

Consultation on a proposed Marine Reserve in Lamlash Bay

Question 1

COAST as the initial instigators of this proposal fully agree with the establishment of a Marine Reserve in Lamlash Bay.

Question 2

We feel there would be many positive implications.

We will give 2 examples:

The Leigh marine reserve in New Zealand is a similar size to the proposal at Lamlash. The local authority, Cape Rodney District Council, found in a survey that the local economy directly & indirectly gained \$NZ 24million dollars per year from the reserve.

The Isle of Man closed area to scallop dredging is also a similar in size to the Lamlash proposal. Researchers found that the reproductive biomass of Scallops was 33 times greater in the closed area. Commercial Scallop catches increased by between 50% - 100% on several nearby fishing grounds between 1989 and 2003.

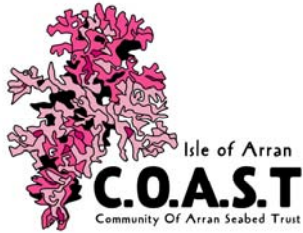
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We feel that the proposals for Lamlash Bay will be a win – win situation. For both the island community and commercial fishermen.

Question 3

The position of the Community of Arran Seabed Trust Limited (COAST)

COAST is a local group made up of nearly 1,800 members & many more supporters. We are very much associated with this proposal. Indeed, it was Don MacNeish, one of our leading members whose family have lived in Lamlash for at least 7 generations, who drew up the proposal in 1995. Since then COAST has grown as an organisation and been consulting widely both on and off the island.



This includes 58 presentations made to local groups like village WRI and rotary clubs etc. Many of these organisations are keen to be kept informed and we are often called upon to update them on the position. Since 2003 we have made numerous presentations to all the primary schools, the high school, the outdoor centre and some North Ayrshire schools. Increasingly COAST members are being called upon to give presentations around Scotland elsewhere in the UK and abroad. We have also petitioned the Scottish Parliament and given evidence to the Scottish Environment and Rural Affairs Committee, who have been very supportive of this proposal.

This is possibly one of the broadest series of consultations and presentations, which has ever been undertaken for such a local project.

The legal position

The right to fish in the sea in Scotland belongs to the general public under the Sea Fisheries (Scotland) Act 1704. As a result all of Scotland's citizens have a legal interest in the sea fishery. COAST's members tend to have a special interest because of proximity and that they would clearly benefit from a well managed resource. Unfortunately generations of poor management have removed commercial white fish species from the Clyde and the commercial fleet is a rump of its former self, based as it is on scallop dredging and prawn trawling. The result is that the community has lost one of its most precious resources. As the right to extract that resource belongs to the community it is only appropriate that the community has some say in its management.

In terms of process the Scottish Government is within its rights to use the Inshore Fisheries Scotland Act 1984 (as amended) to effect the no take zone, as long as the Minister consults appropriate bodies. We can suggest numerous legal rationales behind the proposal.

Firstly, a broad sector of the owners of the right to fish are asking for it.

Secondly, fisheries dictates that this was a sensible course of action, in line with the ecosystem approach to fisheries management adopted by the Scottish Government.

Thirdly, broader marine conservation would also dictate that this was a sensible proposal.

The basis for this last point in law is in the Sea Fish (Wildlife Conservation) Act 1992, which states that in exercising its sea fisheries function the Scottish Government should have regard to the conservation of marine flora and fauna, and seek to achieve a reasonable balance between such conservation and other issues. The Nature Conservation (Scotland) Act 2004 also gives a general duty to all Scottish public bodies to further conservation of natural biodiversity.

For completeness we should underline that it is clear that the Minister will be acting within his powers and that the correct procedure has been adopted in consulting upon this proposal.



Moreover, the Ministerial decision can only be challenged on grounds of rationality rather than reasonableness, so in the unlikely event of challenge such challenge would be highly unlikely to succeed, as the proposal has broad community support from many of those owners of the right to fish most likely to be affected by its proper management and the clear support of sound fisheries and marine conservation science.

The science

The COAST proposal has a firm scientific basis and has been supported by eminent marine scientists such as Dr Bill Ballantine (the world's leading marine conservation specialist) and Professor Callum Roberts (a member of the Royal Commission on Environmental Pollution, who investigated damage to the marine environment by the fishing sector). We understand that other marine scientists have also sent in letters of support during the consultation process.

Position of the Clyde Fishermen's Association

As one of the stakeholders, we, of course, spoke to the local fishermen at the very outset of this process. There are three groups of fishermen operating locally: independents; those represented by the Scottish Creelers and Divers; and CFA members. All were consulted at the outset and plans were agreed upon and have been available for inspection since 2003. Copies of the plans were also forwarded to the CFA at the time and have been available on the COAST website.

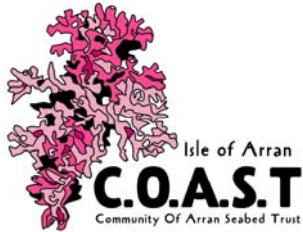
We also engaged with the CFA in a very constructive dialogue with the assistance of Lady Isabel Glasgow, SNH, fisheries scientists and the Scottish Government via a series of meetings from 2006 to 2008. As a result when this consultation process was launched, it was on the basis that we had the support of the CFA, who represent some of the scallop dredgers operating in the area. Indeed the CFA's chairman shared a platform with the Minister backing the coast proposal at the launch of the consultation.

After two years of positive negotiations with the CFA it recently became apparent that two fishermen represented by the CFA were unhappy with the proposed area. At no time during these negotiations had the area of the COAST proposal changed. This has put the CFA in a very difficult position.

[REDACTED]

[REDACTED] At the 11th hour they have suggested an alternative area.

COAST members have spent some time looking at the proposed new area. Many of the COAST members live and work in Lamlash Bay, and they have also extensively dived and



mapped it. The area defined in the COAST proposal was chosen in consultation with the local community with clear landmarks to allow both commercial and non commercial fishermen (islanders who do not have sophisticated GPS systems) clear boundaries. The enclosed nature of the Bay means that the appearance of a fishing boat in the Bay is something of an event. We have therefore been able to come to a pretty firm understanding both of the regularity of appearance of the CFA members' boats and the nature of the seabed in their proposed plans.

It seems to us that the area proposed by the CFA is not currently fished by their members, or anyone else, due to it being the site of a fish farm, a mussel farm and the local village moorings. The fertile Maerl beds, which are a very important part of the original proposal, are greatly reduced in the CFA proposed new area. It should also be borne in mind that while the CFA members have an extensive area along the surrounding coastline in which they fish, there are very few areas available to local people from the island and the proposed area was one of them. In short the island community are giving up far more of their accessible fishing ground than the scallop dredgers.

While it is very tempting simply to agree to their counter-proposals on the basis that we would then have a no take zone which could be expanded at a later date, COAST are concerned that this would simply be a win / win for everyone except the environment, as it is fairly obvious that not fishing in an area which is currently not fished at all – is not going to change anything. It is also plain this would not be a good use of Government time.

Conclusion

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As a result, while we are more than happy to continue to work with the CFA, we do not agree to their last minute counter-proposals for an amended area. For a no take zone to work it will involve everyone stopping impact on an area of seabed, which is currently fished. This has been clear from the outset. In the meantime fisheries science is giving more and more pessimistic reports of the future of the commercial fishery, if damaging operations such as scallop dredging are permitted to continue unchecked. We live at a time of rising food costs and diminishing resources. Scotland needs to manage its resources carefully in the difficult years ahead. The community at large have woken up to the fact that Scotland's resources are being squandered. Scallop dredgers are not popular in our community as it is well-known to be a particularly destructive fishing technique. If the Scottish Government do not choose to implement the proposal as it is drafted, on the basis of opposition from two scallop dredgers, who have chosen to remain silent for several years and then throw a spanner in the works at the last minute and who are themselves over-exploiting a community-owned resource, then it will have shown itself to be out of touch with both local and national feeling.

Howard Wood
Chairman