

Scottish Affairs Committee

Oral evidence: [Fishing grounds in Scotland, HC 864](#)

Monday 5 December 2022

Ordered by the House of Commons to be published on 5 December 2022.

[Watch the meeting](#)

Members present: Pete Wishart (Chair); Deidre Brock; Wendy Chamberlain; David Duguid; Sally-Ann Hart; Douglas Ross.

Environment, Food and Rural Affairs Committee Chair present: Sir Robert Goodwill.

Questions 1 to 84

Witnesses

[I](#): Elspeth Macdonald, Chief Executive Officer, Scottish Fishermen's Federation, Mike Cohen, Deputy Chief Executive, National Federation of Fishermen's Organisations, and Elaine Whyte, Co-ordinating Member, Communities Inshore Fisheries Alliance.

[II](#): David Pratt, Head of Marine Planning, Development and Crown Estate Strategy, Marine Scotland, and John Mouat, Marine Biodiversity Team Lead, Marine Scotland.

Examination of witnesses

Witnesses: Elspeth Macdonald, Mike Cohen and Elaine Whyte.

Q1 Chair: Welcome to the representatives of all the fishing sector in this first session looking at fishing grounds in Scotland. I ask our witnesses to introduce themselves, starting with Ms Macdonald.

Elspeth Macdonald: I am Elspeth Macdonald, the Chief Executive Officer at the Scottish Fishermen's Federation.

Mike Cohen: I am Mike Cohen from the National Federation of Fishermen's Organisations, the trade body representing commercial fishermen in England and Wales.

Elaine Whyte: I am Elaine Whyte, the Co-ordinating Member at the Communities Inshore Fisheries Alliance, which represents just under 400 vessels in Scotland, mainly inshore.

Q2 Chair: Thank you. This is following on from your report about how the sea is becoming congested with the whole range of activities. What are the difficulties and problems with that? Can you explain some of the issues you have identified? We will get to some of the possible solutions. Tell us what the difficulties are just now.

Elspeth Macdonald: We published this report in June this year; it was commissioned between the SFF and the NFFO. We felt that we had to do this piece of work because it was very hard to have an understanding of the cumulative impact of the different spatial pressures that are beginning to build in our seas.

There is lots of work going on in different discrete policy areas, around nature conservation or the development of offshore renewable energy or aquaculture, but we felt that these were all bringing their own pressures. Of course there are assessments of what these pressures might look like, but nobody was looking at the cumulative impact of these pressures, the problems that might be causing and some of the issues that might need to be addressed to look at those not just right now but as we look ahead into the future.

The report shows that the spatial pressures on our seas—and the report was done on the basis of the UK—are growing very significantly. When you look ahead to 2030 and then to scenarios in 2050, it is very evident that there will be severe pressure on fishing, with likely very significant displacement of fishing. We feel collectively across the industry that there has not been sufficient regard given to understanding the level of that displacement and the impact of it.

That is why we commissioned the report and I think it has been a very helpful piece of work. In lots of ways we would have rather not had to do it—Governments really should have done this—but we have taken the initiative. We have done it and it has been a useful platform for us to be



HOUSE OF COMMONS

able to discuss these issues in a much more cumulative and across the piece way.

Q3 Chair: You definitely have. You are here today at the Scottish Affairs Committee to discuss it and talk to us about it, so we are pleased about that. Mr Cohen, the UK territorial waters are huge. Surely there is enough space for everybody to get on with their activities.

Mike Cohen: This is the fundamental problem, isn't it? Until now there has been an assumption or a faith in the fishing industry that we will carry on doing what we have always done, which is to travel freely throughout British waters, seeking fish to catch and bringing them home. Increasingly, other industries are staking claim to bits of the sea and the idea that a British boat can freely navigate British waters simply is not the case any more. We are looking at designating bits of those waters for other purposes that will permanently take them out of reach of a fishing vessel or any vessel in transit. We are hiving areas off and making them for something else and that will displace activity.

Ultimately what you said highlights exactly the problem that a lot of planners have placed upon us—the idea that fishing can just go somewhere else. Fish are not everywhere. If there was something to catch somewhere else, after 1,000 years of commercial fishing I can guarantee you that somebody would already be catching it. As soon as we start moving people away from traditional fishing grounds and expecting them to thrive elsewhere we place a very unrealistic expectation on them and on what the sea can provide and how fishing works.

We are changing something fundamental about how we use the sea. Our fear, and what we wanted to highlight with this report, is that we are doing it piecemeal and almost sleepwalking into a new situation bit by bit without ever really looking at the overall picture and the whole of that very complex and interlocking effect.

Q4 Chair: To help the Committee and people who have tuned in to see our proceedings today, what are the key drivers of this? Is it offshore renewable facilities? Is this what we are really talking about here?

Mike Cohen: Renewables have been a big driver for the authorship of this report because of the scale and the rapidity of that development, but we have other things going on too. There is the scale of expansion of conservation areas, areas set aside for conservation purposes, and there is a lot we can talk about with that. Also occupying huge areas of the sea are gravel extraction and seaweed farms. We have lived with oil and gas for a long time and now we are living with the decommissioning of oil and gas.

A lot of people want a bit of the sea and it is almost like getting closure. An area that was a common pool resource for centuries is now effectively being almost privatised chunk by chunk and given for the private use of



HOUSE OF COMMONS

commercial organisations in many cases, all for purposes argued for by particular issue groups and taken out of that common pool. We are not taking a strategic view of how we are doing that and where we are doing it. That is the issue that drove this report.

Q5 Chair: Thank you. Ms Whyte, is this the same range of issues for the inshore fleet or is there anything particularly peculiar that you have observed?

Elaine Whyte: It is more or less the same issues. I commend the NFFO and SFF for doing this because we have been firefighting for many years. By the time you have a problem, you don't always have the capacity to articulate where you are. We have seen a massive reduction in boats over the last few years and a continuation of effect.

With inshore, it is more confined because you do not have anywhere else to go. There is an area closed off for the Royal Navy, an area closed for aquaculture, an area closed off for renewables, there is various cabling, and environmental designations. It gets to the point where there is genuinely nowhere else to go. We are talking quite a lot about losing spatial ground but we are also talking about how this is transforming the seas.

The squeeze is also happening at the socioeconomic level and we are changing communities. I hear a lot about the multinationals coming in and creating wealth that quite often goes abroad. Meanwhile, they are taking wealth that was generated in the communities and it is taking the economy out of that area. It may be making people unemployed in that area for the benefit of an international company and you have to understand what they are doing.

Q6 Chair: Are there any specific coastal communities that you recognise are severely impacted by this or is this an impression you have of what is happening generally across Scotland?

Elaine Whyte: I have some experience with my colleagues on the east coast and quite often the inshore fishermen have issues because they are under 12 and they don't have the IS data. It appears that there is no fishing happening there because they are recording only over 12 boats. They will just say, "No fishing, let's develop". You can be completely unaware of the socioeconomics that are happening in that area.

Chair: I think we have heard that loud and clear. I will bring in my colleagues to ask you some detailed questions about your report and the issues that you have identified. I am delighted that first I will go to the Chair of the EFRA Committee, Sir Robert Goodwill, who has joined us today as a colleague.

Q7 Sir Robert Goodwill: Thank you very much indeed, Chair. Of course this not only affects Scottish waters but it is having similar impacts in English waters. Many of the boats in my constituency land in Scottish ports, so it is pretty much a cross-border problem. When I was looking at the map, it



HOUSE OF COMMONS

surprised me how many big blocks of sea are now out of bounds or supposedly out of bounds for fishing. Your report looked at demersal trawling specifically, but do you expect that fishers who use other types of fishing gear will be similarly impacted, the pelagic fleet or people using some of the more modern selective fishing methods?

Elspeth Macdonald: We recognise that we looked at only the demersal trawling sector because it had to be a manageable piece of work. Were we to look at every fleet métier we would have had the pelagic gear, the static gear fisheries, for example. We recognised in the report that this simply looks at the demersal trawling sector. Any type of development, particularly anything that will close off areas of sea, whether that is a highly protected marine area, a floating wind farm, that will be practically simply inaccessible for our fishing vessels, you would fully expect to similarly affect the pelagic fleet.

Q8 Sir Robert Goodwill: The marine protected areas and the highly protected marine areas are often referred to as the marine equivalent of national parks. In national parks, farming is an intrinsic part of that activity and in many ways what the farmers do helps to preserve the environment. Is there a case that certain types of fishing could be carried out in these areas, certainly static gear or maybe some of the more selective methods that would allow fishing to continue but also to protect those environments?

Elspeth Macdonald: It is important that we think about the marine protected areas and highly protected marine areas. It is a little different between England and Scotland, so I am sure Mike will want to come in and describe the situation in England.

In Scotland we already have an existing network of MPAs, marine protected areas. They extend to about 37% of Scottish waters. We have had pretty good experience, largely, working with Marine Scotland to identify that network. It has been a well considered, carefully thought out process with good engagement and you are quite right: there can indeed be activities that continue in these MPAs. They are designated for different reasons. Depending on the features or habitat they are there to protect, fishing can be permitted within them and that is why a programme of management measures is developed for each of these sites.

The highly protected marine areas is a very new policy development in Scotland. They appeared in Scotland through the Bute House agreement between the Scottish Government and the Scottish Green Party in the summer of 2021, I think it was. The intent there is that these will essentially be no-usage zones for anything other than limited recreational purposes. The intent is that there will be no type of fishing, static or mobile, no aquaculture, no wind development, no oil and gas, essentially no extractive activity.



HOUSE OF COMMONS

The intent from Scottish Government and the Scottish Greens is to designate at least 10% of Scotland's seas for these highly protected marine areas, so that is a massive policy shift and to a very tight timescale. The intent is to have these designated by 2026 and that causes us a great deal of concern and alarm over what this might lead to and also the pace at which the policy is developing. The pace is disproportionate to the type of impact that these will have.

Q9 Sir Robert Goodwill: The counter-argument made by many environmentalists is that these will provide areas for fish to spawn and grow and allow fish stocks to build and then fishing outside those areas. Is there any merit to those arguments?

Elspeth Macdonald: I don't think there is any evidence that says whether that would happen one way or the other. That is one theory—that you create an area whereby you might get an accumulation of biomass but whether it spills out into the wider area or whether you simply get an accumulation within that area is not known, and that is one of the things that concerns us.

The specific ecological objective is not clearly identified and I don't think that there is very much in the way of an evidence base of what the impact of these will be or even what the baseline is and how you would assess whether you have achieved whatever your objective is. It is a fast-moving policy area for something that we feel is very poorly defined.

Q10 Sir Robert Goodwill: Finally, your report looked at some fishing activities that may cease altogether, not just in these protected areas but across the whole of the seas. Which types of fishing are most at risk of disappearing altogether?

Elspeth Macdonald: We are very concerned about an unwarranted attack on any type of fishing that disturbs the seabed. There are many who make claims that this causes harm to blue carbon stores. Again, there is a very poor evidence base on that. We don't understand at all the significance of blue carbon and the impact of fishing on it.

Sir Robert Goodwill: Scalloping in particular.

Elspeth Macdonald: Yes, scalloping, dredging. There is a full lobby to move away from mobile fishing gear that is in contact with the seabed, but there is a very poor evidence base or an understanding of the type of impact that that gear has. We need to have a much more mature and a much better informed debate about these.

Q11 David Duguid: Elspeth, with apologies to Mike, I am going to focus on the Scottish system. I will come back to ask a specific question about the evidence base later, but what you say about that is very interesting. There was something on the radio this morning about the Scottish Government wanting to return land and seas to nature, whatever that means. I am also aware of a new national marine plan for Scotland.



Do you agree with what some people seem to be suggesting—that part of that marine plan would involve designating certain geographical areas for fishing and nothing but fishing? I don't know exactly how that would work. Elspeth, could you say what you think about that?

Elspeth Macdonald: Yes, that has been mooted. As Mike described, we are seeing already areas of the seabed being essentially privatised for particular activities. Some people say, "Couldn't you just designate certain areas for fisheries and that would solve the problem?" Well, it is not as straightforward as that. As Mike said, we don't control fish, we don't know where they go—they move around. We know that some of our key commercial stocks are moving northwards, possibly as a consequence of warming waters.

Of particular importance to Scotland, we have some highly migratory species like mackerel, the most valuable species that the Scottish fleet catches, and you can't predict exactly from one year to the next where the mackerel will appear. They migrate over a very extensive range.

The idea of designating particular areas for fishing might work in some cases for some species but we would be very concerned that you would lock yourself into decisions that might work for today but don't work for tomorrow. It is not as straightforward as saying you can designate area X for fishing and area Y for something else, because fish don't stay in one place.

David Duguid: Not like sheep and cattle we can build a fence around.

Elspeth Macdonald: We can't put a fence around them and then it becomes something else altogether.

Q12 **David Duguid:** Elaine, is that something that could be considered in the more inshore, smaller scale areas?

Elaine Whyte: I think I made the point already. There was a point made about which areas do we think will be most impacted for sectors. I think we should look at what has happened already. We have examples of MPAs that have been in place for five or six years, so we can look at what has happened there and the numbers have risen. We have to look at a balance of that.

The important thing for me is the science. We don't have a big baseline science and I am very concerned that fishermen are not being involved in a lot of these decisions either. Their observational data of temperature, the type of sediment that is in the area, what is likely to happen, is not being taken on board at the level it should be. Can they move somewhere else? No, they can't. Elspeth made the point that you will get scallops only in a certain place. We had clean fishing that disappeared almost overnight in the 1990s. No one knows why.

It has to be reflective and continuous and we have to know that if we are going to put in other species we may cause a problem. An area in the



Western Isles—my colleague Duncan MacInnes will talk about this often—was closed off over 20 years ago and now it is full of starfish, which is a predator in that environment and predated on other fish. What was a productive commercial fisheries area is now no longer the case. With these kinds of things we might have good intentions but closing off an area may make it stagnant; it may not work. It is about good science and regular updates on that.

Q13 Wendy Chamberlain: Thanks, witnesses, for attending today. I want to touch on something that prompted my thinking on what David Duguid was talking about. Clearly one of the challenges is what you have already said in your evidence: “We have been very piecemeal in our approach to date”. How can you designate areas where you potentially have debris from decommissioned cables, oil and gas sector and so on? Is that a challenge, Elspeth?

Elspeth Macdonald: Yes, you are not starting with the right sheet of paper. You have essentially inherited a patchwork of different types of uses of our marine environment and you will be trying to fit something around that. David Duguid mentioned a new national marine plan for Scotland, which the Scottish Government announced in the programme for government and they are starting to work on it now. They are undertaking an iterative plan review for the offshore wind sector, but that just feels like retrofitting to things that are already under way or in place. You wouldn’t be starting from an optimum situation. You would be retrofitting things around what is already there.

Q14 Wendy Chamberlain: Potentially what is there might cause some of the challenges that Elaine described. The Scottish Government are looking at a new national marine plan. What has been your assessment of their plan to date? It is quite clear from the fact that you have produced this report that you feel that both Governments have potentially let the sector down by not doing this work themselves.

Elspeth Macdonald: There are two points to make from a Scottish perspective. There is an existing Scottish marine plan, which I think dates from 2015. When you read the plan, it is quite sensible; it says the right sort of things. Our issue is mostly with how it has been implemented and that has not worked as well as it might read on paper.

The Government in Scotland developed a sectoral marine plan for offshore wind specifically. That plan indicated that the Government would be looking to develop 10 gigawatts of additional offshore energy capacity through the ScotWind round. When the ScotWind round was announced earlier this year, the leases that came through that process amounted to closer to 25 gigawatts and extended to over 7,000 square kilometres of seabed. That is two and a half times the size of the Government’s own plan. Now they are undertaking an iterative plan review to build a plan that fits the outcomes rather than having the outcomes that fitted the plan. It does not feel like an effective process to us.



Q15 Wendy Chamberlain: The agreement you have talked about could make you more concerned given some of the agreements that have been put in place.

Mike, I will come to you. In the report the UK Government have disregarded their own marine policy statement and marine plans. I am interested in your thoughts about where exactly they have done that.

Mike Cohen: We have regional marine plans around the English coast and they all make very similar statements that fishing is an important activity and fishing will not be disrupted unless there is a pressing reason to do so. What has astonished me is just how many reasons seem to be pressing. It doesn't seem that many things are applied for that don't get given permission. There always seems to be the assumption we had at the start, which Mr Wishart highlighted, that we can do this somewhere else. There are so many more calls now on the seabed and that is fundamentally the issue.

The plan does not start from a parity of esteem for fishing as an activity. It is somewhat devalued compared to other things. We have this notion that building wind farms is a noble endeavour because it helps our energy security. I do not think our industry would suggest for a moment that we don't need to take action to combat climate change or that our industry will not have to adapt to that just like every other, but this is not the only way to generate electricity. It may be the cheapest and quickest way to build renewables but it is not the only one and it is not the only thing we can do in the sea. It is not even a permanent solution.

A 25-year wind farm construction will provide a temporary boost to an extent to the nation's energy supply but if in return we permanently lose our food production capacity, that is another aspect of national security that we have damaged in the long term for a short-term gain in another field. At the end of the day you can't eat a wind turbine. We still need to produce food ourselves—far more than we do, I think.

Q16 Wendy Chamberlain: Then we wonder why we don't get young people coming into this industry. They don't see a future in it.

I have one very brief technical query on page 8 of your report, the cumulative impact of the different sectors. I am interested that all the other ones seem to go up gradually but cables go from small to huge. I am interested in why that is in future 3.

Elspeth Macdonald: That future 3 scenario is considered to be the worst case scenario. Cables includes a scenario by which fishing would be excluded from I think it is 0.25 nautical miles on each side of a cable. That is the most extreme scenario.

Wendy Chamberlain: Given that in many situations we do not know where the cables are, I can see why that would be a problem.

Q17 David Duguid: I was going to ask something about cables, which is



HOUSE OF COMMONS

associated with the next question. In your report you are calling for an improved evidence base for fisheries and marine spatial planning. We have already talked about some of the shortcomings of that evidence. Could all three of you expand on that? In your answers, could you comment on what Governments could do to improve evidence collection?

Elspeth Macdonald: I can say a little bit about Scotland and I am sure Elaine might like to come in and Mike can talk about the situation in England.

We have ScotMER, which is the Scottish Marine Energy Research programme. This is run by the Scottish Government, by Marine Scotland, and it looks at seven different what they call receptors—for example seabirds, marine mammals, and one of those receptors is commercial fisheries. Some work has been done but there is a very long list of evidence gaps in what needs to be addressed to look at the effect. I am talking here about specifically offshore wind, not other issues at this point.

The industry has funded and commissioned work through some of the research institutes in Scotland to do some fairly small-scale work looking at, for example, the impact of electromagnetic fields on some commercial species, on crabs and lobsters. Those relatively small-scale but none the less peer-reviewed proper studies show some quite harmful effects of impacts on the migration of some of these species across cables, changes in their behaviour and also changes in their physiology, including affecting the developmental stages of some of these shellfish.

One of the things that concerns us is that there is a very big evidence gap on the impact of offshore wind, whether it is noise, vibration or electromagnetic fields, just on the whole food chain and not having a good understanding of the potential impacts on our commercial fish species. I think that the Scottish Government themselves would say, "Yes, there is a very long list of evidence gaps". Another of the evidence gaps is, for example, understanding the effect of displacement of fisheries.

Yes, there is a plan and a list of activities to be carried out, but the policy and the pace of rolling out these wind farms is growing much faster than the research is keeping up with.

Q18 David Duguid: Mr Cohen, you commented earlier that the idea of installing more and more renewable energy capacity is seen as a very noble cause. Can I take from your earlier answer that you are concerned, as Elspeth has just said, that we may be moving a bit too fast with the installation without understanding the potentially harmful impacts?

Mike Cohen: That is a very fair reading of what I am implying. At the moment in England we are dealing with proposals to build floating wind farms for the first time in the Celtic Sea. Here I am faced with applications starting for wind farm construction where even the developer



HOUSE OF COMMONS

can't say what they will install in the sea because the turbine technology has not been invented. I am speaking to engineers who are not sure how they will anchor the turbines they will build because they are not even sure how big the turbines will be.

This is very hard for us to comment on. If we are asked to comment on the likely environmental impact on something, we are not clear about the parameters of what we are discussing. We have concerns about the electromagnetic field, heavy metal pollution from sacrificial anodes attached to anchor chains, and we can't get answers to those things because nobody knows. Nobody is really sure what things will be built, what they will look like, what anchors and chains will be used. There is a lot of concerns there.

There are evidence gaps around the physical impacts of what we might put in the sea, around the impact on fishing of displacement and what will be done there, but there are evidence gaps around things other than just renewables. The HPMAs programme in English waters recently, for example, proposes designating areas without being clear what the impact of doing it would be, what would be achieved by doing it, what the state of the areas is currently and what state they might be in potentially at the unknown endpoint of a process that they propose starting.

The joint fisheries statement and the Fisheries Act received a good amount of support within the fishing industry for the aspects of them that relied on evidence as a basis for decision-making in fisheries management. When we start doing things like building wind farms or designating HPMAs, we are also managing fisheries because we are displacing fishing activity, but those crucial aspects of fisheries management seem to be being done in a significant evidence vacuum. I think that pushes against the valuable work done by the Fisheries Act and the JFS and undercuts the thrust of its message, which is that is an important natural resource and national resource that we should be managing sensibly based on the evidence about what will bring the most benefit from it for the longest of terms.

Q19 David Duguid: You make an excellent point there about the evidence-based nature of a lot of the measures in the Fisheries Act. You have brought me back to all kinds of memories from having been on the Bill Committee for that Act.

Elaine Whyte, I will finish off by asking you this: without repeating the issues we have just heard, is there anything particular about the inshore, smaller-scale fleet?

Elaine Whyte: Yes. Inshore has smaller boats and larger boats as well. I think that there is a few things that have not been touched on. Under section 6 of the Scottish marine plan, we are supposed to be looking after existing fishing where it is there and that is certainly not happening. We are hearing that there is a case of registration in renewables that we have never seen before, but renewables is only one part of the story.



I would argue that the impacts on the inshore have been there, certainly in my area on the west coast, with aquaculture and everything else that is growing at an exponential rate. We have been feeling that pinch. Go to the MPAs that have already been designated and look at the socioeconomics and the loss of boats.

We are worried about the impacts of all these cables everywhere else, that you are also pulling up the seabed and so on, but there are other things that you might not quite notice in these discussions. These are practical things like if you have aquaculture sites, renewables sites and all of these things, you have far more marine traffic in an area. Those boats have to take spaces in harbours. It is the actual cumulative pressure. They also need employees and a lot of these employees are coming from local fishing communities and so you are seeing a drain on the socioeconomics of the people who would be working in the area.

All of this in a sense takes away the voice that fishing has had because drip by drip we are disappearing and we are losing agency. We have to remember that a lot of these companies, aquaculture or renewables, are far richer than a lot of inshore fishermen, but that does not mean they should not have a voice. As I said, it is not directly rich to our communities because our guys are the ones who bring it home to those communities. It is important to keep that in mind.

David Duguid: I am minded very specifically of static gear fishermen in my own constituency who are negotiating, shall we say, with a local wind farm developer, but I think I will leave it there for now.

Q20 Sally-Ann Hart: Good afternoon to our panel. Looking at the marine protected areas a bit, we have the inshore and offshore fisheries. I detect some scepticism on the value of marine protected zones. I know that the Government are doing a consultation on them and there should be evidence coming up. Bearing in mind that the inshore and offshore fishing sector is important to coastal communities in Scotland in particular, how can marine conservation be made compatible with a viable fisheries sector? I will go to Ms Whyte first on the inshore fisheries.

Elaine Whyte: I think it goes back to the point I made about science and regular updates and involving local fishermen as well as other stakeholders in gathering that science. We are thinking at the moment that governmental resources are tight, we understand that. Fishermen's resources are tight—we have been through Covid and Brexit—but we are seeing a lot of environmental lobby groups have a lot of resource, so they are doing a lot of the citizen science work and that might influence it in some ways because you are not getting the balance of science. I don't think anybody who was presented with the balance of science to say that MPA is working would say that is—they would go along with that.

We are getting designations, as I said, where we are not quite sure what the evidence base and the long-term progression is, and that is the issue for fishermen. Should we be designating something and say, "Okay, we



never touch it again" or should we go back and say, "Did it work and should we be doing this somewhere else"? We should be doing that type of work and, to be honest, I think that there is a bit of power grab going on. Elspeth mentioned potentially a privatisation of the sea. There is a lot of stakeholders who are growing the number and the resources and about where they own, what is their patch.

I don't think that it should ever be seen like that. I have never heard a fisherman saying he owns the sea, never once. It should be trying to find that balance where we are not trying to think of this natural resource that we all share as a property right of any one person or group. If MPAs are working, I am sure fishermen locally would support that but they need to be reviewed and the socioeconomics need to be considered very carefully too.

Q21 Sally-Ann Hart: Mr Cohen, on MPAs and how can marine conservation be made compatible with a viable fishing sector?

Mike Cohen: First, I don't think we have to see a conservation area as necessarily excluding fishing. As has already been alluded to, we have farming in national parks and we see farmers, quite rightly, as guardians of the countryside. It is a mistake to think that we can designate parts of British waters and somehow return them to some pre-human natural state of which we have little knowledge.

There is nothing wrong with acknowledging that humans live in and from their environment and taking food from it is something that we can do sustainably. The sea is not a sculpture or an artwork. It is something that we have lived in for a very long time. Harbour records in my home town of Scarborough go back 800 years showing a commercial fishery. When we have plans to designate HPMPAs, the limited detail they give talks about returning the sea to a natural state. Natural when do we mean? In the 13th century when we last had knowledge that there was not commercial fishing happening in an area? How do we know what that was like then?

The point of designating an area is presumably to bring about some sort of change or benefit to it, but if fishing is happening in an area and has happened in it for four generations, why are we assuming that somehow fishing is damaging to that area? If it had damaged it, there would not be anything to catch any more. People would not still be working it. The last people who want to see damage to the marine resources are fishermen. They depend on it for their livelihoods, their families are dependent on, often for generations, and most fishermen will want to pass on that business to the next generation. They want things to last and would be more than happy to work with the evidence to ensure that it does last and that the sea stays healthy.

Fishermen understand the sea very well and know that some things need to be protected where other things are exploited and to make sure that the whole complex system lasts and continues, but we have to see our



fishing fleet as part of that system. We have been doing this commercially for hundreds of years and that is part of the marine ecosystem. There is no reason we can't work with that.

Q22 Sally-Ann Hart: We have seen some fish stocks being depleted with overfishing. Do you think there is benefit for, let's say, highly protected marine conservation areas as opposed to marine conservation areas? You were talking about farming in national parks and we can fish in our seas in a managed way. Do you think that there is a difference? You talked earlier about traditional fishing grounds. Do you think that marine protected areas should be placed over traditional fishing groups?

Mike Cohen: If you talk about using HPMA's to improve or increase fish stocks, that suggests that somebody had done some research showing that closing an area would have that impact. I have yet to see the evidence of that. The HPMA round in English waters recently did not have anything like that evidence base. It was very much a kind of, "Designate and see what happens afterwards". Even the documents in that consultation referred to work to be done finding out the impact of closure and displacement after it had been put in place. That is not evidence-based. As something of a lapsed marine scientist, I look for evidence before I make my conclusions, not the other way round.

I think fisheries are best managed through fisheries management measures, not through area closures simply because closing an area is seen as an aim that is good in itself. It is very public, very visible to say, "We have closed an area. This is a marine park. You may not go in and do anything." That is very appealing and can be conveyed very quickly and very easily. It is much less soundbite friendly to say, "We have, in consultation with scientists as well as users of the sea, identified the root cause of a decline in a particular stock and the following measures over an extended period will rebuild that stock", just as we have done with North Sea cod, for example, and we see a great increase in that population. That is not a particularly immediate thing to talk about but it does work. It has the advantage of being real.

I worry about policies that seem to be more about communicating immediate action than a long-term impact, and that is my fear for HPMA's. The lack of evidence in those proposals is troubling to me and does not seem likely to bring any degree of success. Even if we accept that they are somehow going to bring about environmental improvements, how would we ever know if we don't have an evidence basis before we designate them and we don't seem to have plans to judge the success? If it does work, that is wonderful.

I don't propose stopping measures that would improve fish stocks. I would be here demanding more of them, but we would never know from the HPMA programme because we don't have any baseline data. If it does work, we won't know why it worked and we won't know if it has worked anyway because we don't know what is there now. This is a faulty way of going about trying to manage a resource, if that is what we are trying to



HOUSE OF COMMONS

do. If we are trying to do it for some purpose other than that, I have to question why.

Elsbeth Macdonald: I will make a couple of points. The marine protected area network that exists currently in Scotland is the network whereby you can fish in those areas. Depending on what the particular conservation objective is, you may be allowed to undertake certain types of fishing. They have been a way by which you can find the right balance between sustainable harvesting and conservation.

What is proposed through the highly protected marine areas is the blanket approach that Mike has just described. He mentioned North Sea cod, and that is quite a nice example. You may be aware that the fishing industry has had to swallow pretty significant reductions in the amount of North Sea cod we have been able to catch over the last two or three years. I am pleased to say that that is looking much healthier for this year, but there are a lot of issues with the science around that stock and I think that we can't necessarily say that the numbers are right. The way to deal with that is not to say, "Let's make a blanket closure on part of the sea" but to speak to the industry and say, "We need to identify the spawning areas and the juvenile areas that we need to protect. Where are the high accumulations that we need to move away from?"

You have that adaptative type of fisheries management that says if you have a particular issue with a particular stock you use the knowledge of the people who understand that and say, "What are the measures that we need to take in the short term to do something about this?" You don't say, "I will close off 10% of my seas for time immemorial and see what happens". As Mike said, you have no baseline and you have not set a specific objective of what you are trying to achieve, so how on earth do you measure if you have never achieved it?

Q23 Sally-Ann Hart: Thank you. One more question for you, Ms Whyte. You represent inshore fisheries, 400 vessels in Scotland, obviously smaller boats. Do you think that the National Federation of Fishermen's Organisations represent inshore fisheries or do you think they represent the bigger fishing organisations' interests and that inshore fisheries are not getting enough say because they are the ones who are based in coastal communities in Scotland?

Elaine Whyte: I think that there is a resource issue with inshore fishing. Most of the developments talked about in this report are coming out now, but the inshore communities have had this spatial squeeze happening on them for a long, long time and probably have not had the resource base to develop their voice and articulate it as well. I think that there will be a lot of common ground with the national organisations but the inshore voice has to be heard very strongly and that is what we are trying to do through CIFA because they have nowhere else to go.

When we are talking about evidence bases, do they have the scientists or the resource to do that because they are smaller boats? Probably they



do. There is a way to do it, working with Government and local scientists. In the Norwegian system—and Elspeth was talking about closing off areas—they can close off a fjord for two weeks when they know that cod is spawning and then open it back up again because they work with the fishermen. That is not happening here. In my region we have just had a closure for cod and in January we will have another one. It was based on a Swedish discussion paper about any vessel making noise potentially disturbing the cod spawning. That was a closure for three months, which impacted our markets, our local community and our smallest of fishermen. Did they have the ability to overturn that? No, because they had no warning.

These kinds of things although well intentioned are not great and they have certainly impacted the inshore to a greater extent. Look at the boat numbers.

Q24 Chair: Before we move on, I want to clarify something. You are relatively relaxed about MPAs and you seem to be suggesting that you are able to work with them and I would not say you approve of them but you accept you can accommodate them. Specifically it is the HPMAAs that you have the difficulty with. Is that a fair characterisation?

Elspeth Macdonald: Certainly in Scotland we feel that the MPA process has been constructive and we have been well engaged and the fishing industry has been listened to. We have largely been able to find the balance between sustainable harvesting and conservation. But the highly protected marine areas are a complete policy shift, something completely different.

Elaine Whyte: I don't agree with that. To be honest, we have had some problems with the process of designation. As I said earlier, if we have MPAs we should be evaluating them regularly and if they are working that is fine, but if they are not we have to look at something else.

Chair: That is very helpful. Thank you for. I am conscious of time because we said about an hour but we will allow this session to run on because it is very interesting and I think all the Committee is enjoying the evidence. David, if you could ask your two questions at this time and we will try to bring everybody else in.

Q25 David Duguid: Yes, I will, but just to finish off on that previous point, Elspeth Macdonald, you said earlier that several stocks are migrating or they are moving, not migrating because that is a different thing but where they would normally migrate to and from is moving northwards potentially because of warming waters. Based on the discussion we have just had on the evidence base, is there a risk that somebody might look at that, "There is no cod in that part of the sea anymore so that must be overfishing?" Or is that oversimplifying things?

Elspeth Macdonald: No, you are absolutely right and that is the challenge that we have with the narrative around North Sea cod because



it is generally recognised in the scientific community and the fishing industry that cod are migrating northward, as many of our white fish species appear to be. The model used to assess the number of cod that you can catch in the North Sea is based on the whole of the North Sea.

Now we know that cod in the southern North Sea are not very abundant, probably because of this northward drift of the species but they are very abundant in Scottish waters and around the northern North Sea. The science here is not keeping up with the changes in our oceans essentially and the changes in our environment.

We have talked a lot today about the importance of evidence, but it is also important that we have good evidence and that evidence base keeps up with what is a changing environment. The industry has been doing a lot of work to gain support now for a complete refresh of the North Sea cod model that recognises that things have changed. This is a model based probably in the 1980s; the world has changed a lot in that time. Yes, there absolutely is a risk that the disappearance perhaps of a species from a particular area is seen as being a consequence of fishing, whereas actually it is a consequence of natural processes that we have no control over.

Q26 David Duguid: I will take the nodding heads along the panel there as being in broad agreement of that so I will not ask the same question of other panel members. I will move on to other questions as requested.

I was going to ask if you think the existing planning processes for offshore development pay sufficient attention to fisheries. I will take that as a no based on your previous answers. If the fisheries sector was to be involved in those planning discussions, specifically at which point should that be taking place? Mr Cohen, you are nodding most vigorously.

Mike Cohen: We need to be involved at the earliest possible stage. What we have seen recently in the Celtic Sea is for the first time the Crown Estate involving the fishing industry and fishing communities at the very first stages of the planning process, which is very valuable, what they call the areas of search stage. That is very important for both the offshore fishing fleets and the inshore boats that will be affected by cable routes.

Just to reassure Ms Hart, who asked a question about my organisation a minute ago and whether we represent small as well as big boats. Although we do not work in Scotland, Elaine's group is different, we do have a very large inshore membership. The majority of our members are under 15 metres as well as the larger boats.

There is a little bit of a misapprehension that we only represent bigger boats. Our chairman and our president are both small boat inshore fishermen, as is the majority of our membership. We are not a big boat organisation, although that does get said of us quite a lot—that unfortunately does not make it true.



HOUSE OF COMMONS

Particularly small communities need to be involved early with broad on the ground consultation. They can't be expected to look for planning notices in national newspapers and check every possible avenue for them. Early and frequent involvement at a community level is vital.

Q27 **David Duguid:** Again, I am seeing nodding heads. Is there anything, Elspeth or Elaine, you want to add to that?

Elaine Whyte: Yes, I think one of the most problematic stages is when we have contractors in to the work. You can sit down with the power company and agree that you want to get a route that suits everybody, but the minute you pull external contractors in to do the work, if they decide to change it, and cash is king, they will change it. That is when you can have detrimental issues for fishing but it is when it becomes operational that we have always experienced terrible problems.

Elspeth Macdonald: I absolutely agree with these points and we increasingly see the fishing industry being drawn in earlier; that is good and important. However, through the duration of these projects, the construction of offshore wind farms, for example, is not a quick job. These fields take a long time to build and there are all sorts of issues that I think throughout that process we need to be engaged thoroughly and at the right stages.

So, for example, we do not run into the sorts of problems we see with cable corridors where a windfarm developer does not get to choose where he brings his cable ashore. He is told where it has to come ashore to go into the grid. They do have some opportunities to discuss the right route for the cable from the windfarm to the shore. Working with fisheries to try to reduce the impact that that cable route has on our fisheries is really important, particularly at the moment for the inshore fleet.

Early engagement, absolutely, yes, but I think also engagement throughout. I would just echo the point Elaine made about capacity. I represent the Scottish Fishermen's Federation. We have a lot of large boats in our membership but we also have a large number of small vessels. We represent the whole cross-sector of the fleet. We are probably the biggest fishing organisation in the UK and we struggle to keep up with the demands on our time to be dealing with consultations, dealing with individual project plans, and being pulled in 25 different directions at the same time to deal with these. I have real sympathy for Elaine and her members who are a much smaller organisation in scale. There is a real issue about capacity for the whole of the industry in dealing with all of these things coming at us at the same time.

The Scottish Government just last week published its delivery plan for the blue economy vision that it published earlier this year. That delivery plan sets out three or four massive, significant, really important consultations coming in the next few months and that will fully occupy probably most of my organisation. I have real sympathies with smaller bodies trying to deal with that. It is a massive resource drain on organisations like ours.



HOUSE OF COMMONS

Q28 David Duguid: Moving from that subject altogether on to the current round of UK-EU fisheries, this is probably more of a question for Ms Macdonald and Mr Cohen. What would you like to see from those negotiations?

Elspeth Macdonald: The best outcomes possible. What has been good this year and different maybe from the last couple of years from a Scottish perspective is that there has been a mostly very good suite of catch advice on our white fish species. That is good to see because there have been two or three pretty tough years. We particularly welcome the recognition that the situation in North Sea cod was not as dire as previous catch advice had suggested. The ICES recommendation for cod is for about an 80% increase on the total allowable catch, which sounds like a big number but it is a big percentage of what has become a small number because we have taken two or three years of pretty hefty cuts. For the reasons I described earlier, we were not convinced that those cuts were justified.

Finding the best outcomes that we can, certainly for the fleet that I represent, and I would acknowledge the efforts and engagement from both Governments. The Scottish Government and the UK Government are very good at keeping in contact with the industry, keeping us apprised, not just of how the negotiations are going but also talking to us before the negotiations start.

I have talked about the white fish advice for the Scottish fleet this year being largely good, the outlier to that was the advice on monkfish—a really important stock for Scotland: it was our most valuable white fish species last year. Due to the type of assessment that is undertaken, which we think is inappropriate and due to data gaps. ICES recommended a 30% cut in the monkfish for next year. This would be very problematic. That is obviously a priority for the negotiations for the Scottish white fish fleet. There are lots of moving parts. There are a lot of different negotiations that the UK is now involved in very differently post-Brexit but I think both Governments are good at working collectively on this and they are good at engaging with the industry on it.

Q29 David Duguid: It is fair to say Ms Macdonald and others in the industry have repeatedly told me how well the Scottish Government and the UK Government work together on this on behalf of the Scottish fishing sector. It is also worth pointing out the fact that now that the United Kingdom as a whole is an independent coastal state, is that making the negotiations either easier or more fruitful or how would you characterise that?

Elspeth Macdonald: The UK now is its own voice at the table, which it did not have when the UK was part of the EU. The UK can negotiate in its own right for its priorities rather than having to be accommodated through that wider EU process. Yes, it is very different.



HOUSE OF COMMONS

Mike Cohen: I would say it has not always gone well for us. In the current situation, I know that our distant water fleet is extremely disappointed at how much of its fishing opportunity has been lost. We have lost several boats from that fishery. We have one, I think, left and I believe that one is going to have to tie up shortly due to lack of quota. So much quota has been lost in the most recent couple of rounds of negotiation. That has gone very poorly for that fleet.

As Elspeth said, I would highlight the success of North Sea cod. A 63% recommended uptake in TAC. That has been controversial with some groups arguing against it but I think that suggests a lack of understanding of what the science shows. The science is showing that if we continue fishing at the same rate that is the additional number of cod we will encounter; without fishing any more we will find that many more cod on the ground. That is a big success story in how good fishery science has worked well in conjunction with good fisheries management and good consultation and involvement with the fishing industry to genuinely rebuild the stock. Even if we do not fish anymore we will find that many more fish on the ground. Any failure to heed the science on that will actually involve reducing fishing effort, which makes no sense when the management has worked and fish have increased.

The final thing I would point out or would highlight I suppose when we are talking about international negotiations is the use of mixed fishery scenarios in the planning and setting of tax. This is an area where the science I think is nascent, and is not well developed. We run real risks in situations where we are trying to manage mixed fisheries together by managing the total allowable catch of one species.

If those species are not well tied together spatially and temporally, setting a TAC too low in one species can close down other fisheries for no sensible reason. Mix fisheries data needs to be handled very carefully and the use of those mixed fishery scenarios could lead to chokes and unintended consequences of fisheries being stopped unnecessarily.

Q30 **David Duguid:** Are you talking specifically about the Celtic Sea part of the negotiations?

Mike Cohen: That is certainly one of the concerns, yes.

David Duguid: I have heard word of this.

Mike Cohen: Generally where the mixed fisheries scenario, mixed fisheries analyses are used. I am very cautious about how that science is used because it isn't taking into account very well that some species may be caught by the same fishery but they may not be caught in the same places or at the same times of year. If you place a limit on the whole fishery based on catches of one species, you may stop people catching another species of fish that is caught somewhere else or at a different time of year for no good reason.



Q31 **Chair:** I know you are giving us very fulsome answers and responses but I am very conscious of time. We are trying to get through as many questions as possible. Ms Whyte wants to come in on this one.

Elaine Whyte: I just picked up on your point where you said it is probably more relevant for NFFO and SFF—no, it is not. Part of the reason in inshore for having limited fishing opportunities is the lack of diversification. I think for us at the negotiating table we are there before the other stakeholders but there still has to be a change in mindset that an additional quota coming in is going to those smaller boats because 40 years ago our members were catching white fish, pelagic and so on. It is not happening now and there is an assumption it will not happen and that we need to get to a point where we do have that happening.

David Duguid: I was going to bring you in. I apologise for assuming that you would not be commenting but I was going to bring you in at the end. Apologies for that.

Elaine Whyte: Yes, it is really important. Thank you.

Chair: We have Deirdre, then Douglas Ross and then Wendy Chamberlain wants a last question, if that is all right. We will take them in that order. Deirdre.

Q32 **Deidre Brock:** I would love to talk about the TCA and any drop in access to waters resulting in sanctions from the EU and vice versa I suppose, in quota swaps and loss of Hague Preference and so on, but I am going to stick to the brief and talk about the Fishing Liaison with Offshore Wind and Wet Renewables Group. Is that addressing the concerns of fishers around offshore projects? I understand it has not met since January 2021 or at least the minutes are not available for that. Is it fulfilling its function? What do you feel it was set up to do? How can it help and if it is not meeting those functions what it should be doing?

Elsbeth Macdonald: I am sure Mike will have thoughts on this, and probably Elaine too. From a SFF perspective, it has been something of a slow burn, it would be fair to say. It took quite a long time to develop the first set of FLOWW guidance. It maybe took four years to get that set of guidance agreed, and it is only guidance; it does not compel anybody to do any particular thing. What that has resulted in, to some extent, is developers perhaps being able to cherry-pick bits of it that they like and maybe not deal with other bits that they perhaps don't like so much.

For example, the FLOWW guidance talks about making what are called destruction payments to fishermen during the construction of offshore work renewables, but the developers have interpreted that as paying that simply to one part of the fleet and not to another. Those payments are currently paid to static gear fishermen but not to mobile fishermen because again it comes back to this presumption that mobile gear fishermen can just move away and go somewhere else. As we heard earlier, that is not necessarily the case.



HOUSE OF COMMONS

Q33 **Deidre Brock:** Who steps in and says, “No, no, you have to do this”?

Elspeth Macdonald: Nobody because it is guidance.

Q34 **Deidre Brock:** It was the Crown Estate, wasn’t it? It was set up in 2002?

Elspeth Macdonald: Yes, and it has been reviewed. The guidance is currently under review but I think it has been about two years already in that review. It does not meet that often; I think it meets quarterly so maybe the website is just not up to date with the minutes. I think the group meets quarterly. Mike may know that.

Certainly from a Scottish perspective, Marine Scotland has become more involved with it this time around, but it is still going fairly slowly. As I say, at the end of the day all it is is guidance. It does not compel anybody to do any particular thing. It has been useful to a point but it could do more.

Q35 **Deidre Brock:** Who could compel?

Elspeth Macdonald: This is one of the issues we have around things like consenting conditions that we feel should be put in place when developments are being licensed.

At the moment, we feel that the range of consenting conditions that certainly in Scotland are used do not do very much for fishing, they do not deliver very much for us. When we have raised this with Government they say, “Well, we are very constrained in what the law actually allows us to do in terms of the types of consenting conditions that can be put in place”. My response to that is, “Well, change the law”. If you can’t make the correct accommodations and reparations for impacts on one sector then surely you have to look at that piece of legislation and see if that needs to be changed.

Perhaps this is an opportunity to be thinking about that as we know there is a British energy security strategy that is going to require legislative change to make things happen differently and faster. It is important that the consenting conditions that can be included in marine licences are much more appropriate and able to deal with the sorts of problems that these developments can cause for our industry.

Mike Cohen: I agree entirely with that. Licensing conditions are where we can see things inserted into these projects to help but I suppose that brings us right back to where we started. I do not think we should be looking to the licence conditions on an individual planning application to manage the situation between the fishing industry and offshore development. We need a more strategic view of this. We need to be tackling this as a whole. It is precisely what our report is about.

Looking at the numbers in that report, the worst-case scenario is losing about half of UK fishing waters, 357,000 square kilometres. This is not something that we should be looking to individual licence applications to



HOUSE OF COMMONS

tackle. It is too late by that stage. We need a more strategic view of what we are doing with our seas, although I completely agree that that is the point at which we can do something now. We have had some success in lobbying for conditions to be put in licences that require the production of a co-existence plan with fishing, for example. That is a good step, it is sensible and makes industries work together.

Q36 Deidre Brock: Is that lobbying Governments or the Crown Estate bodies?

Mike Cohen: That is in our response to consultations on particular licensing enquiries and to strengthen Elspeth's point about the volume of these things. I am dealing with 15 planning applications at the moment from—no, sorry, as of Friday 16. Going from the scale of a small seaweed farm to a large offshore windfarm. This is a huge piece of work and tackling each one at the level of each individual licence application is too much. We need what this report calls for, which is a more strategic view of how we are using our seas.

Q37 Deidre Brock: SFF and NFFO were looking to be statutory consultees for planning applications, is that right?

Mike Cohen: We would like to see some thought given to what our status in these matters is. At the moment we do not have statutory consultee status and while it is unlikely that somebody is going to fail to notify us of an offshore wind farm, for example, twice in the last month I have had situations where seaweed farm planning applications have gone through without anybody in the fishery knowing about them.

It may seem like a small thing but to fishermen in Torbay Bay, it was a huge problem—an application for a large seaweed farm right across their shortest route to the harbour in bad weather. That is potentially a significant safety issue, never mind a loss of grounds for the benefit of one individual to try experimentally growing seaweed for profit. Nobody knew because there was no mechanism to let people know.

Elaine Whyte: We have 100% asked for the fishery groups to be statutory consultees and that way every fisherman would know in the area, because you are right: with seaweed farms, and aquaculture, it is a blink and you will miss it. If you do not read the Edinburgh Gazette on a particular day you wouldn't find out something is happening in the Western Isles and that can't be right.

The FLOWW, yes, is a great thing and I thank all my colleagues who have been involved in it to date. Again, CIFA has not been involved in it. We are involved in the working group stage. Again, I think you are right: there is always a presumption in planning that we will—there is a preference that we work together. Many in Scotland licensing can say there is a preference we do it this way so you do not impact on fisheries, but there is no compulsion, in a sense, and that is where the problem lies.



When we get to the contractor stage, that is where we get the issue. For instance, I had a developer tell me that they were going to dump an almost 3-metre high wall on top of a cable; if a fishing boat caught on to that, a small trawler, it would kill them. They said, "You must see it is very important that protect our asset." Well, I think fishermen's lives are a very, very important asset and we have to get this right.

Q38 Deidre Brock: There is more to ask but I am conscious of time. You mentioned displacement and I wanted to ask about the cost and the safety concerns associated with fishing activity being displaced into a further offshore placement. Elaine.

Elaine Whyte: Of course, there is a massive safety issue. Again, I found out about a concrete mattress dump on the day that it was happening and we got an hour's notice to let our fishermen know who was fishing on a Friday night. Those types of things are just not acceptable; they are a danger to life.

In terms of them going offshore, if you are on a 14-metre boat, you cannot go too much further offshore. Even if you are in a mobile boat, you cannot go somewhere else. Yes, we are seeing safety concerns. That coupled with things like the fuel prices and crew shortages and so on, they are going out shorthanded and we have a major issue here. Yes, absolutely we do not have options to go everywhere.

Elsbeth Macdonald: I was going to add in relation to displacement, we have talked quite a lot today about how some parts of the fleet may have more ability to go and fish somewhere else than others. Wherever that can happen you are still looking at essentially you are starting to drive inefficiency. You are starting to drive inefficiency into businesses.

Fishermen fish where they do because it is the most efficient way by which they get the return on their investment—their fuel, their crew, their vessel, and all the investment that they make. Yes, it may be possible to say, "You can't fish here anymore so if you could just go 40 miles that way" then you just essentially drive inefficiency into fishing businesses and then the worst-case end point of that is what Mike referred to at the beginning, where you end up where the country has essentially lost its ability to feed itself with this renewable food source.

Q39 Douglas Ross: Thank you to the panel for an excellent session. I completely agree that Governments should have done this work and you have produced an excellent report. Do you wish you had done it earlier? I take on board everything you have said about capacity and demands but are we at a stage where, Mr Cohen, you are trying to deal with 16 applications and had the changes you are asking for been implemented years ago it would have made that far easier? Is there some regret, while understanding the huge pressures on your organisations, that it has taken to this stage to get the report coming from you as representative bodies?



HOUSE OF COMMONS

Mike Cohen: What we see in this report is the result of those increasing pressures and of a greater understanding of what it is likely to mean for our industry. Yes, it has taken us some time to see the implications of this and I think it only with the most recent really large increases in the planned area for floating wind, especially in Scotland, that very unexpected large increase, but also elsewhere the introduction of floating wind to the Celtic Sea where there has not been any development. Now we are looking 4 gigawatts over the next few years with an ambition to raise it to 10 or 15 gigawatts in future.

We are seeing more and more ambitious statements coming from Government about the scale of what they want to do alongside all the other uses.

Elsbeth Macdonald: The pace of policy change, too, is very relevant. It is a very good question and as Mike was speaking I was thinking you almost would have needed a crystal ball to see what is coming.

The highly protected marine area policy in Scotland is a good example. Not much more than a year ago when we were talking to Marine Scotland, seeing what was happening in the UK because you were ahead of the curve on highly protected marine areas. There was a policy objective south before there ever was north. We were, "We do not have these" and there was no sense of them on the horizon until the Bute House Agreement appeared at the end of August 2021 when all of a sudden we go from, "There is no plan for highly protected marine areas" to, "We are going to designate at least 10% of our seas as highly protected marine areas". I would not say it was overnight, I am sure the Bute House Agreement took more than a few nights of thrashing out the details but that was essentially a massive policy change on which there was no consultation, no engagement, and no discussion.

Even if we had done this report two years ago, we would not have seen that coming. The policy environment is moving so fast in this area. I think we are always going to be playing catch-up.

Q40 **Douglas Ross:** You mentioned the Bute House Agreement and it has come up a number of times today; it is also referenced in your report about the 3-mile limit on mobile fishing. While there is currently no policy proposal for such a measure it is a manifesto commitment of the Scottish Green Party, a party of Government in Scotland, and you have included that as part of your worst-case scenario. That is quite damning of the Scottish Government and the SNP's partners in Government that you have had to include their policies as a worst-case scenario. What response have you had from the Government to that?

Elsbeth Macdonald: This is a worrying issue and I am sure Elaine will have plenty to say on this issue. It is indeed, you are right, a manifesto commitment of the Scottish Greens. It is not a manifesto commitment or indeed a policy commitment of the Scottish Government. It has been helpful that the Cabinet Secretary has said on the record on more than



HOUSE OF COMMONS

one occasion that the Scottish Government does not see blanket measures as a means of managing inshore fisheries, fisheries in inshore waters. I think that is helpful.

Q41 Douglas Ross: You also say in the report there is still ongoing intense lobbying for this.

Elspeth Macdonald: Essentially what there is in the Bute House Agreement is a commitment that doesn't go as far as a ban on mobile fishing within 3 nautical miles but looking at putting in place an effort cap. The consultation that we are expecting to see any minute now may be our Christmas present. The intent is that this would be a cap from which you might reduce the amount of mobile fishing that would be allowed in inshore waters. There was certainly no reference to the fact that it might increase.

It is a worst-case scenario. The Scottish Government's position on it is that a blanket approach is not the way to do it but because there is very significant NGO pressure for this, and it is a Green Party commitment, we did include it in the worst-case scenario for that very reason.

Elaine Whyte: Just to say we were outside Parliament in Scotland in 2016 saying this was an issue. It was MPAs at that time, as well as cables and aquaculture, and everything else, so we have been very clear since about 2015-2016 this is an issue for us. We have campaign documents and we had a report commissioned on this as well. This was before the development of renewables but we already had a problem there.

Our area has just done a business plan, in a sense, for what we want to do for fishing. I wish every area in Scotland had that. We do not have a chance to do it because, as Mike said, about 85% of my time is spent in other industries' work, not our own work. It is very difficult for us to develop and be forward thinking when we are dealing with so many issues coming towards us at this time. The lobbying for our region, in particular for the region I come from, has been absolutely relentless. People have to be aware of the mental health issues that this is now causing in fishing communities and there has to be some awareness that these are people and families and it is becoming very vicious.

Q42 Douglas Ross: There are two other points I want to briefly touch on, and I am sorry we do not have a lot of time. There is a conflict here where we all want to see renewables going up as we move towards net zero targets, and the public is right behind that. I particularly find it with younger groups. I was at a school in Elgin on Friday, St Sylvester's, and they were asking more questions about the green economy, renewables and so on than anything else. How do you get your message out that although you are very supportive as an industry of this, some of the measures are putting your industry at threat? Do you think the public is aware yet, despite this excellent work, of the conflict your industry is facing?



Mike Cohen: I am not sure they are. It is the nature of fishing that it happens on the edge of things. We are not at the centre of people's awareness. It happens in communities that are often marginalised and often isolated from other economic opportunities. Offshore renewables are being developed by the huge oil and gas multinationals that have made their billions in fossil fuels in the past and are now making a few more billion in renewables, in that 25-year sticking plaster on our energy requirements before they need decommissioning.

We are not on a level playing field here. I would like people to understand that fishing is still important to us as part of our national identity and to regional economies. I used to work in the small boat fleet in the north-east of England for the fishermen's association there; the money that is made by those fleets is spent in that local community by people who live there, pay their taxes there, and support businesses in that local town.

When a windfarm is built—and they are almost all built by foreign multinationals, often foreign Government-owned multinationals, and nearly all of them owned and operated by foreign companies—the supply chains are largely not within the UK and people who work on them do not live in the areas where they are built.

People in the UK need to understand, or I would like them to understand, the contribution that smaller and less glamorous industries like ours make to local economies and to paying people's bills, putting food on people's tables, not the profits made by a foreign oil multinational building a new large offshore power station in the UK. Yes, the bottom line number is much more impressive but it will not do as much for local economies as supporting a traditional industry.

Elspeth Macdonald: I would love the public to recognise that the fishing industry should also be part of the net-zero journey because we are producing a low-carbon foodstuff, a renewable, sustainably harvested foodstuff that we need relatively few inputs to be able to harvest. Compared to other forms of protein, wild capture seafood compares extremely favourably. I would love the public to see, yes, we may need a very different energy mix for the future but our wild capture fisheries are also an important part of our net-zero journey and therefore must be protected. We are certainly going to be trying to do much more work with the public to get that message across.

As Mike and Elaine have both said, we are dealing with enormous companies that have resources beyond our wildest dreams.

Q43 **Douglas Ross:** I was very pleased to see that Moray Firth was used as the case study here. It is very important to my area. On the point Ms Whyte referred to about the increased movements in our harbours, you state here that it is inevitable, though not yet quantifiable about the number of offshore wind farms will lead to increased traffic in ports like Nigg, Invergordon and also other ports such Wick, Buckie Moray, Fraserburgh in David Duguid's constituency.



Are you looking to try to quantify this going forward and how big an issue is this? In some areas, we see the development of harbours to allow increased traffic and make some of our harbours more efficient. Is there a real risk that the fishing fleet will be seen as almost second-class and will suffer as a result of that?

Elspeth Macdonald: Yes, some of our members would feel that. Probably also some in Fife, in the Forth and Tay. We have seen even up in Orkney and Shetland there have been some harbour improvements there. Again, the needs of the fishing industry seem to be the lowest ones down the list in terms of things to be done.

There is work that developers and the fishing industry have to do in terms of fisheries management and mitigation strategy. Very often what that ends up being largely about is vessel movements and how you manage them. That is not the right mechanism by which to do that. It is a significant issue at ports. We see a number of ports in Scotland eyeing up the opportunities that renewables bring for them. There is a risk that fishing again just gets pushed out a bit, and that displacement happens in ports as well as at sea.

Elaine Whyte: With fishing, it goes back to that agency thing. The fewer and fewer boats we have the less voice we have. I went to a meeting a few weeks ago where three boats were being removed from a harbour, not because of cables but because they wanted to extend the super yacht boating for the seasonal people coming.

That is a seasonal earning but it is getting rid of something that is there all year round supplying local jobs. Do I see this being an issue? Yes, it is absolutely in Fife and the Moray Firth. Our members are already saying they can hardly get there, the traffic is very busy. Also, debris from this construction is causing them problems. We do have to quantify how we do that and when about 85% of our time is on various projects it is difficult to know.

Q44 **Wendy Chamberlain:** I am going to take it in a different direction but I do think it is about the sustainability of the sector as well and that is about what effect recent immigration rule changes have had on attracting additional labour to the fishing industry.

I will come to Elaine first because I know this is a real issue for very small operators. Has including experienced deckhands on the UK skilled worker visa eligibility list in 2021 helped? What impact is the English language requirement having?

Elaine Whyte: We have had an issue inshore, inside 12 nautical miles, in accessing crew for a very long time because we are subject to different rules from outside 12. It tends to be the most rural with high depopulation rates. This problem has not just come out of the blue for us, we have had a long-term problem for about 10 years but it has become much worse obviously with the changes that we saw in recent years. Many of the Eastern European skippers have left and so on. We do not



have anyone to replace them. We are trying to retrain people but it is never going to plug that gap.

We are very hopeful about the skilled worker visa but the cost of it and the time it takes to process it—I know a skipper who just got it and it took him 12 weeks to get it. I have heard stories of longer than that. There are little practice things that we can do to try and help and I would like to see them put on the shortage of occupation lists, either the Scottish one or the UK one.

There is a need in the wider UK but it is strangling a lot of local communities that do not have—it is depopulation issues, not a case of wanting cheaper labour or anything like that: it is a case of we do not have those bodies. We are trying to train them. It is having a massive impact and we have to have it dealt with as quickly as possible before we lose any more.

Q45 Wendy Chamberlain: Before I come to the other two panellists, another thing to add on that. What other things should the UK Government be doing? I do think we need to change that narrative around skills and how we attract people from the UK to the industry. Elspeth and Mike, anything to add?

Elspeth Macdonald: For many of the reasons we have been speaking about today, it can be quite difficult for young people in our coastal communities or elsewhere in the UK to see fishing as a long-term and easy future. It is challenging in some parts of the fleet to have the workforce that we need. While it is good and helpful that we have fishing crew on the skilled worker route, the real stumbling block that we come up against seems to be the English language test, particularly the written element of the English language test.

I was speaking to one of our members not that long ago who told me that he had tried to gain—it was either five crew members in seven months or the other way around, I can't remember, but it was a lot of people in a short space of time and they had all got through the process until the written English language test. They could not meet that part of the requirement. By that point, a lot of time and money had been invested and the boat owner was no further forward.

A plea we would make is for that written English language test to be much more proportionate to what is required for fishing crew. Absolutely there has to be a good level of spoken English and understanding but the written element is the real stumbling block at the moment.

Mike Cohen: I have nothing to add to that. I would agree.

Chair: Thank you, I knew this would be a fascinating session and we are grateful to you for coming along this afternoon. I think we are going to have a further session in the new year, maybe speak to Ministers and further interest. For just now, thank you very much for attending.

Examination of witnesses

Witnesses: David Pratt and John Mouat.

Q46 **Chair:** Welcome to the Scottish Affairs Committee and a one-off session on fishing grounds in Scotland, which is quite likely to be a two-off session, I believe, given we are going to hear from Ministers early in the new year. We are grateful to representatives from Marine Scotland this afternoon. What we will do is let you introduce yourselves and any particular task or function that you do at Marine Scotland will be helpful too. Mr Mouat.

John Mouat: I am the marine biodiversity lead for the Scottish Government and that includes responsibility for the development of the Scottish MP network.

David Pratt: I head up the planning and development team, which has responsibility for Scotland's national marine plan, the development plans for offshore wind, wave, and tidal, some of the related licensing policy functions and the strategic research programme to support the deployment of offshore renewables. My team sits separately from the actual consent and caseworking.

Q47 **Chair:** Thank you for that. You were both in, I think, to listen to some of the issues that we raised with representatives of the fishers' organisations. What did you make of what you heard? What awareness does Marine Scotland have for some of the issues around spatial? Maybe you could start to tell us what you are doing to address some of the concerns that you have heard. Mr Mouat.

John Mouat: We recognise that there is a lot of development going on in the marine environment and we welcome the fishing industry taking a strategic approach to that in engaging the Government. I think they have been very successful in engaging with Government across a number of issues over the years. Obviously it is something we work on in terms of the assessments we undertake working through the MPA process, which is working towards going out to consultation for offshore MPAs, and fisher management measures, shortly.

As part of that process, we undertake a sustainability appraisal with a strategic environmental assessment and a socio-economic assessment. Part of that is looking at displacement around the proposed management measures and taking into account other displacements around the fishing industry.

That is something that we have been doing as part of development work, along with engaging with fishery stakeholders in the development of any management measures so we can provide advice to Ministers on that.

Q48 **Chair:** You are obviously aware of some of the growing concerns that fishers have. They have condensed it into this work that they have presented to us and other parliamentary groups here in the Scottish



HOUSE OF COMMONS

Parliament. What do you make of the specific piece of work they did around spatial and whether these are some of the issues that you have recognised and identified?

What we are trying to get is just a sense of the work that you are doing on all this. They have come here with this detailed piece of work that seems to be well-researched and well-evidenced, and we wondered why it was left to them to present this. Why isn't Marine Scotland bringing forward the documents to start the conversation with them about some of the spatial issues?

John Mouat: That is what we plan to highlight through the process. We got through a full policy process to bring in management measures and at that sustainability appraisal stage where we do a detailed assessment of the proposed measures, we also undertake that assessment of displacement from any proposed management measures for MPAs where the deficient activity can be accommodated in the surrounding area or the wider region. That gives us an understanding of the impact on the industry.

Part of that requirement is to look at other activities that are happening in that shared space. We are doing that work and the sustainability of offshore work is almost finalised. When we go out to consultation that will be the basis of the consultation that will go out to allow stakeholders to comment on that and provide their evidence around the measures that we are bringing in.

Q49 **Chair:** Is that consultation the blue economy vision?

John Mouat: This is a specific consultation that will be on offshore and fishery management measures for offshore marine protected areas. We obviously have the legal requirement to bring those fishery management measures in and as part of the assessment for draft fishery measures we will be undertaking that assessment of displacement and the wider social and economic impacts on the industry.

Q50 **Chair:** The last of my general questions, the question that kicked off when the fisher representatives in, is that it is a huge space, isn't it, the UK territorial waters and the Scottish territorial waters? Is there enough room for everybody to get on and be able to provide the co-functions, whether that be the development of offshore facility or fishers being able to bring the fish back in their boats?

John Mouat: We try to work constructively with the fishing industry to make sure that where we can—we mentioned that for MPAs they are protected for specific species and habitats. There is sustainable use within those MPAs that allows activities that do not impact the protected features of a site to take place.

Where we have room to accommodate fishing within there, we work closely with the industry to try to design the management measures that will allow them to continue their activities within an MPA while still



HOUSE OF COMMONS

making sure that we achieve the conservation objectives of those sites, in line with the advice from the statutory nature conservation bodies. Therefore, there is that opportunity to work together to make sure that we can try to ensure there are still opportunities there.

- Q51 **Chair:** In your response there you have triggered another question. There does seem to be very obvious tension here between the traditional fishing grounds that fishers have fished off for decades, centuries, and the new developments when it comes to particularly offshore wind. Will we get that tension resolved and is there a way through this that could satisfy both parties?

John Mouat: We try to do as much engagement as possible. There are legal requirements in terms of the protection of the marine environment that we need to bring in protection for these areas and for the network of MPAs. We are trying to do that in a way that achieves the conservation objectives of the site but also ensures that where possible we can have sustainable activity happening within those areas. We are trying to make sure that we engage with the fishing industry on that.

- Q52 **Chair:** Thank you. Is there anything, Mr Pratt, that you want to add to any of these?

David Pratt: Yes, I would add that in terms of the spatial squeeze report itself, an important distinction is that the report does not detail fishing effort across the seas. It takes a hypothetical total area and looks at the percentage to be used and the maximum loss. It plays out a number of different scenarios and you get some very significantly concerning conclusions from that.

Within the renewables—and I heard some of the panel earlier state that they want to be involved at the earliest possible chance—the distinction between Scotland and England is that we have a plan-led approach. Scotland was the result of an extensive planning process in which developers were not attached with sites. This was led by Marine Scotland. We consulted extensively on areas of preference. We factored in VMS data and other fishing data. We went around ports, we spoke with local fishermen and we took into account a multitude of data that helped shape those areas, and sought where possible to minimise impact. That is a key distinction between the process that we have taken forward. Interestingly now, with some of the future leasing rounds coming at the UK level, it is looking to adopt a similar approach.

The SFF and other associations sit on the steering groups for all the socioeconomic assessments, as well as the environment assessment groups, and they have been involved with the consultation, coming to a number of events.

- Q53 **Chair:** Do you think that there would be any merit in the suggestion—I think that it was from NFFO—that representatives of the fishers' organisations become statutory consultees? They are all familiar with how



HOUSE OF COMMONS

planning applications work their own constituencies and we know the power and clout that the statutory consultees bring to some of the discussions and decisions. Is that something that you think might be a reasonable request?

David Pratt: You need to consider that from the role of the statute itself. Statutory consultees currently involved are environmental agencies and the equivalent type of organisation. The fishing sector represents an industrial interest. Would you then afford the same statutory status to every industrial interest?

That does not get away from the point that what we want here is effective and early engagement with the fishing sector. That is ultimately what we want to achieve. Be that as a statutory consultee or non-statutory consultee, we do our best to make every effort to engage with the sector.

Q54 **Wendy Chamberlain:** I want to pick up on some of the things that have already come out so far in relation to the tensions, and you did hear some from the previous panel. I know that this is a conversation about data and decision-making that has also been discussed within the Scottish Parliament on their Rural Affairs, Islands and Natural Environment Committee. I want to pick up on one of the things Elaine Whyte was talking about, which was about the smaller boats that potentially do not have the data analysis technology that allows you to properly know where they are coming from. What are your thoughts on that, Mr Pratt?

David Pratt: Obviously VMS goes from vessels that are above 12 metres. A number of years ago we embarked on the ScotMap exercise and which was specifically targeted at the inshore fleet. That was a very, very manual and labour-intensive process. It had a lot of work in going out to ports and engaging with the fishermen who used the ports in question and tried to map out where they were going and then draw that into some kind of dataset that you could then apply to the inshore area. This has now been superseded by a FISH 1 form process and there are still gaps. The last time we did a planning exercise we had to do additional consultation on that 10-metre to 12-metre vessel group.

My ultimate point is that there has been a lot of work in this space and even the ScotMap and the inshore data layers have been used to help shape a lot of what is coming forward. The Scotland sites, for example, are predominantly offshore. That does not get away from the fact that there will be access and egress issues to a number of related ports. That is something that unfortunately you need the detail of the project to know how that is then going to operate. That is something that is hard to achieve at a strategic level.

John Mouat: To add on to that point, for the inshore MPA fisheries management measures that we are also taking forward, we had about 15 meetings around the coast with individual groups of fishermen to get the



HOUSE OF COMMONS

plotter data, their own data of where they fish, so that we could take that and use that as evidence because there is a gap. I think that that evidence gap will get closed. There is a commitment on improving vessel monitoring for that smaller inshore fleet. It is being rolled out to some fleet segments at the moment, particularly for the scallop fleet, both vessel monitoring and more electronic monitoring including things like cameras or winch sensors.

A range of technologies is being tested at the moment, with a commitment to have at least vessel monitoring across the whole fleet by 2026. We have gone right down to the level of individual fishermen to gather the data to provide evidence of where that inshore activity is taking place.

Q55 Wendy Chamberlain: Thank you. My second point raised during the earlier session was an observation that potentially we are not getting sufficient data from the successive MPAs already. Mr Mouat, what are your thoughts on that? The feeling is that we are not properly analysing the benefits that potential MPAs should be delivering or what those expectations are.

John Mouat: We do have a Scottish MPA monitoring strategy in place where we take a risk-based approach to monitoring our MPAs. Obviously we have a very large marine area, six times the land area of Scotland, and the cost of monitoring the marine environment is significant so we do that on a targeted basis.

One of our challenges is that the recovery time for a lot of benthic habitats in particular, which a lot of our MPAs are focused on, happens over a long period so you need quite a bit of time for these to recover. They do not instantly show a recovery in one or two years. If you look at Maerl, which is one of the priority marine features that we are looking to protect, they grow a millimetre a year so it can take hundreds of years for a bed to recover after having had pressure on it.

Wendy Chamberlain: However, there is monitoring in place, is what you said?

John Mouat: We have monitoring in place, both through Marine Scotland Science and also with Nature Scotland and JNCC, our statutory nature conservation advisers, that have a joint monitoring programme in place.

Q56 Wendy Chamberlain: Thank you very much. The other thing that has come through from the earlier session is that the high-priority marine areas seem to be causing a particular area of concern, and the potential that 10% of Scottish waters will be designated as such. Mr Pratt, what is the decision-making or how has that figure been reached?

David Pratt: Ultimately that is probably more for John, to be honest.

John Mouat: That was set as part of the Bute House Agreement that has been mentioned already in the previous session.



HOUSE OF COMMONS

Q57 **Wendy Chamberlain:** It has been a political number, then, is that what we are saying, rather than potentially an evidence-based one?

John Mouat: It has also come through the commitment of Scottish Ministers to match what is happening with the EU where there is also a similar proposal for 10%.

Q58 **Wendy Chamberlain:** We could also add that that is political as well.

John Mouat: However, we are at the very beginning of that process at the moment. In the near future there will be a public consultation on both the policy framework and site selection guidelines for higher protected marine areas. That will be the first opportunity for the wider public to comment on that. However, I know that the fishing industry has already been engaged in the development of those documents and there will be continuing ongoing engagement towards the end of next year through to 2024 as they start to work up proposals for 2026.

Q59 **Wendy Chamberlain:** The date that was talked about is 2026.

My final question, Mr Pratt, is that you have talked about fishery as an industry. The challenge and maybe the tension that we heard in the first session is the fact that fishing is the industry that has been in those waters and has been for centuries. Do you accept that potentially there is that role for fisheries because they are the ones that are being seen to be negatively impacted by these other industries coming into play within that spatial squeezed space?

David Pratt: What role specifically?

Wendy Chamberlain: Going back to the statutory question that the Chair asked, do you feel that there is an argument for fisheries to have a different status in relation to the other industries that we see in the waters?

David Pratt: In my opinion, the status has to meet an objective. The most important thing is the sustainable management of the seas and ensuring that decision-making is well informed, the data is taken into account to the best that it can be, and the voice of all sectors are heard. Be that in a different status or not, to me the outcome is what we want to achieve rather than necessarily the status in question.

Q60 **Sir Robert Goodwill:** Thanks again for inviting me to this session. Mr Mouat, I am sure like me you were fascinated by the evidence that we heard in the first session. I compared marine protected areas to the national parks, where a lot of activities were carried out by man and in some ways that activity was central to how those areas were conserved. I was interested that you mentioned activities that do not impact the environment in those areas. To what extent can any fishing at all take part in those if we are talking about static gear? Some of these are quite well out to sea and maybe the species that are currently being exploited there would not be suitable for those fishing methods.



John Mouat: Any site as a marine protected area has been selected for a set of features, whether they are benthic habitats or in some cases mobile features. Obviously we develop the management based on what activities are the most threat to those features and would prevent us from achieving the conservation objectives for those.

There will be cases where we have benthic habitats that are more robust and can have some bottom trawling on them. Some are very sensitive and cannot have any. You always end up with a zone approach where some parts of the MPA will allow fishing activity or trawling to continue while some might only be static, and in some areas there will be no fishing activity allowed. It depends on the particular features of that site and the risk of activities to them.

Q61 **Sir Robert Goodwill:** I suppose if marine protected areas were national parks, then the highly protected marine areas would be akin to rewilding. In the first session, we heard that there was not a lot of evidence as to what would happen in those areas if there was no intervention by fishing or other activities and whether that would help fish stocks to breed and spawn or whether other species might become so dominant that that did not happen.

Is there any data at all in which we can say for sure that if we do abandon these areas and allow them to rewild whether that will be environmentally beneficial without any degree of management?

John Mouat: We have a number of assessments that highlight the pressures on the marine environment, we have the UK marine strategy where we are required to do an assessment every six years. We did Scotland's marine assessment 2020 as part of the national marine plan process. All of these things highlight the particular impacts on the marine environment.

You cannot go back in time when the marine environment was very dynamic. As we have heard, we have changing prevailing conditions due to climate change that is already locked in. That is the increase in temperature, changes in oxygenation and changes in ocean acidification that will mean that it will not go back to a certain period. However, we want to allow those areas to recover to a more natural ecosystem. That is one of the differences between marine protected areas where you are looking at a set range of features of either species or habitats that you want to recover, to the HPMAs that focus more on ensuring that the ecosystem is in a more natural state and provide those ecosystem goods and services that exist when you remove the pressure from them.

Q62 **Sir Robert Goodwill:** Is there any evidence that in that natural state we will see fish that can be exploited when they move out of those areas to breed and build or will we just see maybe other species become very dominant, in the same way that we have seen where we rewild where the predator species become quite dominant and other species decline?



John Mouat: If you remove the human activities it allows the ecosystem to return to a more natural system. We already have examples of areas where on a smaller scale we have done this, both around the world but recently Nature Scotland did a report looking at case studies of MPAs and in some cases no-take zones from different temperate areas around the world that give that evidence base to show how you would have recovery in those areas around the world to give that evidence.

We have one area, which is not completely analogous, a no-take zone off Arran where it is showing signs of recovery. We can never be 100% sure, because of those changes in prevailing conditions, of exactly the state but removing the pressures from human activities will allow the ecosystem to go to a more natural basis.

Q63 **Sir Robert Goodwill:** We heard some quite optimistic news about white fish and particularly cod but some depressing news about monkfish. Talking more generally about Scottish waters, what is the outlook at the moment for fish that may be exploited and have economic value for our fishers?

John Mouat: That is probably outside of my area. We are looking at marine strategy. There has been an increase in the number of stocks that are being fished at MSY but I am not an expert.

Q64 **Sir Robert Goodwill:** Will the increase in stocks outweigh the reduction in areas where people can fish? That is what this Committee needs to know. If we are looking at these areas and stocks are rebuilding, will our industry be able to continue to exploit those stocks in those areas or where we see a persistent decline as more and more sea area is lost?

John Mouat: The aim of these is to allow the ecosystem to recover so that there would be that spill-over effect to allow for a sustainable fishery in the future. I understand the challenges of the industry, particularly smaller inshore boats, where they are looking at the short term and making sure that they can have a sustainable industry over the next couple of years, but for a lot of these areas we are looking at recovery over 10, 15, 20 years for some of these habitats to recover. That will allow for areas such as spawning areas, particularly one of the areas that will be included as a site selection area for each PMA. It will be looking to protect those areas to ensure that we have viable fish communities in the future.

Q65 **Sir Robert Goodwill:** That sounds to me a little bit like the jury is out and it is too early to tell. Would that be a fair assessment?

John Mouat: Given that one of the assessments that we have of benthic features is that there is a range of human pressures including fishing and other pollution that are stopping us from achieving good environmental status, relieving that pressure will result in a better and more natural ecosystem, which should result in stocks that could be exploited by the fishing industry in the future.



HOUSE OF COMMONS

Chair: I know that Sally-Ann wants to come in on this question but Deirdre has a quick supplementary first.

Q66 **Deidre Brock:** I wanted to ask you about Lamlash Bay because that no-take zone was put in place in 2008, was it not? Could you tell us a bit more about what recovery you have seen in that particular bay off Arran?

John Mouat: Yes, there has been quite a lot of study on that, obviously, particularly the University of York. They have started to see increases both in the biodiversity but also the stock of some of the species such as scallop or lobster within that area. Obviously there are fluctuations in terms of the general stock in the surrounding area. It is quite a small area and the HPMA would look to replicate that but on a larger scale.

Q67 **Sally-Ann Hart:** However, you have seen seabed recovery and an increase in stocks has been something that you have been able to measure since that no-take zone was put in place.

John Mouat: There has been an increase that has been measurable in some of the academic research.

Sally-Ann Hart: It is one of only two no-take zones in the UK, is that right? There is one down in Cornwall or somewhere.

Q68 **Chair:** Sorry, Sally-Ann. The other example that was given by one of the fishery representatives was of the marine protected area where because it had not been fished and in their view sustained properly, there was a great number of starfish, which was starting to create some sort of environmental and ecological issues for that area. Is that something that you are aware of at all? Is this a view that you are familiar with when you are looking at some of the stuff that goes on in MPAs?

John Mouat: That is an area that is closed for a fisheries management measure rather than a marine protected area that has been designated for a specific creature, so I will not talk about that one in particular. However, there has not been much research into that area. What we are looking at is providing the protection that we need legally to allow these areas to recover and to achieve the conservation objectives for the specific species and habitats that are enshrined both in national legislation and in international commitments as well.

Q69 **Sir Robert Goodwill:** Another example that has been given to me is fish predate on other fish. Big fish eat small fish. For example, sand eel, which are very important to many bird species such as puffins; we could find that if we do not catch those big predatory fish, we could find that the sand eel population crashes and then we would see the exact opposite of what we want to achieve. We will see other species displaced by some of these primary predators. Is that something that you have looked at?

John Mouat: Could you repeat that question again?

Sir Robert Goodwill: Obviously we are catching some of the larger fish



that prey on the other smaller fish. If we are not removing those as the apex of the food chain, we could find that lower down the food chain we see populations crash. I am particularly thinking about the sand eel, which is a very important food source for many seabirds. If their numbers were not as good, we could see the law of unintended consequence coming into place and food being not there for other species.

John Mouat: The question I have there is that you are assuming that there would be a reduction in fishing effort because of MPAs. When we brought in the first round of inshore MPAs in 2016, we did an assessment of the socioeconomic impact in 2020. Looking at that, the overall catches did not decrease because of those MPAs.

Obviously I take the point that has been an increasing spatial squeeze since then but that is part of the assessment to look at whether there is any displacement or not, to see whether that fishing activity would continue. I think that the opportunity of having an increased spill-over effect and still having a sustainable fishery outside of that would allow a more natural ecosystem to occur within those highly marine protected areas.

We have to recognise as well that we are continuing to see in the long-term monitoring a decline in biodiversity in our marine environment and our coastal environment as well. That is something that will be discussed no doubt in the coming weeks at COP15 in Montreal for Convention on Biological Diversity. We have a requirement, and will it do through the new Scottish biodiversity strategy, to try to reverse that decline in biodiversity. Bringing these protected areas in is part of that.

There are also measures within the UK. We have agreed not to attack sand eel, to allow populations of sand eel to recover for seabirds. I am aware that seabirds are one of the areas within the marine strategy where the condition is not good, particularly with avian flu at the moment having an additional effect on those. There will be a range of other conservation measures that will be brought in for those.

Q70 **Sally-Ann Hart:** I got the impression from the last panel that they felt that the UK Government or the Scottish Government put ecological concerns about the livelihoods of fishermen. I expect you do not believe that that is the case. Can you outline why that is not the case?

David Pratt: In terms of ecological concern above the interests of fishing, it is possibly the opposite of the industrial concern about offshore wind. The difficulty at the moment is to a certain degree the prioritisation, and the prioritisation within the framework. Obviously you will be aware that we are undertaking a national marine plan too.

Part of this exercise is looking at the changing dynamic of how we manage Scotland's marine area, the number of interests that now operate and the activities that are now growing. If you are going to run into more areas of conflict—and I mean that in terms of multiuse in the



one area—you need clearly defined operating parameters and a clear planning and consenting framework so that people know how to progress with their activities in the one area.

The difficulty is that before we have that in place, part of these perceptions arise because the system does need to be changed. There is not one objective over the other. The current national marine plan supports environmental protection, it supports offshore wind and it supports fishing. It supports a multitude of sectors. It needs to be quite clear when we go into the next iteration so that we can say in certain areas certain activities are preferred to others and certain protections are in place in other areas. That is going to be the challenge over the next three to five years in developing this so that these perceptions are ground-truthed into a document and the way that we operate and manage our seas is clear to all.

- Q71 Sally-Ann Hart:** Before I go to you, Mr Mouat, you can have offshore wind turbines in a marine protected area because they are not mutually exclusive necessarily because you can have ecosystems developing around the base of wind turbines, for example. When you are looking at the marine plan and you are looking at the marine area, you are not dividing the sea up into bits for renewable energy, bits for fishing and bits for that. A lot of them are interlinked, is that the case?

David Pratt: Yes, there will be colocation. With the MPAs it comes down to management levels. It is not just a renewable solution. If an activity can take place within the area and adhere to the management measures, it can take place within the area. That is not specific to offshore wind.

- Q72 Sally-Ann Hart:** Is the spatial squeeze not necessarily as concerning as perhaps one might think initially?

David Pratt: It would depend on who is concerned ultimately. That is not a question that we can answer. There will be concern among the fishing sector because if you look at how the offshore wind sector in particular has grown, the need for more space, energy security and some of the other considerations, that would suggest, and the Committee on Climate Change suggests, that we would need an increase in offshore wind to support energy security and net zero objectives. Therefore, there will be an increasing focus on how we utilise our seas and that will ultimately create more areas of pressure. Again, it is about the framework for how we manage that and can strive for sustainable management and, where possible, coexistence.

- Q73 Sally-Ann Hart:** Mr Mouat, do you have anything to add to that?

John Mouat: We do try to ensure that we understand the economic impact. We have been focusing on this particularly in the inshore area and last year we developed new guidance, along with the fishing industry and coastal communities, about how we can assess the impact of these management measures.



Previously we felt that we need to use a certain level of data that is consistent across the country so that we can analyse the economic impacts but they felt that that was missing out on some of the more local impacts that that might have on individual communities.

Therefore, we have developed and published in October this year a new guidance for undertaking socioeconomic impact assessment that has much more of a focus on that social impact and the impact on local communities. We will do more assessment of those finer-scale impacts that maybe do not come out of the nationwide data, and as we go forward with the next round of inshore fisheries management measures we will be using that new methodology to try to address some of those concerns of the smaller-scale inshore fisheries.

Q74 David Duguid: Mr Mouat, it is interesting that you brought up the subject of socioeconomic impacts in this new guidance because that was precisely what I was going to ask you about. That is well timed. Specifically my question—and I am going to ask the same question, so Mr Pratt can get ready, from an offshore renewable electricity point of view. How is the economic impact on fishing businesses and communities considered when decisions are taken about the designation of MPAs, and what opportunities are fishers and their communities given to make representations directly, and when?

John Mouat: We have pretty much designated the whole of the Scottish MPA network, but our focus now is the fishers' management measures, the measures that apply to all of the sectors through marine licensing already in place. There has been a lot of opportunity for fishing interests to feed into that.

If I focus on the inshore in particular, we have been through quite an extensive round of stakeholder engagement to try to get right down to the level of individual fishermen to try to understand exactly where they are fishing and the impacts of the proposed measures on them. We have had this process to develop a refined socioeconomic assessment guidance to take into consideration and will shortly be starting the sustainability appraisal where we will have a full socioeconomic impact assessment.

As part of that process of doing the socioeconomic impact assessment, this new guidance will involve our consultants, who do that for us with our support, going out and reaching out to communities that have that more detailed social analysis of the wider impacts of the industry on local communities. We will look at a selected number of areas around the country where we know that there are particular impacts or associations with protected areas and potentially wider community impacts.

That is over and above the normal public consultation that we will have when we get to that stage and we have done the assessments, which will allow members of the public as well as the industry to feed back their thoughts on the draft measures.



Q75 David Duguid: Thanks for that response. I am genuinely delighted that this new socioeconomic impact assessment is being done. However, do I understand you correctly, that that information is gathered in advance of making a decision on where these MPAs are going to be, or once a proposal for MPA locations is decided, is there a further opportunity for engagement after that?

John Mouat: The sites are already designated so now we are looking at the rezoned fisheries management measures that are required. Through the sustainability appraisal process, which is the socioeconomic impact assessment alongside a strategic environmental assessment, we normally take different options through that stage.

In the upcoming one, we are focusing on the zoned approach and then looking at applying, as we have done in the past, for the fisheries management measures in 2016, looking at applying those management measures for the specific types across the whole site. That gives you a range of impacts—a range of environmental impacts and a range of socioeconomic impacts.

That will then, along with the results of the public consultation, give Ministers an understanding of the potential impacts at that site and allow them to decide, in general across all sites but also on specific sites, the level of protection that is brought in, and that payoff between ensuring that we have the conservation objectives met but also the impact on the local community.

Q76 David Duguid: To finish off this round of questioning, is there a final round of consultation based on those options and the decisions made by Ministers or is it just announced?

John Mouat: There will be a public consultation but during the normal 12-week public consultation we will run a series of workshops to get input, as the process of that consultation is going on, to allow people to ask us questions and fully respond to the public consultation.

Q77 David Duguid: Mr Pratt, when it comes to deciding on where you are going to have offshore wind farms, for want of a better expression, is it a similar process or is there anything different about it?

David Pratt: Yes. I am conscious that you want to get home at some time so I will not go through the detail of the actual planning process.

David Duguid: We do not go home until Thursday, so take your time.

David Pratt: Ultimately we start with a scientific resource assessment of opportunity and constraint and it takes 900 to 1,000 data layers. You can run a number of models and then normalise them to get overall potential areas where constraint is an absolute, for example an international shipping lane, and there is a resource. Then you start going into the sectoral consultation to help inform and shape those areas down.



As John said, you do a socioeconomic impact assessment, a strategic environmental assessment and a formal consultation. Then we present the conclusions from that exercise together with an assessment to Ministers, who then determine which sites to progress and which to not. That is a decision where they look at the evidence and progress from there. Then those areas that are finalised get offered out as lease options through Crown Estate Scotland and then you get into the project consenting. Individual projects then do their relevant consultations at that level.

I would say that historically—and we are on to the third iteration of the planning exercise for offshore wind—through doing consultation events in the Solway Firth, a considerable representation was made by the Solway associations on the potential impacts of a potential zone. We gathered the evidence and produced the relevant assessments and we noted the significant concern coming forward, among other pieces of evidence that were put forward to Ministers, who took the decision that that was not a suitable area to progress. That was within the shallowest waters, the sandiest waters, probably the easiest part to build an offshore windfarm. However, there were other considerations that Ministers thought fit to result in an exclusion from that in terms of the lease-offering process.

That happens through engagement with communities and stakeholders, including the fishing species, that you arrive at such a decision. Therefore, they do have and have had—and there has been evidence of getting involved in the process from very early on, before sites are awarded to the energy generating companies.

Q78 David Duguid: Those of us with coastal constituents can probably think of good examples of where precisely that kind of engagement has led to that sort of result. For example, in my constituency one of the offshore windfarms—it was nothing to do with fishing; it was the surfers on a particular beach who did not want the power cable coming onshore at that beach so we ended up getting it moved along the shore a little bit and up a difficult topographical area, which was basically a cliff, and then the rock climbers started complaining. The engagement of the community was the key thing, so it can happen.

Going by the evidence session with the earlier panel, it does seem like it is a bit more sporadic than we would like. It happens and there are cases of good practice. However, the first thing is how we can make that more routine, or the more positive outcomes more routine. That is a question for either of you.

David Pratt: It is important, I suppose, to note that the marine planning system is relatively in its infancy if you compare it to the terrestrial planning system, which is tens if not hundreds of years old. We have a national marine plan and we have sectoral plans. That will evolve in terms of further guidance, good practice guidance. Once you start to see patterns of issues where you think that you could have a supplementary



HOUSE OF COMMONS

piece of guidance such as you described, you then take that opportunity where you can make processes smoother.

We want to see these issues taken into account as early as possible. Developers do and the fishing sector does. The more you create the environment to enable that, the less troublesome and challenging a project will be in its consent stage because you will have tackled all these issues upfront. It is highlighting areas of good practice and then thinking about the necessary mechanisms to try to make that routine and across the board.

- Q79 David Duguid:** One last question on this, again for Mr Pratt. What role, if any, does Marine Scotland have in helping to resolve any conflict or engaging in matters of compensation, for example? The example I have in my mind is not just the installation of an offshore windfarm but the survey operations that need to take place in advance, where you are going to decide to lay the cables and so on and that can have an impact on local fishermen. What role does Marine Scotland have in resolving those kinds of conflicts?

David Pratt: It can seek to facilitate, but as Elspeth said, there is no formal statutory role.

David Duguid: We have the FLOWW guidance.

David Pratt: You have the FLOWW guidance; you have the liaison groups and in our role we can seek to bring stakeholders together. I have a stakeholder engagement manager within my team whose principal focus is on seeking to ensure good co-operation between the sectors. However, there is, on a statutory basis, a limited role. Maybe one way to look at it is that these are very often commercial agreements that the parties settle at the end. Loosely if you looked at someone purchasing land off a landowner—I do not know if that is the right comparison here—it is not necessarily the role of government to step in in that regard.

It is something that is under consideration because we do appreciate that there is scope to look at how we can facilitate this engagement and, especially with the Scotland process coming forward, get it into a position or at least a process that is fully understood in terms of how the sectors work together moving forward.

David Duguid: That is very interesting. I am not going to go down the rabbit hole of talking about a specific case in my constituency but I might take it up with Marine Scotland later, based on that information. That has been very helpful, thanks.

- Q80 Deidre Brock:** What potential is there, Mr Mouat, for fishing folk getting more heavily involved in the management of MPAs? I went to a conference a few months ago on the use of the seabed and offshore and so on. There were examples given of pilots, I think in England, where fishers were involved in helping with data collection and took ownership



of MPAs in a way that perhaps they do not feel at the moment. Is that something that you have heard of yourself? Is there the potential within the MPA structures at the moment for that to take place?

John Mouat: The current focus of our work is defined by the Bute House Agreement, and that is making sure that we put in place the legally required fisheries management measures and have those in place so that we have the protection that we need.

Going forward there will be a discussion about how you manage the MPA network in the long term and how you engage all stakeholders in understanding the benefits that can provide and how you can manage it better. In the preliminary planning process, we are still in the stage of setting up the network. As soon as we do have that, the focus is then more on the long-term management of that network and ensuring that it is delivering what we need.

Q81 **Deidre Brock:** Therefore there could be a possibility that fishing folk could be more heavily involved in that side of things.

John Mouat: We have tried it in the past. We had a European Maritime Fisheries fund project looking to engage fishermen in supporting Marine Scotland Science and others in monitoring in MPAs but it is quite difficult for them because of the commercial nature of their business. However, we are interested in opportunities where we can become more involved with the fishing industry in terms of doing that monitoring work. It is something that I am sure that we will look at again in the future.

Q82 **Deidre Brock:** This fairly new designation of highly protected marine areas is coming. Can you talk us through how that differs from the marine protected areas that have been in place already?

John Mouat: I have highlighted quite a bit the feature-led approach and sustainable use. Highly protected marine areas will have much stricter protection. Activities will be excluded from those, including, as we said, fishing, agriculture, and renewables. Rather than being designated for those specific features, they are looking more to ensure that we protect wider ecosystem elements, whether that is an offshore broad habitat type in an offshore area.

However, we are still at the very beginning of that process, so sites have not been designated and we have not even consulted on the policy framework around what HPMA's mean, and draft site selection guidelines on how we are going to do that. That consultation will be coming shortly and that will give opportunity for all interested sectors.

HPMA's will be of interest to more than just the fishing sector. It will allow them to comment on that policy framework and on the site selection guidelines before there is any talk of where sites may be. We have the commitment in the Bute House to do 10% in Scotland's seas, but obviously the site selection guidelines will then have an impact.



In that process, same as we had for the marine protected areas, there are opportunities for third-party proposals. If the fishing industry or the NGO community or somebody else has a proposal that they want to bring forward for an HPMA, that can be considered in that process.

One of the things is the overlap with the MPA network has not been decided. It may well be that some HPMA might be nested within existing marine where there are existing fishing closures, they may well occur outside. We are not prejudging that because we do not have the site selection guidelines yet. However, it may well be that for some areas we may well want to protect the more pristine areas and it might be that an HPMA is nested inside an MPA in an area where there is already a fisheries restriction. It may also be in an area where there is high pressure and we want to allow that part of the environment to recover, but that will be defined by the site selection process.

Q83 Deidre Brock: Will the process for designating HPMA be greatly different? You have mentioned some differences in designating HPMA to MPAs.

John Mouat: Although the distinction of what it will protect is different, it will follow a similar process that will set out that policy framework and site selection guidelines. There will then be a process of workshops, evidence gathering, having advice from the statutory nature conservation bodies, from Nature Scotland and JNCC on where areas of interest might be. Then there will be a process through workshops for stakeholders to narrow those down to bring forward proposals for designation prior to 2026.

Q84 Deidre Brock: Thank you. Mr Pratt, this is a bit niche but also at that conference there was talk about the anchorage of floating offshore wind turbines and that they were looking at different types of anchoring to make it easier for fishers to be able to navigate through the fields. Has that progressed any further? It has been a few months and there seemed to be three or four different possibilities.

David Pratt: That is probably more a question for an industrial representative than for me. We tend not to state technological preferences. However, from an obvious point of view, if you have a vertically tensioned turbine—and there are certain technologies using that compared to the diagonally tensioned—you will have a far more reduced area.

That is not to say that fishing will take place within the windfarm. Something you also have to factor in is the insurance because vessels do need insurance to operate and certain insurance operators will be aware of increased risks within that. If you snag a cable and an outage happens on the windfarm, it could be a significant amount of money in terms of damages. The health and safety dynamic comes into it as well. It is something that when you are looking at the design and layout you would



HOUSE OF COMMONS

look to optimise solutions that where possible could enable coexistence, but it does come with challenges.

Deidre Brock: I think that that was a very good answer, thank you, Mr Pratt. That was very helpful.

Chair: I have two hopefully quickish questions because I realise time is moving on. One is from David Duguid and one is from Sally-Ann Hart.

David Duguid: I put my two questions together earlier.

Chair: Fine, that helps us even more.

Sally-Ann Hart: The question has been answered because mine was about how to highly protected marine areas and marine protected areas.

Chair: You guys are off the hook. It is almost an hour, so that is perfect. We are grateful for you coming along this afternoon, particularly appearing personally to help us out. This issue, I think that you could tell, is something that we feel very strongly about and we hope to speak to Ministers in the new year for their views about this. Thank you for coming down today and helping us with this short inquiry.