigating the negative consequences of doing that.

The Convener: I have a very quick question. Do you think that an HPMA could be sited on an offshore wind farm? Fishing opportunities would be severely restricted there anyway, so the introduction of an HPMA would not add much to the spatial squeeze or create additional fishing pressures.

Bally Philp: It is not as simple as that, because there are consequences of those wind farms. There is already a big study that is looking at the impacts of electromagnetic interference on the migration of shellfish. Until we see the results of that, I could not give you an informed answer. If it turns out that the cables are interfering substantially with the movements of shellfish, HPMA's on those sites would obviously not achieve what they are meant to achieve.

It would be nice to see some of the areas that are already closed to fishing because of military sites or other designations being included in the highly protected marine areas. Otherwise, we will lose not 10 per cent of our inshore area but 10 per cent of our fishing grounds.

The Convener: Thank you.

Rachael Hamilton: Mr Philp, when you get back to the committee on the 58 per cent figure that you used, could you clarify whether that relates to areas where trawling happens or the assessed areas, please? You do not need to answer now, but you could add that in.

I want to ask about the backing that you have for your petition. It states that it was submitted by you on behalf of the SCFF. Do all your members support the petition?

Bally Philp: Yes, but I should clarify that, although the Scottish Creel Fishermen's Federation represents creelers and divers, we represent only about 200, or 10 per cent, of Scotland's almost 2,000 creel fishers. It would be wrong, therefore, for me to give you the impression that all of Scotland's creel fishers support this measure.

To be honest, I think that the question of whether there is support for the petition is neither here nor there. What is important is whether we can meet our international legal obligations without it.

Rachael Hamilton: Are those 200 active fisher people?

Bally Philp: Yes.

Rachael Hamilton: How is your organisation funded?

Bally Philp: It is funded by a mixture of members' fees, which we have not actually levied in the past year because we had a nice grant from the Esmée Fairbairn Foundation, which is paying me a part-time wage. I am a full-time fisherman, but I represent and advocate for the interests of creel fishermen on a part-time basis. That position has been funded by the Esmée Fairbairn Foundation.

Rachael Hamilton: Okay. I want to go back to some of the points that you made about the socioeconomic benefits that the measures in the petition could bring. Do you believe that the price of nephrops would increase, pricing us out of the domestic market and leading to the replacement of our domestic market by foreign imports?

Bally Philp: It is very complex—I can only rely on the work of the New Economics Foundation and Professor Alan Radford. He is an economics professor who was commissioned by Marine Scotland to produce the original report on the 3-mile limit, entitled "Management of The Scottish Inshore Fisheries: Assessing The Options for Change". They concluded that the economics would be credible, in that we would not saturate the market and would not overinflate the price of prawns such that it would negate the job. I can only rely on those guys—I am not an economist.

I believe that a third piece of work, which I have not yet mentioned, was carried out by Seafood Scotland. It said that we could increase the number of live nephrops going to the market by 10 per cent—not 10 per cent of the existing total but 10 per cent more of Scotland's nephrops could go

to the live market without creating negative economic repercussions.

Rachael Hamilton: I am just wondering what you would say to the Scottish Fishermen's Federation, which argues that the 3-mile limit is a "protectionist" approach that benefits

"only one type of fishing".

Bally Philp: I think that it is half right and half wrong. Is it a protectionist approach? Arguably, yes, but I do not think that that is necessarily a bad thing. We are talking about protecting the ecosystem and our legal obligations to achieve good environmental status.

On the point that it would benefit only one type of fishing, I disagree. I think that that is wrong, because we are talking about being able to net, hand line and creel, and there are many types of fishing within creeling, including wrasse, whelk, several types of crab, lobster and nephrops. In the future, if we can develop a greater abundance of demersal fin fish in the inshore, we will be able to use variations on creeling—trap-type fishing—to catch fish. The argument that the proposal would benefit only one type of fishing is wrong. It would benefit a huge range of fisheries that have historically been marginalised by the creation of a big free-for-all within the inshore.

Rachael Hamilton: Do you expect to have to produce a financial impact assessment, whether negative or positive, alongside your petition?

11:15

Bally Philp: It is incumbent on the Scottish Government to produce a socioeconomic impact assessment of whatever mechanism it proposes to achieve good environmental status. We have lodged our petition because, at the moment, the Scottish Government has not proposed anything that could possibly achieve that status.

Karen Adam: Your proposal would have an impact on mobile-gear fishers. How do you propose to mitigate that or compensate them for it?

Bally Philp: I can think of lots of mechanisms whereby we could mitigate and, to some degree, compensate for the impact.

I suggest that increased capacity for more creel boats in the inshore would create an opportunity for some people to transition, so that would be a mitigation to some extent. For those who did not want to or were unable to transition, we would have to consider some sort of compensation.

Traditionally, in the fishing industry, we use mechanisms such as decommissioning. In our proposal at the Scottish inshore fisheries conference in 2017, where we suggested the 3-

mile limit in the first instance, we speculated that you could start with a base figure of about £100,000, which would reflect the value of an under-10m trawler. That would be the minimum that you would have to contribute towards facilitating those guys to go out and buy a creel boat. That produced a range of outcomes depending on how many boats would request that type of compensation. The figures were between £10 million and £15 million.

We should contextualise that: the Scottish Government has recently committed £14 million to incentivising new entrants into the fishing industry. It is not working well because nobody wants to go into a fishing industry that is unsustainable and in decline. If we want to bring new entrants into the industry, that £14 million would have been far better spent on creating opportunities within the inshore.

Karen Adam: We are talking in an economic sense and about financial compensation, but there is a lot of history, heritage and culture that comes with fishing, including the attachment that people have to that life and, possibly, family history. What compensation or mitigations could be in place for people on that side of things?

Bally Philp: We are starting with the wrong question. The question is how we achieve good environmental status. That is our legal obligation.

Under the United Nations sustainable development goals, to which we are signed up, we have to fish within the maximum sustainable yield. How do we achieve that? Under indicator 14.b.1 of the sustainable development goals, we also have to incentivise small-scale artisanal fisheries. We have to show how we will do that. We have to show how we will achieve good environmental status, incentivise low-impact fishing, fish within sustainable limits and take an ecosystems approach.

We already have those commitments. We have to demonstrate how we will achieve them. In fact, it is incumbent on the Scottish Government to demonstrate how it will do that. At that point, we can consider comprehensive inshore fisheries management plans and we might be able to identify who the beneficiaries and victims will be and start to discuss compensation. However, if we discuss compensation at this stage, we put the cart before the horse, because, at the moment, we do not know who we would be compensating. We do not even have fisheries management plans that tell us where there is overcapacity and where there is undercapacity.

We have to start by developing comprehensive inshore fisheries management plans that allow us to deal with spatial squeeze and achieve good environmental status.

Rachael Hamilton: I will take you back to the closure of the Clyde cod box. Members of the party that is in government now called for fishermen to be compensated after the new measures were introduced to protect cod stocks in the Firth of Clyde. You talked about decommissioning and a just transition. Would you support compensation for individuals who have been displaced?

Bally Philp: Of course I would.

Ariane Burgess: Colleagues probably know this but, for the record, it would be helpful to understand what numbers we are talking about. I understand that there are about 2,100 registered fishing vessels, but how does that number break down into creelers and others? I know that there are 21 pelagic boats, but what is the mix with the other types?

Bally Philp: I do not have the exact numbers in front of me, but I will give some context. First, I know that I keep saying this but, without fisheries management plans, it is hard to identify where we have overcapacity and undercapacity and then, in turn, who would be displaced and how many of them there would be. However, it is reasonable to suggest that, if a 3-mile limit and extensive inshore spatial management were created tomorrow, the smallest trawlers would suffer the worst.

For context, there are 85 under-10m trawlers on the west coast of Scotland. Sorry, there are 85 under-10m trawlers on the mainland of Scotland—I think that there are only 35 on the west coast mainland—and they would arguably be substantially detrimentally affected by an inshore limit. After that, we have to ask how the 10m to 12m sector would be impacted and then how the 12m to 14m sector would be impacted. Without comprehensive inshore fisheries management plans, we have no clue.

One of the reasons why we find ourselves in this situation and are petitioning for the limit is that, in the absence of comprehensive inshore area-based or ecosystems-based fisheries management plans, we are acting blind and are clunky. The Scottish Government has complained that our proposal is a blanket approach, but a blanket approach is allowing trawling and dredging inshore in an area where we committed to achieving good environmental status.

Alasdair Allan: You have touched on some of this already, but what would be the implications for Marine Scotland and other bodies of enforcing the solution that you would like to see?

Bally Philp: It would be complicated, and that is one of the reasons why we have not done it. However, on paper, we are committed to doing it. If we want to take an ecosystems-based approach and achieve good environmental status, we have

to develop comprehensive fisheries management plans. That means that there will be lots of complicated and nuanced fisheries regulations that go right down to the local level. That will involve a degree of co-management. Marine Scotland will have to let go of the reins to some degree and allow communities to develop fisheries management plans in line with scientific advice, facilitated by scientists and Marine Scotland staff.

It would be hard for Marine Scotland to micromanage fishing at the scale that is required to achieve good environmental status. That is one of the reasons why, before now, it has not embraced the idea that we propose. However, it is not impossible. Plenty of places do it and, with modern technology, the Scottish Government is committed to implementing comprehensive vessel tracking by the end of this parliamentary session. That would facilitate to a huge extent the kind of management that would be required to achieve good environmental status.

Mercedes Villalba: As you will know, the Bute house agreement of November 2021 committed the Scottish Government to introducing highly protected marine areas and to capping fishing activity in inshore waters. The consultation on highly protected marine areas was launched only in December and is under way. As far as I am aware, the consultation on a cap on fishing activity has not yet begun.

To what extent would those proposals address the concerns that are raised in your petition? Given the current pace of work by the Scottish Government on those commitments, do you see any dangers if the committee were to close your petition today, prior to any progress on the Government's commitments being made?

Bally Philp: Highly protected marine areas will, to some degree, contribute to achieving good environmental status, but we need to have fewer highly disturbed areas to achieve good environmental status, and we would have to put the whole 10 per cent that we have committed to making highly protected marine areas on highly disturbed areas for it to contribute just 10 per cent to those highly disturbed areas, and we need 30 to 40 per cent. So, HPMAAs will contribute to some extent but will certainly not solve the problem.

In the absence of other measures, capping the inshore fleet at its present unsustainable levels will not contribute meaningfully at all. As a mechanism for establishing where we can reduce effort, it sets us up to be able to start working towards achieving good environmental status but, if inshore effort is capped at the current unsustainable levels and 10 per cent of the fishing opportunity is then removed without removing 10 per cent of the fishing fleet, that could make things worse.

Mercedes Villalba: What about the second part of my question? Do you see any dangers in the committee closing the petition?

Bally Philp: Historical precedent shows that Marine Scotland had commitments in 2010 to achieve good environmental status and, by 2020, it looked as though we had categorically failed on almost every metric. I think that we failed on 11 of the 14 metrics by which we measure good environmental status.

I do not think that there has been a root-and-branch review of what happened and what went wrong—what failures led to us not achieving good environmental status within the time in which we had committed to achieving it—and no mechanism has been introduced to ensure that we do not just repeat that failure. My concern is that, regardless of all the Government's fancy words about what it intends to do, history has proven that it has not done it in the past, and I see no reason to believe that it will do it in the next 10 years.

The Convener: We have no further questions. I thank you sincerely for the evidence that you have given us. It has been thorough under heavy questioning, so I am sure that all committee members join me in thanking you for that.

I suspend the meeting briefly to allow the witness to leave and for a comfort break.

11:25

Meeting suspended.

11:35

On resuming—

The Convener: We return to item 1. Our next step is to decide whether to close the petition or to continue our consideration of it.

In my view, and I think in everybody's view, spatial management of the marine environment is incredibly important—we have heard a lot of evidence about that this morning. The Scottish Government has recently started its review of the national marine plan. In October, the cabinet secretary wrote to us to explain that the review would establish

“a clear policy framework that reflects our new shared priorities and commitments and considers potential co-dependencies, synergies or trade-offs between different interests”.

In my view, that commitment from the Government would allow us to close the petition, but the committee could pay regard to what we have heard today in our future work programme.

Do members have any comments?

Ariane Burgess: That is a good approach. My one concern is that we should get clarity. When you asked Bally Philp about the marine plan, I think he said that the existing marine plan did not really deal with fisheries. I want us to get assurances that the existing plan covers fisheries and that the future plan that the Government is considering will include fisheries in the mix.

Rachael Hamilton: The petitioner gave compelling evidence and answered our questions well, but the scope of the petition requires a multi-approach strategy. The Government needs to ensure that it is working on the issues that the petitioner raised, where there is a glaring deficit in meeting targets. For example, he said that, without a comprehensive inshore management plan, we are blind and that the Government should be responsible for ensuring that we look at the financial impact of what the petition suggests. The Government can do a lot more. I recommend that the petition be closed at this point.

Mercedes Villalba: I think that we should keep the petition open. The Scottish Government's position is not clear to me, as it is still consulting on these issues. As the petitioner pointed out, we have had strong commitments in the past that have not materialised into action. It would therefore be premature to close the petition until we have a clear position from the Government and an outcome from the consultations.

The Convener: Okay. Are there any other views?

Jim Fairlie: I agree that we should close the petition at this stage. The evidence that Bally Philp gave us was tremendous and very detailed, but we have heard only from that petitioner. There will be other people in the fishing community who will want to give as much evidence as he has given. We need to be mindful of the fact that the Government is doing its review, so I think that we should close the petition now and include the issues in the broader picture that we look at later in the parliamentary session.

Alasdair Allan: Likewise, I think that the issues in the petition were given a good hearing today and that we can give a more comprehensive hearing to the wider issues in the committee's later work. That makes the case for closing the petition.

Karen Adam: I am inclined to agree with the suggestion that we close the petition. The evidence that we heard today was great. We had a good, in-depth question session and I would not like to see that go to waste. A lot of work is being done at the moment and, until that settles and we can get some outcomes from it, I propose that we close the petition, while keeping what we have heard today in mind and adding it to any future work on the matter.

Jenni Minto: I agree with Karen Adam. We heard very thorough evidence today and we need to take account of it. However, it is important that we hear from other groups of fishermen, so I agree that we should make the issue an important part of any further scrutiny that we do of fishing issues.

The Convener: The opinion of the majority of the committee is that we should close the petition and incorporate consideration of spatial management of inshore fisheries in our future consideration of the national marine plan. If that plan comes to us as the lead committee, I assure the petitioner that we will engage extensively with all stakeholders, the petitioner and the SCFF when the opportunity arises.

Mercedes Villalba: Can we take a vote on it?

The Convener: We can, but, from what I have heard, it seems that the majority of members are in favour of closing the petition. I do not think that we need to take a vote.

Mercedes Villalba: I just want it to be noted that I wanted to keep the petition open.

The Convener: Your views will be on the record.

Do members agree that we should close the petition?

Members indicated agreement.

The Convener: We now move into private session.

11:42

Meeting continued in private until 12:36.

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