

# Marine Scotland

Management Proposals of Inshore Fisheries Groups

Strategic Environmental Assessment

Post Adoption Statement

July 2014



marinescotland

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## **1. Background**

### 1.1 Introduction

1.1.1 The Environmental Assessment (Scotland) Act 2005 (“the Act”) requires that certain public plans, programmes and strategies (PPS) be assessed for their potential effects on the environment. A strategic environmental assessment (SEA) is the process used to fulfil this requirement, and includes consultation with the public and the Consultation Authorities<sup>1</sup>. The Inshore Fisheries Groups (IFG) management proposals fell under Section 5(4) of the Act.

1.1.2 In August 2013, Marine Scotland made public a summary of the management proposals developed by IFGs and an accompanying Environmental Report on the potential environmental effects of management plan proposals. Comments were invited by 10 October 2013.

1.1.3 This Post Adoption Statement forms the final output from the SEA process and is required under the Act. It outlines how the findings of the SEA and the views of consultees on the management proposals and the Environmental Report have been taken into account and concludes the SEA process.

### 1.2 Structure of this Statement

1.2.1 Section 18(3) of the Act sets out the information that should be included in this SEA Statement. In summary, it should include:

- how the environmental considerations have been integrated into the PPS;
- how the Environmental Report has been taken into account;
- how the opinions of consultees on the management proposals and the Environmental Report have been taken into account;
- the reasons for choosing the management proposals as adopted, in light of the other reasonable alternatives considered; and
- measures to be taken to monitor the significant environmental effects of the implementation of the management proposals.

## **2. Management Plan Proposals**

### 2.1 Introduction

2.1.1 Each IFG is made up of an Executive Committee and an Advisory Group. The Executive Committee is primarily made up of fishermen’s associations with an active membership in the area, and is responsible for debating issues and trying to identify mutually-agreed management proposals. The Advisory Group is made up of broader stakeholders who provide wider and specialist guidance. While the make-up of each Advisory Group varies from IFG area to IFG area, groups concerned with environmental issues have representation (principally Scottish Natural Heritage, Scottish Environment Link and the Scottish Environment Protection Agency).

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<sup>1</sup> Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH) and Historic Scotland.

2.1.2 The Strategic Framework for Inshore Fisheries (2005) outlines five high level objectives (see Table 1 of Annex A). One of these is an environmental objective, defined as being “to maintain and restore the quality of the inshore marine environment for fisheries and for wildlife”. As part of the sign-off process for Management Plans, the Scottish Inshore Fisheries Advisory Group (SIFAG) and successor body the Fisheries Management and Conservation Group (FMAC) had to state that management proposals were consistent with these high level objectives.

2.1.3 As well as Executive Committees and Advisory Groups, many IFGs also communicated with other bodies and members of the public. For example, several of the IFGs held public meetings at which individuals from outside the usual IFG consultees were invited to give their thoughts on fisheries and management proposals.

### **3. The Consultation Process and Consultation Responses Received**

#### **3.1 Consultation**

3.1.1 Marine Scotland consulted on the Management Proposals of IFGs between 15 August 2013 and 10 October 2013. As well as being distributed to fishermen’s associations and environmental groups, the documents were available to download from the Scottish Government website and an advertisement was placed in The Scotsman and Edinburgh Gazette newspapers.

3.1.2 In total, 12 consultation responses were received: one from each of the three statutory Consultation Authorities (SEPA, SNH and Historic Scotland); three from environmental groups; one from an IFG; one from a fishermen’s organisation; two from ‘other’ organisations; and two from individuals.

#### **3.2 Comments on the IFG management proposals**

3.2.1 A common theme in responses was that the proposed management measures did not go far enough, particularly in regard to environmental and biological objectives. For example, there were comments that the management proposals should have been developed in the context of the HLMOs<sup>2</sup> and the GES descriptors<sup>3</sup>, and that future management measures should address the wider pressures of fisheries on marine biodiversity within the relevant IFG area. Particular emphasis was placed on a lack of management measures covering the mobile gear sector. However, most of the same responses acknowledged that this reflected the early stage of development of IFGs and that the current management proposals would be built on in future.

3.2.2 Two responses raised concerns about the IFG model, particularly around the composition and governance of the IFGs, and in terms of local stakeholder inclusion. One respondent requested that stakeholders with environmental expertise continue to be involved in the IFG Advisory Groups.

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<sup>2</sup> High Level Marine Objectives, i.e. high level objectives for the marine environment. These were agreed amongst the four UK administrations, and are published in HM Government (2008) *Our Seas – a shared resource* (Defra).

<sup>3</sup> Good Environmental Status descriptors, contained in Annex I of Directive 2008/56/EC establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)

3.2.3 Two responses representing organisations with assets on the seabed (Scottish Power and Scottish Water) asked that these assets be borne in mind as management measures are developed.

3.2.4 Specific concerns raised by respondents included:

- Measures such as maximum landing size (MLS) should be part of a wider suite of management measures
- Accreditation (positive and negative)
- Support for a closed areas proposal and control on effort from the static sector
- Comments on eco-dredge (e.g. development of an eco-dredge does not supplant the need for more closed areas in the scallop fishery)
- All new fishery proposals must undergo environmental assessment
- The need for management measures to be based on robust evidence, which requires data collection, particularly in determining the status of certain fish stocks. One respondent considered that this was the responsibility of the Scottish Government
- Support for controls on hobby fishermen
- Warnings against a separate management unit for the Moray Firth
- Request that stakeholders with environmental experience continue to be involved in IFG advisory groups
- One respondent welcomed the widespread v-notching of berried lobsters
- Proposals should have:
  - taken greater account of environmental issues
  - included other management alternatives, such as no-take-zone and effort control

3.2.5 There were general concerns around proposals to establish new fisheries, including views that existing effort was resulting in over-fishing. Specific concerns were raised about proposals to:

- target spiny lobster
- create new fisheries for sprat, unless these could be pursued in a sustainable manner without disruption to the wider ecosystem, e.g. seabirds, for which sprat is an essential prey species.

3.2.6 There were also calls for increased local influence of fisheries, as well as for fishermen to have a greater voice in commenting on proposals that may affect their industry.

### 3.3 Comments on the Environmental Report

3.3.1 Of those responses that provided comments on the Environmental Report, most were supportive that it presented an adequate and accurate assessment of the potential environmental effects of the management plan proposals.

3.3.2 There was general support for the conclusions of the SEA, with many respondents highlighting the report's finding that few measures proposed would reduce damage to the seabed and that greater emphasis should be placed on mobile gear fishing in future management plan proposals.

3.3.3 One respondent was of the view that the Environmental Report did not take into account wider policy initiatives, particularly the Common Fisheries Policy and the proposed Scottish network of Marine Protected Areas. They also took issue with many of the environmental benefits ascribed to management measures and considered that there was a bias in the report against mobile methods of fishing.

3.3.4 One respondent expressed concerns about the timing of the strategic environmental assessment, and requested that environmental assessment be undertaken at an early stage in the development of future iterations of inshore fishery management proposals.

3.3.5 Two respondents considered that the environmental baseline used in the SEA did not adequately reflect the pressures and declines set out in the Marine Atlas, including how pressures may have altered marine ecosystems, such as to inshore finfish populations in the Firth of Clyde over the last thirty years.

3.3.6 Industry respondents requested early engagement, particularly regarding the potential for interaction between inshore fisheries and their infrastructure assets. One considered that the SEA should have included consideration of this issue.

3.3.7 One respondent considered that the SEA's conclusions regarding damage to benthic habitats were not appropriate, remarking that "an SEA on inshore fishing plans that seek to ensure a sustainable future, ecologically and therefore socio-economically, ought to at least conclude that damage to benthic habitats, particularly from bottom trawling and dredging, will continue, albeit in environmentally appropriate areas and at lower levels designed to allow natural regeneration and long-term sustainability, with the management proposals. Fisheries reforms that do not make any difference to the degree of inshore seabed damage will lead to continued declines in marine benthic biodiversity, ecosystem productivity and sea floor integrity".

### 3.4 Marine Scotland Response

3.4.1 The table below summarises general concerns highlighted by respondents to the Management Plan Proposals and summarises Marine Scotland's response to these.

<b>General concerns</b>	<b>MS response</b>
IFG proposals to deal with environmental and biological objectives do not go far enough.	These are the initial management proposals developed by IFGs. For future proposals it will be expected that a greater number of proposals dealing with environmental objectives are put forward.
More holistic management measures for species need to be developed. Not	As with above response these are the initial proposals of IFGs and in future we

<b>General concerns</b>	<b>MS response</b>
<p>piecemeal measures in isolation. Other management measures should have been explored. Such as no-take-zones and effort control.</p>	<p>would expect new proposals which would Offer greater protections to stocks – where this is needed.</p> <p>It should also be remembered that, for many fisheries, national and international legislation and policy will also have a role to play.</p>
<p>Not enough emphasis is placed on mobile gear sectors</p>	<p>As with the response above, these are the initial proposals of IFGs, and in the future greater emphasis should be placed on all types of fishing. However, it should also be minded that mobile gear generally, and trawling in particular, are also managed through regulations at an EU level, to a greater extent than static gear fisheries are.</p>
<p>Access control to commercial fisheries. Care should be taken to consider any new restrictions as many fisheries are already covered by strict controls.</p>	<p>This comment has been noted.</p>
<p>New controls on fishing methods particularly mobile gear need to be carefully considered. Gear has developed considerably in recent years and the work of the industry should be borne in mind</p>	<p>This comment has been noted.</p>
<p>Concerns about and support for establishing new fisheries or developing existing fisheries.</p> <p>There was some support for the new fisheries or developing existing ones as this could divert effort away from other fisheries.</p>	<p>Before commencing any new fishery, work should be done to gather information on the state of the stock, what effect a new fishery might have on the stock's population and the wider marine environment. Any new fishery will have to be compliant with relevant legislation and domestic and international obligations. New fisheries may require management measures.</p>
<p>Accreditation – may not in itself lead to a positive environmental impact.</p> <p>Others supported inshore fisheries seeking accreditation</p>	<p>This comment has been noted.</p>
<p>There should be continued engagement with other Marine Stakeholders – particularly those with assets on the seabed</p>	<p>A majority of IFGs' Management Plans contained a proposal to engage with other marine users and Marine Scotland would encourage this.</p>
<p>Eco-dredges (e.g. development of an</p>	<p>This comment has been noted. But</p>

<b>General concerns</b>	<b>MS response</b>
eco-dredge does not supplant the need for more closed areas in the scallop fishery)	efforts to reduce the environmental impact of fishing gear should be encouraged.
Management measures to be based on robust evidence	This comment has been noted. However, there may be instances where decisions must be made on the best available evidence.
As long as based on scientific advice there was support for: <ul style="list-style-type: none"> <li>• Increasing/reducing MLS</li> <li>• The marking and return of berried and crippled animals</li> </ul>	This comment has been noted.
There was support for controls on hobby fishermen which restricted their ability to land or retain fish that was not for their personal consumption	This comment has been noted.
Warning against having a separate management unit for the Moray Firth as this would lead to displacement	This comment has been noted.
Support for greater data collection and improving knowledge of individual stocks.	This comment has been noted.
A request that stakeholders with environmental expertise continue to be involved in the IFG advisory committees.	This comment has been noted.
Support for closed areas.	This comment has been noted.
All new fishery proposals must undergo environmental assessment.	This comment has been noted.
Support for control on effort from static gear sector.	This comment has been noted.
There should be increased local control of fishery.	The key principle behind the establishment of IFGs was to give local fishers greater control of the fishing in their water.

3.4.2 The table below summarises comments on the Environmental Report provided by respondents and sets out Marine Scotland's response to these.

<b>General concerns on ER</b>	<b>MS response</b>
Feedback that ER provided an adequate and accurate assessment of the potential environmental effects of the management plan proposals.	This comment has been noted.
Many respondents highlighted the ER's	This comment has been noted.



<b>General concerns on ER</b>	<b>MS response</b>
finding that few measures proposed would reduce damage to the seabed.	
Many respondents highlighted the ER's finding that greater emphasis should be placed on mobile gear fishing in future management plan proposals.	This comment has been noted.
One respondent considered that the SEA's conclusions regarding damage to benthic habitats were not appropriate.	This comment has been noted.
The ER did not take wider policy initiatives into account, particularly the Common Fisheries Policy and the proposed Scottish network of Marine Protected Areas.	<p>Many of the recent reforms to Common Fisheries Policy are driven by environmental considerations, e.g. sustainable fishing measures, discard bans, etc. The means of implementation were unclear at the time of this SEA (August 2013).</p> <p>The SEA of the possible Marine Protected Areas is on-going. In consequence, the potential effects were unclear at the time of this SEA.</p> <p>The assessment of cumulative environmental effects would have taken these environmental effects into account, had they been known at the time of the SEA.</p> <p>These comments have been noted and, where applicable, will be considered in future assessments.</p>
One respondent also took issue with many of the environmental benefits ascribed to management measures and considered that there was a bias in the report against mobile methods of fishing.	It is a requirement that SEA considers the likelihood of significant environmental effects, both positive and negative, and in doing so, identifies opportunities for mitigation and enhancement. The SEA was undertaken using the principles of good practice, which include the values underpinning the Civil Service Code.
One respondent expressed concerns about the timing of the strategic environmental assessment, and requested that environmental assessment be undertaken at an early stage in the development of future iterations of inshore fishery management proposals	This comment has been noted for consideration in future assessments The responsibility for timing of SEA will be the responsibility of Marine Scotland in consultation with IFGs.
Two respondents considered that the environmental baseline used in the SEA	A key purpose of SEA is to provide information to decision-makers. In the

<b>General concerns on ER</b>	<b>MS response</b>
<p>did not adequately reflect the pressures and declines set out in the Marine Atlas, including how pressures may have altered marine ecosystems, such as to inshore finfish populations in the Firth of Clyde over the last thirty years.</p>	<p>interests of both decision-makers and proportionality, the environmental baseline used in the SEA focused on the aspects of the marine environment that could be affected by the management plan measures.</p>
<p>Industry respondents requested early engagement, particularly regarding the potential for interaction between inshore fisheries and their infrastructure assets. One considered that the SEA should have included consideration of this issue.</p>	<p>Noted.</p> <p>At scoping stage, it was determined that the SEA would focus on the material assets with environmental components, e.g. fish stocks. These were considered in the SEA under the biodiversity topic and, in consequence, material assets were scoped out of the assessment.</p>

#### **4. Issues relating to other reasonable alternatives**

4.1 The Environmental Assessment (Scotland) Act 2005 requires that reasonable alternatives be assessed. At the scoping stage it was envisaged that all the proposed management measures comprised all the reasonable alternatives identified through the IFG management plan preparation process, which had involved considerable consultation. This was agreed by the Consultation Authorities.

4.2 It was noted in the scoping report that, should other reasonable alternatives be identified in the course of the assessment (including for mitigation purposes), these would be included. No additional alternatives were identified in the course of this assessment.

4.3 Most respondents were content with this approach, including the Consultation Authorities. One respondent considered that the IFG management plan proposals should have considered a wider range of management measures as reasonable alternatives, including (amongst others) no-take-zones, spatial restrictions, and measures to minimise bycatch. However, Marine Scotland would hope that IFGs will take greater consideration of the management tools available to them in order to protect stocks and the marine environment where action is needed, when progressing future management proposals. It should also be remembered that Marine Scotland has competence in inshore management, and measures such as no-take-zones and spatial restrictions are being looked at as part of Marine Scotland's reviews into scallop management in Scotland and the management of inshore fisheries.

#### **5. Monitoring**

5.1 Section 19 of the Act requires the Responsible Authority to monitor significant environmental effects of the implementation of the plan, programme or strategy. The purpose being to monitor the significant positive and negative environmental effects identified in the Environmental Report. The Act also requires that monitoring should be able to identify unforeseen effects.

5.2 Marine Scotland shall put in place a yearly audit of management proposals implemented by each IFG and establish how they have met the High Level Objectives identified for IFG proposals in the Strategic Framework for Inshore Fisheries. Marine Scotland will notify IFGs if the management proposals are considered deficient in attaining any of these High Level Objectives. The audit process will consider national stock assessment status reports and any advice from MS Science. The audit will also take account of any statutory advice received from: SNH regarding nature conservation or marine natural environment considerations; Historic Scotland regarding impacts on marine historic features; and SEPA for environmental implications and, specifically, Water Framework Directive considerations.

## Appendix A

Table 1. High-level objectives for the management of inshore fisheries

<b>Topic</b>	<b>Objective</b>
biological	to conserve, enhance and restore commercial stocks in the inshore and its supporting ecosystem.
economic	to optimise long-term and sustained economic return to communities dependent on inshore fisheries, and to promote quality initiatives.
environmental	to maintain and restore the quality of the inshore marine environment for fisheries and for wildlife.
social	to recognise historical fishing practices and traditional ways of life in managing inshore fisheries, to manage change, and to interact proactively with other activities in the marine environment.
governance	to develop and implement a transparent, accountable and flexible management structure that places fishermen at the centre of the decision-making process, and that is underpinned by adequate information, legislation and enforcement.



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