



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

Wednesday 20 June 2012

Session 4

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RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE
16th Meeting 2012, Session 4

CONVENER

*Rob Gibson (Caithness, Sutherland and Ross) (SNP)

DEPUTY CONVENER

*Annabelle Ewing (Mid Scotland and Fife) (SNP)

COMMITTEE MEMBERS

*Claudia Beamish (South Scotland) (Lab)
Graeme Dey (Angus South) (SNP)
*Alex Fergusson (Galloway and West Dumfries) (Con)
*Jim Hume (South Scotland) (LD)
*Richard Lyle (Central Scotland) (SNP)
*Margaret McDougall (West Scotland) (Lab)
Dennis Robertson (Aberdeenshire West) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Professor Jim Atkinson (University Marine Biological Station Millport)
Nigel Don (Angus North and Mearns) (SNP) (Committee Substitute)
Kenny Livingstone (Torridon Nephrops Management Group)
Alasdair Macleod (Inshore Fishermen's Association Torridon and Applecross)
Colin Milne (North West Inshore Fisheries Group)
Richard Munday (Torridon Nephrops Management Group)
Mike Palmer (Fisheries Management and Conservation Group)
Claire Pescod (Marine Stewardship Council)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

Committee Room 4

Scottish Parliament

Rural Affairs, Climate Change and Environment Committee

Wednesday 20 June 2012

[The Convener opened the meeting at 10:04]

Subordinate Legislation

Snares (Training) (Scotland) (No 2) Order 2012 (SSI 2012/161)

European Fisheries Fund (Grants) (Scotland) Amendment Regulations 2012 (SSI 2012/166)

The Convener (Rob Gibson): Welcome to the 16th meeting in 2012 of the Rural Affairs, Climate Change and Environment Committee. Members, the public and witnesses should turn off their mobile phones and BlackBerrys, as leaving them in flight mode or on silent will affect the broadcasting system.

We have apologies from Dennis Robertson, who is late, and Graeme Dey, for whom Nigel Don is acting as a substitute.

Under agenda item 1, we must consider two instruments that are subject to negative procedure. Members should note that no motion to annul has been received in relation to either instrument. Do members have any comments?

Claudia Beamish (South Scotland) (Lab): On the instrument on snaring, I seek clarification on the guidelines for training. We are told that there will be a multiple choice questionnaire: I believe that anyone who has done the training course since 2010 will be allowed to continue without doing the new course. I point out, with the greatest of respect to the organisations that are involved in the training courses, that concerns have been raised by the Scottish Society for the Prevention of Cruelty to Animals, so can we ask for clarification of the guidelines?

The Convener: My understanding is that the SSPCA was involved in putting the training courses together. It has been asked for its views and has expressed no concerns about the order.

Annabelle Ewing (Mid Scotland and Fife) (SNP): The papers that accompany the order set forth in quite a detailed way the areas of competence that will need to be shown. They also clearly say that there will, in addition to the multiple-choice questionnaire, be a practical assessment. Therefore, I feel quite confident that

the various bodies that are involved will pursue the matter properly, in accordance with requirements.

Claudia Beamish: I was contacted by the SSPCA, which had concerns earlier in the process. I thought that it might be useful that I request that the committee have sight of the guidelines for the sake of reassurance.

The Convener: All of us received copies of remarks by the League Against Cruel Sports. Is that a separate matter?

Claudia Beamish: That is separate from the SSPCA.

The Convener: It is entirely possible to get a copy of the guidelines to you; there is no reason why they cannot be provided. At the moment, however, we have the job of deciding whether to agree to the instrument. No motion to annul it has been lodged. We can certainly write to the cabinet secretary for clarification of the matters that you raise, if members agree.

Annabelle Ewing: I would not want to delay implementation of the instrument, and there is no motion to annul. I think that it is fair to seek, post facto, any paper that we wish.

I have not received any representation from the SSPCA. I have received a document from the League Against Cruel Sports, but it seems that it wants to reopen a debate that was decided on by Parliament in 2011, when the legislation was passed. It seems to disagree with that legislation and so has sought to reopen the debate, but I do not think that that would be appropriate.

Further, in its paper, it has set out no evidence for its concerns but has simply said that its views are based on "our belief". In the circumstances, I would be keen to fire ahead with the instrument. Obviously, we can seek further written clarification.

The Convener: The two courses of action are not incompatible.

Claudia Beamish: I have not suggested that there should be any delay; I am simply saying that I would appreciate clarification of the guidelines in relation to animal welfare issues that have been raised with me. That is all.

The Convener: Do members agree to ask the clerks to construct a letter on our behalf asking about the issues that have been raised? We can consult on the detail of the letter.

Members indicated agreement.

The Convener: Do members agree to make no recommendations on the two instruments?

Members indicated agreement.

Petition

Inshore Fisheries (Management) (PE1386)

10:09

The Convener: The next item on the agenda is to take evidence in a round-table format on petition PE1386, which is on static gear-only inshore fisheries. I welcome our witnesses, many of whom have travelled some distance to join us this morning. I invite everyone to introduce themselves briefly and to tell us who they are before I invite the petitioner, Richard Munday, to say a few words.

Margaret McDougall (West Scotland) (Lab): I am an MSP for West Scotland.

Richard Munday (Torridon Nephrops Management Group): I am here because, in 2003, I was invited by the fishermen in Torridon to chair the new nephrops management group. I was delighted to do so. As you will pick up fairly quickly, my experience of the sea and fishing is limited, but I have always had great admiration for those who earn their living on the sea. Beyond that, my perspective is as a long-time member of Shieldaig community council, which has enabled me to see the importance of the fishery to the community.

I should also say that I have no financial interest in the fishery, which is one reason why I was invited to chair the group. I am unpaid, and if I had to fill in a register of interests I would have to declare only one excellent Christmas dinner per year, as that is my sole benefit. However, it is a privilege to be the chairman.

Kenny Livingstone (Torridon Nephrops Management Group): I am a fisherman from the Torridon area and a member of the Torridon nephrops management group.

Claudia Beamish: I am an MSP for South Scotland and shadow minister for environment and climate change.

Mike Palmer (Fisheries Management and Conservation Group): I am deputy director for sea fisheries at Marine Scotland, within the Scottish Government.

Professor Jim Atkinson (University Marine Biological Station Millport): I am a professor of marine biology and director of the university marine biological station Millport. I have worked on various aspects of the nephrops fishery for most of my professional life. I was an external assessor for the Marine Stewardship Council accreditation of the Torridon nephrops fishery in 2002, and I have subsequently supervised scientific studies of the

fisheries at Torridon and elsewhere in the north west of Scotland.

Richard Lyle (Central Scotland) (SNP): I am an MSP for Central Scotland.

Alex Fergusson (Galloway and West Dumfries) (Con): I am the MSP for Galloway and West Dumfries.

Claire Pescod (Marine Stewardship Council): Good morning. I am the UK fisheries outreach manager at the Marine Stewardship Council. I am based at our Scotland office in Glasgow.

The MSC is a marine conservation charity and we operate an eco-label that aims to allow consumers to make an informed choice when they buy seafood. We operate two global standards—one for traceability within the supply chain and one for sustainable and well-managed fisheries.

Jim Hume (South Scotland) (LD): I am a Liberal Democrat MSP for South Scotland and my party's spokesman on rural affairs etc.

Colin Milne (North West Inshore Fisheries Group): I am chair of the north west inshore fisheries group. I suspect that that might require a bit of explanation, although members might well know that the inshore fisheries groups were set up by the Scottish Government about three years ago with the remit to try to get decision making on local management issues at local community level. The group covers an area from Portree in Skye up to Kinlochbervie, so it embraces the area that we will discuss this morning.

I am the group's independent chair. I am not a fisherman; in fact, I have to admit quietly that I am a lawyer, by background. The group is primarily made up of fishermen from all sectors. We also have an advisory group, which is made up of environmental interests.

Nigel Don (Angus North and Mearns) (SNP): I am the MSP for Angus North and Mearns.

Alasdair Macleod (Inshore Fishermen's Association Torridon and Applecross): I have been a creel fisherman in Applecross, which is just south of the Torridon area, for 30 or 35 years. I am on the executive committee management group of the north west inshore fisheries group. I am a strong supporter of the petition, although I am not a member of the Torridon nephrops management group as I fish to the south of the closed area.

Annabelle Ewing: I am an SNP MSP for Mid Scotland and Fife and deputy convener of the committee.

10:15

The Convener: I am the local MSP for the area that we are discussing.

We will kick off with some background to the petition. The focus of the action that is under discussion is better control of fishing in closed areas, and the types of management—for example, effort and access control—that might be needed there. The petition itself has come about as a result of more than one set of conflicts. Anyone who wishes to talk about that should indicate as much, and we will let the discussion flow.

Colin Milne: The problem actually predates creation of the north west IFG. In essence, it has been around for many years, but has been “managed successfully” for a number of years. The committee will be aware of the problems that have led to the petition.

As for the IFG’s involvement, its prime remit was to prepare a management plan for the area that I described earlier. However, the task proved to be significant because of the lack of basic data. The co-ordinator who was employed by the IFG at that time, who had a background in marine science, spent about two years carrying out the initial scoping interviews and then produced a management plan. There was inevitably a focus on one or two matters that could well have a bearing on the issues that are raised in the petition, but what was produced was very much a scoping study.

Under the structure that was set up by the Scottish Government for consideration of management plans, the plan has to go to a different level before it can be put before ministers but, quite simply, we have not yet reached that point. The plan is still awaiting approval.

In the meantime, given that it was a local issue, the north west IFG invited the petitioners to present the background to their petition to the group, which they did in March last year. I think that that gives an indication of the timescale, because it took many months for us to move forward.

The IFG considered a paper from the acting co-ordinator that identified one or two possible ways forward for the immediate Torridon area, including introducing limitations in the form of effort restrictions and the possibility of a permit scheme. As a permit scheme would have monetary implications, we were instructed to approach Marine Scotland, which was in effect the budget holder, to find out whether it would agree in principle to the proposal. Although the then acting co-ordinator and I met Marine Scotland last November to discuss the issues, I have to say that nothing of any great significance has happened since. We have certainly not received Marine Scotland’s formal response to the proposal.

In the meantime, Marine Scotland has undergone what might be called a policy shift on IFGs. The contract of our marine scientist co-ordinator expired in March and was not renewed, which means that, at the moment, we do not have a co-ordinator at all. Marine Scotland has appointed a national co-ordinator with responsibility for the entire Scottish coastline; however, he has taken up the post only recently and has so far not engaged with our issues.

That is a brief outline of the involvement—or, as committee members might call it, non-involvement—of the IFG to date.

Mike Palmer: It might be helpful to pick up on Colin Milne’s comments and explain how we intend to take things forward.

As Colin Milne has made clear, the north west IFG has developed a management plan with a set of proposals for the area that it covers as part of a national programme of development of management plans for the six IFGs that operate around the Scottish coast. We in Marine Scotland have been working with the IFGs to finalise those plans.

We are now at the point at which they are all pretty much at the final draft stage. We intend to take the management plans to the fisheries management conservation group, which is the national co-management group that we run in partnership with the fishing industry. We will have the plans approved through that group, and we will subsequently identify the national issues that we need to take from those plans. There might be issues related to the Torridon nephrops fishery that we need to address at national level. We also intend to help the IFGs to make progress on local issues that have been identified in the management plans.

I have noted that the north west IFG’s management plan contains a number of issues to do with the requests that are made in the petition and which have been identified as being for further discussion and development. Marine Scotland is happy to work with the IFG on those issues. Our general policy position is to establish IFGs so that a local collective view can be formed within each inshore fishery area and we can work with their conclusions through the management plans of those groups to consider the key issues and priorities that they have identified. As I say, some of those issues will involve national considerations that we need to take to other stakeholders. Our job in Government will be to broker a national approach that will be acceptable to all stakeholders, and otherwise help the IFGs to make progress on local issues.

Colin Milne mentioned identification of data gaps and the need for enhanced science to

underpin some of the management decisions that an IFG will wish to take. I fully expect that issue to be replicated across IFG management plans, and Marine Scotland will be considering what we can do to help IFGs across Scotland to develop better data systems and more robust science to inform their decisions about management of their fisheries.

We have recently shifted our approach to IFGs. We announced a refresh of our strategy around inshore fisheries at the beginning of the calendar year. One of the elements of that refresh was to reaffirm our commitment to IFGs and to propose that we extend the IFG network to cover the whole Scottish coast. We are currently working with IFGs on that project.

As Colin Milne also mentioned, we have not renewed the contracts that we held with the various co-ordinators who were working with IFGs to develop the management plans because they were brought in for fixed-term contracts to draft the management plans. Having done that job effectively, their task is complete so we now have one national liaison officer who will support IFGs in strategic issues.

We also have money that is assigned to inshore fisheries, which will be assigned to help IFGs to deliver on their management plans. That has all to be worked through.

The Convener: It helps to be able to understand the superstructure. We will come back to specific questions about what Torridon people are looking for.

I ask Richard Munday to take us from the baseline upwards.

Richard Munday: Can I respond to the IFG issue before you guide us into more general matters, convener?

The Convener: Certainly.

Richard Munday: As Colin Milne said, I and a colleague were invited to talk to the north west IFG about the Torridon experience. We were well heard, had a good discussion and engaged well.

I will give four thoughts. As a piece of administrative machinery, the IFGs seem to be absolutely right. They should be where national policy for sustainable fisheries comes together with an understanding of what is happening locally and of local interests. We give that machinery 100 per cent support. Kenny Livingstone, who is on my left, is a member of the north west IFG.

However, we have three problems. The first is how big the area that an IFG covers should be. Having read our petition, which emphasises local control of fisheries, members will not be surprised to hear that we are nervous that the areas are

getting too large. That is not an argument for having an IFG that covers just the Torridon area, which would be too small. However, for balance, our perspective is that the IFGs are getting too large.

Our second point is about the powers that IFGs are given. Having read the petition, the committee will also not be surprised to hear that we feel that IFGs should have the power to decide which areas should be closed to trawling and should be creel-fishing only—that is the argument about spatial separation. The powers to deal with that and to implement statutory and legally binding limits and controls on creel fisheries in order to prevent overfishing should be given to IFGs, as our petition says. It is clear that a safeguard would be needed to prevent parochialism, but in principle such powers should be exercised at IFG level. We are not at one with Scottish Government policy on that.

Thirdly, it has been taking a long while to achieve things. We are keen for the improvements in stock management to be made as quickly as may be.

The Convener: I am sure that many questions will flow from what you have said. We will come in a moment to the structure that we find ourselves with.

How would the proposed measures—a closed area and the management structures that Richard Munday talked about—affect the local economy and the marine environment?

Professor Atkinson: Creel fishing has a relatively low environmental impact. We can imagine that creel-only areas could act as reservoirs for juvenile fish and would protect them from trawling. The environmental management of fisheries could benefit from having an agreed network of closed areas.

The current problems that have been referred to were pointed out at the beginning. The Torridon nephrops management group has rigorously applied effort control and management control measures to the stock that it fishes in its area, but it cannot prevent people who are not signed up to the conditions from coming in to asset strip—as the group would see it—its carefully managed stock. Some movement to control access, perhaps with a permit scheme, in a non-parochial way—Richard Munday referred to that—merits consideration.

10:30

The Convener: As far as the local response is concerned, I take it that you are looking for some kind of regulation. Do you see the IFG and Marine Scotland approach as likely to provide that?

Richard Munday: We see that as appropriate machinery, but we do not see a policy commitment from the Scottish Government to providing the two key things that we ask for, which are more creel-only areas and spatial separation—I might come back to that later—and a rigorous, all-embracing, legally backed control system for the creel fisheries that would, as Jim Atkinson said, cover all the boats fishing in such areas.

Our experience was that the fishermen who were based in Torridon and in Shieldaig signed up to the management agreement, limited the number of days that they fished at sea and the number of creels that they used and did all the other things that the committee will be aware of. As members well know, there are social pressures in a small community—everyone knows what everyone else is doing, so in a sense the system is self-policing. The problem was that fishermen came in from outside who were not subject to those social pressures. We are asking for a control system that covers both sets of fishermen.

The Convener: Does anyone want to comment on that?

Colin Milne: I would like to supplement what I said earlier. I said that the inshore fisheries group was representative of all the fishing sectors. It will probably come as no surprise to the committee to discover that the sectors are divided on the approach that should be taken.

That said, although the mobile sector is perhaps not behind the broader application of the petition, one of the IFG's strengths has been that the different interests have been able to sit round a table, discuss things sensibly and move forward in an agreed manner. That is how the IFG got to the point of being instructed to approach Marine Scotland with a proposal for at least the local area of Torridon.

The reality is that regulating Torridon has cost implications. At the end of the day, whether that is done on the basis of the IFG bidding for financial support under the new regime is probably a matter for the Government. It is a little early for us to say whether that approach would work.

Richard Lyle: I listened to the point that Jim Atkinson made. In his petition, Mr Munday rightly urges the Government

“to review and pilot the establishment of further spatially separated static gear only inshore fisheries”.

We have 31 such closed areas in Scotland. I take the point that, in Torridon, an agreement was established, then people who had not signed up to it came in and robbed the people who had signed up to it of their living—basically, they wasted the fishery and it lost its accreditation. How many

more spatially separated static gear-only inshore fisheries are you requesting?

Richard Munday: That is a tough question. I will not put a figure on it, because the figure depends on local circumstances in different areas, on how good the ground is for nephrops creeling and on the attitude of the local fishermen in those areas. We are not saying that creel is good and trawl is bad or that there is no place for trawling—of course there is. We are trying to see what the best balance is to achieve sustainable fisheries for Scottish inshore waters generally.

That is where we come back to the IFGs. They would talk to the local fishermen in an area and ask them whether they felt that creelers in the area needed more protection. As the committee knows, the loss of creel gear to trawlers is very expensive—creels cost about £25 each. The same is true of the interruption of a trawl tow by creels.

People have tried to manage trawling and creeling in the same areas, but the experience is that that has not worked. Local fishermen can be asked what they want in their area, and my feeling from going around Scottish inshore waters is that many areas would like something on the Torridon lines, but that is a decision for them.

Richard Lyle: I take your point. I am not a fisherman; I am from the central region of Scotland. If an approach has not worked in your area because you had an agreement with a proportion of the community but other people came in who did not comply with that, do we not need better regulation, rather than more areas? Should the areas be better regulated, so that people can make a living? Will you explain that to me?

Richard Munday: I understand why you ask those questions. We are saying that we need both. We need spatial separation and more creel-only areas, and we need good control of the creeling—one without the other does not work. From 2001, we had the spatial separation in Torridon, because trawlers could not come into Torridon. We failed and we lost our MSC certificate because we did not have the right regulatory regime.

I know that you were not quite saying this, but it would be unfair to say that the Torridon fishermen have fallen down on the job in some way. In areas where we were able to exercise control, through the management agreements and through the local fishermen, the system worked well and compliance was excellent. Other people can comment if they think that I have got that wrong. However, we did not have the legislation to be able to apply a similar system of control to incoming boats.

Nigel Don: Are the incoming boats Scottish? I presume that we have a different level of control over people from outwith Scotland.

Kenny Livingstone: The boats are Scottish. They are coming into the particular area in Torridon because it has protection from mobile gear. They are coming in not necessarily for financial reward but because they can fish in the area without losing their gear. That is the main driver. There is a honeypot effect. The reason is not that the fishing is better in the area but that people can protect their livelihoods.

The Convener: I will bring in Claire Pescod from the MSC.

Claire Pescod: Some of what I was going to say has been picked up in the discussion. IFGs have the potential to be an appropriate and suitable set-up, but lessons could be learned from Torridon, where MSC certification was lost and the client withdrew from the process. Much good work was going on with the local fishermen in Torridon and the management group, through their code of conduct, but there was a honeypot effect, as we heard. A strong management body, through an IFG, would have been useful in helping to regulate activity.

The Shetland Shellfish Management Organisation regulates the shellfish fisheries in Shetland and recently gained MSC certification for brown crab, velvet crab and scallops. The organisation has a regulating order that allows it to have complete control of who comes into the fishery. I am not saying that a regulating order would work in every situation, but it provides for strong control.

Outside Scotland, there are similar local fishery management bodies, which have the powers to make byelaws, limit the number of creels on a boat and increase the minimum landing size, all of which can have knock-on advantages in relation to conservation. We need to bring out the lessons from the good work that went on in Torridon.

The Convener: We will certainly come on to that.

Professor Atkinson: I agree with much of what Claire Pescod said. Many of the closed or protected areas that have been mentioned relate to fisheries other than the nephrops fishery. We issued a questionnaire—with the help of the fishermen's organisations throughout north-west Scotland—and the problems that Richard Munday and others have identified are widespread.

The general feeling that we got back from fishers in what is an economically fragile area in many ways was that they were not getting the protection that they needed to develop their sector of the industry sustainably. They all mentioned

conflicts with the mobile sector. However, their plea was for employment to be retained in their area in the fishing sector, because they felt that they were in danger of losing it, and for the Government to take note of the concerns that the creel sector has raised.

In my submission, I said:

"It is to the credit of the fishers signed up to the TNMG agreement that they adhered to their conservation policy and the criteria of the MSC, even when those who had entered their area did not."

It would be good if the management strategies that the Torridon nephrops management group demonstrated were more widespread. However, the stock characteristics of Torridon are not the same as those elsewhere. A one-solution-fixes-all approach is not appropriate. We need the science for the other areas in order to customise the right management strategy for those areas.

Alasdair Macleod: I will reinforce a bit the point that Kenny Livingstone made about the honeypot effect. Although I do not fish in the Torridon area, I fish just to the south of it. Boats steam from Kyle of Lochalsh, Kyleakin and Plockton all the way past me into the Torridon area—that is because of the honeypot effect.

I disagree slightly with Kenny Livingstone, in that the honeypot effect arises not only because of the no-trawl zone but because there is slightly better fishing. That can be explained. With some of my gear, I fish alongside a no-fish zone called the British underwater test and evaluation centre navy range—it is a torpedo-testing range. The fishery is better alongside a no-fish zone—that is anecdotal, but it can be backed up by science. That is a matter of degree—if someone went into a no-fish zone, the fishing would be extraordinary. If someone goes into a no-trawl zone, the fishing is better for the creelmen. In a mixed fishery, there are areas where the creelman will not fish, because the trawlerman has already been there.

The honeypot has been created. It is failing at the moment because it is a stand-alone honeypot. There is no joined-up thinking about it. It is a good honeypot, and the best thing that we can do with it is to extend it. I am here because I want the honeypot on my doorstep. I will not go into the Torridon area, because it is not my ground, but other fishermen are driven by financial and trawler reasons into that ground. I reinforce what Kenny Livingstone said.

Richard Munday: At what point can I say something about the social and economic issues and the support for fragile communities? I do not want to break up the flow of discussion.

The Convener: We will certainly come to that; we want to look at some of the regulatory issues as well.

Margaret McDougall: Colin Milne spoke about the cost implications of regulating Torridon. Will you give me an idea of what the cost implications would be, who should bear them and why Torridon should be looked at separately? Would it not be better in terms of efficiencies of scale if the regulatory costs for the whole of Scotland were looked at?

10:45

Colin Milne: That is a good question, but I am afraid that I am not capable of answering it because, at this stage, we have not identified the costs. In principle, it is recognised that applying a permit regime to Torridon could result in disproportionate costs, relative to the benefit to a very small area. That might therefore strengthen the argument that we should consider a Torridon scheme as a pilot for a national scheme, rather than anything else.

The question of who should pay raises the rather obvious point that many creelmen would oppose a permit scheme because they might have to pay to get a permit, whereas they do not pay at present. That means that not all members of the creel community are in favour of the concept, although many are. However, the greater opposition to rolling out the scheme nationwide might come from the mobile sector, which is not represented at this meeting.

Nevertheless, in the views that were expressed in the local IFG, there was broad consensus that we should move forward if possible to agree a scheme for Torridon. Obviously, cost was identified as a potential issue, but the discussions with Marine Scotland have not even got to the point of costing. To pick up on Claire Pescod's point, we could learn from other such schemes that are in place, particularly in Shetland. However, as yet, we are not engaged with them.

The Convener: We will ask the Mallaig and North West Fishermen's Association to respond in writing, so it will get its say. It has not been excluded—it just could not send anyone. Those fishermen are fishing as we speak, although I do not know where.

Mike Palmer: I will make one or two points about our policy position on the issues that have been discussed. I make it clear that we have an open mind about pursuing fisheries management policies that are in line with some of the suggestions that have been made. For example, we have no issue in principle with considering the establishment of a regulating order for any part of the coast of Scotland if the local community feels that such an order would be appropriate to give it the powers that it needs.

As has been mentioned, that approach has been effective in Shetland. However, Shetland is a rather unique area, so we cannot necessarily assume that we can replicate all the conditions and circumstances that apply there. I just want to put it on record that we are open to dialogue on regulating orders if any IFG feels that that would be an appropriate approach and that it would address some of the issues that have been raised about local powers.

On spatial management, control systems and permits, we are again open to dialogue with any IFG that wants to pursue those fisheries management policy approaches. However, I cannot say that that would be straightforward or easy. We have heard about some of the complications, which include the fact that the mobile sector has different interests in some respects from those of the static sector; the fact that some fishermen might not like the idea of permits; and the cost implications.

We are conscious that nephrops are quota species, so we need to consider the impact on the management of quota. If we seek to close off certain areas and designate them for only one group of fishermen, that can lead to complicated and technical issues, as there is an issue about who gets access to the quota.

A lot of complicated issues need to be thought through, but we are open to thinking them through. I am afraid that that cannot be done from day to night. The committee has heard about the timescales to date, and I do not imagine that there will be some sort of magical acceleration in the implementation of ideas. However, we have the mechanism and processes in place to take such things through. Colin Milne referred to the fact that we have commenced a dialogue with the IFG, and we have established the fisheries management and conservation group to examine the national issues.

We are about to embark on a 12-week national consultation on creel limitation, because we feel that that is not just a Torridon issue but a strategic national issue that has been replicated in inshore sectors along the coast and needs to be examined. Everyone in Scotland will have a chance to respond to that consultation and we hope to pick up strategically some of the issues that have been discussed.

We are discussing with the fisheries management and conservation group the proposal for a national study on spatial management. Initial discussions have been positive and the fishing representatives on the group have indicated their openness to taking forward such a study.

Spatial management raises many controversial issues and we feel that an objective study that is

independent of Government will be helpful in informing national decision making. For example, a range of spatial management solutions could be applied in and around the Clyde, where a lot of activity is going on. The issue relates not only to Torriddon; as I have said, it is replicated elsewhere and we are putting in place national programmes to examine the issues and inform our decision making.

The Convener: Margaret MacDougall might have some questions on that very matter, but before we look at the superstructure, I believe that Richard Munday wishes to comment on socioeconomic impacts.

Richard Munday: I am sure that everyone around the table signs up to the importance of supporting fragile coastal communities, but I want to get another level into the onion and make a number of points to highlight what is so special about the creel fishery and why its contribution is so important.

First, I must highlight the creel fishery's significant importance with regard to employment. In Torriddon and Shieldaig, it accounts for 25 to 30 full-time equivalent jobs in a community council area with a population of 175. As a result, it is the most important source of employment. Other west coast communities will have a significantly more diversified employment structure—the committee will know about that better than I do, but I am thinking in particular of Ullapool, and Kyle to the south, but even there the creel fishery is still very important to employment.

Secondly, this private sector and non-grant aided industry is profitable. I believe that, given the current economic circumstances and with the current public expenditure constraints, sustaining such a profitable private sector industry—which, I add, is not looking to make significant calls on public money—must be a pearl without price.

Thirdly, the industry provides a wide spectrum of employment from the top-end jobs—if I can use that loose expression—carried out by boat owners and fishermen right through to those who drive the vans into Dalcross to get the prawns exported, those who work in the packing sheds and the secretarial and accounting staff, and it is very important for small communities to have that range of work.

Fourthly, because the owners of the businesses live locally, more of the profits stick locally than is the case with, say, aquaculture. Aquaculture is very important in our area and provides a significant number of jobs. However, because the ownership of those businesses lies elsewhere, the profits do not stick locally in the same way that they do with the creelers.

My fifth point only struck me when I was briefing myself for this meeting. It is something that affected our son. There are tremendous starter jobs in the packing shed. I will not take too much time to explain this, but I ask members to imagine the people who work in the packing shed in the early mornings, the evenings and the middle of winter. They have to get up under the discipline of the alarm clock, and it can be cold as they pack the prawns, which nip their fingers, into tubes. The job can be the introduction to the world of work for someone who is in their final year at high school or is going through college or university, and it is well paid by the standards of such jobs.

Local ownership is also an incentive to manage the fishery sustainably, as it is an asset to be passed on to the next generation. That is the key to sustainable fisheries in economic terms, and it means something to people because it is real. It is not just about putting sustainability in a planning or grant application.

I stress that, certainly in the Shieldaig area, the fishery is not a closed shop. I was talking to Kenny Livingstone about that this morning. If a local youngster wants to go into fishing, they are encouraged to do that, even though there might be financial difficulties with the cost of boats and so on. I do not want the committee to think that, in arguing for local ownership and control and sustainability, I am arguing for a closed shop, because I am not.

As I said, the fishery is not on the scale of the aquaculture industry, but it is still a pretty significant export earner. Some 95 per cent of the nephrops that are caught in Torriddon go to Spain, and when we aggregate that up, it is not insignificant. The other side of the coin—Ally Macleod has more experience of this than I do—is that there is a growing demand through hotels and seafood bars for this quality local product because it adds to the quality of people's businesses and it is important in relation to tourism.

That is all that I wanted to say. I just wanted to explain why we are stressing the importance of the industry.

The Convener: The next area that we will focus on is how fisheries management and conservation can help to sustain and develop the industry.

Annabelle Ewing: It has been interesting to hear the debate. I can well understand why it has taken and is taking time to reach a final deal. The Shetland shellfish body was mentioned as an example of good management, which we heard is helpful in all respects—to individuals who are involved in fishing, to the environment, and from a regulatory perspective. Does it operate a permit scheme?

Colin Milne: My understanding is that it does.

Annabelle Ewing: A permit scheme is one idea for consideration. Taking into account what Mr Palmer said about the Scottish Government's plans and the consultation on creeling, which I believe is imminent, do you want Torridon to wait and be part of that greater plan, or do you want a transitional arrangement or a pilot that would be particular to Torridon and would not have a general impact elsewhere?

What is your strategic focus? Will you just go on hoping that something will come up and work within the Scottish Government's overarching framework, or do you want to move forward with your own individual pilot transitional scheme or other arrangement in the near future?

Colin Milne: It might be for the petitioner to answer that, but the concept of the IFG was that things have taken so long already that the answer is to push forward within the IFG framework. That is the basis on which we went to Marine Scotland in November last year. At that stage, however, we had a dedicated local co-ordinator who could support us in driving forward. We no longer have that and things have changed in character with the appointment—rightly or wrongly—of the national co-ordinator. I say “rightly or wrongly” because the local IFG instructed me to write to the cabinet secretary when the dedicated local co-ordinator was dispensed with because it was not at all happy about that.

Nevertheless, we are where we are, and we have to look forward to what can be done on a national basis. It is within the bounds of possibility that a national approach might, for reasons of cost effectiveness, decide that a pilot is the answer. So much work has been done in Torridon already that, depending on the petitioner's view, it might be that that is the way forward.

11:00

Richard Munday: To answer Annabelle Ewing's question directly, we are frustrated with the lack of speed; she is quite right about that. However, we do not want time and effort to be put into trying to develop a solution for Torridon that does not fit within a national framework. It would be ideal if there were a Torridon pilot, but we would like it to be clearly fitted within the framework of developing national policy.

I have one point to add; I know that Claire Pescod is very aware of it. Some of you might wonder why we have been relatively sanguine about the loss of our MSC certificate. I suspect that that might lie behind Annabelle Ewing's question. If you want Kenny Livingstone to elaborate on this, he will, but the straight answer is that, in Torridon's circumstances, the MSC is not terribly useful for marketing purposes. We attach

considerable value to the MSC certificate, but as an external validation of what we were doing in management terms—for example, that the fishermen who said that they were limiting their days at sea and so on were doing that, and that the fishery was indeed sustainable. We would like a pilot to be part of a national development.

Annabelle Ewing: Thank you. That is clear. I take your point about the network of IFG co-ordinators, but presumably the IFG still exists and someone from it could make representations to the Scottish Government and Marine Scotland.

Colin Milne: We are facing an uncertain future.

Annabelle Ewing: Quite a lot of you are on the IFG; I presume that someone could be the spokesperson so that the IFG did not have to pay for another one.

Looking to the national situation, Mr Palmer, to what extent are you confident that FMAC is representative of the wider interests? We have heard about very important socioeconomic matters. Mr Munday has said that he would prefer there to be a national framework, but within each inshore fishery, hugely different dynamics might be at play. How does FMAC capture that diversity?

Mike Palmer: That is a very good question. We are conscious that some sectors of the fishing industry are much better organised than others. Put simply, the mobile sector tends to be better established and organised. There are good reasons for that. It has to deal with a lot of European Union regulations, so it has to be well organised. It has a long track record of dealing with Government and is used to that kind of national process. It is no secret that the inshore static sector is much more disparate, fragmented and small scale; in a way, those attributes are inherent to the inshore static sector.

Marine Scotland has been working intensively to help inshore creelers to organise themselves and have a stronger collective voice. We have now brought three representatives of the inshore static community on to FMAC. They will be able to give us a fairly representative view from the static associations that they represent.

It is still a new experience for these people—many of the organisations that have been established and many of the processes are new, so it will take some time for the governance processes to develop and for that collective voice from the static sector to become a fully robust, powerful, deep voice that can be an advocate for its interests. We are clear that we need to work with the static sector to help it to do that.

About a month ago in Edinburgh, we brought together 14 static associations that had never met

before at national level. That meeting was a bit of a milestone. We simply discussed common issues, which was very helpful for everybody concerned—the Government and the static sector. However, there is a long way to go.

We have to work with what we have on FMAC. We are conscious that the mobile sector on FMAC is much more developed and has a much more powerful, collective voice. It should not be blamed for that; it is admirable that it has organised itself in that way. However, that gives us in the Government a responsibility to ensure that we are using whatever means are available beyond FMAC, such as the national consultations, to make sure that the voice is coming through from other sectors that might not be able to project their advocacy as powerfully on FMAC. It is work in progress.

Annabelle Ewing: I have a technical question. You talk about static representatives. Aside from creelers—please excuse my ignorance—what other static groups are there?

Mike Palmer: It is just creelers.

Annabelle Ewing: From a marketing perspective, perhaps creelers are identifiable to the public mind. There is a chance that when people think about the term “static”, they think of caravans. That just came into my head in terms of perceptions and how you present your case.

Jim Hume: Colin Milne referred to his frustration about the lack of a co-ordinator. For clarification, will you confirm whether that was a co-ordinator for the north-west IFG or for the Torridon nephrops management group? Whichever it was, why is the co-ordinator’s post no longer in existence? Was the post Government funded?

Colin Milne: The post was Government funded: when the Government set up the IFGs, it provided funding for local co-ordinators for the six IFGs. Although that did not cover the entire coastline, it covered a significant part of it. The co-ordinators were on a three-year contract. I referred to a letter that I was instructed to write to the cabinet secretary, in which we expressed concern at the loss of that post, and, I have to say, concern about the lack of consultation over the way forward. The local concerns remain, very much, local concerns. The worry is that if matters are dealt with across Scotland, at the national level, the very objective that the IFGs were set up to deal with—namely, input from local people—is lost.

As I said, we are where we are, and the hope is that we can work within the national framework. Frankly, that is going to be difficult without a local co-ordinator, and that is the IFG’s main concern at this stage.

The Convener: You have a point.

Alex Fergusson: I was very interested in, and sympathetic to, Mike Palmer’s description of static-gear fishermen. In Galloway and the Solway we have similar situations, so I have listened with a great deal of empathy to much of what has been said. I have often referred to the static-gear people as marine crofters; I do not mean that to sound belittling, but in many ways the situation is similar to large-scale agriculture in a crofting community.

What Colin Milne has just said gets to the nub of the problem that we are discussing, which is how best to address local issues. Almost all of us are agreed that the way to address them is through inshore fisheries groups, because that is the only way that local pressures can be brought to bear, and yet there is a huge difficulty in doing that in a national framework through organisations such as FMAC. What I am not hearing is how we are to bring all that together. Clearly, time is an issue, in that nothing appears to be happening; to be absolutely brutal, there seems to be a lot of talking, but not a lot of action. We can talk till the cows come home, but that is not going to do anything about the sustainability of the local fisheries groups that we are talking about.

It is absolutely right to bring all the static-gear groups together. You said that it was difficult to achieve a collective voice for them, and I can understand that. However, can you ever do that when there is so much differentiation between the groups? How do you bring all of them together to allow local influence to address local issues within a national framework? Is that achievable? Should we be saying to the inshore fisheries groups “Listen, here’s the resource. Get on with it”?

Mike Palmer: I think that we have the architecture in place to do that collective work. It is challenging, though, because the sector is inherently fragmented. However, it comes back to the IFGs and the philosophy that established them, which remains that they are a vehicle for bringing together a collective voice in an inshore fishery area so that people can come to a consensus about how the local fishing community will manage its fishery. That is very difficult to do in itself, and I am sure that Colin Milne will attest to the challenge of bringing together a management plan that needs to broker different positions from different fishing sectors that have different interests.

In fact, our six IFGs have managed to do that, and six management plans will be signed off and approved by the end of this month, although I think that Colin Milne’s group may slip into next month in that regard because it needs ratification from the executive committee or something. However, the six management plans attest to the fact that

we can bring together at local level a coherent, strategic voice from the fishing communities.

We need to find out from the management plans the generic issues with a national resonance that are being replicated among the IFGs, which are probably issues to do with data and science, and perhaps some to do with spatial management and permits. We can extract those issues and then—I hope—broker some kind of position at FMAC, which is a national group, that will allow us to chart a way forward. That may be about identifying pilots—for example, saying that Torridon is a perfect pilot area, or identifying somewhere else where a data programme to get better science can be developed, and then considering whether that could be replicated elsewhere. For example, we could use Shetland and disseminate some of its expertise to other areas. We could use various approaches.

I feel strongly that we need to go through that process, because if we just try to accelerate matters and go for things that we think look good in this or that area, we will quickly have lobbies that will oppose things and we will get into an awful mess. The due process that I have described is important. Unfortunately, that takes time, because everybody has their own view and agenda. However, we have the architecture in place for the discussions to get us to the point of some action.

Alex Fergusson: I understand what you say, which I think is laudable. I completely see where you are trying to head to. I hope that this does not sound too awful, but with my very limited experience, I suspect that trying to keep everybody happy in the fishing sector is almost certainly doomed to failure in one way or another. Is a timescale envisaged for assessing the six schemes that are coming into operation?

Mike Palmer: Yes, there is a timescale for the management plans. Four of them will be approved by the end of this month, but two just need a little bit more work; one of those is the north-west plan, which I understand just needs some ratification.

Colin Milne: I do not want to take up the committee's time but there is a little issue that is still to be resolved that was raised very much at the last minute.

Mike Palmer: Yes, and we still need to finish off one other management plan by incorporating comments from other stakeholders. Broadly, though, they will all be signed off and approved within the next three to six weeks, and then we can move forward.

11:15

Alex Fergusson: Sorry, I meant a timescale for monitoring the plans and identifying the generic issues that you were talking about. Is that a three-year programme or a five-year programme? What are we looking at?

Mike Palmer: We take the generic issues from those plans to the next meeting of FMAC, which meets every three months or so. We will have a discussion at that meeting and agree on the issues that we need to take forward at a national level and on how implementation will happen in tandem with local pilots and so on. We will take a paper to FMAC that will address that, and dialogue will take place in the next couple of months or so.

I cannot say at this stage that we have fully charted out a work programme. We first need to have that dialogue with FMAC. However, that is the process for the immediate future.

The Convener: We have heard a lot about the superstructure. It would be a good idea to get a comment from the fishermen, Ally Macleod and Kenny Livingstone. Ally Macleod thinks that there should be a scheme that is slightly widened. What do you think about a pilot scheme?

Alasdair Macleod: We are talking about conservation and socioeconomic issues. I am a fisherman, not a politician or a civil servant. I respect everyone around this table. I understand all the problems and the intricacies. I understand that if someone says one thing, someone else will say no.

However, from my point of view, my fishery is in trouble. No one else has said that so far today. The number of creels that I am fishing to make a living has tripled in 30 years. My effort has tripled in 30 years and my income has declined by 30 per cent. I have now gone part time. While we are all talking around the table, and when you are all talking among yourselves, please remember that there should no longer be a talking shop. I am talking about a way of life that is in decline. It is only just profitable because I come ashore to work part time. I no longer put out more creels in the water. I no longer land berried prawns. I am in a fishery where creelmen alongside me land berried prawns—that is very hard. I have no protection from any legislation to allow me to carry out methods that I believe will save my industry.

In my area, there is a growing realisation that the creelmen themselves have to take measures. It is in our IFG management plan to cut back creel numbers and possibly to limit days at sea. Those are methods that have already been implemented in the Torridon nephrops management group area. The creelmen outside are seeing their catches declining and they are hoping to carry out conservation measures. However, the big

elephant in the room is that that has got to be done with spatial management. The creelmen will not take creels out of the water if, the next day, they are going to see three or four 30ft or 40ft trawlers working the ground that they have taken the creels off. That problem has to be addressed; otherwise, we are not even at the starting line.

We are in trouble. We have to do something. Doing nothing is not an option. Everything that my father fished for, whether herring, cod, hake, haddock or whiting, is no longer fished for in my grounds. We have fished through the chain and now we are catching bottom feeders. After bottom feeders, there is nothing. We are talking about the survival of a whole industry in my area. Thank you for your time.

Kenny Livingstone: Ally Macleod spoke powerfully and I endorse what he said. I come from a similar background. My father was a herring fisherman. I have been a fisherman for a long time, and I started my fishing career when we had a 3-mile limit round the coast. In my experience of working the inshore grounds for 30-odd years, a lot of our problems have stemmed from the removal of the 3-mile limit, which provided a protected zone. There was one zone for the inshore boats and one for boats fishing outside the limit. There was a simple divide, with the guys with the static gear predominantly fishing inside the limit and the guys with the mobile gear fishing outside it. Those were the rules.

After the limit was abolished in 1985 everything changed and the guys with the mobile gear could work where they wanted. The guys with static gear tended to get pressed into much smaller areas—particularly the sea lochs, in our area—and those were the areas that were left to us to fish from for the next 25 years. During that time there have been different attempts to resolve the conflict, through port committees, for example.

Eventually in Torridon, because of the nature of the conflict, we were given a closure, which was a great step forward. A lot of us hoped that that would help the next generation of fishermen. Getting the MSC certification was a big plus and holding on to it came at quite a cost to fishermen in the area, because quite a lot of rules are applied in relation to MSC status. For example, the fishermen had to reject all the berried females, which sometimes amount to 20 per cent of the catch, so they were taking a big financial penalty. They also fitted escape gaps to pots, to let the small animals out alive on the sea bed. A lot of practical steps were taken to enhance the stock.

However, our big problem was that we did not have overall control of the effort in the area. Although individual members signed up to management plans—they all did—we had no control over the number of boats coming into the

area. Boats were coming in predominantly just for protection, because a 40 square mile zone had been created.

The scheme is still working in Torridon. However, the community is dependent on the fishery, as Richard Munday said, and the money that it generates in the area is important, and we are just hanging on. The current scheme is voluntary, and as the volunteers—like me—get a bit longer in the tooth, the next generation is finding it hard to come in and keep the scheme going. Thank you.

The Convener: You have helped us to get to the nub of the issue from the point of view of the community, which is what the petition is all about. Members have a number of questions, and I want to bring Claire Pescod back in, because she has not said a lot yet. We need to think about how we can get recognition for and broadcast your proposals.

Nigel Don: My question is for Mike Palmer. We heard about the planning, which makes perfectly good sense. Once you have the plan and know what you are trying to do, will the Government have the power to make it happen, or must there be a delay while we consider a fisheries bill?

Mike Palmer: We do not need primary legislation. Statutory backing for proposals could be provided through secondary legislation.

Nigel Don: Are we confident that such legislation would not be challenged in Europe? I know that anything can be challenged, but will the structure be robust?

Mike Palmer: Yes, absolutely. It will not be challenged in Europe because we have absolute jurisdiction over our inshore waters to 6 nautical miles.

Margaret McDougall: Some of the questions that I was going to ask have been answered. What powers do IFGs have? Would you like more power?

We heard that it is hoped that development plans will be signed off by the end of July. We heard from Alasdair Macleod that it will be in his IFG's development plan to reduce the number of creels that will be used. Who will monitor the development plans once they are in place and what action will be taken to ensure that they are adhered to?

Colin Milne: The answer to your question about powers is none—as non-statutory bodies, IFGs have no powers whatever. The driving force was to engage the local fishing communities and put them at what the minister at the time described as the heart of decision making. Although they have no power, they seek to achieve agreement by consensus.

Mike Palmer alluded to the difficulties in getting a management plan agreed. To get the different sectors to agree a management plan took a considerable amount of time and many meetings, with arguments over even small words as the different sectors argued their different viewpoints. The end result is not what I would call a plan, although I realise that that may cause a little disquiet for Marine Scotland. It is much more a scoping study of areas to be looked at in the future. Therefore, I do not think that you can assume that the so-called implementation of the plan will happen imminently. It needs a lot more work. We hoped that that work would be done locally, but the hope now is that it will be done nationally, where appropriate, when there are common national interests.

Margaret McDougall: So you do not have any clear plans.

Colin Milne: We have a clear view of what we can do. As has been said, there are certain things in the plan on which more work will be done, including many of the issues that are raised in the petition—the idea of permits and so on. Who has the power to implement the plans? The way forward lies with the Scottish Government once the plan is approved by FMAC. We have not yet mentioned—I cannot use the word “bureaucratic” although it may seem bureaucratic—the further level of environmental assessment that must be contemplated, which will take more time, before the plan can be considered by the cabinet secretary. Certain work may then be instructed at a national level and, if appropriate, as Mike Palmer said, it is possible that secondary legislation may be contemplated to deal with what emerges from that.

Margaret McDougall: Will all the members of your IFG sign up to the plan?

Colin Milne: They have signed up to the plan as the way forward. There were quite intense debates between the different sectors—a lot of the issues that have been covered today show the divide between the creeling side and the trawlers—but they have bought into what must be done. The driving force is very much as Ally Macleod described. We are talking about an industry in very fragile communities that is possibly on the edge of extinction if we are not careful.

Alasdair Macleod: I do not think that there will be a problem with policing the plans once the spatial management problem is sorted. The creelmen have already got it in their minds that they are going to reduce their fishing effort—they have to. It is not about getting rid of the trawlers and going charging on. We will police ourselves. I have contacts in Kyle, Plockton or wherever and they have contacts in Applecross and Torridon. If

people are being rogue or maverick, they will be taken under control.

The Convener: Peer pressure.

Alasdair Macleod: Peer pressure—that is the phrase. The social pressures in the small communities will be powerful enough. People have often brought up the fact that Marine Scotland compliance will not be given more money to police us, but we will police ourselves because we believe that we will be saving our industry, and that is incentive enough to carry out what we propose.

Kenny Livingstone: The Torridon plan was a voluntary plan containing five measures. When we implemented the plan back in 2003, one of the major issues was fitting the gaps to the creels and reducing the creel numbers. We were amazed at how easy it all turned out to be once everyone in the area did the same thing. All the boats signed up to the plan, reduced effort and fitted the gaps, and it proved not to be the stumbling block that we had expected it to be. The cost itself was borne by the fishermen, who paid for the gaps themselves, and this self-policing plan has incurred no costs for the Scottish Government.

11:30

The Convener: I guess that it would be easy to make such a move statutory.

Kenny Livingstone: Yes, I think so.

The Convener: We still have a couple more issues to discuss.

Claudia Beamish: How do you see the balance of different fishing interests—the static and mobile fisheries—and environmental interests in the IFGs?

Secondly, I have received representations from inshore fisheries on supplementing income with line fishing for mackerel and quota difficulties for new boats. Given the people who are gathered around the table, I simply wondered whether anyone wished to comment on the matter.

Mike Palmer: That point about line fishing for mackerel is emerging as quite a generic issue in a number of management plans. At the moment, a certain amount of the mackerel quota is allocated to inshore line fishing. However, there is great enthusiasm for expanding the fishery and a body of opinion is arguing that there is a strong economic case in that respect and that extra quota should be allocated to it.

The United Kingdom Government and the Governments of Scotland, Northern Ireland and Wales have recently agreed something called the fisheries management concordat, which gives Scottish ministers administrative powers to decide

quota allocations. Previously, those allocations were formally decided by the UK Government. Considerations will include, for example, potentially moving a proportion of the offshore fleet's mackerel quota to the inshore fleet, but I must be very careful in what I say, because the offshore fleet will have a very clear and understandable interest in this issue and will not want any movement of quota along those lines. Nevertheless, we are very conscious of the call for extra quota to be allocated to the inshore sector and the concordat gives us powers to transfer some of that quota if it is felt to be to the general benefit of fisheries in Scotland.

I am sure that in the follow-up to the management plans the fisheries management and conservation group will be asked to address this issue. Such a forum will allow the views of the offshore fleet as well as those of inshore interests to be expressed.

Claudia Beamish: The Dunbar Fishermen's Association and the Anglo Scottish Fishermen's Association have expressed concern about the possibilities for new entrants. As other witnesses have made clear, giving new entrants the opportunity to come in is very important to the sustainable future of fragile rural communities.

Anyone who is an expert should correct me—I am certainly not an expert myself—but, as I understand it, the amount of quota that would need to be moved would not be significant. I simply want to put down a marker with regard to those issues, given my understanding that line fishing for mackerel supplements income for fishermen in fragile coastal communities.

Mike Palmer: That is correct. The amount would be a relatively insignificant proportion of the overall quota.

The Convener: Claire Pescod, your experience of MSC accreditation in various parts of the country and perhaps abroad might have a useful bearing on whether it is worth re-establishing the approach in Loch Torridon. If you have thoughts on that, it would be useful to have them on the record.

Claire Pescod: The whole ethos of MSC is about driving change within the fishing industry and driving improvements. Fisheries that were doing very well, such as the Torridon fishery, have come into the programme, and they have implemented all the measures. The Torridon fishery was given a notice of suspension because it did not have the powers to limit who was coming into it and to limit the effort in the fishery. From a Torridon perspective, it would be useful to take that issue away and show how the MSC process has been very much used as a management tool

to inform future management. Perhaps it could also be taken away by FMAC.

We have a project south of the border, which I am certainly not here to pitch for Scotland. The MSC process has two separate parts. There is the pre-assessment process, which involves a quick, desk-based study. It is a gap analysis of what is currently happening in fisheries management, which looks at what is working well and what could be improved. There is then the full assessment process for a fishery to become certified, which Torridon has been through. South of the border, we are using the pre-assessment process on all the English inshore fisheries that are covered by the fisheries management bodies so that we can take the information from that process and use the gap analysis as pretty much a sustainability review. It is a seafish-led programme. We take the gap analysis, develop sustainability reviews from it, and feed into the current management plans in England. That is where that project, which is called project inshore, finishes. Basically, it uses the MSC process as a tool. There could be a lot of benefit for Scotland from a similar process. Torridon has done a lot of good work and, with some tweaking and perhaps a few more powers and a bit more teeth for the area, it could come back into the programme.

There is a bigger issue with nephrops fisheries. The International Council for the Exploration of the Sea is always recommending that nephrops fisheries should be managed by functional unit. The North Sea, for example, has a number of sub-stocks of nephrops. ICES makes recommendations on fishing for nephrops over the whole area of the North Sea, but it recommends that management or member states should look at the small sub-stocks so that there is management by particular area instead of having one big area for nephrops. Perhaps that is not directly relevant to Torridon, but that has come into play in Stornoway. The Stornoway nephrops fishery was certified as suspended on the back of that. Perhaps there is a bit of a bigger scale for Torridon, but that is worth thinking about.

The Convener: Do members have any points to make about that?

Margaret McDougall: My question is not so much about what Claire Pescod has said; rather, I am thinking about development plans. Do development plans address the petitioner's concerns?

Colin Milne: Potentially but, as of now, no. There is the potential to identify that there are issues relating to the things that have driven the petition, and the development plans would suggest a way forward to address them, but there is simply potential rather than anything in the immediate future. As I said earlier, that is why the executive

committee took the view that we should engage with Marine Scotland to look specifically at the Torridon issue, which was on our patch, rather than waiting for the somewhat cumbersome process to approve the plan.

The Convener: I have a final question, perhaps for Jim Atkinson and the fishermen themselves. There was powerful testimony on the state of the fishery and the potential unsustainability levels that are arising in a document that we received from Richard Munday on the state of the Minch fisheries, as viewed by ICES in 2006. I quote from the submission:

“In the Minch fisheries alone, the fishing method—bottom trawling—results in 70+ million undersized nephrops (25% of the catch) and millions of cod, haddock, whiting, hake, monkfish and megrim being discarded”.

That seems to be a pointer to the urgency with which structural change must take place. Would Jim Atkinson like to comment on that? We want to take into account the views of Mallaig and the north-west when we ask for such change, and it is important to dwell on that point as a hinge to the debate.

Professor Atkinson: As you all know, the issue of discards has recently become highly prominent. I have worked a lot with the mobile sector and it does not like discards any more than anyone else does. Technical measures to reduce the amount of discards are being looked at continuously, together with a new policy on discards, and the committee is aware of that.

Discard levels in the creel fishery are very low. A lot of discards are invertebrate and go back alive, which is an important point.

I have talked to some of the people who are involved in the current assessment of the north Minch, and its abundance of nephrops, which did show a little bit of a downward trend, is now increasing. In fact, all west coast of Scotland nephrops stocks are currently showing an upward trend in abundance, which is good news for the nephrops fishery.

The Convener: Thank you. The committee will be assessing all this information in due course to crystallise some of the issues that the petition has brought to our attention. If Richard Munday would like to sum up, he may make any final point that should be made.

11:45

Richard Munday: That is very kind, convener. First, I thank the committee for inviting us to come here and for enabling us to put our views across very fully. We, and the fishermen in the Torridon area and more widely, appreciate that.

The committee has covered the ground so comprehensively that I have only one small point to make, if I might. Earlier, Professor Atkinson made a point about the importance of good scientific underpinning to fisheries management. As you will have seen in his submission, Torridon is probably the best-studied creel fishery in Scotland.

I chaired a number of the nephrops management group meetings with the fishermen, with Jim Atkinson, his science colleagues from Scottish Natural Heritage, and with the PhD candidates who, under Jim’s direction, have been working in the fishery. The meetings have worked very well. The caricature is that the scientists are sitting on one side, saying, “No. On conservation grounds, you can’t,” and the fishermen are on the other side, saying, “If you take that hard line, our employment is going to be in difficulties.” It has not been like that at all. The PhD students have gone out on the boats and learned how fishing actually works, and the fishermen have asked the students for scientific input on some issues. There has been a genuine coming together, which has been of great advantage to the management of fisheries in the area. That sounds a bit like motherhood and apple pie, but there is a lot of knowledge about what is going on in the Torridon fishery.

On scientific underpinning, I was talking to Jim Atkinson yesterday evening about one thing that illustrates the importance of scientific input and that I would like to see being done. There is a closed area within the Torridon creel-only area that has been closed for reasons the committee will be well aware of—it is a naval operations area—for a very long time. You might be able to see where I am going with this, but I and some of the other fishermen suspect that such an area that is totally closed to fishing does not just have military and environmental advantages; it is a nursery area for prawns that come out into the wider fishery. That could have a significant economic benefit for the fishery. That is just a hunch at the moment; perhaps another PhD studentship could look at the considerable wider implications of having other closed areas in Scotland. That is the sort of advantage that comes out of co-operative working.

Thank you very much indeed.

The Convener: Not at all—thank you. We will finish there. I thank everyone for their attendance. The committee will consider the petition again after the summer recess. That ends the public part of the meeting.

11:46

Meeting suspended until 11:48 and continued in private thereafter until 11:52.

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