

COAST submission 2 Feb 2022 to RAINE call for views re the Clyde Cod Closure SSI (version laid 13 Jan 2022) – response to sections 6-8 of call for views

6. Name of organisation

Community of Arran Seabed Trust (COAST)

7. Information about your organisation

The Community of Arran Seabed Trust (COAST), established in 1995, is a community-led organisation and registered charity working for the protection and restoration of the marine environment around Arran and the wider Clyde region. We work to connect people with our coasts and sea and to improve the local marine environment for the benefit of everyone. We champion the rights of local communities to have a say in the management of their coastal and marine resources, reflecting the fact that fisheries, as a public resource, should be managed in the public interest.

COAST established a community-led No Take Zone (NTZ) in Lamlash Bay and made significant contributions to achieving designation of the South Arran Marine Protected Area (MPA) and subsequent measures to support its protection. Through collaboration with Universities and researchers we are contributing to the survey, monitoring and research of the NTZ, MPA and wider Arran sea to improve our collective understanding about marine habitat and ecosystem recovery in response to spatial protection.

We own and run a marine Discovery visitor centre on Arran and are a business partner of VisitArran. We are members of the Clyde Marine Planning Partnership and the Coastal Communities Network Scotland.

Your views

The Rural Affairs, Islands and Natural Environment Committee wants your views on The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2022 (SSI 2022/5).

<https://www.legislation.gov.uk/ssi/2022/5/made>

8. Please provide your views below

We welcome the opportunity to put forward our views to the Committee on The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2022 (SSI 2022/5).

It is important that the Committee understands some of the background to this Order and also the wider context of marine management in the Clyde. These matters are directly relevant to the comments we make and are fundamental to identifying the issues that need to be addressed.

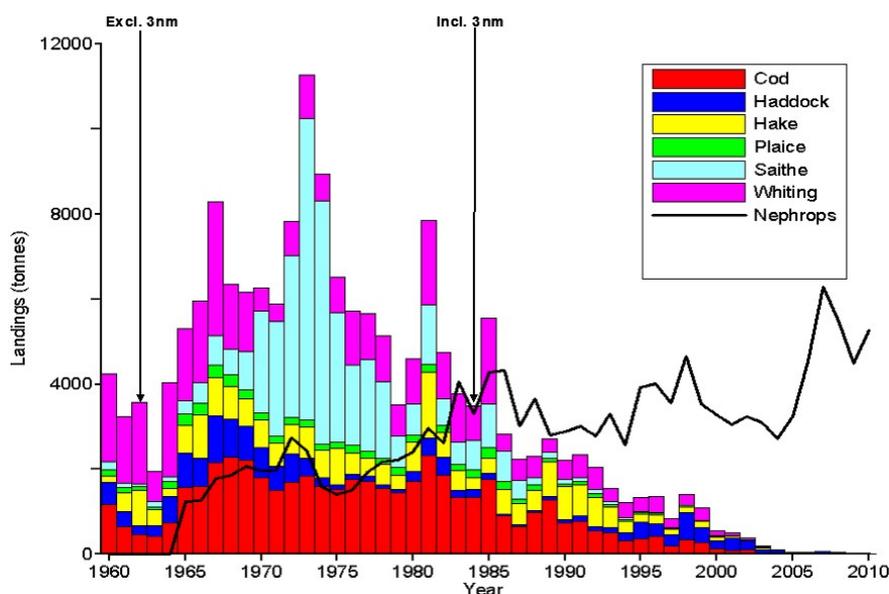
Background re state of the Clyde marine ecosystem

1. The Firth of Clyde was historically a highly productive area for fishing, with vibrant fisheries for species such as cod, haddock and herring, supporting many jobs within the fishing industry and associated businesses as well as in the recreational sea angling sector.

2. Historically, from the 1880's, trawling by vessels >8 tonnes was banned within the Firth of Clyde to protect inshore fishing grounds and herring. This meant that seabed habitats were protected from this form of mobile bottom fishing gear, safeguarding the essential role of these seabed habitats as breeding, feeding and resting areas for fish and other marine life. Otter and beam trawling were prohibited in the 1930's.
3. From the early 1960's, in response to declining fish stock, a series of fisheries management decisions opened up areas within the Firth of Clyde to different forms of mobile bottom fishing gear to provide new ground for fisheries to exploit, culminating in 1984 with the repeal of the 3nm limit that had provided the last measure of spatial protection by prohibiting such fisheries within a 3mile-wide band around the coast of the Firth.
4. Far from addressing the problem of declining stocks, these decisions contributed to a rapid and catastrophic loss of the once abundant fish stocks in the Clyde. Seabed habitats once able to thrive in the absence of mobile bottom fishing gear scraping across them were now subject to such impacts in all locations where the fisheries were able to practically operate.

The cumulative result of these impacts is shown in the graph below of landings of six demersal fish species from the Clyde Sea (Ref: Clyde Marine Ecosystem Review, Marine Scotland 2012). The graph also shows the landings of *Nephrops* prawns (black line).

(The following text in italics is the alternative text replacing above para that was included in online submission as not able to insert image of the graph. Images sent by separate email to RAINE committee with covering note): *The cumulative result of these impacts is shown in the graph of fisheries landings over time that is within in the Clyde Marine Ecosystem Review, Marine Scotland, 2012. It shows the rapid decline of landings of six demersal fish species from the Clyde Sea, and landings of Nephrops prawns.)*



5. In the 2000's, fishing targeting demersal fish species stopped as it was uneconomic; the stocks have still not recovered. Fishing for *Nephrops* prawns by trawling became a dominant fishery, with demersal fish landings only as bycatch from the prawn fishery.
6. There are inevitably complexities around the response and function of the Clyde marine ecosystem and associated habitats that are part of this overall picture, but essentially, as a result of overfishing and fisheries impacts on marine habitats, the Clyde marine ecosystem has been fundamentally altered. It no longer supports the abundance, diversity and size range of species that it once did; the vast majority of the demersal fish biomass in the Clyde is smaller than the minimum landing size, and these fish are dominated by whiting. The Clyde Marine Ecosystem Review concludes that in order to recover the Clyde marine ecosystem towards a healthy state, measures are required that allow larger fish to survive and increase.
7. The action by COAST and the community on Arran to establish a No Take Zone for Arran's seas was as a direct result of the collapse in fish stocks and damage to seabed habitats witnessed by the community.

Failure of measures to protect spawning cod

8. Measures to protect spawning cod in the Clyde region date back to the 2001 Cod Recovery Plan which was implemented in response to the depleted state of the cod stocks. The aim of the recovery plan being to allow as many cod as possible to spawn during the spawning season Feb-April. ICES (the International Council for the Exploration of the Sea) advice was for zero catch of cod to provide the highest probability of stock recovery.
9. However, this recommendation of zero catch has never been fully implemented and for the past 20 years the Clyde cod closure has included exemptions that have allowed continued fishing by trawl and dredge fisheries. This is despite continued calls by COAST and many others for proper protection of the cod spawning grounds over the spawning period. Allowing the continuation of highly impacting trawl and dredge fisheries to continue within the closed area over the period of cod spawning flies in the face of good, evidence-based fisheries management.
10. Fishing closures are nothing new in fisheries management. Well managed fisheries elsewhere in the world use closures very effectively to protect and nurture fish stocks; management decisions are specifically focussed on the state and health of the stocks, with closures being maintained over longer periods where agreed fish stock/recovery thresholds are not met. Measures are also supported by ongoing monitoring and research.
11. In the Clyde however, there is significant reluctance to implement such progressive fisheries measures despite the evidence of the degraded state of the marine ecosystem and, in the case of cod, the lack of recovery. Since the 2000's fisheries management in the Clyde has favoured the mobile fisheries sector with no substantive measures implemented to recover the health of the Clyde marine ecosystem. The continued exemptions in the Clyde cod closure for all these years is

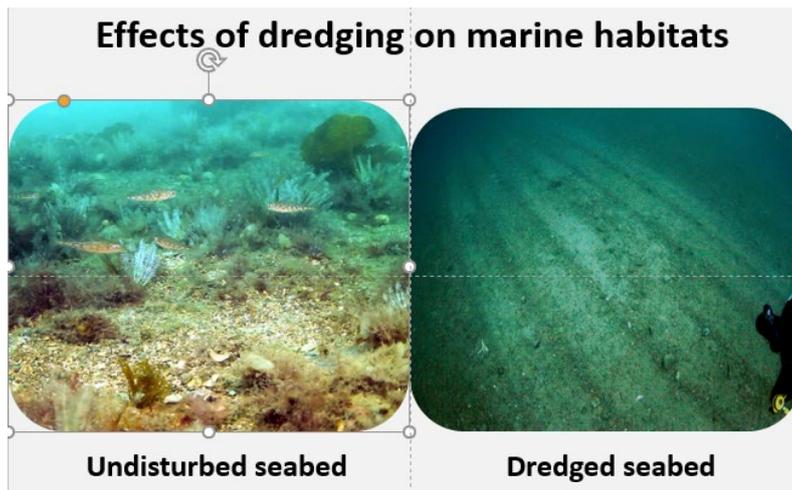
an example of this. The few exceptions to this position are the fisheries management measures introduced for some MPAs in the Clyde which only came about after considerable campaigning by community groups and the public, in the face of often abusive and aggressive lobbying by the mobile fisheries sector.

Systemic failure of fisheries management

12. In 2003 a RSPB and SNH commissioned report (Symes, D. and Ridgway, S. (2003) Inshore fisheries regulation and management in Scotland ; Meeting the challenges of Environmental Integration. *Scottish Natural Heritage Commissioned Report F02AA405*) highlighted the need for closer integration of fishery and environmental considerations and, importantly, identified the key institutional barriers to integrated management. Almost 20 years on, the issues identified in the report have yet to be addressed.
13. Despite calls from COAST and many others along with specific initiatives over the years such as the 'Revive the Clyde' campaign and efforts to establish a Regulating Order for fisheries in the Clyde, the views of wider stakeholders outside of the mobile fishing sector have been ignored. Fish are a public resource and, as such, should be managed in the public interest which requires that the interests of all other stakeholders with an interest in the health of the fish stocks and the environment that supports them are heard. This includes the public, local communities and other fishing interests (commercial and recreational).
14. This requires a fundamental shift in the way inshore fisheries in Scotland are managed. There has been systemic failure within Marine Scotland and its predecessor bodies to manage the Clyde in the public interest and to implement the necessary measures and reform to actively recover the health of the Clyde marine ecosystem including cod. A healthy, recovered Clyde marine ecosystem is the better outcome for Scotland.

Consideration of static gear fisheries and hand collection

15. Other fisheries have also been included in the exemptions in the Clyde cod closure. Creel fisheries for prawns and other crustaceans take place in the area as does hand diving for scallops although limited by depth. These are much lower impact fisheries in terms of seabed impacts and potential for fish bycatch; they have a far smaller seabed footprint and are themselves seriously disadvantaged by the mobile bottom trawl and dredge fisheries through issues of gear conflict, with creels being towed away by mobile fisheries, and as a result of the damage of mobile bottom fisheries to seabed habitats and consequently shellfish stocks.
16. There is much documented evidence of the impact of bottom trawl and dredge fisheries on seabed habitats and their impact on the abundance and diversity marine life communities. COAST and many others around the Clyde and further afield in Scotland have direct experience of seeing this for ourselves, and the damage caused by the physical impact on the seabed and loss of marine life.



Copy of images sent as attachment in subsequent email to RAINE (see comment under 4 above re graph)

17. There is also a significant body of evidence that identifies the fishery, environmental and economic benefits of a transition in Scotland’s Inshore waters from the current predominance of mobile bottom trawl and dredge fisheries to lower impact static gear and hand collection fisheries. With such a transition supported and enabled by the introduction of spatial protection measures that prohibit mobile bottom gear, as used to exist previously around Scotland. COAST is part of the OurSeas coalition, an alliance of Scottish organisations, businesses, communities and individuals that is calling for a reinstatement of a modern, inshore limit restricting bottom-towed fisheries in order to support recovery of our inshore environment and a just transition in favour of lower-impact fisheries. We can provide the Committee with further information and references about these matters if required.

The Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2022 (SSI 2022/5) and subsequent actions by Marine Scotland

18. In principle we welcome the intention of the Order to finally provide protection for spawning cod in the Clyde and to remove the exemptions for bottom trawl and dredge fisheries during the period of the closure.
19. However, we are very concerned at the inclusion of all fisheries within the prohibition, a move that is not proportionate and is not evidence-based. Good fisheries management should be based on an objective and considered, evidenced-based rationale that is missing in this instance.
20. As we have commented above, the impact of dredge and trawl fisheries in terms of seabed impacts, size of footprint and potential for cod mortality through bycatch is hugely greater than impact from static gear fisheries and hand collection. That is not to say that creel or hand collection fisheries have no impact at all, but there is no consideration of relevant evidence nor the relative scale of this impact in the proposed measures. Creel fisheries and diver hand collection is, in practice, already significantly spatially restricted and the measures as proposed in the Order disproportionately disadvantage these fisheries sectors, something they can ill

afford. We therefore disagree with the wholesale prohibition of creel fishing and hand-diving within the closure.

21. Evidence of apparent favouritism in the approach by Marine Scotland to the Clyde cod closures materialised last week when a meeting of selected stakeholders was called at extremely short notice, ostensibly to discuss technical matters relating to the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2022 (SSI 2022/5) as laid on the 13th January. This meeting, held on the 24th January, presented an alternative proposal for the closure Order that significantly reduced the area where fishing would be prohibited, but continued to consider all fisheries as having equal impact. Attendees commented on the revised proposal, but no amendments were agreed at the meeting. Subsequently Marine Scotland circulated two further proposals, different to the proposal shared at the meeting and for smaller areas. On Tues 1st Feb, Marine Scotland informed attendees that a new spawning cod closure SSI is to be laid in Parliament covering a revised closure area (not the area presented at the meeting). The stated purpose of the revised order is to reduce the overall size of the closure compared to previous years whilst removing the exemptions that have previously been applied to the cod closure. While this revised order is not the subject of the call for views by the Committee it is important that the Committee is aware of these recent events. Our immediate observations on this and the revised Order are:

- a. This proposal has not been subject to a transparent, publicly accessible consultation process
- b. The changes have been made at extremely short notice
- c. No robust scientific justification has been provided for the revised proposal
- d. The 'one out, all out' principle continues to be applied, with no consideration of the relative impacts and disturbance caused by different fisheries
- e. The proposed area fails to include important cod spawning ground further north along the mainland Ayrshire coast
- f. A comparison of the closures with fishing vessel activity appears to indicate a revised proposal that better favours the interests of the mobile fishing sector

Concluding comments

22. The current focus of Marine Scotland's fisheries management in the Clyde is not helping to recover the Clyde marine ecosystem. Our experiences over many years lead us to conclude that current fisheries management favours the mobile trawl and dredge fisheries with little or no consideration of the views of other stakeholders about the management of a public resource. This current approach, of which the recent action with the Clyde cod closure is an example, hampers progress towards the Scottish Government's overarching aspirations for a healthy and productive marine environment that is resilient and can support the needs of Scotland's people into the future. There is an urgent need for progressive fisheries management in Scotland's inshore waters that supports ecosystem recovery and enables more sustainable fisheries to thrive.