

Citizen Participation and Public Petitions Committee

14th Meeting, 2022 (Session 6), Wednesday
26 October 2022

PE1951: Reinstate inshore coastal limit on the
use of dredge and trawl fishing gears

Note by the Clerk

Petitioner	Alistair Bally Philp on behalf of The Scottish Creel Fishermen's Federation
Petition summary	<p>Calling on the Scottish Parliament to urge the Scottish Government to re-introduce a variation of the historic 3 mile coastal limit on the use of mobile dredge and bottom-trawling fishing gears to support:</p> <ul style="list-style-type: none">• the recovery of Scotland's inshore demersal fin-fish population and the wider eco-system;• opportunities to optimise the social, economic and environmental returns within the new spatially managed area; and• increases in fishing jobs and the revitalisation of coastal communities
Webpage	https://petitions.parliament.scot/petitions/PE1951

Introduction

1. This is a new petition that was lodged on 12 July 2022.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. While not a formal requirement, petitioners have the option to collect signatures on their petition. On this occasion, the petitioner elected not to collect signatures.

5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.
6. A submission has been provided by the petitioner. This is included at **Annexe D**.
7. The Committee has also received 12 submissions from members of the public, and 12 submissions from community groups and organisations connected to the fishing industry. These are listed in **Annexe E** and can be found on the [petition webpage](#). The majority of the submissions are supportive of the petition and a number comment on the Scottish Government response.

Action

The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

PE1951: Reinstate inshore coastal limit on the use of dredge and trawl fishing gears

Petitioner

Alistair Bally Philp on behalf of The Scottish Creel Fishermen's Federation

Date lodged

12 July 22

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to re-introduce a variation of the historic 3 mile coastal limit on the use of mobile dredge and bottom-trawling fishing gears to support:

- the recovery of Scotland's inshore demersal fin-fish population and the wider ecosystem;
- opportunities to optimise the social, economic and environmental returns within the new spatially managed area; and
- increases in fishing jobs and the revitalisation of coastal communities.

Previous action

We have been lobbying Scottish Government Ministers since 2010, who committed to achieving good environmental status by 2020, however Scotland's Marine Assessment 2020 showed dramatic declines in ALL key indicator species.

We have proposed pilot projects with majority local support to demonstrate the benefits of an inshore limit. The rejection of our sustainable fishing pilot by the Scottish Government was the subject of a judicial review.

The Scottish Creel Fishermen's Federation are also part of the Our Seas group, a coalition over 130 organisations calling for the reinstatement of an inshore limit on the use of bottom trawled fishing gear.

Background information

Inshore ecosystems and fish populations have been decimated by the removal of the 3 mile limit, resulting in a 98% decline in fish landings from the Clyde area. This is illustrative of the declines throughout the inshore.

Less than 5% of the inshore is protected from damaging trawl and dredge fisheries. Scotland's Marine Assessment 2020 showed a 53% loss of flame-shells in Argyll, 90% loss of Serpulid reefs in the Highlands and 99% loss of blue mussels in Moray.

An inshore limit would support economic recovery of coastal communities. This is clearly shown by the Scottish Government's 2015 report: Assessing the Options for Change.

The Scottish Creel Fishermen's Federation has published economic studies showing that substitution of fishing effort from the nephrops trawl fishery to the nephrops creel fishery will yield substantial economic, social and environmental benefits to Scotland.

The Joint Fisheries Statement, Future catching policy, and the Bute House agreement propose protecting 10% of our inshore from the most destructive types of fishing gears. We feel this is neither sufficient to protect and recover our inshore, nor to meet our national and international obligations.

Annexe B

The logo for SPICe, featuring the text 'SPICe' in white on a dark blue background.

The Information Centre
An t-Ionad Fiosrachaidh

Briefing for the Citizen Participation and Public Petitions Committee on PE1951: Reinstatement of inshore coastal limit on the use of dredge and trawl fishing gears, submitted by Alistair Bally Philp on behalf of The Scottish Creel Fisherman's Federation

Background overview of issues raised by the petition

The petitioner is seeking the reinstatement of a ban on mobile dredge and bottom-trawling fishing gears within sea areas extending three miles from Scotland's coast.

The petitioner attributes removal of a previous three-mile limit to declines in fish stocks and proposes that its reinstatement would provide environmental and socio-economic benefits.

Background on the 'three-mile limit'

The petitioner refers to a "historic three mile coastal limit" on the use of mobile dredge and bottom-trawling fishing gears. The petition does not provide background information on this limit; however, the petitioner's organisation (the Scottish Creel Fishermen's Federation) published a report '[The 3 Mile Limit: a case for a sustainable fishery](#)' which sets out a case for its reinstatement. This report argues:

"reinstatement of the three-mile limit is not just possible or plausible, but is presently the best chance we have of preserving and allowing some recovery of our inshore fisheries for the future."

The history of the three-mile limit is long and complex. Implementation of the three-mile limit adapted over the 19th and 20th centuries in response to socio-economic and conservation concerns related to evolving fishing practices.

A comprehensive overview of historic fishing regulation in Scottish Waters is set out in the [1970 Cameron Report on the Regulation of Scottish Inshore Fisheries](#). This report presented findings of a Committee established to review the law governing the methods of sea fishing in Scottish coastal waters. A short summary of key points related to historical regulation of inshore fishing in Scotland is provided below.

- Until the early years of the nineteenth century the two principal methods of catching sea fish (excluding shellfish) in Scottish waters were line and driftnet fishing.
- Around 1840, the use of trawling methods began to develop. Some fishermen using traditional methods opposed these new techniques and petitioned for the Government to ban their use.
- In 1851, the Government banned any method other than traditional 'drift-netting' for catching herring. Further Acts in 1860 and 1861 strengthened enforcement powers.
- A Royal Commission was appointed in 1862 "to enquire into the operation of the laws relating to trawling for herrings on the coasts of Scotland".
- The Commission reported in 1863 and concluded that recent legislation unnecessarily restricted fishing activity and suppressed invention by prohibiting new and more productive forms of labour and that the legislation "arose out of the ill-will and conflicts engendered among the rival sets of fishermen".
- In 1864, another Royal Commission was appointed to investigate (amongst other things) whether any of the methods of catching fish in the sea fisheries of the UK involved a "*wasteful destruction of fish or spawn, and if so, whether any legislative restrictions of such methods would result in an increase in the supply of fish.*"
- The Commission concluded that beam trawling was not "not a wastefully destructive" fishing method and advised that restricting this method would not be beneficial.
- Complaints by fishermen using traditional methods about the impact of trawling, particularly by steam powered vessels, continued and was subject to further Royal Commissions in 1878 and 1883. These reached similar conclusions, finding no evidence of harm to fish health or spawning. However, these reports found

that steam trawlers were causing considerable damage to drift-net and hook-and-line fishing gear.

- This led to the Sea Fisheries (Scotland) Amendment Act of 1885 which provided byelaw making powers to restrict or prohibit any fishing methods deemed to be 'injurious'. Byelaws were subsequently made under this act banning trawling on the east coast from North Berwick to Caithness. In 1889, prohibition of trawling was extended to cover all inshore waters within three miles of the coast under the Herring Fishery (Scotland) Act.
- Throughout the late 19th to early 20th century, further byelaws were made relaxing the ban in some areas or introducing new restrictions as newer, more efficient and productive fishing methods continued to develop.
- In the early 1950s, a market for nephrops (langoustine) began to emerge. The otter trawl method that was largely prohibited was found to be most effective at targeting this species. New byelaws permitting otter trawling for nephrops in the Firth of Forth, Moray Firth and Firth of Clyde were then made to encourage development of this new fishery.

Conclusions of The Cameron Report

The Cameron Report considered both the socio-economic and conservation value of inshore fisheries regulation in Scotland. With regards to conservation, it concluded:

“The existing regulations governing methods of fishing cannot be justified on grounds of conservation. None of the methods employed in inshore waters at present, including purse seining and pair trawling, is of itself more injurious to stocks than any other”.

It further recommended that continuing the present prohibitions was no longer justified and that removal of restrictions on inshore trawling would be *“on balance, more beneficial to fishing communities than a continuation of restrictions.”*

Removal of the three-mile limit

Consideration of the Cameron report contributed to the [Inshore Fishing \(Scotland\) Act 1984](#) which repealed restrictions on trawling within the three-mile limit.

When the Bill was introduced, [the Minister of State set out the following justification for repeal of the three-mile limit](#):

“Scotland has a large coastline and there are many parts of it where static gear fishermen do not fish or where there are no concentrations of immature fish. It is, therefore, unreasonable to prevent the mobile gear fishermen from having access to these waters. It is also a wasteful use of our enforcement resources to have to police a three-mile limit around the whole of the coast.”

Environmental impact

The petitioner links the removal of the three-mile limit to declines in fish populations. Direct cause and effect are difficult to establish due to the complexity of marine ecosystems and very few studies have investigated the impact of this policy.

However, [a 2010 study linked declines in whitefish populations in the Firth of Clyde to the removal of the three-mile limit](#). The study states:

“The conclusion seems inescapable that trawling closures provided important partial refuges for many commercially important whitefish species from the late 19th century up until 1962 and 1984 when they were reopened. The protected effects of trawl closures were most likely achieved through a combination of habitat protection and reduced fishing pressure. The high fishing effort and damage to seabed habitats which immediately followed the re-opening of areas closed to trawling appears to have precipitated the complete collapse of the Clyde's demersal fin-fisheries.”

The study further states “there is no direct evidence to link the removal of this refuge to the fisheries collapse” but points to evidence of trawling closures in the US, Canada and Iceland having positive effects on fish populations.

Objections to proposals to reintroduce a three-mile limit

In October 2020, [the Scottish Fishermen's Federation \(SFF\) published a response to the SCFF proposals for re-introducing the three-mile limit](#).

The response disputes the historical interpretation of the three-mile limit

put forward by the SCFF and the proposed benefits of its reintroduction. It states:

“[...] the request for a 3-mile limit could be seen as a very protectionist argument, keeping the grounds inside the 3-mile limit open for only one type of fishing and will only suit those who fish that gear, displace others, but not on the basis of science that demonstrates this is necessary for the right protection to sensitive environments and features.”

In June 2022, the SFF published a further report titled '[spatial squeeze in fisheries](#)'. This report modelled three future scenarios of future fisheries management measures to attempt to quantify the cumulative impact on commercial fishing of increased competition for space in the marine environment. This included a 'worst case scenario' of a ban on bottom trawling in all MPAs and within three nautical miles of the coast. The report concludes that:

“The displacement of fishing activity under these scenarios could be significant, and of an order of magnitude that cannot be absorbed by the remaining fishing grounds. This could lead to reductions in output and job losses in the fishing industry, and upstream and downstream impacts on associated land-based industries, with particular effects in coastal communities.”

Environmental impact of trawling

There has been increasing concern among environmental organisations about the impact of the bottom-towed fishing gear on seabed habitats. This topic is also the subject of increasing scientific investigation.

Scientific evidence shows that bottom-towed fishing gear such as trawling and dredging can cause damage to seabed habitats. For example, [a 2017 study](#) estimated that 14% of marine animal biomass was removed by [beam trawls](#), 20% for [towed scallop dredges](#) and 41% for [hydraulic dredges](#) per pass. The study also found recovery time took up to 6.4 years post-trawling. However, the severity of impact depended on the nature of the seabed environment on which the fishing gear was deployed.

[A more recent 2022 study](#) studied the impacts of trawling on seabed habitats in the Mediterranean Sea before, during and after COVID-19 lockdown periods to examine the recovery of seabed habitats during

cessation of fishing activity. The study concluded the following key findings for this location:

“This study shows that just one month of non-fishing is sufficient to allow for the recovery of benthic biodiversity. Finally, this exceptional lockdown period due to the COVID-19 pandemic points to the high resilience of the macrobenthic community after the cessation of trawling disturbances, which affects the interface between the sediment and the bottom layer of the water column and has widespread negative impacts on benthic communities and marine habitat.”

Under the [Marine \(Scotland\) Act 2010](#), Scottish Ministers are required to undertake an assessment of the condition of the Scottish Marine area to support its National Marine Plan. [The most recent assessment was undertaken in 2020](#). Among its headline findings was the following:

“Pressures associated with bottom-contacting and pelagic fishing continue to be the most geographically widespread, direct pressures across the majority of Scottish Marine Regions and Offshore Marine Regions.”

Scottish Creel Fishermen’s Federation Judicial review

The petition mentions the Scottish Government’s rejection of an inshore fisheries pilot proposed by the SCFF in the Inner Sound of Skye that was subject to a judicial review.

The Scottish Government had launched its [Inshore Fisheries Pilots initiative](#) with the aim of looking at alternative forms of inshore fisheries management. Marine Scotland sought proposals from the commercial fishing industry for sites to be considered for the pilot scheme, with the intention of investigating:

- a localised approach to fisheries management, where fishing interests will be involved in developing distinct local arrangements; and
- the consequences of separating different methods of fishing, such as creeling (e.g. static gear and mobile gear) within specified areas.

The scheme proposed by the SCFF was designed to provide evidence on the environmental and economic benefits of static-gear fishing

compared to trawling in Scotland's inshore Nephrops (langoustine) fishery. The SCFF argued the decision to reject the Pilot was unlawful because the Scottish Government did not assess the proposal in accordance with its own published criteria.

Further details of the judicial review can be found in the document below:

<http://www.scottishcreelfishermensfederation.co.uk/PDF/scff%20briefing%20note.pdf>

On 8 January 2021, [the Court of Session ruled in favour of the SCFF](#), stating that the proposal was turned down by Ministers solely because of the strength of opposition. The judge, Lady Poole, said the SCFF's proposal had not been fairly considered before being rejected.

Scottish Government Action

In September 2021, [the Scottish Government and Scottish Green Party published its shared policy programme](#). This programme committed to a “*step change in marine protection*” to deliver “*good environmental status for all of Scotland's seas, offshore and inshore.*” This included commitments to increase protection of inshore seabed. Measures to achieve this included a proposal to:

“apply a cap to fishing activity in inshore waters (up to three nautical miles) that will limit activity to current levels and set a ceiling from which activities that disrupt the seabed can be reduced in the light of evidence as it becomes available”

The shared policy programme also commits to:

- Deliver fisheries management measures for existing Marine Protected Areas (MPAs) where these are not already in place, as well as key coastal biodiversity locations outside of these sites, by March 2024.
- Add to the existing MPA network by designating a world-leading suite of Highly Protected Marine Areas (HPMAs) covering at least 10% of our seas.

[The Marine \(Scotland\) Act 2010](#) introduced a general duty on Scottish Ministers and public authorities to protect and enhance the health of the Scottish marine area.

Additionally, the Scottish Government is responsible for observing and implementing international obligations on marine conservation such as the [United Nations Convention on the Law of the Sea](#), the [OSPAR Convention](#) and the [UN Convention on Biological Diversity](#) to name a few.

Some key policy commitments related to marine protection and enhancement are listed below.

- **Fisheries management:** In December 2020, the Scottish Government published its [Future Fisheries Management Strategy](#) which sets out its approach to managing Scotland's sea fisheries from 2020 to 2030. The strategy sets out the following principles of sustainability:
 - Protect our natural marine environment, based on an ecosystem approach
 - Maximise opportunity and long term sustainable economic growth for the rural economy
 - Secure the future of our fishing industry for future generations

It also provides the following environmental outcomes:

- Our fisheries are managed in a way that protects biological diversity and which ensures that marine ecosystems continue to provide economic, environmental, social and wider benefits based on best available scientific advice.
 - We fish within limits based on the best available scientific advice, using the precautionary principle, and aligned with the delivery of fishing at Maximum Sustainable Yield (MSY).
- **Marine Planning:** Legislation requires the Scottish Government to publish and keep under review a National Marine Plan (NMP) which aims to balance competing demands on marine resources in Scotland's seas. The NMP was first published in 2015 and was most recently reviewed in 2021. Scottish Ministers have yet to make a decision whether to amend or replace the NMP following this review. <https://www.gov.scot/publications/scotlands-national-marine-plan/>. The NMP recognises the impact of trawling and dredging on the seabed and the need to protect seabed habitats. For example, para. 6.41 states: "*Scallop dredging is recognised as*

having the most significant impact on localised seabed habitats within Scotland’s waters. Fishing using demersal mobile gear can also adversely affect the seabed, causing damage to benthic features and habitats.” Para. 6.46 states: “A variety of benthic [seabed] habitats support important demersal fisheries providing essential habitats and nursery, feeding and recruitment areas for fish species. Nephrops also rely on a specific muddy habitat to construct burrows. Additionally, a healthy benthic community may be able to support the recovery of impacted habitats in other areas of the sea and ecosystem resilience will be an important asset in the face of climate change.”

- **Marine Protected Areas:** Information on the MPA network in Scotland can be found here - <https://www.gov.scot/policies/marine-environment/marine-protected-areas/>. There has been good progress made by the Scottish Government in establishing a network of Marine Protected Areas since 2014. MPAs now cover around 37% of Scotland’s seas. However, there has been criticism about a lack of specific management measures to protect habitats. For example, a recent report by the Marine Conservation Society suggests that only 5% of the UK’s MPAs currently ban bottom trawling - <https://www.mcsuk.org/news/marine-unprotected-areas>
- **Priority Marine Features:** In 2014, 81 ‘Priority Marine Features’ (PMFs) were identified in the seas around Scotland. The list, which covers a variety of habitats and species that are a priority for conservation in Scotland’s seas, was developed by Marine Scotland, the Joint Nature Conservation Committee (JNCC) and Scottish Natural Heritage (now NatureScot). While many of these are protected through the existing network of Marine Protected Areas, others occur outside of these areas. Marine Scotland has been consulting on the implementation of management measures to protect the most vulnerable PMFs in Scottish inshore waters (within 6 nautical miles from shore). <https://www.nature.scot/professional-advice/protected-areas-and-species/priority-marine-features-scotlands-seas>
- **Blue Economy Vision:** In March 2021, the Scottish Government published its ‘blue economy vision’ which sets out its long-term ambition for Scotland’s blue economy to 2045. The vision includes six outcomes, including a ‘Natural Capital outcome’ that

“Scotland’s marine ecosystems are healthy and functioning, with nature protected and activities managed using an ecosystem-based approach to ensure negative impacts on marine ecosystems are minimised and, where possible, reversed.”

<https://www.gov.scot/publications/blue-economy-vision-scotland/documents/>

- **Loch Carron MPA:** In 2017, Loch Carron was designated an emergency MPA after local community members reported trawl fishing activity in an area known for its flame shell beds – a habitat identified by Marine Scotland as a Priority Marine Feature (PMF). Local divers provided video footage of the seafloor in the affected area, which showed significant damage to flame shell beds and prompted the urgent response from Marine Scotland. The Loch Carron MPA was given permanent designation in 2019 and prohibits trawling and dredging within the MPA.
<https://www.bbc.co.uk/news/uk-scotland-highlands-islands-47746282>
- **Red Rocks and Longay urgent MPA:** On 10 March 2021, Scottish ministers designated an urgent Marine Protected Area (MPA) in the Inner Sound of Skye to protect a flapper skate egg nursery area, called the Red Rocks and Longay MPA. A public consultation was held between February and April 2022 on proposals for a permanent nature conservation MPA in the area.
<https://consult.gov.scot/marine-conservation/red-rocks-longay-marine-protected-area/>

Scottish Parliament Action

Scrutiny of matters related to the marine environment conducted by the Environment Climate Change and Land Reform Committee in the previous parliamentary session can be viewed here:

<https://archive2021.parliament.scot/parliamentarybusiness/CurrentCommittees/100300.aspx>

The Rural Affairs, Islands and Natural Environment Committee recently took evidence from stakeholders in consideration of secondary legislation implementing seasonal fishing closures in the Firth of Clyde to protect cod spawning.

The call for views can be accessed here:

<https://yourviews.parliament.scot/raine/the-sea-fish-ssi/>

The Official Report of the evidence session with stakeholders is available here:

<https://www.parliament.scot/api/sitecore/CustomMedia/OfficialReport?meetingId=13613>

Chamber debates:

On 15 December 2020, the Scottish Parliament debated a motion on 'no-take zones'. The Official Report of the debate is available here:

<https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/meeting-of-parliament-15-12-2020?meeting=13017&iob=117715>

Parliamentary Questions

<https://www.parliament.scot/chamber-and-committees/official-report/what-was-said-in-parliament/meeting-of-parliament-23-09-2021?meeting=13316&iob=120822#120822>

SPICe

31 August 2022

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Annexe C

Scottish Government submission of 4 August 2022

PE1951/A: Reinstate inshore coastal limit on the use of dredge and trawl fishing gears

The Scottish Government have engaged in extensive discussions on this matter with the Scottish Creel Fishermen's Federation (SCFF), and have no plans to introduce a three-mile limit restricting mobile gear activity in our inshore waters.

While we have concluded that a blanket approach like a three-mile limit is not appropriate for the diverse nature of our inshore fisheries, we acknowledge the need to develop policy that delivers appropriate management of our shared marine resource.

There are already a range of measures in place to protect fish stocks, which alongside our ambitious Programme for Government and the marine elements of the Bute House agreement will help deliver a step change in management of our inshore waters. Our vision has sustainable fisheries management at its very core.

A broad-brush national blanket closure, as promoted by the SCFF, is not appropriate. It ignores complex habitats as well as the distributions and behaviours of marine species within Scotland's inshore area. It also ignores the different types of fishing that takes place in Scottish waters, and how these interact with the marine environment.

Both national fishing bodies - the Community Inshore Fisheries Alliance (CIFA), and Scottish Fishermen's Federation (SFF), with over 800 vessel members between them strongly oppose such a policy. The SCFF membership is unknown.

Scotland's inshore fisheries are a most valued asset, making a significant contribution to the economic and cultural fabric of our coastal communities. The Scottish Government is fully committed to the sustainable and responsible development of the fishing industry and wider seafood sector; recognising, as the fishing industry do, that a balance needs to be struck with fulfilling our commitments to protect our shared marine environment. We have engaged in an open dialogue on

the matter of a three-mile limit over a period of years, and these continued calls are an unhelpful distraction from delivering on these commitments.

The Scottish Government is making a step change in marine protection and delivering on the shared commitment to achieve and maintain good environmental status for all of Scotland's seas. The Bute House Agreement sets out commitments to achieve that, including the designation of Highly Protected Marine Areas (HPMAs) covering at least 10% of Scotland's inshore and offshore waters by 2026 - this is a world leading commitment. Scotland's Marine Protected Area (MPA) network already covers in excess of 37% of our sea area, exceeding the proposed new global target of 30% coverage by 2030, with management for Marine Licensable activities in place for all. Furthermore tailored fisheries management measures are designed to protect the specific features of each site and vary between MPAs. We are committed to completing management measures for our extensive MPA network by 2024, as outlined in the Bute House Agreement.

This Agreement aims to deliver a step change in marine environment protection, compliments and builds on the direction of travel already set out in our 2020-2030 Fisheries Management Strategy. Scotland's Fisheries Management Strategy sets out our approach to managing sea fisheries in Scotland in partnership with our stakeholders through 'co-management', and in a way that balances environmental, social and economic interests. This strategy forms one of the cornerstones of the Blue Economy approach and sets out a vision for Scotland to be a world class fishing nation delivering responsible and sustainable fisheries management which provides access to a high protein, low carbon food.

Sustainability, support for biodiversity and consideration of the wider ecosystem is at the heart of how we manage Scotland's fisheries and protect our marine environment. This is reflected in the 12-point action plan contained within the Strategy that includes actions such as the introduction of a new catching policy, adopting the principles of ecosystem-based management and enhancing vessel tracking and monitoring to help gather scientific data and improve management in our waters. These measures illustrate how we have struck a balance between the aspirations of our various marine users, and why an old-fashioned blunt management tool such as a blanket national spatial restriction on the use of mobile fishing gears is not consistent with our

evidence based approach and existing Scottish Government marine and fisheries policy.

Below are some further comments on the points made by the Scottish Creel Fisherman's Federation in the petition, which we hope are helpful.

The Scottish Government is committed to achieving Good Environmental Status (GES) under the UK Marine Strategy. This is about protecting the marine environment, preventing its deterioration and restoring it where practical, while allowing sustainable use of marine resources. Overall, progress has been made towards achieving GES, but it is recognised that further effort is still required. Action is already being taken to address the outcomes such as outlined in the Bute House Agreement. It is however important to note that there will be a time lag between implementation of measures and positive impacts being measurable.

Fisheries management decisions need to be based on robust science. The suite of measures outlined within the Bute House Agreement will provide additional evidence-based protection for our inshore environment. We also wish to build on the work undertaken under our Inshore Pilots Initiative - learning from these pilots is already helping inform delivery of our national strategy.

As noted above, protection to our marine environmental will be delivered through a more nuanced approach. We will:

- deliver fisheries management measures for existing Marine Protected Areas (MPAs) where these are not already in place, as well as key coastal biodiversity locations outside of these sites;
- add to the existing MPA network by designating a world-leading suite of Highly Protected Marine Areas (HPMAs) covering at least 10% of our seas, providing additional environmental protection over and above the existing MPA network by establishing sites which will provide protection from all extractive, destructive or depositional activities while allowing other activities at nondamaging levels;
- take specific, evidence-based measures to protect the inshore seabed in areas outwith MPAs and HPMAs;
- consult on applying a cap to fishing activity in inshore waters that will limit activity to current levels and set a ceiling from which activities

that disrupt the seabed can be reduced in the light of evidence as it becomes available; and

- consider additional protections for spawning and juvenile fish congregation areas, delivering national stock conservation benefits and contributing to more sustainable, profitable and well-managed fisheries.

References to the decimation of inshore ecosystems and fish populations are not accurate. While it is fair to say the Clyde ecosystem has changed since the start of more intensive fishing, it is not the ecological desert some portray it to be. The size distribution of the main commercial fish species has certainly altered, with a decline in the larger individuals that once would have made up a significant part of biomass. In addition, the species composition has also changed, with a focus now on whiting rather than cod or haddock. However, overall the biomass of fish in the Clyde is very similar, or for some species even more, than when intensive fishing started. Additionally, a large and healthy population of shellfish (including *Nephrops*) living on the seabed of the Clyde is still present.

Reference to economic studies by the SCFF is also made. What is not mentioned however is the extensive discussions and feedback Marine Scotland economists provided to the SCFF over a period of time, or indeed other relevant reports produced at this time. Fishing policy is not decided in an 'economic evidence' vacuum nor does finding the right economic solution dictate what a policy should do. While the SCFF may make fair arguments in terms of the economics, feedback on the ability for the market to absorb an increase in supply, for example, can't be ignored. Just because theoretically there is a more optimum scenario, that doesn't mean that is what the policy should be - there are distributional, transitional, political, social and economic impacts for example to consider in addition to any environmental impacts. We have previously noted this research, and will be guided by the objectives set out in our Fisheries Management Strategy.

Scotland's seas support vital jobs across our economy, especially in coastal and island communities providing many goods and services as well as contributing to our overall wellbeing. There is potential for an ambitious and inclusive blue recovery for people and nature and the blue economy vision, published earlier this year starts us on that journey,

setting out six key outcomes for Scotland's seas and waters through to 2045. These aims include ensuring Scotland's marine ecosystems are healthy and functioning; making Scotland's blue economy resilient to climate change and contributory to climate mitigation and adaptation'; ensuring established and emerging marine sectors are innovative, productive and international competitive; more equal access to the benefits of oceans resources for communities, and making sure Scotland is an ocean literate and aware nation.

The Scottish Government has been consistent in resisting calls for arbitrary blanket restrictions, and instead pursuing a more tailored approach to the separation of mobile and static fishing gear, within our existing strategies and commitments noted above.

We welcome the opportunity for constructive engagement that takes account of the points outlined above. We again encourage the Scottish Creel Fishermen's Federation to actively support us on this journey, helping improve management of our marine space, and working in partnership through established groups to deliver a step change in protection of the marine environment, and a prosperous and sustainable fishing industry.

Annexe D

Petitioner submission of 23 August 2022

PE1951/F: Reinstate inshore coastal limit on the use of dredge and trawl fishing gears

Scottish Creel Fishermen's Federation (SCFF) agree that 'calls for arbitrary blanket restrictions' should not be supported, which is why we are calling for a [change](#) from the current blanket 'trawl and dredge anywhere you like' policy.

A [variation](#) of the historic inshore limit, as set out in [3 mile limit – A case for Sustainable Fishery](#), does not have to be a blunt or blanket approach. The approach can be varied to accommodate practical requirements.

We would, however, highlight that there is an urgent requirement, as well as an international commitment, to 'protect' 30% of our seas from damaging activity.

We also feel [the Scottish Government's claim that 37% of our seas are already protected is inaccurate](#).

The re-introduction of limits on where dredge and trawl can take place inshore can be as blunt or sharp an instrument as the Government wish to make it.

Scotland have signed up to the UN Sustainable Development Goals, including:

- **SDG 14:** *Conserve and sustainably use the oceans, seas and marine resources for sustainable development;* and
 - **Target 14.b:** *Provide access for small-scale artisanal fishers to marine resources and markets.*

SCFF are not asking for the old three-mile limit, but rather a variation of that limit i.e. something different but on a similar scale. The appropriate spatial management for each region should reflect that area's habitats and fishing patterns. E.g. 90% of all creels deployed in the west coast inshore would be encapsulated by a three-mile limit, this is not true of the east coast where much of the creel sector work further offshore.

Accordingly, the type of spatial management that would optimise the jobs and maximise ecosystem recovery on our east coast would most likely be a series of large static gear zones or 'boxes' reaching to in excess of 12 miles from shore. Each of Scotland's regions and island groups should have spatial management plans that reflect their specific circumstances.

We believe that current Inshore Fisheries management is not fit for purpose, a view similarly expressed by [Open Seas](#).

- Despite the use of Marine Protected Areas (MPAs), trawling and dredging are restricted in less than 5% of our inshore waters!
- Government proposals to designate 10% of our inshore waters as No Take Zones (Highly Protected Marine Areas HMPAs) will, in our view, displace existing fishing effort, compounding current problems elsewhere.
- Comprehensive vessel tracking was meant to be completed by 2019, '*limited*' roll out is now proposed for 2026.
- Information included in Scotland's 2020 Marine Assessment demonstrates a failure to meet a previous commitment to '*protect and recover our remaining priority marine features*'.
- The landings obligation/discard ban, which was the cornerstone of the 2015 reformed common fisheries policy, has in our experience, effectively had zero compliance by industry and or enforcement by Marine Scotland.

The Government say "*references to the 'decimation' of inshore ecosystems and fish populations are not accurate*". We question which of the following facts they challenge the accuracy of:

- **Herring** (once the most prolific fish caught in Scotland's seas) are now effectively commercially extinct on our west coast.
- **Cod** are effectively commercially extinct on the west coast, now considered a 'choke' species with the International Council for the Exploration of the Seas (ICES) issuing a zero Total Allowable Catch. Despite this, the Government continue to issue quotas.
- **ALL** previously targeted commercial fin fish species, once prolific in Scotland's inshore waters, such as **Haddock, Whiting, Hake, Saithe,**

Plaice etc have [seen landings decline by as much as 98% since the area was opened up to trawling.](#)

We can see [no signs of recovery](#) or government proposals to facilitate a recovery.

This not only relates to commercial species. Much of the flora and fauna which supports commercial species throughout their life-cycles, and which perform other essential ecosystem services, have seen equally dramatic declines.

As our petition notes, Scotland's Marine Assessment 2020 found that in the decade preceding 2020, Scotland 'lost' [significant areas of our biogenic reefs.](#)

The vast [majority of our remaining priority marine features](#) are contained within the historically closed area. Proposals to protect this area from further damage, which would in turn facilitate the protection and recovery of those essential habitats, are by no means arbitrary.

The Government say inshore limits are not supported by fishing associations, given they represent a substantial portion of Scotland's trawl fleet this is unsurprising.

Nevertheless, in each of the Inshore Fisheries Groups management plans, which were drafted a decade ago, the inshore fishing industry requested spatial management, however, Marine Scotland have thus far failed to introduce spatial management or even develop proposals for such in our inshore.

Marine Scotland claim to be *"pursuing a more tailored approach to the separation of mobile and static fishing gear"*.

SCFF are not aware of any extensive spatial management proposals, however, if the Government could provide information on this approach, or plans showing extensive inshore spatial management, on a scale which equates to or offers similar protections for Scotland's remaining inshore fisheries and ecosystems as can be achieved by introducing a variation of the historic inshore limit, we would be open to withdrawing this petition.

SCFF are unaware of the basis or foundation of Marine Scotland's claim and as such we question its veracity.

If Parliament do not consider the [evidence](#) compelling, perhaps a board or commission of enquiry could be convened to report back on exactly how much is actually protected, [at risk](#), or on the road to recovery, and what evidence is available to back the Government's claim to be '*pursuing a more tailored approach to the separation of mobile and static fishing gear*'.

Additional evidence the Committee may find useful:

- [Paper on the condition of the Clyde and the requirements for extensive restrictions on mobile demersal fishing gear](#)
- [Assessing the potential vulnerability of sedimentary carbon stores to bottom trawling disturbance](#)
- [Briefing on Blue carbon and the locations of our remaining Priority Marine Features \(PMFs\)](#)
- [Our Seas FAQ](#)

Annexe E

Additional submissions

[PE1951/B: James Merryweather submission of 13 August 2022](#)

[PE1951/C: Sea Change Wester Ross submission of 12 August 2022](#)

[PE1951/D: Ewan Kennedy submission of 12 August 2022](#)

[PE1951/E: CAOLAS submission of 15 August 2022](#)

[PE1951/G: Brian McKenna submission of 22 August 2022](#)

[PE1951/H: Alistair Bally Philp submission of 24 August 2022](#)

[PE1951/I: Marine Concern and Seal Scotland submission of 23 August 2022](#)

[PE1951/J: Shona Marshall submission of 23 August 2022](#)

[PE1951/K: Fish Legal submission of 19 August 2022](#)

[PE1951/L: Dennis Archer submission of 22 August 2022](#)

[PE1951/M: Russ Cheshire submission of 23 August 2022](#)

[PE1951/N: Nourish Scotland submission of 23 August 2022](#)

[PE1951/O: Andrew Barker submission of 23 August 2022](#)

[PE1951/P: COAST submission of 24 August 2022](#)

[PE1951/Q: Roddie Macpherson submission of 24 August 2022](#)

[PE1951/R: Seawilding submission of 23 August 2022](#)

[PE1951/S: Howard Wood submission of 24 August 2022](#)

[PE1951/T: The Nature Library submission of 24 August 2022](#)

[PE1951/U: Ailsa McLellan submission of 22 August 2022](#)

[PE1951/V: Sustainable Inshore Fisheries Trust submission of 24 August 2022](#)

[PE1951/W: Open Seas submission of 24 August 2022](#)

[PE1951/X: Nick Underdown submission of 24 August 2022](#)

[PE1951/Y: Communities Inshore Fisheries Alliance submission of 9 September 2022](#)

[PE1951/Z: Blue Marine Foundation submission of 8 September 2022](#)