

Scotland's Future Catching Policy (FCP)

Strategic Environmental Assessment Environmental Report

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1 Non-technical summary

- 1.1.1 This report outlines the purpose of Scotland's Future Catching Policy (FCP) and the proposed measures therein, whilst providing an indication of the likely impacts (both positive or negative) on the environment.
- 1.1.2 The environmental baseline for this report is narrowly focussed around the current position regarding aspects of sea fishing activity in Scottish waters e.g. level of discarding, state of the stocks, number of vessels and what gear they are using. The draft FCP and the Strategic Environmental Assessment (SEA) has been developed with the goal of improving the sustainability of fish stocks and improving the overall confidence and accountability in our fishing industry through the implementation of correct management measures. In turn this can help to reduce the environmental impact of fishing, for example by enhancing biodiversity and supporting the wider marine ecosystem.
- 1.1.3 The FCP is a collection of fisheries management proposals developed in step with stakeholders in order to address the issues of discarding at sea whilst avoiding a one-size-fits-all approach, in respect of Scotland's geographically and operationally diverse fishing fleet.
- 1.1.4 The proposals set out an approach to introducing additional technical (e.g. more selective fishing nets) and spatial (e.g. closed areas to protect spawning fish) measures which could be applied to the different parts of the fishing fleet in order to reduce the amount of unwanted fish and non-fish species being caught. The FCP also proposes redefining the fishing fleet in order to take account of the varied nature of it; by splitting the fleet into segments based on the areas in which they operate and the methods they use to fish. In doing this, the FCP can ensure a tailored approach to specific issues within these segments, without laying down blanket measures across the fleet.
- 1.1.5 With the correct management measures in place, the FCP can help to achieve healthier fishing stocks and indirectly a potential benefit for our marine environment and healthier seas.

2 Introduction

2.1 Setting the Scene

- 2.1.1 Scotland's seas are rich and diverse, with an abundance of fish stocks meaning that Scottish waters are some of the most desirable in the world for sea fishing, both in terms of quality and quantity. There are a significant number of domestic and international fishing vessels operating around the coast of Scotland (Scottish = 1,723, Other UK = 213, Non-UK = 134¹), fishing for different stocks (including pelagic, demersal and shellfish species) and using a wide variety of fishing methods. These fishing vessels are focussed on harvesting a healthy, nutritious source of food for both domestic and international markets, and play a key economic and social role in rural and island communities.
- 2.1.2 The abundance of fish in Scottish waters means that a varied industry has developed over time, with many different types of fishing vessels operating as part of a mixed fishery. There are different target species, dependent on the type of fishing vessel and where it operates, and different issues around bycatch of other species too. For example, in the whitefish demersal sector, vessels targeting a species such as haddock will often catch many other whitefish species alongside their target e.g. cod and hake. And across the industry, bycatch of non-fish species, including cetaceans and seabirds, can also occur. That means that the rules and regulations we have in place to manage fishing activity need to take account of this additional, often 'unwanted' and unintentional bycatch, and that such unwanted catch is avoided as far as possible in the first place.
- 2.1.3 Fishing vessels do not operate in isolation and increasingly there is competition for space in the marine environment from different industries and users, including renewables, marine leisure and tourism. Against this backdrop the ocean plays a vital role in the healthy functioning of our earth's ecosystem, providing a home for a wide range of species and organisms, strengthening biodiversity for our planet, and performing a key function in the fight against climate change by capturing carbon and providing natural resources such as wind and wave power.
- 2.1.4 The breadth of human activity operating at sea inevitably brings consequences and impacts for the natural marine environment. As fisheries managers, we must ensure that fishing activity within Scottish waters is operating sustainably and responsibly, in a way that minimises negative environmental impacts and which secures our natural resources for generations to come. Many of the wide-ranging rules and regulations that are already in place to support responsible and sustainable fisheries management are designed to do just that, ranging from technical conservation measures to manage the type of gear fishers can use and the areas in which they can fish, to the Total Allowable Catches (TACs) that are

¹ Based on Marine Scotland figures from 2020

set in order to limit fishing activity to a level which is sustainable for the stocks concerned.

2.1.5 In December 2020 the Scottish Government published a 10 year Fisheries Management Strategy which set out an approach to deliver responsible and sustainable fisheries management in Scotland, and which contained a 12 point action plan intended to deliver a range of policies and improvements to support this. As part of that Strategy, it was proposed that a new 'Future Catching Policy' (FCP) for Scotland be introduced in order to deliver a range of outcomes. These should include:

- Take a co-management approach to rule setting, with additional technical (e.g. net specifications) and spatial measures (e.g. spatial closures to protect spawning fish) introduced as needed in order to respond to stock fluctuations and reduce unwanted catch of both fish and non-fish species (again following a fleet segment approach).
- Explore options to further increase selectivity.
- Introduce a series of changes to the current landing obligation rules, to adjust and simplify existing exemptions and discarding rules to account for variations between fleet segments, whilst ensuring the principles of reducing waste and increasing accountability continue to be met.
- Consider additional management measures for the gillnet and longline fisheries in order to address issues with displacement that can limit the ability of other vessels to avoid unwanted catch.
- Maintain our shared commitment with the EU to deliver sustainable and responsible fisheries management, whilst ensuring that we improve operability at a technical level.

2.1.6 The key components of Scotland's FCP are intended to provide a step change in how discards are managed, with a strong focus on developing additional technical and spatial measures as required in partnership with stakeholders which will reduce unwanted catch and also ensure that all marketable catch of fish is landed. It has accountability and confidence at its heart – reducing unnecessary human impact on fish species where this can be avoided, and ensuring that fishers are fishing within sustainable limits and that we have confidence that this is the case.

2.1.7 The approach set out in Scotland's FCP recognises that Scotland's fisheries are unique and extremely varied, both in terms of methods of fishing and geographical diversity. Due to this level of variability a one size fits all approach is often not the most effective means of regulating and managing Scotland's fisheries. In relation to dealing with the issue of unwanted catch and discarding, under the current landing obligation a one size fits all approach has proven difficult to implement successfully, with strong indications that a more tailored approach would be more effective. Scotland's FCP is intended to tackle the known challenges associated with the current landing obligation by introducing a suite of measures, tailored to consider the varied fleet and the geographical differences and provide a means to effectively reduce and manage the issues with unwanted catch in each of these areas.

2.2 Report Purpose and Structure

- 2.2.1 The Environmental Assessment (Scotland) Act 2005 ('the 2005 Act') requires that qualifying public plans, programmes, and strategies undergo Strategic Environmental Assessment (SEA) in order to identify potentially significant environmental effects at an early stage. It is considered that the FCP falls under Section 5(4) of the 2005 Act. A joint screening and scoping exercise has therefore been undertaken, with the screening process concluding that there are likely to be significant environmental effects and that an SEA is therefore required.
- 2.2.2 In accordance with the requirements of the 2005 Act, the results of the combined screening & scoping exercise have been taken into account in this report and comprise the following information:
- the SEA receptors that are likely to be impacted by the proposed plan;
 - the assessment methodology; the types and sources of evidence that have informed the environmental baseline;
- 2.2.3 Information to support the assessment can be found in Appendix A.

3 Future Catching Policy (FCP)

3.1 Relationship with other qualifying plans and programmes

- 3.1.1 The fishing industry rarely operates in isolation, with complex relationships existing between different vessels, fleet segments and marine industries, meaning that the management of the industry requires complex and integrated decision making. The regulatory structure in place to support fisheries management is significant, with many of the rules and regulations developed over a number of years when part of the EU (under the Common Fisheries Policy which is now part of retained EU law in the UK) and also as part of domestic regulation and licensing arrangements. The strategic and policy context under which fisheries management exists is similarly complex, with many interdependencies and complex relationships in existence. Some of these are highlighted below in order to demonstrate how the proposed FCP will need to link closely with other areas to contribute to joint outcomes.
- 3.1.2 [Scotland's Fisheries Management Strategy²](#): This strategy sets out the approach to managing Scotland's sea fisheries from 2020 to 2030. It explores how the delicate balance between environment, economic and social outcomes can be achieved and how we will work in partnership with our fisheries stakeholders at home, within the UK, and in an international context, to deliver the best possible results for our marine environment, our fishing industry and our fishing communities. The FCP fits tightly within this

² [Future fisheries: management strategy - 2020 to 2030 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/future-fisheries-management-strategy-2020-to-2030/pages/1-introduction-and-why-we-need-it.aspx)

strategy and is very much guided by it, as a means to implement the processes and changes needed to meet our goals.

- 3.1.3 Common Fisheries Policy (CFP) and retained EU law: The CFP is the collection of fisheries legislation adhered to by all EU member states. When the UK left the EU, existing fisheries legislation pertaining to UK waters was retained. The FCP will build upon this legislation but will also aim to streamline and improve certain aspects of it. Following the FCP consultation, it is our intention to amend elements of the retained EU legislation, using a Scottish Statutory Instrument (SSI), whilst also ensuring alignment to EU outcomes and principles.
- 3.1.4 Marine Protected Areas: Whilst not intending to implement any MPAs, the FCP will aim to improve upon the overall selectivity of the fishing fleet and the behaviour around discards. Any new or amended technical and spatial measures will complement the already existing network of protective areas in Scottish waters.
- 3.1.5 Biodiversity Strategy³: By reducing unwanted catch of fish and non-fish species, and in an attempt to minimise discards, the FCP is likely to have a positive impact on fisheries stocks and in doing so would likely have a positive impact on biodiversity and the wider ecosystem. The FCP will be a step towards meeting the aims of the biodiversity strategy by protecting and restoring biodiversity in our seas whilst supporting healthy ecosystems; connecting people with the natural world, for their health and well-being, and involving them more in the decision making process; and maximising the benefits of a diverse natural environment and the services it provides, contributing to sustainable economic growth for Scotland.
- 3.1.6 National Marine Plan⁴ (NMP): This Plan provides a comprehensive overarching framework for all marine activity in our waters. It aims to enable sustainable development and use of our marine area in a way which will protect and enhance the marine environment whilst promoting both existing and emerging industries. The NMP makes a number of commitments which the FCP will be integral in helping to delivery, specifically ensuring:
- Fish stocks are harvested sustainably (both environmentally and economically) leading to exploitation of Scotland's commercial fish stocks at Maximum Sustainable Yield and with increased long-term stability.
 - A fishing fleet which is seen as an exemplar in global sustainable fishing practices, is confident in securing a long-term income from the available sustainable fishing opportunities across all sectors, and accounts for changes in species distribution and abundance due to climate change.
 - Management of fisheries on a regional sea-basin ecosystem basis with appropriate stakeholders empowered in the decision making process and, where appropriate, ecosystem-based management of inshore fisheries at local level, on the basis of participative management with interested stakeholders

³ [Biodiversity: Scottish biodiversity strategy - gov.scot \(www.gov.scot\)](http://www.gov.scot)

⁴ [Scotland's National Marine Plan - gov.scot \(www.gov.scot\)](http://www.gov.scot)

- Fisheries managed in line with international and national environmental priorities.
- An evidence-based approach to fisheries management which is underpinned by a responsible use of sound science and is supported by the whole sector.
- Tackle discarding through the avoidance of unwanted catches and the implementation of the EU's obligation to land all catches of quota stocks in a way which is workable and sensitive to the impacts on fishing practices both offshore and onshore.
- Management of removals rather than landings, where necessary, through fully documented fisheries.

3.2 Background to Scotland's FCP

- 3.2.1 As part of the Scottish Government's national discussion paper on Future Fisheries Management, which helped inform the development of Scotland's Fisheries Management Strategy, a range of proposals were discussed which were intended to help improve the way in which aspects of fisheries management in Scotland work, particularly around the issue of reducing the fishing impact on the marine environment and also in relation to improving the confidence and accountability of our fishing operations. One of the key discussion points was around the operational issues with the implementation of the landing obligation and the need for appropriate solutions to be put in place to deal with those. There was a clear response from stakeholders to the national discussion, calling for improvements to the landing obligation in order to deliver outcomes relating to stock sustainability, accountability and confidence, with stakeholders viewing tackling discarding as a key policy to improve marine environment outcomes.
- 3.2.2 As part of the Future Fisheries Management Strategy, the Scottish Government set out a number of high level proposals about how the challenges around discarding could be addressed under a new Future Catching Policy for Scotland. The basis for the FCP would be to address the challenges with the existing landing obligation and introduce improvements aimed at achieving the original policy aims of reducing waste and improving accountability. Recognising that a collaborative approach to delivering an FCP would be required in order to deliver a solution which is workable and has buy-in from industry, the Scottish Government has worked closely with stakeholders through established groups in order to inform development of the FCP consultation paper.
- 3.2.3 Within this work it was recognised that the issue of discards must not be considered in isolation, but rather as part of a broader framework of fisheries management. In partnership with stakeholders, a set of guiding principles was agreed which will should underpin any FCP. First and foremost it was agreed that the sustainability of fish stocks and the wider marine environment must be protected as well as delivering accountability and confidence in future policies. The headline principals are as follows:
- A balance between sustainable fish stocks and an economically viable fleet

- Reduction in waste
- Increased accountability and transparency, leading to increased credibility for the sector
- A policy which can be complied with and which the industry wants to comply with
- A policy which is complied with and enforced
- A policy as, or more effective than, the current landing obligation
- Compatibility with the rest of the UK and other discard plans
- A policy which is easy to understand and administer
- Behavioural change / change to business practices
- Other considerations e.g. Choke Species

3.2.4 Early discussions with stakeholders concluded that fundamental to the success of Scotland's FCP is recognising that a one size fits all approach should be avoided. Further, successful management would require fisheries managers to tailor their approaches to individual fleet segments. And taking a more cooperative approach to rule setting, based in part on the Norwegian model, would provide a much greater role for the fishing industry and environmental partners and would help to deliver a more flexible, reactive and responsive management structure. For example, in many fleet segments it is possible to enhance selectivity through a range of technical measures. Through the planned FCP approach the Scottish Government intends to continue to work closely with stakeholders to fine tune a package of additional measures, recognising the need for buy-in and for the measures to be proportionate to the challenges faced.

3.2.5 Based on this collaborative working with stakeholders, the Scottish Government proposes that the FCP should take a fleet segment approach splitting the Scottish fisheries into 7 distinct segments and taking a tailored approach to addressing the individual issues with unwanted catch and discards associated with each of these segments. Recognising that one size does not fit all, this approach puts in place a process to tackle unwanted catch for each fleet segment differently, whether that be in implementing a more stringent monitoring plan in some of the cleaner segments, or combining selectivity with the potential for additional quota arrangements in some of the more mixed areas of the fleet. To note that 'unwanted catch' can have different definitions depending on the fleet segment concerned, but that it includes potential to look not just at unwanted fish bycatch (be that juvenile fish or non-target species) but also bycatch of sensitive species such as cetaceans, and also species crucial to the wider ecosystem e.g. seabirds.

3.2.6 Accountability and confidence are paramount and the proposed approach is based on the premise that everything caught should be accounted for to assist with monitoring and maintaining sustainable stocks. The FCP aims to see waste reduced as much as possible, with unwanted catch reduced as far as possible and all marketable fish caught being landed. As part of that Remote Electronic Monitoring (REM) has an important role to play in Scotland's FCP, however deployment and implementation of REM will be considered in a separate Scottish Government consultation.

3.3 Proposed measures

- 3.3.1 The FCP will take a fleet segment approach by splitting Scotland's fisheries into 7 distinct segments and taking a tailored approach to addressing the individual issues with unwanted catch and discards associated with each of these segments. Recognising that one size does not fit all, this approach puts in place a process to tackle unwanted catch for each fleet segment differently, whether that be in implementing a more stringent monitoring plan in some of the cleaner (less bycatch) segments, or combining selectivity with additional quota arrangements in some of the more mixed fisheries segments.
- 3.3.2 In partnership with stakeholders through the Fisheries Management and Conservation group (FMAC group), the Scottish Government proposes to develop technical and spatial measures through a co-management approach in order to reduce unwanted catch, using this fleet segment approach.
- 3.3.3 For each fleet segment, we will prioritise the avoidance of unwanted catch; we will ensure that vessels are doing as much as is possible to avoid unwanted catch and then we will build in discard exemptions which can help the fleet segment stay operational in difficult areas or in circumstances where selectivity of small juvenile fish or other specific species is an issue. For example, implementing a de minimis exemption in areas where vessels face a disproportionate cost when dealing with a very small level of bycatch.
- 3.3.4 We also aim to be reactive and responsive, able to adjust our approach based on changing circumstances (e.g. in response to challenging stock advice) and to add and remove measures as needed.
- 3.3.5 The fleet segments are proposed to be divided as follows:
- Pelagic fleet segment (pelagic trawls and purse seiners)
 - Offshore whitefish fleet segment (large mesh demersal trawls and seine nets)
 - Offshore mixed fleet segment (small mesh offshore demersal trawls)
 - Small inshore mobile fleet segment (small mesh inshore demersal trawls and small mesh seine nets)
 - Scallop fleet segment
 - Pots and creels fleet segment
 - Gill net and long line fleet segment
- 3.3.6 Discard exemptions: When the landing obligation came into force, a pre-existing management measure of deducting discard estimates from the associated TAC was removed by the EU and subsequently given back to the fishing industry as a "quota uplift".
- 3.3.7 To explain, a discard margin or allowance was put in place on a yearly basis, prior to the landing obligation, as a means to account for fish that was being thrown back into the sea. This discard allowance was based on discard estimates modelled by scientists and then subsequently removed from the quota pool each year. When the landing obligation was introduced this margin of accountability was removed and, consequently, additional quota allocated to fishers as an uplift.

- 3.3.8 TAC deductions continue, to be made in some circumstances, specifically related to the landing obligation exemptions that are in place. For example, if a de minimis exemption of a certain percentage is permitted for a specific species in a specific part of the fishing fleet, then the corresponding level of quota is deducted from the TAC.
- 3.3.9 With this in mind we will look to make similar deductions for species that are undersized (below MCRS⁵). This would mean that fishers could discard this catch under a blanket exemption but the catch would be fully accounted for and factored into stock assessments and quotas. The difference between the Future Catching Policy and the current landing obligation in this regard, is a much more simple system of discard rules and subsequent deductions, increasing the transparency and accountability of the fisheries in question.
- 3.3.10 Additional Selectivity for Directed fisheries: A range of [technical conservation measures](#)⁶ are already in place which are intended to help deliver responsible and sustainable fishing practices. Over time these rules have grown in number and in complexity, meaning that the range of technical measures that fishers have to comply with are numerous and can often be confusing.
- 3.3.11 As part of a recent reform of the technical conservation measures, a new baseline mesh size of 120mm was introduced for trawl fishing. This was intended to improve selectivity and reduce unwanted catch, whilst also providing for 'directed fisheries' which would be able to use smaller baseline mesh sizes, e.g. if targeting Nephrops or squid. However, within the technical conservation rules, there is no definition for 'directed fisheries' which means that the rules lack clarity.
- 3.3.12 In order to address the lack of definition and to further increase selectivity and reduce unwanted catch, there are a number of options to be considered, although these are not mutually exclusive and could be used in conjunction:
- Option 1: under the existing technical conservation rules the minimum standard mesh size in Scotland is 120mm unless a vessel is targeting a specific designated species e.g. Nephrops, or if they are using a selectivity device which is proven to be as selective as a 120mm net. Under this option, we could specify that any vessel seeking to use any gear of less than 120mm to target a designated species e.g. Nephrops, would need to ensure that the target species constituted at least 50% of their total catch.
 - Option 2: whilst some parts of the fleet, e.g. whitefish vessels, must now use a 120mm net as standard, for other parts of the fleet working under a specific directed fishery (e.g. Nephrops), vessels are often using a less selective net e.g. 80mm. We are proposing to increase selectivity for these vessels. One way to do this would be to introduce a minimum mesh size of 100mm for defined directed fisheries such as Nephrops,

⁵ Minimum Conservation Reference Size or "MCRS" is the minimum size that a fish must be in order to be sold for human consumption. The MCRS measure is intended to protect small, undersized fish from being targeted by helping prevent markets for small, undersized fish

⁶ [technical conservation measures](#)

with all other trawl fisheries (with the exception of squid and pelagic) required to use a minimum mesh size of 120mm.

- Option 3: Building on Option 2, rather than increasing the baseline meshsize for defined directed fisheries to 100mm, another option would be to increase the effectiveness of Square Mesh Panels via an increase in mesh size and changes to positioning so that they offered an equivalent selectivity to 120mm nets. Our evidence suggests that a 200mm Square Mesh Panel rigged at 9-12m from the cod-line would have similar selectivity as a 120mm cod-end.

3.3.13 As an example, under the above proposal, a vessel currently targeting Nephrops in the muddy area of the Fladdens, in the North Sea, with an 80-99mm cod-end may need to switch to 100mm minimum but, if catching upwards of 50% whitefish, could be required to change their gear back to 120mm at the end of a 24 hour period.

3.3.14 Over the last 6 years we have seen a marked increase in the number of vessels switching from 80-99mm gear to 100mm and over. In 2016 70% of fishing trips were conducted using 80-99mm gear. This percentage has decreased in each subsequent year and fell to 59% in 2020. The use of 100mm and over gear has increased from 26% in 2016 to 34% in 2020.

3.4 Reasonable alternatives

3.4.1 The consideration of reasonable alternatives is a requirement under section 14(2)(b) of the 2005 Act it is incumbent on us to consider reasonable alternatives to our proposed measures under the FCP.

3.4.2 As outlined above, the FCP has been constructed in conjunction with key stakeholders across the catching sector, environmental groups and other interested parties. Through the core FMAC stakeholder group regular scrutiny of the FCP measures has been built into every step of the policy formation and through this process, all and every alternative has been considered. What is being proposed under the FCP consultation paper is a streamlining of those options to what we consider to be those that can be considered reasonable.

3.4.3 It is worth noting that this approach is not set in stone at this point. We are not proposing a set of technical and spatial measures currently, but rather, proposing to develop these as part of the FCP approach and through the consultation, implementation and continued monitoring of the FCP. This means that as part of the broader policy development process, each measure will be given due consideration.

3.4.4 As regulators, the Scottish Government could implement management measures without working in partnership with stakeholders, that is an option, however that approach does not make for robust policy making. Having learned lessons from the implementation of the landing obligation, we feel strongly that working collaboratively to develop such policies is far more conducive to reasonable, robust and long lasting policy decisions. This is

evident when considering that co-management is at the forefront of Scotland's Fisheries Management Strategy.

- 3.4.5 Another option in theory of course is that we could opt to do nothing and continue as is, without changing anything. We do not think this is a reasonable alternative however, as there are challenges that need to be faced, and we need to improve the way in which we manage our fisheries to support long term sustainability. The Scottish Government has set out a number of goals as detailed above (3.1) and the FCP is a crucial tool for delivering these.

3.5 Environmental baseline

- 3.5.1 The evidence from [Scotland's Marine Assessment \(SMA2020\)](#)⁷ and other assessments indicate that the rate of change due to human activities in marine systems is accelerating. Pressures associated with bottom-contacting and pelagic fishing continue to be the most geographically widespread, direct pressures across the majority of Scottish Marine Regions and Offshore Marine Regions.
- 3.5.2 Ultimately, we want to achieve Good Environmental Status for Scottish waters, which is partly about fishing at sustainable levels, partly about reducing human impact in key areas, and largely about ensuring that we are taking an ecosystem based approach to the policies that we implement and ensuring that the right protections are in place for all species; especially vulnerable species that are key to the wider ecosystem.
- 3.5.3 The FCP focuses on implementing a process for making management decisions with a view to reducing unwanted catch, but it is not just about managing discards, it is about fishing at sustainable levels going forward, and ensuring that we have the appropriate processes, framework and legislative foundation in place in order to provide the necessary protection for the marine environment.
- 3.5.4 The SMA2020 highlights that there is work to be done when it comes to improving our understanding of the science relating to our oceans and commits to continuing to develop and improve the body of scientific (natural, social and economic) evidence to inform policy decisions relating to the management of human activities having an impact on Scotland's seas. Confidence and accountability regarding the activity of our fishing fleet is a key part of the FCP and a key part of achieving this.
- 3.5.5 Ensuring that we are fishing at sustainable levels is a key driver behind the Scottish Government's Fisheries Management Strategy as well, and therefore underpins the approach to Scotland's FCP. The Scottish Government has a wide ranging and comprehensive approach to developing and supporting the creation of robust scientific advice, which in turn informs the development of fish stock assessments at an international level. These stock assessments are used to inform international agreements on appropriate levels of fishing activity, and to set quotas which enable fisheries to be managed in a responsible and sustainable way for generations to

⁷ [Scotland's Marine Assessment 2020 | Scotland's Marine Assessment 2020](#)

come. Having a robust evidence base to inform Scotland's FCP is of vital importance, and much will be drawn from ICES stock assessments along with associated bespoke scientific advice on specific stocks.

- 3.5.6 As mentioned above (3.1.3) there are issues with the current management measures in place, such as the landing obligation, which the FCP aims to address. Since the implementation of the landing obligation discarding figures have gone down, however discarding of unwanted catch at sea still remains a very real issue. As can be seen from the discard estimate data below, unwanted catch discarded at sea still remains in the thousands of tonnes (of which a large proportion remains below MCRS). Below MCRS or juvenile fish are a particularly important issue in terms of discards as a high mortality rate in juvenile stock has a direct knock on effect on the health of future stocks. By removing juvenile fish from the sea, our fishermen are essentially ensuring that they will never reach a marketable size in the future; removing both marketable and juvenile fish is doubly impacting the stock.
- 3.5.7 Of the species shown below, discards in 2015 were approximately 34,500 tonnes and 4 years after the introduction of the landing obligation these still number approximately 16,700 tonnes (albeit the full landing obligation was only introduced from January 2019). This is indicative of some shortfalls intrinsic in the landing obligation, including but not limited to a lack of buy-in and compliance by the industry.
- 3.5.8 Discards in total remain higher in the whitefish fleet but they alone are not responsible for all discards in Scottish waters. The smaller mesh Nephrops vessels also return catch to the sea, but often for very different reasons than the whitefish fleet.
- 3.5.9 There are no clear discard figures available for the pelagic fleet however, anecdotal evidence suggests that discarding does continue. When considering the enormous quantities this segment of the fleet catch, even a small percentage of discards could exceed that of the rest of the Scottish fleet combined.

Table 1. 2019 Unwanted catch by species and the areas North Sea (area 4) and North Western Waters (area 6).

Species	Unwanted catch (t)			MCRS as a percentage of unwanted catch (%)			Unwanted catch as a percentage of total catch (%)		
	Total	Area 4	Area 6	Total	Area 4	Area 6	Total	Area 4	Area 6
Cod	2,396	2,240	156	27.1	21.6	32.5	12.0	12.6	11.4
Haddock	4,639	2,872	1,767	74.3	66.8	81.8	25.3	11.6	39.0
Hake	1,018	846	172	7.35	0.6	12.2	19.0	15.5	22.4
Whiting	3,099	2,496	603	52.3	31.8	72.8	45.7	17.6	73.7
Saithe	4,181	4,091	42	0.6	0.1	1.0	15.3	29.0	1.5
Total (All species*)	16,775	13,569	3,206	48	27.2	68.8	17	14.7	19.3

Table 2. 2015 Landings and unwanted catch by species and the areas North Sea (area 4) and North Western Waters (area 6).

Species	Unwanted catch (t)			MCRS as a percentage of unwanted catch (%)			Unwanted catch as a percentage of total catch (%)		
	Total	Area 4	Area 6	Total	Area 4	Area 6	Total	Area 4	Area 6
Cod	8,003	6,960	1,043	14.0	7.5	20.4	60.3	34.0	86.5
Haddock	5,171	3,944	1,227	71.0	55.9	86.15	21.1	13.4	28.7
Hake	3,371	3,185	186	0.9	0.2	1.6	36.2	50.4	22.0
Whiting	4,437	3,490	947	50.7	17.4	84.0	53.9	28.0	79.7
Saithe	4,459	4,220	239	4.0	0.1	7.9	21.2	38.6	3.8
Total (All species*)	31,424	25,230	6,194	39.7	19.6	59.8	29.2	25.7	32.7

3.5.10 It is our view that if the figures are still this high following significant CFP reform (and the introduction and full implementation of the landing obligation) then clearly the current system is not working as intended and there is still more that needs to be done.⁸

4 Approach to SEA

4.1 Scope of the Assessment

4.1.1 The screening exercise (appended to this report) determined that the FCP is likely to give rise to environmental effects. This report explores the nature of these effects by proposing the environmental receptors that are most likely to be impacted. It also presents the assessment approach that will likely be taken.

4.1.2 Table 3 sets out further information on the potential impacts of the FCP on each SEA environmental receptor, providing a rationale for its inclusion in or exclusion from the assessment.

4.1.3 Given that the measures (both technical and spatial) are still under review and subject to public consultation this assessment has looked at the intrinsic processes of the FCP and the desired goals; and how they may improve upon the current rules and regulations by increasing the level of compliance, accountability, confidence and above all operability of a discard ban.

Table 3. SEA Topics Scoped In/Out *

SEA Topic	In/out	Reasons for inclusion / exclusion
Biodiversity, flora and fauna	In	Through future management measures, by reducing unwanted catch of fish and non-fish species, and in an attempt to minimise discards, the FCP could potentially have a positive impact on fisheries stocks and so this topic will be scoped in. There is also likely to be a positive impact on biodiversity and the wider ecosystem.
Population	Out	The FCP would not result in significant increases and/or decreases in human population numbers, changes to in- or out-migration, etc. These topics are scoped out of the SEA.
Human health	Out	The FCP would not result in any significant human health issues. Fishing remains a dangerous vocation, however the FCP would not implement any measures which would alter the safety of fishing operations. This topic is scoped out of the SEA.

⁸ * For references, the species included in this calculation are the fin fish: Cod, Haddock, Hake, Saithe, Whiting, Anglerfishes, Greater argentine, Brill, Greater forkbeard, Greenland halibut, Grey gurnard, Lemon sole, Megrim, Ling, Surmullet, Norway pout, European plaice, Pollack, Common sole, Turbot, Witch flounder, Tusk, Blue ling, Black scabbardfish, Common dab, European flounder, Roundnose grenadier.

SEA Topic	In/out	Reasons for inclusion / exclusion
Soil, geology and hydrodynamic processes	Out	Fishing practices will remain largely unchanged at the methodological level. Any impacts to sediment quality and the beds of water bodies will remain as before. Depending on future spatial measures, there may be less impact in some areas (due to closures) and more in others (due to displacement) but for the purposes of the FCP assessment this can be scoped out.
Water quality, resources, ecological status	In	Possible benefits to water quality and resources (fishing stocks) from improved management and fisheries practices.
Air	Out	The FCP would be unlikely to result in additional emissions to air. . It is unlikely that the FCP would make a significant difference to existing vessel emissions. We therefore consider that there would be no significant changes to atmospheric emissions, and propose to scope air quality out of the SEA.
Climatic factors	Out	The FCP would not result in increased/ decreased emissions of greenhouse gases. This is scoped out of the SEA.
Material assets	Out	The FCP will not intrinsically impact built assets or natural assets as defined in the SEPA guidance
Cultural heritage	Out	Fishing practices will remain largely unchanged at the methodological level. Any impacts to cultural heritage will remain as before. Depending on future spatial measures, there may be less impact in some areas (due to closures) and more in others (due to displacement) but for the purposes of the FCP assessment this can be scoped out.
Landscape/ seascape	Out	The FCP is unlikely to have effects on landscape and/or seascape over or below what effects the industry currently has. These issues are therefore scoped out of the SEA.

*** These will be explored and could be adapted as a result of the consultation as the policy adapts and technical measures are agreed**

- 4.1.4 It is a requirement of the 2005 Act that Responsible Authorities provide details of the character of the environment which may be affected, including any existing pressures and the likely evolution of the environment in the absence of the FCP. The Strategy will be assessed against this baseline to provide an indication of the type and significance of any environmental impacts that could arise.
- 4.1.5 Under each relevant SEA environmental receptor, baseline information has been drawn from a range of sources including:
- Operating knowledge around current technical regulations
 - Evidence drawn from gear trials including those conducted by Marine Scotland Science, wider academia, and industry
 - Scientific research into juvenile and spawning fish
 - The Scottish Marine Assessment for 2020 (SMA2020)
 - The UK Marine Monitoring and Assessment Strategy (UKMMAS)
 - Marine Scotland Compliance and Marine Scotland Science catch data
 - Scotland’s Environment Web and other Scottish Government environmental sources, and
 - other sources as appropriate

4.2 Environmental principles

- 4.2.1 Under the terms of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, Ministers have a duty to have due regard to four environmental principles in developing policy. These principles and the consideration given to these in the context of the Future Catching Policy are detailed below. It should be said that the environmental principles are themselves embedded within the Scottish Government’s wider approach to fisheries management, and that they form a key building block of the Future Catching Policy and the outcomes we are seeking to deliver.
- 4.2.2 **Protecting the environment should be integrated into the making of policies;** this is an inherent part of our wider approach to fisheries management in Scotland, and underpins the strategic approach set out in the overarching Fisheries Management Strategy. Environmental outcomes form a key part of the Future Catching Policy proposal, in particular to reduce negative fisheries impact on key marine species, e.g. by minimising or eliminating discards. The Future Catching Policy will help ensure that environmental outcomes are built into our fisheries management approach.
- 4.2.3 **The precautionary principle as it relates to the environment;** the precautionary principle is already embedded into our wider fisheries management approach, and many of the policies and programmes we have in place or are developing (including the Future Catching Policy) are intended to maintain and continue our existing approach. By its very nature the Future Catching Policy is a demonstration of the precautionary principle, in that we are not looking for exhaustive evidence before acting – we believe

that the Future Catching Policy will have a significant positive impact on fisheries management and the wider environment and therefore are seeking to proceed rather than exist in limbo.

- 4.2.4 **Preventative action should be taken to avert environmental damage;** the actions set out as part of the Future Catching Policy are intended to help prevent additional damage to the environment, and as far as possible to help prevent damage from occurring in the first place. For example, by putting in place measures to reduce unwanted catch of fish, damage to the sustainability of fish stocks and the wider marine ecosystem can be avoided.
- 4.2.5 **Environmental damage should as a priority be rectified at source;** the Future Catching Policy works on the basis that fishers will be required to take action to adjust their practices and operations in order to achieve the outcomes of the policy, for example, by using selective fishing gear in order to reduce unwanted catch and reduce discarding. In this, the actions required to prevent environmental damage are dealt with at source.
- 4.2.6 **The polluter should pay.** As per the above bullet point, the emphasis is on the fishing industry to adjust practices and operations in order to help achieve the outcomes being sought.
- 4.2.7 It is worth noting that at this stage in the FCP development changes are focussed on improving the adaptability of the fisheries management process in order to work in a co-management way to develop rules and regulations in partnership. With these new fishery management processes in place, changes to fishing regulations, practices and behaviours which will reduce unwanted catch and reduce discards are likely to result in positive impacts to the environmental baseline.

5 Methodology

5.1 Given the nature of the FCP and the potential environmental effects, the results of the assessment are provided in a narrative style below. The narrative approach provides explanatory text to support the findings of the assessment against each environmental receptor that was scoped in.

5.2 Biodiversity, Flora and Fauna

5.2.1 The environmental protection objectives set out for biodiversity, flora and fauna are broadly aimed at protecting habitats and species from damage and disturbance. This is principally done through the identification and conservation of areas of particular value. A hierarchy of protection has been established already within Scotland's fisheries, including:

- a range of Marine Protected Areas (MPAs)
- a suite of technical conservation measures, both internationally and locally (EU delegated acts⁹⁺¹⁰ and Scottish fishing vessel licences)

⁹[COMMISSION DELEGATED REGULATION \(EU\) 2019/2239 – North Sea](#)

- a range of temporal and spatial closures relating to spawning stocks and nurseries
- Annually set Total Allowable Catches (TACs) based upon stock assessments

5.2.2 The FCP is intended to build on this approach, providing a streamlined approach to stakeholder engagement in order to establish rules and regulations, and also delivering improvements in reducing unwanted catch and minimising discards. Although specific measures have still to be agreed, the table set out below indicates where they may have a favourable effect on biodiversity, flora and fauna in relation to fisheries impacts.

5.2.3 From the evidence we hold, particularly those relating to fish stock assessments and conclusions from Scotland’s Marine Assessment 2020, we know that human activity particularly through fishing, has an impact on the marine environment and the species which exist as part of that environment. We also know that we can manage this human activity in order to balance the socio-economic returns with the environmental impact that it has. The majority of the rules and regulations that we have in place are intended to help us achieve that balance. However, as set out in the above Stats and Facts section, there are issues around implementation of current policies such as the landing obligation, along with wider issues around unwanted catch of fish, which mean that further action is needed. There is also a strong body of work which indicates that accidental bycatch and entanglements of non-fish species, such as cetaceans and seabirds, are a problem within certain types of fisheries and that action is required by the fishing industry to reduce these impacts.

5.2.4 Scotland’s FCP is intended to provide a framework for action to be identified, in partnership with stakeholders, in order to deliver positive improvements. In particular, potential technical and spatial measures should positively address issues around unwanted bycatch, and adjustments to current discarding rules should increase compliance, reducing waste and increasing accountability.

5.2.5 The table below demonstrates this in more detail:

Table 4. Matrix of benefit for Biodiversity, Flora and Fauna due to the implementation of the FCP

Possible Fisheries Management Measure	Likely outcome	Potential impact on Biodiversity, Flora and Fauna
Technical measures e.g. gear modifications and increased selectivity	Reduce unwanted bycatch of fish and other species. Potential for reduction in emissions depending on	Increase sustainability of fish stocks. Reduced catch of undersized fish supporting biodiversity and wider ecosystem.

¹⁰[COMMISSION DELEGATED REGULATION \(EU\) 2019/2239 – North Western Waters](#)

	<p>gear used e.g. lighter gear.</p>	<p>Increased protections for vulnerable species e.g. cetaceans, and species crucial to wider ecosystem e.g. seabirds.</p> <p>Supports transition to net zero and wider health of marine environment.</p>
<p>Spatial restrictions e.g. to protect juvenile and spawning fish</p>	<p>Reduce unwanted bycatch of fish and other species.</p> <p>Reduce human activity and impact in areas of spatial restriction.</p>	<p>Increase sustainability of fish stock.</p> <p>Protect spawning and juvenile fish leading to increased overall health and abundance of fish stocks.</p> <p>Protections for parts of the marine environment when restrictions in place leading to increased biodiversity and supporting wider ecosystem.</p>
<p>Adjustments to discarding rules including exemptions</p>	<p>Simplify the discarding rules to improve industry buy-in and compliance.</p> <p>Adjust the need to land every single fish that has been removed from the sea as long as it is properly accounted for.</p> <p>Reinstate a discard margin, whereby discards are fully accounted for and removed from the TAC.</p> <p>More accountability with discards means more accurate quota adjustments which means overall fewer fish being removed from the sea.</p>	<p>Increase sustainability of fish stock.</p> <p>Less food waste of marketable fish catch.</p>

Implement specific measures for gill nets and long line vessels	<p>Reduce gear conflict and create a safer working environment with fewer instances of lost gear.</p> <p>Potentially limit soak times and depths of gear.</p> <p>Increase selectivity of gear if possible.</p>	<p>Increased protections for vulnerable species e.g. cetaceans, and species crucial to wider ecosystem e.g. seabirds.</p> <p>Reduced impact on the marine environment.</p>
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5.3 Water Quality, Resources and Ecological Status

- 5.3.1 Scotland's oceans and the fish stocks therein are a natural resource and a national asset. The Marine (Scotland) Act 2010¹¹ provides a framework to help balance competing demands on Scotland's seas. It includes a duty to protect and enhance the marine environment and includes measures to help boost economic investment and growth in areas such as marine renewables. Scotland's National Marine Plan provides a framework for managing all developments, activities and interests in or affecting Scotland's marine area (territorial and offshore waters). There is also legislation relating to specifically managing Scotland's Fisheries.
- 5.3.2 From the evidence we hold, particularly those relating to fish stock assessments and conclusions from Scotland's Marine Assessment 2020, we know that human activity particularly through fishing, has an impact on the marine environment and the species which exist as part of that environment. We also know that we can manage this human activity in order to balance the socio-economic returns with the environmental impact that it has. The majority of the rules and regulations that we have in place are intended to help us achieve that balance. However, as set out in the above, there are issues around implementation of current policies such as the landing obligation, along with wider issues around unwanted catch of fish and non-fish species, which mean that further action is needed.
- 5.3.3 Given the current discarding figures, our confidence regarding sustainable fishing levels could be improved as discussed above. Whilst Total Allowable Catches (TACs) are set at sustainable fishing levels, if discarding is taking place then it effects that overall sustainability. Sustainability is our aim as responsible fisheries managers and the FCP aims to improve upon this.
- 5.3.4 As discussed above (3.3.6) there are shortcomings with the current rules that are in place i.e. the landing obligation, and we need to do more on technical and spatial measures to reduce unwanted catch of fish stocks and other species. The FCP aims to do this and will have the potential to greatly benefit fish stocks, thereby improving the natural resources in Scottish waters. The matrix shown above in **Table 4 above** reflects this.

¹¹Scottish Government, 2010. Marine (Scotland) Act 2010. Available at: <http://www.gov.scot/Topics/marine/seamanagement/marineact>

5.3.5 Scotland's FCP is intended to provide a framework for action to be identified, in partnership with stakeholders, in order to deliver positive improvements. In particular, potential technical and spatial measures should positively address issues around unwanted bycatch, and adjustments to current discarding rules should increase compliance, reducing waste and increasing accountability.

5.4 Assessment findings

- 5.4.1 Whilst developing the FCP we have consulted a number of evidence bases, as outlined in section 4.1.5. Given the nature of the FCP a primary source of influence has been our national discard figures. As shown in **Tables 1 and 2**, trends can be inferred and conclusions drawn. Coupled with wider knowledge of the fishing industry, myriad databases, word of mouth and a breadth of knowledge regarding the history of Scottish fisheries management policies, this data has strongly influenced the shape of the FCP consultation paper and the proposals therein.
- 5.4.2 It is worth noting that we have not drawn these conclusions in isolation. At every step of the FCP development process we have engaged closely with our stakeholders, ranging from environmental groups to industry representatives, and they have been a valuable addition to our evidence base. Not only that, but it has allowed us to understand the types of measures that should be undertaken and the impact they can have across the board (i.e. on the environment and on the industry). This stakeholder engagement process is integral in creating reasonable, balanced and appropriate measures to manage our fisheries.
- 5.4.3 This broad evidence base has made it clear that the interventions we make through the FCP can have a positive impact on the marine environment, supporting a range of outcomes, and delivering benefits. Not only reducing human impact on the marine environment but ensuring healthy and sustainable fishing stocks for years to come, which has positive implications for both the natural environment and the socio-economic one.
- 5.4.4 Again it is worth noting that the measures listed in this report are not set in stone and will be subject to the consultation process but, if developed collaboratively, can result in long term positive impacts as part of broader fisheries management approach.
- 5.4.5 A key part of delivering these positive outcomes will be monitoring the impact of these measures once they are solidified and implemented. Tied in with the FCP and under the broader umbrella of the Fisheries Management Strategy, is a commitment to improve monitoring and evaluation across the fishing industry. Part of this is reflected in the upcoming consultation on REM, but it is not restricted to that. The FCP will benefit greatly from an ongoing monitoring and evaluation framework whereby we utilise all resources available to us to determine the health and sustainability of our fish stocks.

6 Consultation and next steps

- 6.1.1 A joint Screening and Scoping Report was made available to the statutory Consultation Authorities for comment and agreement with the report was acknowledged.
- 6.1.2 Following the close of this consultation period, the responses will be analysed and used to inform the further development of the FCP and the Environmental Report, both of which will be made available for public consultation.
- 6.1.3 It is anticipated that the FCP will be going to consultation on 15th March 2022 and should run for the standard 12 week period. Table 6 sets out an indicative timeline.

Table 6. Indicative timeline for development of the Future Catching Policy and SEA

Indicative timeline	Development of FCP	Stage of the SEA
February 2022	Finalising Consultation Paper and seeking Ministerial Clearance to consult	Preparing to advertise Environmental Report alongside consultation
March 2022	FCP consultation	SEA to run alongside

Appendix A - SEA Screening Report

*The FCP has changed shape since the Screening and Scoping report had been submitted, with some minor elements being removed and other areas being expanded upon, however the directives of the FCP remain the same and have been expanded upon above and in the consultation document.

STEP 1 – DETAILS OF THE PLAN	
Responsible Authority:	Marine Scotland
Title of the plan:	Future Catching Policy
What prompted the plan: (e.g. a legislative, regulatory or administrative provision)	Ongoing issues with the landing obligation require changes to make the policy more effective, and also to take a more holistic view of the rules surrounding the catching process.
Plan subject: (e.g. transport)	Fisheries
Screening is required by the Environmental Assessment (Scotland) Act 2005. Based on Boxes 3 and 4, our view is that:	<input checked="" type="checkbox"/> An SEA is required, as the environmental effects are likely to be significant: Please indicate below what Section of the 2005 Act this plan falls within <input type="checkbox"/> Section 5(3) <input checked="" type="checkbox"/> Section 5(4)
Contact details:	Warren Devine Senior Policy Officer Catching Policy and Future Fisheries Management Team marine scotland Sea Fisheries Division Email : warren.devine@gov.scot
Date:	24/11/2020

STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

Context of the Plan:

Brexit has created an opportunity to improve upon the EU Landing Obligation from a Scottish perspective. Marine Scotland intend to do this by streamlining the fisheries management process and implementing technical and spatial measures with this new process to reduce the level of discards across the fleet.

Description of the Plan:

Scotland's fisheries are unique and extremely varied, both in terms of methods of fishing and geographical diversity. Due to this level of variability a one size fits all approach is often not the most effective means of regulating and managing Scotland's fisheries. In relation to dealing with the issue of unwanted catch and discarding, under the current EU landing obligation a one size fits all approach has proven difficult to implement successfully, with strong indications that a more tailored approach would be more effective. The Scottish Government is proposing a Future Catching Policy (FCP) which will tackle the challenges associated with the current landing obligation by introducing a suite of measures, tailored to consider the varied fleet and the geographical differences and provide a means to effectively reduce and manage the issues with unwanted catch in each of these areas.

What are the key components of the plan?

- Improvements to the fisheries management decision process
- A fleet segmented approach to the fishing fleet including tailored measures with regards to the specific segments:
 - Pelagic fleet segment (pelagic trawls and purse seiners)
 - Offshore whitefish fleet segment (large mesh demersal trawls and seine nets)
 - Offshore mixed fleet segment (small mesh offshore demersal trawls and inshore seine nets)
 - Small inshore fleet segment (small mesh inshore demersal trawls)
 - Static gear fleet segment (pots, creels, gill nets and long lines)
- A suite of proposed measures including looking at:
 - REM
 - Quota and licencing
 - Inshore management
 - Gill nets and long lines
 - Directed fisheries

Have any of the components of the plan been considered in previous SEA work?

Potentially, given that fisheries fall under a collection of complicated and interlocking set of disciplinary teams.

In terms of your response to Boxes 7 and 8 above, set out those

Biodiversity, flora and fauna

Water quality, resources, ecological status

components of the plan that are likely to require screening:	
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STEP 3 – IDENTIFYING INTERACTIONS OF THE PLAN WITH THE ENVIRONMENT AND CONSIDERING THE LIKELY SIGNIFICANCE OF ANY INTERACTIONS (Error! Reference source not found.)

Plan Components	Environmental Topic Areas									
	Biodiversity, flora and fauna	Population and human health	Soil	Water	Air	Climatic factors	Material assets	Cultural heritage	Landscape	Inter-relationship
Policy Provisions	✓	✗	✗	✓	✗	✗	✗	✗	✗	✗
Explanation of Potential Environmental Effects & Explanation of Significance										
<p>Through future management measures, in an attempt to minimise discards, the FCP could potentially have a positive impact on fisheries stocks and so this topic will be scoped in. The ripple effect of improved stocks could result in improved biodiversity but it is not intrinsic in the FCP.</p> <p>Possible benefits to water quality and resources (fishing stocks) from improved management and fisheries practices.</p> <p>The FCP will be the baseline for fisheries management decisions, both in real-time measures and in management process; and therefore sets a framework which will have a significant effect on fisheries operations across Scotland.</p> <p>The FCP is likely to influence the development of fisheries management plans, either at the national or local level or both.</p> <p>Environmental considerations are already taken into account in fisheries management. However, the FCP will create a process via which measures can be adapted readily in keeping with updated scientific advice and stakeholder input.</p> <p>The FCP will likely have a positive environmental impact through the implementation of measures and procedures developed to decrease the quantity of discarded catch and increase the level of accountability and confidence in Scotland’s fishery stocks.</p> <p>The FCP will contribute towards Scotland achieving and maintaining Good Environmental Status (GES) under the Marine Strategy Framework Directive.</p> <p>The FCP will provide the process for making management decisions in a post-brexit world, so will endure as long as Scotland remains out-with the EU or a subsequent process is implemented. The measures will be reviewed annually but the process will likely remain fairly fixed.</p>										

The suite of measures and processes within the FCP will affect the entire Scottish fishing fleet as well as any foreign visiting vessels so there is potential for the impacts to be cumulative in nature.

Only insofar as vessels from other countries will be obligated to follow the measures set out during the FCP process whilst fishing in Scottish waters. The FCP will not seek to implement measures out-with Scottish waters; however any positive impacts are likely to extend across the wider network and into surrounding waters as well, due to the interconnectivity of the marine environment.

The FCP does not pose a risk to human health. Any risks to the environment will stem from the potential displacement of activity, both due to spatial measures themselves as well as future management measures. However the FCP hopes to establish a baseline for sustainable fishing going forward which should have positive environmental impacts, not negative.

The FCP will cover the whole of Scottish waters; any positive impacts are likely to extend across the wider network and into surrounding waters as well, due to the interconnectivity of the marine environment. Negative impacts associated with the displacement of activity due to spatial measures themselves as well as any future management measures will depend on the scale and location of the measures. The details of any such management measures are not yet concrete.

Certain spatial measures within the FCP will be founded on the presence of special natural characteristics such as breeding grounds or nurseries for specific species. Many regions of Scotland's marine environment possess natural or cultural value in their own right, which the FCP is likely to encompass.

The FCP will cover the whole of Scottish waters. Certain spatial measures within the FCP will be founded on the presence of special natural characteristics such as breeding grounds or nurseries for specific species. Many regions of Scotland's marine environment possess natural or cultural value in their own right, which the FCP is likely to encompass.

STEP 4 – STATEMENT OF THE FINDINGS OF THE SCREENING

Summary of interactions with the environment and statement of the findings of the Screening:

Based on the above evaluation and fuller consideration of the potential scope and content of the Future Catching Policy, the Scottish Government has concluded that they may give rise to environmental benefits. We are unsure as to whether or not these will be significant.

As a result, the Scottish Government is of the opinion that an SEA is required to review the Future Catching Policy. The views of the Consultation Authorities are now sought, under Section 9 of the Environmental Assessment (Scotland) Act 2005.

Appendix B – Consultation Authority Responses



Our ref: PCS/174132
SG ref: SEA01612/scr

Warren Devine
Senior Policy Officer
Catching Policy and Future Fisheries Management Team
Marine Scotland
Sea Fisheries Division

If telephoning ask for:
Susan Dean

2 December 2020

By email only to: SEA_Gateway@gov.scot

Dear Mr Devine

Environmental Assessment (Scotland) Act 2005 Future Catching Policy - Screening Report

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 30 November 2020.

In accordance with Section 9(3) of the Environmental Assessment (Scotland) Act 2005 we have considered your screening report using the criteria set out in Schedule 2 for determining the likely significance of effects on the environment. Having reviewed the Screening Report, we consider that in respect of our main areas of interest (air, water, soil, human health, material assets and climatic factors) **we agree with the conclusions of the screening report** that the Policy is likely to have significant environmental effects.

We note that you have also submitted a scoping report and we will provide comment on this in due course.

Should you wish to discuss this screening consultation, please do not hesitate to contact me via our SEA Gateway at sea.gateway@sepa.org.uk.

Yours sincerely

Susan Dean
Principal Policy Officer (SEA)

Ecopy: sea.gateway@hes.scot; SEA_GATEWAY@nature.scot

Our ref: PCS/174133
SG ref: SEA01612/sco

Warren Devine
Senior Policy Officer
Catching Policy and Future Fisheries Management Team
Marine Scotland
Sea Fisheries Division

If telephoning ask for:
Susan Dean

17 December 2020

By email only to: SEA_Gateway@gov.scot

Dear Mr Devine

Environmental Assessment (Scotland) Act 2005 Future Catching Policy - Scoping consultation

Thank you for your Scoping consultation submitted under the above Act in respect of the Future Catching Policy. This was received by SEPA via the Scottish Government SEA Gateway on 30 November 2020.

As required under Section 15(2) of the Act, we have considered the Scoping Report submitted. We note the conclusion of the appended Screening Report which states that “*Based on the above evaluation and fuller consideration of the potential scope and content of the Future Catching Policy, the Scottish Government has concluded that they may give rise to environmental benefits. We are unsure as to whether or not these will be significant.*” We welcome that you propose to undertake an environmental assessment and we would highlight that the SEA can be a useful tool by which to explore how benefits which may not at first be considered significant can be further enhanced as the policy is developed.

Please note our comments below with regards the scope and level of detail proposed for the assessment. We would highlight that further guidance on these issues (including the consideration of reasonable alternatives and the use of SEA objectives) can be found in the SEA topic guidance notes on our website: www.sepa.org.uk/environment/land/planning/strategic-environmental-assessment/

Detailed comments on the scoping report

1. **Scope:** We are content with the scope of the assessment being limited to the topics of Biodiversity, fauna and flora, and Water quality, resources, and ecological status. We are content for the other issues within our remit (Human Health, Air, Soil, Climatic Factors and Material Assets) to be scoped out of the assessment. We understand that fisheries resources which could be considered a Material Asset will largely be considered under the topic of Water. We are content with this approach.
2. **Methodology:** Limited detail has been provided on the proposed assessment methodology. We note from the scoping report that the policy will consist of three elements; (1) Improvements to the fisheries management decision process, (2) A fleet segmented approach to the fishing fleet including tailored measures with regards to the specific segments, and (3) A suite of proposed measures including looking at REM, Quota and licencing, Inshore management, Gill nets and long lines, and Directed fisheries. We would ask that clarification be provided as to which aspects of the policy will be subject to assessment. It is also unclear what the assessment methodology will be - it is inferred that environmental objectives will be developed from the baseline information, and we welcome this approach as a basis for exploring potential environmental

effects of the policy. We would be pleased to have further discussion with you on the proposed methodology should you consider this helpful.

3. Reasonable Alternatives: The consideration of reasonable alternatives is a requirement under section 14(2)(b) of the Act. No information has been provided on how reasonable alternatives will be considered in the assessment or presented in the Environmental Report. Paragraph 2.1.1 of the scoping report refers to the Scottish Government considering “*options for a different approach in consultation and collaboration with stakeholders through the Scottish Discards Steering Group (SDSG) and the Future Catching Policy Development (FCPD) group.*” Paragraph 2.1.3 states that “*The Scottish Government has and will continue to work closely with stakeholders to fine tune this package of additional measures.*” It may well be that these discussions and fine tuning of measures could be termed “reasonable alternatives” for the purposes of SEA; if so, details of these activities and their assessment in terms of potential environmental effects should be included in the Environmental Report. Or, it may be that other reasonable alternatives are being proposed for consideration in the assessment. In either case we would ask for clarification on this aspect of the assessment.
4. Consultation period: We note and are content with the proposed 12-week consultation period for the Environmental Report.

On completion, the Environmental Report and the Policy to which it relates should be submitted to the Scottish Government SEA Gateway (SEA_Gateway@gov.scot) which will forward it to the Consultation Authorities.

Should you wish to discuss this scoping consultation, please do not hesitate to contact me via our SEA Gateway at sea.gateway@sepa.org.uk

Yours sincerely

Susan Dean
Principal Policy Officer (SEA)
Planning Service

Ecopy: sea.gateway@hes.scot; SEA_GATEWAY@nature.scot

By email to: sea.gateway@gov.scot
Mr Warren Devine
Senior Policy Officer The Scottish Government
Catching Policy and Future Fisheries
Management Team Marine Scotland

Longmore House
Salisbury Place
Edinburgh
EH9 1SH
Our case ID: 300047770
Your ref: 01612
21 December 2020

Dear Warren Devine
Environmental Assessment (Scotland) Act 2005
Marine Scotland – Future Catching Policy

Screening Report

Thank you for your consultation which we received on 26 November 2020 about the above screening report. We are also grateful for the opportunity to meet with you prior to submission of this screening report and your helpful overview of some of the key drivers behind the Future Catching Policy and its environmental effects.

We have reviewed this report in our role as a Consultation Authority under the above Act, in accordance with the requirements of Section 9(3). In doing so we have used the criteria set out in Schedule 2 for determining the likely significance of the effects on the environment.

Historic Environment Scotland's view

In light of the information and reasoning set out within the screening report, we agree with your view that there are **unlikely to be significant environmental effects for the historic environment**.

Historic Environment Scotland's comments

Our understanding is that the focus of this policy is upon developing a collaborative approach to addressing some of the challenges around fish catch landing obligations and discard procedures, sustainably manage fish stocks, reduce waste, and take forward a series of related objectives.

We note that, despite the potential for less impact for the marine heritage features in some areas (due to closures) and more in others (due to displacement), effects for the historic environment are expected to remain largely unchanged. You have concluded that effects for the historic environment are unlikely to be significant and we agree with this view

Next steps

The Environmental Assessment (Scotland) Act 2005 requires you as the Responsible Authority to determine whether an environmental assessment is required. You must then notify the Consultation Authorities within 28 days of making this determination. This may be done via the SEA Gateway (sea.gateway@gov.scot).

We hope our advice is helpful to you in making this determination. Please feel welcome to contact us if you have any questions about this response. The officer managing this case is Alasdair McKenzie who can be contacted by phone on 0131 668 8924 or by email on Alasdair.McKenzie@hes.scot.

Yours faithfully

Historic Environment Scotland

18 January 2021
Our ref: 01612

By email: SEA_Gateway@gov.scot
Cc: sea.gateway@hes.scot; sea.gateway@sepa.org.uk

Warren Devine
Senior Policy Officer
Catching Policy and Future Fisheries Management Team
Marine Scotland
Sea Fisheries Division

Dear Mr Devine

**Environmental Assessment (Scotland) Act 2005
Future Catching Policy – Screening and Scoping consultation**

Thank you for your consultation on Screening and Scoping submitted under the above Act in respect of the Future Catching Policy. This was received by NatureScot via the Scottish Government SEA Gateway on 30 November 2020. Apologies for the delay in replying to the consultation.

Screening

In accordance with Section 9(3) of the Environmental Assessment (Scotland) Act 2005, NatureScot has considered the screening report using the criteria set out in Schedule 2 for determining the likely significance of effects on the environment. We note Marine Scotland's conclusions in the Screening Report. We agree that the above Policy is likely to have significant environmental effects with respect to 'Biodiversity, Flora and Fauna' and that an SEA is therefore required.

Scoping

As required under Section 15(2) of the Act, we have considered the Scoping Report submitted. We are broadly content with the scope of the assessment, subject to some detailed points as set out below. We note the indicative timetable for the consultation period. We are content with this proposed consultation period.

Detailed comments on the scoping report

We are content that the scope of the assessment will include the topics of Biodiversity, fauna and flora, and Water quality, resources, and ecological status.

With respect to Climatic Factors, we agree the Policy is unlikely to result in substantial change in vessel emissions of greenhouse gases. However the Policy is also of relevance for carbon storage and sequestration, i.e. with respect to the recovery and maintenance of target stocks at favourable levels and in the context of managing the spatial footprint of fishing (and benthic disturbance arising).

We appreciate that the evidence base for these aspects is at a relatively early stage but think that there would be merit in giving some consideration within the Assessment.

I hope that our advice and comments are helpful to you. Please let us know if you wish to discuss any aspect of this advice please do not hesitate to contact me via our SEA Gateway at SEA_GATEWAY@nature.scot

Yours sincerely,
Dr David W Donnan
Marine Sustainability Manager
Sustainable Coasts and Seas