

Scottish Affairs Committee

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

Monday 6 February 2023

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

Questions 85 - 137

Witnesses

I: Rt Hon. Mark Spencer MP, Minister for Fisheries, Department for Environment, Food and Rural Affairs; Mike Rowe, Director for Marine and Fisheries, Department for Environment, Food and Rural Affairs; and Mike Dowell, Deputy Director for EU Fisheries Negotiations and Policy, Department for Environment, Food and Rural Affairs.

Examination of witnesses

Witnesses: Rt Hon. Mark Spencer MP, Mike Rowe and Mike Dowell.

Q85 **Chair:** Welcome to the Scottish Affairs Committee and our very short inquiry into fishing grounds in Scotland. We are delighted to be joined by the Minister responsible, who I will now let introduce himself and his two colleagues.

Mark Spencer: I am the Minister for Farming, Food and Fisheries in the UK Government. Either side of me I have Mike Rowe, who is the civil servant in charge of marine spatial planning and everything marine; and Mike Dowell, who is responsible for all things that are fish, fish quotas and negotiations. These two gentlemen are the gurus and have all the information that will be able to assist you in your inquiry, which I think is a timely one.

Q86 **Chair:** Thank you for that. I am pretty certain that we will be calling on your colleagues' services in the course of our short session this afternoon.

You are obviously very much aware of the concerns that have been highlighted by the Scottish Fishermen's Federation and the National Federation of Fishermen's Organisations. They have been here and they have told us the issues and the difficulties. How much of that do you recognise and do you get about some of the current difficulties that they are starting to express about the area that is available for fishing grounds in the UK?

Mark Spencer: The first thing I would say that is that I think the report was very timely and there is certainly a lot in there for us to absorb. The other thing I would say is that it is not just the United Kingdom. If we look around at our friends in Europe, there is going to be huge investment by the French Government in offshore wind. The Danes and the Norwegians also have their own plans. It is not just the UK that is going to feel the squeeze, and it is a challenge that we will have to overcome not only on our own, but with our friends around us.

We do recognise that there is a lot of pressure on our seas and our oceans, and we want to be in a position where we can generate enough energy, harvest enough fish sustainably, and make sure our fishermen are profitable and productive going forward for many generations.

Q87 **Chair:** I know that this has emerged as a new issue and we were all impressed by the presentation that many of us went to a few weeks ago, when all the fisheries federations came to Parliament. How long have we been aware that this was a potential problem? Has any preparatory work been done in government to offset some of the emerging difficulties? Maybe one of your officials could help us. When did we start to see this as a difficulty and what was done to address it before we got to this particular stage?



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Mark Spencer: It is something we have recognised for a long time. Of course, there is a lot of pressure coming, but we have been doing a lot of research and investigation and giving a lot of thought to how this is going to work. Mike might be in a position to try to help you with the timelines.

Mike Rowe: Yes. Many of the issues highlighted in the report are ones that we have been familiar with. There are two things in particular that have heightened awareness around the need to try to address this. First, the global commitments that the UK Government have been pushing for others to sign up to, and that we have signed up to ourselves, in terms of 30 by 30 and managing 30% of our oceans sustainably. Our work was also turbocharged by the energy security focus that came following the invasion of Ukraine, which has put this agenda that we were already progressing very much on the fast track. We have been bringing forward work within DEFRA to respond to that.

Q88 **Chair:** I know that the UK Government have always been accommodating to the concerns of fishers, whether they be Scottish or UK, and I know that there is good access. We heard that when they were here. When did you start to become aware of their particular concerns around this? Have representations been made to the UK Government about some of the concerns that we saw in the report?

Mark Spencer: Certainly, when I became Minister—literally within the first week—I was made aware of the concerns of the fishing industry straight away. They are not shy in coming forward with their views. It is something that I have embraced. I have been to Fraserburgh and to Peterhead myself, met with them, and heard their challenges first hand. I think that they are a very strong lobby group and they make sure that their voices are heard.

Q89 **Chair:** They certainly are, and I think we have all seen that at close hand in the course of the past few years. Do you have any projections or work going forward that you could share with this Committee about how you intend to deal with this? Is there any mapping that you have done about areas that are going to be designated, for example? We will come to MPAs, if we can leave them alone just now, but in terms of the general conversation about this what are you doing?

Mark Spencer: There has been a lot of work going on looking at marine protected areas and the highly protected marine areas as well. That is all part of that spatial challenge and jigsaw, if you like. A lot of work is going into how that is all going to slot together. I am conscious that clearly lots of these matters are devolved to the Scottish Government so it is for them to overcome these challenges as well, but we have a lot of conversations with our devolved colleagues and we try to work together to form a plan that is going to work for everybody. Mike, do you have anything to add to that?

Mike Rowe: Yes. We have a range of work under way within the Department under what we call the marine spatial prioritisation



programme, where we are trying to look at the evidence that already exists out there—which is why the report that the fisheries federation produced was so timely and helpful, because it adds hugely to our understanding of the pressures—but also to look at modelling various scenarios about how things might unfold. With a lot of the work around energy security offshore wind deployment, we cannot yet pinpoint where those turbines will go, so we have to model and to scenario-plan.

We also have some work under way in a programme called the marine natural capital ecosystem assessment programme, which is scheduled for and has funding until March 2025. What we are trying to do at the moment—over the next year to two years, I guess—is to pull all that information together in terms of the evidence we have and use it to inform options that we could put to Ministers about how the planning system might need to be changed going forward, while in parallel trying to look at, for example through the clauses that we are taking through the Energy Bill right now in Parliament, how we can in the short term speed up acceleration and improve the environment. It is on multiple tracks.

Chair: I have a quick supplementary from David Duguid.

Q90 **David Duguid:** Thank you, gentlemen, for coming here today. I do not think I have met Mr Dowell before, but certainly the Minister and Mr Rowe have heard a lot of input via myself from the industry.

Elsbeth Macdonald of the Scottish Fishermen's Federation in particular was concerned that a lot of the evidence that was being used—it sounds like you are doing a lot more proactive gathering of evidence—up to now had not been sufficient and certainly had not involved the direct input from the fishing industry itself. I wonder if you could say more about how you have directly involved it in this recent modelling.

Mark Spencer: It is not easy, if I am honest, because I think you will recognise that if you get 100 fishermen in a room, you have 200 different opinions. It is quite difficult to absorb all that information and to disseminate that down into policy. It is about engagement and listening and trying to pick up the themes of where that lobby voice agrees and is co-ordinated and speaks with one voice. We are taking evidence from a multitude. It is not just the fishing industry, of course. We have to listen to NGOs, to energy companies and to planners to try to work all this out and to form a plan.

Q91 **David Duguid:** I certainly recognise the concerns of having 100 fishermen in a room. Even I have not had 100 fishermen in one room; I think that 30 was the most. Certainly, the Scottish Fishermen's Federation and NFFO have their own scientific departments that can provide evidence, so I am wondering whether those have been directly engaged.

Mark Spencer: Yes is the answer to that. Mike, do you want to add anything more?



Mike Rowe: There are obvious things we need to respect in terms of the devolution settlement here and our colleagues in the Scottish Government have responsibilities for many of the issues you have touched on. From our perspective, we are keen to engage with all interested UK stakeholders on this issue. We have discussions with them and ask for the evidence from them, but we can also supplement and complement that with information we have, for example, in England from our Marine Management Organisation about vessel pings and what activity is taking place. You can build up maps and scenarios that can help to draw some of this out. Is there more we can do with the industry to engage? Absolutely, and that is something that we are always keen to do and the door is always open.

Q92 **Chair:** Lastly from me, one of the things that we heard when the fisher organisations came to us, and it is also in practically every page in the “Spatial Squeeze” report, is that the UK Government are perhaps giving a higher priority to ecological concerns than fishing concerns. Is that something that you would recognise and how would you address those concerns yourself?

Mark Spencer: I think that is a bit unfair, to be honest. We have shared ambitions—both the UK Government and the fishing sector. We want in 50 years’ time to have a profitable and vibrant fishing industry in the United Kingdom. That is what the fishing sector wants as well, and it is a question of how we bridge that gap and how we continue to allow people to be profitable—to be able to catch fish at a sustainable level that allows them to be profitable—but also allows us to protect various marine areas and to build up breeding grounds to improve the biomass within the ocean.

Chair: That takes us quite neatly on to MPAs with Wendy Chamberlain.

Q93 **Wendy Chamberlain:** Thank you very much, Minister and our other guests today. Just to talk about highly protected marine areas a bit more, what consultation have we had with industry already in relation to those? Is fishing going to be prohibited by default there? What will be allowed, if not fishing or, if fishing is, other things?

Mark Spencer: Currently we have been looking at five pilots of HPMAs around England. Obviously, in Scotland, that is a matter for the Scottish Government, but around England we have been looking at five pilot areas. The Secretary of State is currently considering where we have got to with those, but I think it is fair to say that there will not be fishing within a HPMA going forward. I think that is the purpose of a HPMA: to allow those zones to flourish and be a real nursery for future stocks of fish and for wildlife and biodiversity.

Mike Rowe: Our colleagues in the Scottish Government launched their own consultation in December, I think, with regards to HPMAs in Scottish waters. The Minister is right. From an England perspective, we initiated a



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consultation last July on five pilot areas and the intention is to have completed designation by July of this year.

Q94 **Wendy Chamberlain:** What response did we have from the fishing industry in relation to those pilots and consultations?

Mike Rowe: I think that we had, from memory, something like 700 or 800 separate responses from all walks of communities that would be affected. What we are doing at the moment—I have a fantastic team working on it—is assessing and analysing all those responses so that we can give advice to Ministers on next steps.

Q95 **Wendy Chamberlain:** My understanding from speaking to colleagues—I think you will know who that colleague is—is that consultation with industry could be better. Do you accept that characterisation?

Mark Spencer: Yes, it can always be better; of course it can. That does not mean to say that it is not robust and it is not extensive. There is a lot of consultation ongoing, either official or unofficial. I am certainly meeting the fishing industry weekly. In fact, I am meeting Scottish fishermen tomorrow. I met them last week as well.

Wendy Chamberlain: Is that particularly on HPMAAs?

Mark Spencer: No, it is on a whole raft of different topics but, of course, they always come up. They are one of the challenges that the fishing industry is facing, but they are also a huge opportunity for the fishing industry in terms of generating fresh stock for future generations.

Mike Rowe: In terms of the consultation we did on HPMAAs in England—the five pilot sites—over the course of last summer my team did roadshows around all the areas affected by the sites in order to engage with all affected stakeholders to ensure that we got all those views factored in.

Q96 **Wendy Chamberlain:** Great. The Scottish Government have requested that further powers over offshore marine management be devolved in relation to establishing their own HPMAAs. What discussions have you had on this issue?

Mark Spencer: That is probably a question for Mike. They do have the right to set up their own marine protected areas within the nought to 12. We would encourage them to use that power. It is entirely up to the Scottish Government to use those powers, but we also need to have half an eye on the fact that, as a United Kingdom, we have to negotiate with our European colleagues over quota and access, and that is best done under a UK umbrella, albeit we have extensive conversations and do engage with devolved Administrations to make sure that we are representing their views, and they are very closely engaged with that process as well.

Wendy Chamberlain: Mike, did you want to add anything?



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Mike Rowe: Only very briefly. The responsible Minister for the marine environment within DEFRA is Lord Benyon. He has been in touch with his Scottish counterpart. I think they are due to meet as soon as they can get diaries aligned. It is a discussion that we very much want to happen sooner rather than later.

Q97 **Wendy Chamberlain:** It sounds like you want HPMAs to be successful wherever they are in the UK, so if you identified potentially that devolution of powers would help to deliver that from a Scottish perspective, would you be open to that?

Mark Spencer: I think that we would have to look at any proposal in detail. I could not sit here and make that commitment right now, but I want to emphasise that I think relationships are very positive and constructive. We agree on a lot more than we disagree on and we have worked very closely with all our devolved colleagues in Northern Ireland, Wales and Scotland to make sure that we speak with one voice wherever possible.

Q98 **Wendy Chamberlain:** I have one last question then. The Scottish Government are also consulting on capping fishing activity on inshore waters and the intention is to set a ceiling from which activities that disrupt the seabed can be reduced with evidence, as it becomes available. What are your thoughts in relation to that? I suppose, looking at that, my view would be: what if the evidence says that we could sustainably increase inshore and do things elsewhere or limit within HPMAs?

Mark Spencer: I think it is going to be fascinating to see how these things develop going forward. We would like to look at evidence as it is presented, but clearly we have made the decision as well that we are not going to allow bottom trawling within HPMAs or any fishing activity in England. I think that is the right approach and that is what we will roll out moving forward.

Mike Rowe: There is not a standard definition of an HPMA, so the Scottish Government will need to take decisions about how the measures and the bylaws and the rules will work in Scottish HPMAs, as we will have to do from an England perspective as well. It is not a single, standard definition.

Q99 **Wendy Chamberlain:** Potentially, there will be Scottish fishermen who are limited by Scottish and other parts of the HPMAs. We surely have to be ensuring that there is a degree of clarity there.

Mike Rowe: To respond to that, we have frequent engagement with our Scottish Government counterparts, both respecting the devolution settlement but also recognising that it does make sense sometimes to co-ordinate on things. The last thing we want is confusion.

Wendy Chamberlain: Yes, we would need to have good reason, surely, to be very different, you would think. Thank you very much.



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Chair: We have two very quick supplementary questions—first Sally-Ann Hart and then David Duguid.

Q100 **Sally-Ann Hart:** I have two questions. No fishing in HPMA, but what about wind turbines? Obviously, they can themselves generate ecosystems. That is the first one. The second one is that I understand the Government will respond to the consultation on the initial HPMA sites in the spring. Is there a preliminary view on that or a direction that you think it is going?

Mark Spencer: There are five sites we have looked at. I think the spring extends to July in Westminster terms. We will deliver, I hope—

Chair: Said like a former Leader of the House.

Mark Spencer: —before July. It would be wrong of me to sit here and speculate, if I am honest, on those five sites, because clearly they are quite sensitive and I genuinely do not know the answer. If I were to sit here and second-guess it, I would set a whole raft of hares running that would not be based on anything other than speculation. I think we have to wait for the Secretary of State to come to her conclusions before she announces those sites.

Q101 **Sally-Ann Hart:** What about anything other than fishing in HPMA?

Mark Spencer: I am personally uncomfortable with wind turbines in HPMA as well. It is pretty difficult to argue that you cause damage to the seabed by pulling a rake across it to bottom trawl, but it is fine to go and sink foundations into that seabed, but I don't know if I am off message.

Sally-Ann Hart: You can develop an ecosystem afterwards.

Mark Spencer: Yes, that is entirely possible, but we can do that outside HPMA as well.

Mike Rowe: From an England perspective, the area associated with the five sites that we are currently consulting on is something like 0.53% of English waters. The approach that we have taken in the consultation that we ran over the summer was the proposal that there would be no destructive, extractive or depositional activities, including fishing, allowed within an HPMA. The idea is that you allow sites to recover pretty much to their natural state in order for the ecosystem to thrive. That is the basis of the consultation that we ran last year and which we are still in the process of concluding.

Q102 **David Duguid:** Just very quickly, we have heard evidence from Scottish industry, which is concerned about more restrictive measures imposed by the Scottish Government in Scottish waters. Minister, you mentioned in response to Wendy Chamberlain's question that the UK has to think in terms of an independent coastal state in negotiations with our neighbouring states. On that basis, do you or your officials think that there might be a risk that if the Scottish Government were to apply more



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rigorous restrictions in Scottish waters that that would only apply to the Scottish fleet and we would end up in a situation where we were when we were in the CFP, where we applied our own local rules but vessels coming in from elsewhere in the EU did not necessarily have to follow those rules, or even from elsewhere in the UK if it was Scottish specific?

Mark Spencer: That clearly would be a disaster. We do not want to put ourselves in a position where we weaken our own fishing industry and we apply rules to ourselves that we are not applying to everybody else. I think it is only fair that those rules apply to every boat that is going to fish in those waters. It goes back to what Ms Chamberlain was saying. We do not want to disadvantage ourselves. We need an easy system to understand so that everybody understands it and we are all playing on the same level playing field.

Q103 **Dr Whitford:** Thank you, Minister. The Scottish Fishermen's Federation told us that it did not feel the ecological objectives of the highly protected marine areas are terribly clear and fishers in general are anxious about the evidence that that would restock surrounding areas. That is how it is often described: "We will keep you out of this; this will be a nursery but you will benefit." Are you comfortable with the evidence you have, and are the UK Government doing more to generate the evidence that would convince the industry and other stakeholders?

Mark Spencer: Clearly, we do not have them established yet, so we do not have clear evidence that it works in our own waters. There is global evidence that points to the fact that if you can create these areas, you will generate more stock, but we do need to monitor it going forward and make sure it is working and does demonstrate, and measure the impact that it is having. My experience of talking to the fishing industry is that they are up for this. They can see how this may well work and will benefit them and future generations of fishermen going forward.

Q104 **Dr Whitford:** What is your ongoing vision? Will the Government be funding bodies? Will it be part of fishermen themselves? How exactly will stocks be monitored?

Mark Spencer: CEFAS has a key role to play in the science of these things and monitoring it. There are a lot of data out there on fish stocks that we use when we are talking fishing negotiations and quotas. My vision basically is to continue to increase the breeding stock so that we can increase international quotas, total allowable catches, going forward. The way you do that is you have to fish at a level fractionally below what the maximum sustainable yield is so that you can build fish stocks for the future. In doing that—in getting that balance right with total allowable catches and building in areas that are capable of acting as nurseries—you build in resilience for the long term and for the future.

Dr Whitford: Did either of the Mikes want to add anything?

Mike Rowe: One thing to add, again navigating the devolution aspects here—I can only talk about England—is that one of the reasons why we



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are piloting HPMA is essentially to evaluate and monitor their effects so that that can inform a wider programme. The data, the evidence, and making sure we understand what is going on is very much part of the programme that we have in train.

Q105 Dr Whitford: Switching to a different topic, I represent a fishing constituency on the west of Scotland. You will be aware of the crew issues for many boats. In the north-east, where the Minister has visited, there are quite a lot who use transit visas and then go into international waters. There are inshore fishermen everywhere, but that is very much the main industry on the west coast of Scotland. Because of the archipelago of islands—Inner Hebrides, Outer Hebrides and so on—the 12-mile limit goes on forever. I have local boats that are tied up. I know that the deckhands are now being recognised on the skilled worker visa. I wonder whether you have any awareness of what increase and uptake of that skilled worker visa there has been. Some feedback has been that it takes literally three months to get and is quite onerous for the boats. What is your impression of whether it is succeeding?

Mark Spencer: Exactly those arguments have been put to me as well. My only hesitation is that this is very much Home Office territory, not my territory.

Dr Whitford: Are you in discussions with the Home Office?

Mark Spencer: It would be a fair assessment that we are in discussions with the Home Office. I have a meeting later this week with the Home Office Minister to pursue that and to continue those conversations. I think there is some sympathy, but I do not want to say any more than that at this stage because I am very much minded of the pressure that is on that sector. We do need to resolve this challenge and it is part of my job to make sure that the Home Office understands those challenges and we give it evidence to help it to come to the right conclusion.

The other thing I would say is that we do need to make sure that as a sector we get that balance right and that people are not put in a position where they are—I hesitate to use the word “abused” but there is anecdotal evidence that in a very small minority of cases people have been put in very difficult and awkward circumstances. I know that none of us would want that to happen, so we have to get that balance right between protecting those people who are making use of that visa system and making sure it works for the fishing sector at the same time.

Q106 Dr Whitford: Do you or either of your colleagues have any information about the numbers that have now taken the skilled worker route since it opened?

Mark Spencer: Unfortunately, the Home Office holds all that data.

Dr Whitford: They are not sharing it with yourselves?



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Mark Spencer: I am not sure that we have specifically asked for that data, but it is not the sort of thing you want sloshing about everywhere. It is very much in control of those numbers. I see it as my job to try to get those numbers to a level that the fishing industry can thrive and work on, and that has been part of the discussions we have been having behind closed doors.

Q107 **Dr Whitford:** If you are meeting with them, is that something you think it would be possible to give the Committee—if you were able to get that from the Home Office—or do you think that is likely to be considered too sensitive?

Mark Spencer: I think that you would be better asking the Home Office directly yourselves rather than me promising something on behalf of another Government Department. I just hesitate because if the Home Office sat here and started telling you things about DEFRA, that would make me quite sensitive and grumpy and I don't want to do the same to it.

Q108 **Dr Whitford:** In the conversations, are you already, or would you be planning to be, having it put on the shortage occupation list? We saw the accommodations that were made around agriculture and seasonal workers, yet somehow the fishing industry does not seem to be getting a recognition that there are boats tied up for lack of crew, because it would be unsafe. While we talk about training more local crew, you need experienced crew to make a boat safe enough to carry inexperienced fishers.

Mark Spencer: I do not want to box the Home Office in. I recognise the problem. The industry is very clear that there is a huge challenge here. If I am honest, I do not really care what the solution is, as long as there is a solution. I see it as my job to go and work with the Home Office to find a solution as soon as possible to get these boats, as you say, back out to sea and harvesting fish. I am very keen to leave an open page in those discussions so that we give enough wriggle room to the Home Office to accommodate us in our desire to solve this challenge.

Dr Whitford: It is something you are taking up with it regularly?

Mark Spencer: Yes, very much. I am not on my own. I am aware that many Back Benchers are also taking those challenges direct to it, including colleagues in the room.

Chair: Indeed.

Q109 **Deidre Brock:** I have a few questions, so I will go through them quickly. Thank you, gentlemen, for coming along this afternoon to speak to us, particularly, of course, the Minister. I am going to ask you about the TCA and its impact, and fishing negotiations over TACs. Could you tell us first how this latest total allowable catch agreement, or TAC agreement, is going to benefit Scottish fishers?



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Mark Spencer: I am pretty buoyant about this—excuse the pun. I think that Mike has done a very good job in increasing the quantity of fish that is available to catch. The Scottish industry has benefited a great deal from the lift in some of those numbers that we have seen compared to when we were members of the EU. I think that we are in a much better place today in terms of tonnage that we are able to catch than we were. Mike, I don't know whether you want to add anything.

Mike Dowell: The final allocations—the final internal intra-UK allocation of those total allowable catches—has not quite completed yet, so we don't know what the exact figures will be for the Scottish fleet. As the Minister has said, overall, in terms of both tonnage and value, there are more fishing opportunities for the UK fleet.

Q110 **Deidre Brock:** Minister, you mentioned that this is because we have left the EU. I noticed in an article, I think late last year, that Professor Michel Kaiser, who is Professor of Fisheries Conservation at Heriot-Watt University in Scotland, had pointed out that quotas have increased across Europe because fish stocks have been better managed in the past decade. What do you make of that comment? Is it us leaving the EU and consequently having higher TACs as a result or is it quota numbers increasing generally across Europe?

Mike Dowell: It is both. We have tried to follow the science as closely as possible every year when we are undergoing these consultations. If the science advice that we get from the International Council for the Exploration of the Sea, ICES, is that there are more fish in the sea, then we can set higher TACs. That means there is more fish for all the quota holders.

In addition to that, as a result of the TCA, the UK also has an uplift in its quota share. Where there is positive scientific advice, we get an increase in quota by virtue of the fact that everyone is getting an increase because the whole pot is going up, but we also have a higher quota share.

Deidre Brock: It is a little more nuanced, though, than, "We have left the EU; therefore we can get higher quota numbers." Is that right?

Mike Dowell: It is both, yes.

Q111 **Deidre Brock:** Yes, I am just pointing that out. Good.

The NFFO said of the 2022 negotiations, "The UK's motives and objectives have not been made explicit". The SFF was not necessarily of the same opinion, but I think the feeling was that the industry is not being as closely involved in negotiations as certainly many members of it would like. How is that being addressed in the latest negotiations?

Mark Spencer: Let's be clear: we cannot negotiate via Twitter. You have to keep your cards close to your chest a little bit.

Deidre Brock: No, I do not think that is what they are suggesting.



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Mark Spencer: It is quite difficult to be transparent and say, “We are going into these negotiations. This is what we want to achieve.” Once you put that in the public domain, you won’t achieve it because that will be your starting point rather than your finishing point. You have to play your cards close to your chest. We entered those negotiations, bluntly, trying to squeeze as much as we possibly can out of them to a sustainable level. Clearly, we will not go beyond what is sustainable, but we will try to squeeze as much out of those negotiations as possible for UK fishermen.

Deidre Brock: Of course. I do not think that they were suggesting we should broadcast it on Twitter. I think they were suggesting that representatives of the key fishing organisations, such as the SFF and the NFFO, were more closely involved potentially in negotiations.

Mark Spencer: To be fair, we have a lot of conversations. I have had conversations with them as well. We knew going into those negotiations there was huge pressure on angler fish, for example. The total allowable catch was likely to go down because of the science we were being presented with. If it were possible within those negotiations to try to do a deal that allowed us to have a little bit more angler fish, maybe from Norway, as part of that trilateral negotiation, that would be an ambition that we would try to achieve. Those conversations took place on a number of occasions and Mike was able to deliver exactly that.

Q112 **Deidre Brock:** Okay, interesting. Mr Dowell, you said that negotiations are not complete yet. When will the impact assessment of the agreement be published? Do we have a date yet?

Mike Dowell: Yes. It should be very soon. CEFAS produced the analysis of all the outcomes from the negotiations completed so far and has pulled that report together. We are hoping that is going to be out within the next month to six weeks. The only negotiations that are still ongoing are the UK-Faroes negotiations. They would not be part of that analysis, but we have completed the UK-EU bilateral, the trilateral that the Minister mentioned with UK, Norway and the EU, the Norway bilateral, and coastal state consultations on stocks like mackerel. There will be almost everything in that report, but not the Faroes.

Q113 **Deidre Brock:** I wanted to ask about that. This was late November so maybe things have been sorted out in the meantime, but I noticed that the Faroes, Norway, Iceland, Greenland and Russia have all unilaterally increased their mackerel quota outside international agreements. This is obviously a sensitive subject.

Mike Dowell: That is part of the coastal states negotiations and you are right, they have concluded for 2023. The mackerel fishing opportunities have been set for the 2023 fishing year, but we are now already into—in fact, my colleague who deals with those negotiations is chairing the meeting right now up the road at the North East Atlantic Fisheries Commission on next year’s mackerel negotiations. The UK is trying to chair those back to within the sustainable limits.



Q114 Deidre Brock: Okay, that will be an interesting meeting. I look forward to hearing those outcomes.

In terms of Scottish fishers benefiting from the post-Brexit fishing settlement, obviously we have heard a lot from those fishers who are not benefiting from the TCA. That is particularly inshore fishers. I will give the example of Loch Fyne langoustines and Jamie McMillan, who has basically said he is just not going to export to the EU any more because of the costs and the red tape strangling his business. We have heard other stories like that from other businesses, particularly on the west coast of Scotland but not exclusively. Can you tell me a little bit about what you are doing to address those issues? There are questions about why the system is so complex and how it is being streamlined so that our closest, largest trading partner can be traded with once again. This is fundamental to the existence of many businesses.

Mark Spencer: We are doing a lot of work to try to remove that red tape and to overcome some of those hurdles. We have made some progress, particularly for molluscs and shellfish, to try to unblock those hurdles, shall we call them, that the EU has put in place.

Deidre Brock: It is not just the EU, though, is it, Minister?

Mark Spencer: Clearly, it is the EU that manages the import of fish from the UK into the EU. We have to comply—

Deidre Brock: We are a third country now so it has to treat us as a third country.

Mark Spencer: Yes, quite, so we have to comply with its laws. We have done quite a lot to try to remove those barriers wherever they have materialised.

Q115 Deidre Brock: Okay. We will not revisit that argument but I will have lots of things to say about that one day in the future.

Very quickly before I finish and hand over to my colleague, I wanted to ask about sandeel fisheries, as we have been talking about protecting fish stocks and so on. I understand that it is only Danish fishing boats that access that. There are a lot of concerns, from both conservation groups and offshore wind developers, about the impact that that particular industry is having on their development. It is the feedstock of birds like puffins and kittiwakes and so on.

Mark Spencer: They are a very important species. They deserve our protection.

Deidre Brock: Yes, so what are the UK Government doing about that?

Mark Spencer: I think we will be in a place where we will protect sandeels.



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Mike Dowell: The call for evidence on sandeels, and Norway pout as well as another forage fish species, closed last year and we are due to bring forward a consultation very soon on sandeel management in England, in English waters. How you might put management measures in place is a devolved competence as well, so we are looking at management in England.

Mark Spencer: They are a very important stock, I think, and in England we have to look after them to make sure that they remain a feedstock.

Q116 **Deidre Brock:** Forgive me for my ignorance, but the fisheries are within the 12-mile limit then?

Mike Dowell: On management measures in England, we could bring those forward as part of this consultation and that would be for the English zone right from nought to 200, so not just the inshore zone.

Deidre Brock: Thank you.

Q117 **Dr Whitford:** Following up on the comments about the other coastal states increasing unilaterally their take of mackerel, which is one of the most valuable catches in Scotland, does that mean that the UK and/or Scotland's allowable catch of mackerel is going to have to go down if others have driven theirs up or are the stocks high enough that we can still maintain?

Mark Spencer: We are blessed in that the fish is of the highest value when it is in our waters. That is something that our colleagues internationally would recognise as well. It puts us in a fairly strong position to enter into those negotiations and to push back on sustainability quite robustly. That is what I hope Mike will be doing.

Dr Whitford: The mackerel negotiations are not finished.

Mark Spencer: For next year.

Dr Whitford: But for this year are fishermen facing a lower quota?

Mike Dowell: No.

Dr Whitford: No, okay.

Q118 **Sally-Ann Hart:** There is a lot to fit in our seas now, going forward, with fisheries and renewables and MPAs and HPMPAs. What research have the UK Government carried out into how new uses of the marine environment will affect fish stocks and fisheries?

Mark Spencer: Again, it is an ongoing process. Of course, we are always interested in gathering as much data and evidence as possible. What is going to be fascinating going forward, for example, if we end up in a place where there is floating wind turbines, is how we are going to manage the infrastructure around those floating wind turbines as well. What we do not want to end up with is a bowl of spaghetti below those



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wind turbines that makes it impossible for any boat to navigate that bit of the ocean. There is quite a lot of research into how we can make that better and make that work from a planning perspective and the impact that that is having.

Q119 Sally-Ann Hart: In our previous evidence session the fishers said that there was a lack of data to help to understand the effects of the new marine activities, like the offshore wind, but the Marine Conservation Society disagreed, saying that there is already a lot of good science out there. Do you think that there are enough data?

Mark Spencer: They are both right. There is quite a lot of evidence out there but we can always get more. I think that more data will be helpful to us going forward. More information is always good.

Q120 Sally-Ann Hart: How are you going to do that?

Mark Spencer: CEFAS is the body that is responsible for the science within those oceans and gathering that information and data. It is very effective at that. We do need to do more research on magnetic fields and the effect that cabling can have on sea creatures. The more we can understand and harvest that information the more informed we will be.

Q121 Sally-Ann Hart: Is there funding available to do that research?

Mark Spencer: CEFAS is very well funded. It is very good at doing what it does. I am sure that it would welcome an increase in its budget if I were in a position to offer it, but at the moment it has enough cash to deliver the information we require.

Mike Rowe: To add to that, in addition to the marine natural capital ecosystem assessment programme I mentioned earlier, we have also partnered with BEIS and the Crown Estate on the offshore wind evidence and change programme. That includes a new programme that is funded by UK Research Institute, UKRI, called ECOWind, which again is looking at the ecological consequences of offshore wind. As the Minister said, there is lots of research that has been done and a lot of that is out there, but we are also trying to investigate where the gaps are, what might future modelling help and where can we use information like vessel pings from the Marine Management Organisation to build that picture and build scenarios.

Sally-Ann Hart: We need to look at the hydrographic mapping as well. If you look at the APPG for the ocean—we have had an inquiry on that—that is important because that will provide the mapping. Thank you. I have no further questions.

Q122 Douglas Ross: Good afternoon, Minister and your officials. First of all, there has been a little bit of discussion about engagement with both the industry and the Scottish Government, but I think it is right that I put on record on behalf of the Committee that it is very welcome that you have attended today as a UK Government Minister. We started our meeting



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later today because the Scottish Government Minister declined the invitation to attend, and it will make it slightly difficult for our inquiry that Mairi Gougeon has not come in front of the Committee in the way that you have made yourself available.

Can I pick up a little bit on what David Duguid, Philippa Whitford and Sally-Ann Hart have spoken about in terms of research and the work you and your Department have done? A lot of the discussion so far is on the research that we have available just now, but these are long-term decisions that are being taken. Is there anything that you or your colleagues are doing, or work with the Scottish Government, about the long-term impact to fishing areas well into the future? The decisions we take now do not just have an immediate impact, they have an impact for decades to come.

Mark Spencer: Obviously, we hope they are decisions that will have a positive impact for decades to come in terms of increasing the amount of fish stocks, but I do not need to tell you that in politics you can always undo decisions or make a different decision at some point in the future if it appears the evidence is not supporting the direction of travel that you want to achieve. We make decisions for the long term but with an eye on the effect that that is having and new evidence that presents itself going forward. I think that is a sensible and pragmatic approach to politics and to marine management.

Q123 **Douglas Ross:** Is it possible that the policy development actually develops much quicker than all our understanding about the environmental impacts of the policies that we are then enacting, either at a UK level or a Scottish level?

Mark Spencer: It is always possible to not foresee circumstances and unfortunately we don't know what we can't see. All you can do is make decisions presented with the best evidence that is available to you at that moment in time, trust in the science that is available to you, and try to gather more evidence as you go on that journey. With the best data and the best science and the best predictions we think it is the right thing to do to introduce highly protected marine areas, to try to harvest fish at a sustainable level and to also try to get that balance right between energy production, harvesting fish and protecting ourselves for the future.

Q124 **Douglas Ross:** We are looking at this energy production and what both Governments are doing in the drive towards net zero, and renewables clearly play an important role. Do you also agree that the fishing industry in Scotland and at a UK level has a role to play in working towards net zero and they are working with Government?

Mark Spencer: Yes, very much so.

Douglas Ross: Is there something you could say on that?

Mark Spencer: Fishing is one of the most sustainable methods of getting food that is available to us. If you compare it to agriculture, and I think I



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can say this as the farming Minister, you do not have to apply fertiliser, you do not have to apply chemicals and you do not have to use huge amounts of carbon to pull ploughs through the ground. It is a question of using a bit of fuel to get your boat out into the ocean and find the fish that have been produced by nature in a sustainable way. It is one of the greenest foods that is available to us. As long as you do not damage the ocean while you are doing that, it is the ideal model of sustainable food.

Q125 Douglas Ross: You might be aware that back in the autumn—November last year—SFF released the findings of a poll that it had conducted. It showed that 73% of respondents agreed with the statement that, “Governments should ensure that fishing communities”—and I represent fishing communities in my Moray constituency—“are not squeezed out of our increasingly crowded seas”. Only 4% of people disagreed with that. The public opinion is, yes, we need to do everything we can to ensure that we have renewable energy and sources of that, but we also need to protect fishing communities. How do you respond to that?

Mark Spencer: I wholly accept the premise of that question. We have to get that balance right. It is about making sure that we have enough space to produce the energy that the ocean can give us but also allow fishermen to continue to go about their business. I think that in England we are striking that balance just about right. There will be those who will disagree in both directions, which tells me we probably are about right. It is for the Scottish Government to decide what they want to do in Scottish waters. That is not for me to impose my view. We will have conversations and we will obviously discuss what we are doing, and I hope that they get that balance in a similar way to what we are doing.

Q126 Douglas Ross: Finally on this point, and then I want to move on to one other issue, we hear a lot in politics about energy security, but as important is food security. Again, in this poll that SFF did, 84% of respondents said that energy security and food security were both priority issues for them. Do you think that Governments and political parties of all persuasions could do more to discuss and debate food security as much as we do energy security?

Mark Spencer: Yes, probably. I think that food security has come up the political agenda quite dramatically over the last 18 months since Putin’s invasion of Ukraine clearly focused everybody’s mind. In my mind, it is equally as important as energy security, if not slightly more important. If you run out of food, you have a huge problem. It is something that the UK Government have done a lot of work on to make sure we are food-secure. We are in a very strong position as a United Kingdom at this moment in time and we need to make sure that we maintain that strong position.

Q127 Douglas Ross: A slightly off-topic issue I would like to raise with you is about seed potatoes, although ultimately maybe it does connect with the fish industry at some point as well. You are the UK farming Minister and I have a lot of seed potato producers in Moray and across Scotland. I wrote



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to the Department and got a response from Richard Benyon back in December last year. He said that resolving this issue about the prohibition of export seed potatoes to the EU is a priority for the Government. How are the Government and how are you and your Department dealing with this crucial issue for Scottish seed potato growers?

Mark Spencer: It does fall under Lord Benyon's departmental responsibilities. It is something we are very keen to try to assist Scottish growers on. I should declare my interest, Mr Chairman. As an English potato producer, I always buy Scottish seed potatoes for no other reason than that they are the best that are available. At the risk of going into anecdotal stories, I once made the mistake of buying Dutch seed and I will never make that mistake again. I will always stick with Scottish seed potatoes. They are the best in the world. If our European colleagues cannot see that, then shame on them, but we will try to unblock that as soon as possible.

Q128 **Douglas Ross:** Given that they are the best in the world, what further plans does the Department have to deal with this issue?

Mark Spencer: It is a matter of negotiating to make sure our European colleagues agree and unblock the channels that are currently blocked, where we are pushing as gently but as robustly at the same time as we can.

Douglas Ross: You can be assured that you would have the support of this Committee in your efforts with that.

Q129 **Chair:** Absolutely. It is a massive issue in my constituency and I obviously know your interest in this. What specifically is the issue and the difficulty that the EU has presented in this?

Mark Spencer: In terms of phytosanitary concerns, I think they are as political as they present to be, shall we say.

Chair: Okay. We will leave it at that, then.

Q130 **David Duguid:** I think that is worthy of a whole inquiry on its own, Chair. I totally agree with you, by the way, that Scottish seed potatoes are the best, particularly from Banff and Buchan.

Going back to what we were saying earlier about the ongoing mackerel negotiations and the north-east Atlantic negotiations currently ongoing, from talking to Simon Collins of the Shetland Fishermen's Association, he seemed to think that the individual unilateral TACs of the different states adds up to something like 140% of the maximum sustainable yield, so obviously that has to be negotiated down. The question I have is—and I am deliberately looking at Mr Dowell here because I know that he is more connected to this than perhaps the others—what assurance can you give the Scottish fishing industry that every effort is made to make the most of the one big lever that we have in these negotiations, which is access to



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our waters?

Mike Dowell: It is front and centre—that access part to the arrangement. As you have already identified, all those coastal states I think can agree with the ICES assessment of what the total allowable catch should be, but then it is a question of what shares each party at the moment is giving themselves. My colleague, as I said, is in NEAFC, the relevant regional fisheries management organisation, right now chairing those discussions on trying to bring those sharing arrangements into something that adds up to 100%, but access is a key part of it. As you have said and as the Minister has said, the quality of the fish that are in UK waters at the right time is exceptional and that is a relevant lever in making sure that we get the best deal for the UK.

Q131 **David Duguid:** When Elspeth Macdonald, the Chief Executive of the Scottish Fishermen's Federation, gave evidence to this inquiry, she stated that the Scottish industry and Scottish Government Ministers and officials have a far stronger voice now outside of the EU as part of that UK delegation in these negotiations. Would you agree with what she said about how much stronger a voice they have in those negotiations? I am looking at lots of nodding heads on the panel.

Mark Spencer: We have a seat at the table, don't we? The EU would traditionally negotiate on our behalf with Norway and with Faroes. Now we have a seat at the table and we are representing ourselves. That is clearly a much stronger place to be—in the room, rather than awaiting the outcome of those discussions.

Q132 **David Duguid:** By association the Scottish Government Ministers and officials feed in much more closely after those negotiations than they would have done previously.

Mark Spencer: They go with us, I think. They are in the room and Mike works very closely with colleagues from the devolved Administrations. They go to those delegations. They are present in the room and are part of those discussions.

Q133 **David Duguid:** On the labour issues that were being talked about earlier, Minister, you mentioned you have these discussions regularly with the Home Office, as do I, as do we. Again, it was referred to earlier how the offshore deckhands being added to the skilled workers list was very welcome—I think that was about March 2021—on vessels over 9 metres. In the west coast situation, as Dr Whitford was describing earlier, we currently see a lot of people using the transit visa. I think that you have said in other inquiries—in the EFRA inquiry recently—that we need to move away from that transit visa situation. I totally agree with that, by the way, but what representations are you making to the Home Office to make sure that we do not leave a gaping gap there?

Mark Spencer: Yes, that is exactly the point. We recognise that that has to end, but it is about how we bridge that gap and find a system that operates in the short term to allow people the window to move to a new



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system. That is exactly the discussions that we are having with the Home Office. It is sympathetic to the challenges we face. I do not really want to say too much more, because I do not want to jinx myself or box it into a position where it feels as though I have tried to bounce it—

Chair: Feel free to do so if you want.

Mark Spencer: I would give myself a headache if I tried to do that, and I do not want to pre-empt those discussions or cause any offence to the people who are ultimately there to assist us.

Mike Rowe: If I may very quickly add to that, the issues that you have alluded to, Mike, I heard first hand in Mallaig when we were there last summer. There is nothing like hearing from the quaysides about what the actual issues are. It is critical for us that we, in representing the whole of the UK, have that evidence so that we can furnish our Minister with the information about the impacts. Right now we are at a critical point because we are trying to gather evidence ahead of the Migration Advisory Committee review of the shortage occupation list, as one of your colleagues mentioned earlier. That engagement is very important for us.

Q134 **David Duguid:** I do not know if this was mentioned earlier today, but it was certainly mentioned in your evidence to the EFRA Committee: the importance of understanding the English language from a safety perspective, if nothing else. Have you taken on board representations from the industry, which has suggested that spoken and oral English is very important, but is concerned that the written aspect of that English language test is more onerous than is possibly required for that particular role?

Mark Spencer: We are straying very much into Home Office territory. This is its responsibility. It is my job to make representations, which I am more than up for doing, which I will continue to do and I will be doing later this week.

David Duguid: I guess I am asking if you have heard those representations for you to make those representations.

Mark Spencer: To an extent I accept that. What matters is when your skipper gives you a direct instruction you understand that instruction and you can act upon it and, therefore, keep yourself and the rest of the crew safe. I don't think your skipper is going to ask you to write down a full document analysing health and safety at sea, but you need to understand communication directly. I am more than up for making those representations to the Home Office, but I think that is best done behind closed doors rather than in an open forum like this.

Q135 **David Duguid:** I appreciate that and I appreciate your response. One final thing I would say about access to labour—it is maybe a little bit off topic of what we have been talking about today, but not as much as seed potatoes—is on the processing side of things. We have access to labour



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issues there as well, particularly in areas like north-east Scotland—Banff and Buchan and Moray, where Mr Ross and I represent—and on the west coast and the islands as well. We have very low unemployment so we have difficulty finding people to work in the seafood processing factories as well. I am just wondering if that is part of the representations you have been hearing from the industry.

Mark Spencer: Absolutely. That really does impact, of course, because it tends to lower the value of some of the landed stock. If you do not have processing capacity, you devalue the market in terms of the value of those stocks. What we do not want to do is find ourselves in a position where it is economically more rewarding to land in Norway than it is at Peterhead or any other Scottish port that you might want to name.

David Duguid: Mostly Peterhead.

Mark Spencer: I picked one at random.

Chair: Have you done all your questions, David?

David Duguid: I could ask more if you want.

Chair: I know that we said an hour to you, Minister, but—

Mark Spencer: As much as I would love to sit here all night and engage with Mr Duguid—

Chair: We could all listen to David's questions all day.

Mark Spencer: —I strongly suspect I will be doing that for the rest of the week as well.

Chair: We have one last one from Dr Whitford.

Q136 **Dr Whitford:** I can't not take the opportunity. As I said, I have a west coast fishing constituency. With lobster and langoustine, 85% used to go to the Paris markets, so they are absolutely impacted and, sadly, quite a lot of our fleet has disappeared. They seem to be having quite a lot of difficulty specifically with the IT—not with the rules that you were talking about between us and the EU, but with websites going down, not being able to get catch certificates and so on. Is work being done within DEFRA to try to make these systems more resilient?

Mark Spencer: Yes, definitely.

Dr Whitford: I end up with a waft of emails on a Thursday and Friday going, "We can't get our fish out".

Mark Spencer: Yes. I think that technology should be our friend in these circumstances. We should be able to invest in more technology to speed up the processing of fish through the marketplace. We are doing a lot of work to pilot some of that stuff now.



Q137 **Chair:** There is one last one from me, as always. We brought you here to discuss the spatial issues that were raised with us by SFF and NFFO. Are you confident that we are going to be able to deal with this and that everybody is going to be accommodated as we go forward? What we sense from them is that there is a real worry and fear that this is not going to be addressed properly and they were very concerned that, in their words, ecology was being put over sustainable fisheries.

Mark Spencer: I am sure that there is a way through this. I am sure there is a way. Our ambition is to make sure that we have a thriving, profitable, sustainable fishing sector for the future. There are lots and lots of pressures on that sector. We have gone through a lot of them today, whether that is labour, spatial squeeze, the cost of fuel, or quota negotiations. We recognise that there is a whole gamut of pressure that the industry is under. I hope they feel as though we are on their side and we are their representatives to try to help solve some of these challenges. The way we do that is through dialogue, through listening, and through trying to accommodate their concerns, fears and aspirations. We are committed to doing that. I want to be able to tune in in my nursing home in 50 years' time and look at another Committee here analysing how the fishing fleet is going to be sustainable for the next 50 years.

Sally-Ann Hart: Don't forget our inshore fisheries.

Mark Spencer: No, quite, and they are just as important. The pelagic sector is very good at lobbying and we do need to make sure we have an eye across the whole gamut of fishermen and make sure that we support them all.

Chair: We did have Elaine Whyte here from inshore last time in this Committee.

We will hopefully be calling on you once again when we look at some agricultural issues as we go forward, and I know that you are always accommodating with this Committee. Thank you, Minister, for answering all our questions this afternoon.

Mark Spencer: It has been a pleasure. Thank you.

Chair: Thank you to you and your colleagues for your attendance.