



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Rural Affairs and Islands Committee

Wednesday 1 October 2025

Session 6



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RURAL AFFAIRS AND ISLANDS COMMITTEE

27th Meeting 2025, Session 6

CONVENER

*Finlay Carson (Galloway and West Dumfries) (Con)

DEPUTY CONVENER

Beatrice Wishart (Shetland Islands) (LD)

COMMITTEE MEMBERS

*Alasdair Allan (Na h-Eileanan an Iar) (SNP)
*Ariane Burgess (Highlands and Islands) (Green)
*Tim Eagle (Highlands and Islands) (Con)
*Rhoda Grant (Highlands and Islands) (Lab)
*Emma Harper (South Scotland) (SNP)
*Emma Roddick (Highlands and Islands) (SNP)
*Evelyn Tweed (Stirling) (SNP)

*attended

COMMITTEE SUBSTITUTES

Liam McArthur (Orkney Islands) (LD)

THE FOLLOWING ALSO PARTICIPATED:

Charlotte Altass (Scottish Government)
David Anderson (Aberdeen Fish Producers Organisation)
Kenny Coull (Scottish White Fish Producers Association Ltd)
Calum Duncan (Scottish Environment LINK)
Professor James Harrison (University of Edinburgh)
Elsbeth Macdonald (Scottish Fishermen's Federation)
Gillian Martin (Cabinet Secretary for Climate Action and Energy)
John Mouat (Scottish Government)
Conor Nangle (Scottish Government)
Phil Taylor (Open Seas)
Caitlin Turner (Young Sea Changers Scotland)
Keith Whyte (Aberdeenshire Council)

CLERK TO THE COMMITTEE

Emma Johnston

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Affairs and Islands Committee

Wednesday 1 October 2025

[The Convener opened the meeting at 09:07]

Decision on Taking Business in Private

The Convener (Finlay Carson): Good morning, and welcome to the 27th meeting in 2025 of the Rural Affairs and Islands Committee. Before we begin, I ask everyone to ensure that their electronic devices are switched to silent. We have received apologies this morning from Beatrice Wishart, who will be substituted by Liam McArthur.

Our focus today will be on the Offshore Fishing (Prohibition of Fishing Methods) (Scotland) Order 2025, but the first item on our agenda is a decision on taking business in private. Do we agree to take item 3 in private?

Members *indicated agreement.*

Subordinate Legislation

Offshore Fishing (Prohibition of Fishing Methods) (Scotland) Order 2025

09:08

The Convener: I welcome to the meeting the first of two stakeholder panels: Calum Duncan, Scottish Environment LINK; Professor James Harrison, University of Edinburgh; Phil Taylor, Open Seas; and Caitlin Turner, Young Sea Changers Scotland. We have allocated about an hour for this discussion, and we do have quite a few questions to get through, so I will have to ask for succinct questions and answers.

I should also remind the witnesses that they do not have to operate their microphones. A gentleman will do that for them.

We will go straight to questions. First, will the proposed measures be sufficient to meet marine protected area conservation objectives as well as international obligations?

Phil Taylor (Open Seas): I thank the committee for having us here today.

Our position is that the sites, as proposed, might not meet those legally bound conservation objectives, and there is a risk that the measures that have been put on the table will not be sufficient to address concerns about the impact of, in particular, bottom-towed fishing—that is, bottom trawling and scallop dredging—in offshore waters or to meet the goals of good environmental status, which is the legal target.

That is not to say that the proposals are wholly inadequate and inappropriate. A huge amount of work has gone into their development, and we really appreciate that. Calum Duncan and I were involved in some of the early conversations about the sites, although I should say that those conversations began 10 years ago—and Kenny Coull, whom I believe you will be hearing from later, has been involved in the process even longer than I have.

A balance is needed between the environmental protection of and sustainability in our seas, and recovering our seas' productivity, and I do not think that that has been struck in some cases. We see that in the scientific advice on these sites from the Joint Nature Conservation Committee, which recommended protection beyond what is currently proposed. I believe, therefore, that there is a risk that the conservation objectives will not be met.

I suppose that, in this morning's discussion, we will be talking about what that will mean, but one thing that I would like to put down as a marker is that good policy clearly requires monitoring and

evaluation. Whatever the outcome from today's discussion, there is a real need to ensure that there is proper monitoring of how effective the sites are, whether they meet the conservation objectives and how they contribute to the broader recovery of the North Sea and west coast of Scotland.

The Convener: Before we hear from the rest of the panel, Phil, you touched on the fact that you, Calum Duncan and other stakeholders have been involved in this process right from the start. We often hear the Government talk about co-design and co-development, but, in your view, does the instrument in front of us reflect the discussions you have had throughout the process of developing the instrument?

Phil Taylor: My involvement has sort of bookended the process—that is, I was involved towards the beginning and then towards the end. A huge amount of discussion happened in the middle, as did lots of complicated things—including Brexit, which for these offshore waters, which are used by boats from other parts of Europe and nations adjacent to the North Sea, has been fundamental.

A lot of science has been done in our North Sea, particularly down at the shelf break, where these sites exist; there has also been a change in the status of the sea's health, with declines being seen in many cases. Indeed, there are illustrations of that. For example, the canary in the coal mine at the moment is North Sea cod in the southern North Sea, where the advice now is that no cod whatever should be caught. Things have changed throughout the process.

Calum Duncan will correct me if I am wrong, but I think that, in some of the early conversations, we came to positions that were stronger than what is on the table now. In the first instance, we had some very interesting workshops, in which we and other stakeholders drew lines on maps and said, "Right, this is an area that we do not think should be bottom trawled; this is an area that we think perhaps could be; and these are the areas of disagreement." Some of the areas where there was disagreement have just been considered as areas where trawling can continue.

There has also been a fundamental change on what is called the west Shetland shelf, a very large site that, if you have a map in front of you, you will see sits north of Cape Wrath. When that area was designated, there was a ban on bottom trawling under European legislation in order to protect big spawning female cod. That restriction has ended, so we now have a site—possibly the only site of that size that I am aware of—where a marine protected area has been opened up to bottom trawling and has felt an increasing impact since

the designation. That was not the understanding of the situation at the time.

A key place that I would draw attention to where I feel the protections are inadequate, and not representative what should have been pulled through, is the Faroe-Shetland sponge belt. This is a big area; in effect, it is the edge of the continental shelf where it drops down into the Faroe-Shetland channel, so it gets lots of cold water from the Arctic and warm water from the gulf stream coming in, with mixing and turbidity. It is a highly productive zone and important for a whole pile of species as well as for the benthic habitats where the sponges are. I think the protection offered there is quite concessionary and allows a lot of harms to go on that I do not think are reflective of some of those early discussions.

There is also the Geikie slide, which is a site that was designated in order to take in a spectrum of that slope, so it goes from very shallow, or shallowish, waters—I am sorry; I realise that I am talking quite a bit—down into the deep waters. Again, I think that the concessions made there do not reflect exactly what was on the table or raised in the discussions in the first instance.

The Convener: We will have a chance in some of our other questions to explore some of those points in more detail.

I will bring in Professor Harrison.

09:15

Professor James Harrison (University of Edinburgh): It is important to recognise that this is a really important milestone. We have been discussing these measures for a long time now, and finally legislation is about to come on to the statute book. I think that that will be welcomed by probably everybody.

As Phil Taylor has said, there was a balance to be struck here. The other important factor is there is still a lot of uncertainty about many of these sites; the science is not perfect, and risk assessments are being done. Phil Taylor is much more up to date on the science than me—I am a lawyer, not a scientist—but I think that, from a decision-making perspective, we have to recognise and take into account that there are balances to be struck, particularly with regard to that uncertainty about the risks, and even the extent of the features.

For me, the critical thing is that this cannot be the end; we cannot say, "We have done management measures for offshore marine." I think that that is reflected in the Government's response to the consultation; with some of these sites where the measures are not as extensive as some had pushed for, there is a requirement for

on-going monitoring and adaptive management, and we need that on-going process of looking at the impacts of continued fishing in some of those sites and reflecting on whether additional management is needed. There is a key role for additional science in that respect.

Government needs to come back to the issue. Indeed, this Parliament and the committee need to come back to it in the next session, too, and think about what MPA monitoring is being done and what adaptive management means for these offshore sites.

Calum Duncan (Scottish Environment LINK):

I would echo a lot of that. The measures have been a long time in the making, and we welcome the fact that they are almost on the statute book so that we can get some protections in place.

I would say that they broadly reflect the discussions that were had, but, as Phil Taylor has said, there have been a lot of changes since then, with the understanding that the state of our marine ecosystem is even more concerning; declarations of a climate, nature and ocean emergency; and the small matter of Brexit, which actually offered the opportunity to put out to consultation a whole-site option, similar to what was done in the public realm for the first tranche of inshore sites. When we were presented with that whole-site option at consultation, we were supportive of it, and we encouraged members to support it, too; after all, whole-site measures give sites the best chance of achieving their conservation objectives. In fact, we would like to thank the more than 1,700 people who responded to the Scottish Environment LINK consultation on that.

As for the risks to areas of habitat, I would note that it is those that are often blue carbon stores, particularly the burrowed muds and sediments, that remain at risk within the MPAs. The JNCC itself said that the whole-site approach would improve the likelihood of meeting the conservation objectives for the rocky and stony reef sites, where only small areas of access are still allowed. That said, Solan bank still allows quite a lot of seasonal access, contrary to what we were advocating during the workshops.

There are also the mud sites: central Fladen and east of Gannet and Montrose fields. We welcome the fact that their zones are bigger, but the JNCC has said—and we would agree—that there is a continued risk of not achieving the objectives there, and it would have advised a more precautionary option as being more likely to aid achievement of the sites' objectives.

With regard to the two sites with these very fragile, slow-growing sponge habitats—the Faroe-Shetland sponge belt and the north-east Faroe-Shetland channel—the JNCC said, again, that

there should be a whole-site approach, given the great corridors around the 600m contour. We are concerned about the risk in that respect.

The important thing is that we need monitoring and adaptive management in place. This is in keeping with action 8.4 in the Scottish biodiversity delivery plan, and it is also in keeping with recommendations from the North Sea Advisory Council and the environment sub-committee that met several years ago, which advised that an on-going process be developed to address or answer some of the outstanding issues during the review periods as part of a process of adaptive management. I think that that is fundamental if we are to understand whether the measures are allowing the sites to meet their objectives. If gear is allowed in areas where some of these fragile habitats are, it might be that certain things, like the sponges, might be able to exist, but for mobile gear interventions we need to have that monitoring in place.

Caitlin Turner (Young Sea Changers Scotland):

I will go back to your first question. We have been talking about this being a long time coming; just for context, I was about 14 or 15, and still in high school, when the measures were first announced, and I am now 25. Therefore, I cannot quite comment on how the participation process has gone, but I very much welcome the fact that Young Sea Changers Scotland has been invited here to participate in these discussions.

To be honest, I do not think that the proposals, as they currently stand, meet our requirements at a national and international scale, partly because of the requirements set out in the Marine Strategy Regulations 2010 and the Fisheries Act 2020 for ecosystem-based approaches. Whole-site measures have been applied in five of the sites, but, for the remaining 15, only part-measures have been applied. You cannot protect just parts of ecosystems, because active pressure on the remainder of those sites will affect the ability of the part of the ecosystem that is protected to thrive and recover as best it can. That ability will be hampered. If we are to have the sort of recovering and thriving ecosystems that these measures set out to achieve, we need a whole-site approach.

That said, I do congratulate the Government on putting the measures for the whole-site approaches in place, because they are very welcome. They also take our protected seabed coverage up to over 60,000km², which is very impressive. I recognise, too, that the partial protections were put in place after dialogue with the fishing industry, which is obviously crucial.

However, if we are to meet international and national requirements, the measures fall short, because I do not believe that they are taking the entire ecosystem-based approach that they should

be taking, and which the JNCC recommended. It identified that bottom-towed fishing gear, whether trawling or dredging, has the highest potential impact on the ecosystems. We are talking about deep-sea, very fragile and slow-growing systems, with slow mobility, and their ability to recover from damage and pressure is much different to some more inshore ecosystems, which can rebound quite quickly when protection is put in place.

Obviously, as Professor Harrison has said, we still lack some knowledge and science about these areas. That is why we have what is called the precautionary approach, which allows us to put in place protections to safeguard those ecosystems against potential pressures. Those protections give us the time to understand things better, because it is much harder to discover and make sense of what is there if it is too late and it has already gone.

I note, too, that this is Scotland's climate week. Our deep-sea habitats are very important for storing carbon, and the release of that carbon as a result of the impact of bottom-towed fishing gear goes against our climate targets. If we are to achieve those targets and mitigate climate change, whole-site approaches should be prioritised.

Alasdair Allan (Na h-Eileanan an Iar) (SNP): Caitlin Turner mentioned the issue of whether we are living up to international best practice. Do any of you have a view on whether some of the proposed sites come nearer to that mark than others?

Phil Taylor: Yes, I think that, in some cases, there are good proposals on the table that will make us better able to meet those duties. I draw attention, in particular, to the west of Scotland deep-sea area, which is one of the largest marine protected areas in the world. That overlays the deep-sea trawling ban, whereby bottom trawling is banned below a depth of 800m. That is a huge accomplishment for Scotland, which the Scottish Government should be very proud of.

The protections around Rockall and the Darwin mounds are very significant, as they involve huge areas of offshore waters, seamounts and important upwellings, which, as I mentioned, provide a foundation for the marine ecosystem. In those cases, the proposals are very good and will, I hope, have a cascading effect on the health of the marine ecosystem, as well as meeting the conservation objective.

Alasdair Allan: For people who are perhaps less well acquainted with the subject, could you provide a picture of what practical difference the proposed measures would make in those areas from the point of view of practice and the species that you feel would benefit?

Phil Taylor: I will deal with that question in two parts. With regard to what practical difference the measures will make, one of the concerns that we have is that, in effect, the lines have been drawn around the places where fishing is not taking place. There are still some concerns about what impact that will have and what change that will cause on the water. However, in the areas in question, we are looking at the reduction of fishing pressure on the habitat—the seabed itself, which enables the broader functioning above—and on the species that live in that deepwater environment.

What will the practical implications be? It is often said that marine protected areas should be designated in order to protect certain species, rather than as fisheries management measures, but the Parliament has given the Scottish Government the duty to protect and, where appropriate, enhance the health of the marine area as a whole, and marine protected areas are one of the main measures for achieving that. From our side, the aspiration is to protect areas that are important for the functioning of that ecosystem and that are important as nursery spawning grounds and so on.

I mentioned the Darwin mounds and the Rockall basin. I am sorry—I cannot remember the name of the site. It is the north-west Rockall bank, to be specific. Those are areas where fish species such as monkfish and anglers aggregate in relatively large numbers. There are also blue whiting, which I think there was a significant debate about in Parliament last year. The presence of those species underpins successful productive fisheries up the way.

I am conscious that I am rambling a lot today, so I will stop there. From our perspective, the important thing here is to protect the habitat on the sea floor and, as a consequence of that, to protect the ecosystem and, we hope, provide productivity in the broader sea and enable achievement of the target of protection and, where appropriate, enhancement of the health of the sea.

Calum Duncan: The added value that comes from the west of Scotland MPA includes the protection of the summit of the Anton Dohrn seamount, which is a vast seamount about the size of Fife. During the workshops, we advocated for protection for the summit of that, because such areas are highly important for the marine ecosystem. The nutrient-rich deep waters come up the slopes of the seamount and provide rich feeding grounds for other species and habitats. Therefore, it is to be welcomed that the summit of that vast seamount is to be protected.

Even in the sites where there is not a whole-site ban, most of the site will be protected from mobile gear. That is the case with some of the reef sites,

for example. In that way, we will protect the fragile life that grows out of the seabed, or sometimes in the seabed, from direct disturbance by gear, which can disturb the top few centimetres of that sediment or scrape over the top of a reef. That protection will be a good thing in helping those habitats and those sites to meet the conservation objectives.

There is also the question of static gear. The north-west Rockall bank special area of conservation prohibits static gear throughout the site, whether that is pots or set gill nets, and the zones within the east Rockall bank SAC to protect the cold-water corals do not allow the putting down of static gear, which can also have an impact. We welcome the restrictions on floating long lines and bottom-set gill nets for 11 MPAs, because that will help to reduce bycatch.

There is the prohibition of trawling to prevent damage to the surface or the subsurface of the seabed—the softer sediments—and, where it is appropriate, there is also a prohibition on static gear. Putting down static gear can cause direct damage when it lands on the seabed or moves around. Fixed nets on the seabed can also create a problem for bycatch—the catching of other species.

09:30

There is a lot to be welcomed. The protection for central Fladen has increased from 40 per cent to 62 per cent, although we would have liked the proposal to have been in line with the JNCC's advice that the whole site should be protected. The protection of the east of Gannet and Montrose fields site has increased from 29 per cent to 70 per cent. We recognise that there are some welcome measures.

The Convener: I do not mean to be rude, but, rather than focus on individual sites, I think that we need to get an overall picture, because we could be here for three weeks if we looked at individual sites. I mean no disrespect. The examples that you have cited are important, but we have quite a few questions to get through.

After we have heard from James Harrison, I will bring in Liam McArthur, who has a supplementary.

Professor Harrison: I will keep my answer quite quick and general. Calum Duncan has made some of the points that I was going to make.

I will pick up on the issue of demersal static gear. The committee has received evidence on the debate about the risks to some sites of the use of demersal static gear. The proposed approach is an example of the Scottish Government taking a precautionary approach. Even though the risks are uncertain, it has decided to completely prohibit

demersal static gear in five sites—there are five sites where all demersal mobile gear and all demersal static gear is completely prohibited. That will provide significant protection for a large area of seabed. For me, that stands out, and it demonstrates the power of the precautionary approach in this context.

We are talking about fishing, which is a key pressure on the sites in question, but we also need to remember that there are other pressures. Another topic that we need to come back to is whether those sites are being protected from other pressures that might affect the conservation objectives. We should not lose sight of that.

Liam McArthur (Orkney Islands) (LD): This is probably more a question for the representatives of the fishing sector, but I will not be here for the session with that panel, so I will chuck it in now.

With regard to the discussions that Phil Taylor and Calum Duncan mentioned, to what extent is there an understanding of the likely impact of displacement of effort on other areas? If there is a displacement, there will be increased effort in those areas, albeit that they might be better able to sustain such activity. Phil or Calum, would you like to address that?

Phil Taylor: I can start, but I am conscious that I have said quite a lot already.

A full assessment of displacement has been carried out. In our judgment, there will not be masses of activity in surrounding habitats that will have a massively deteriorating effect. That is the case for a couple of reasons. First, effort is very noisy in the fishing sector—it rises and falls quite a lot in certain areas. There is not a consistent pattern. Activity may change, depending on the availability of stocks and the availability of certain catches. The presence of fish and their movement throughout the year will be a factor. We are talking about the harvesting of a wild animal that migrates and moves around. Although there are relatively persistent patterns, it is clear from looking at the data that there is a huge amount of noise in that area.

Therefore, it is difficult to say what the displacement effect might be. It is not like saying to a farmer that, instead of having access to two fields, he can have access to one, in which he must grow all his produce. The data for these calculations is quite poor, but we are talking about a reduction of between 4 and 9 per cent in the fishing effort in the entirety of Scotland's seas. That is the amount of effort that might have to be found in the remaining area, which is a huge area for any potential increase to be diluted across.

I draw attention to the fact that there was an inconsistency in the way that the issue of displacement was considered, because the

socioeconomic study and the environmental study took very different approaches. One assumed that all fishing would disappear overnight if a restriction was imposed in the area, while the other assumed that the fishing effort would be displaced into the surrounding areas. Two completely contradictory assumptions were brought together in an attempt to understand the situation.

The Deputy Presiding Officer: I am grateful for that answer.

Rhoda Grant (Highlands and Islands) (Lab): Just to follow on, Calum Duncan talked about the optimum being all gear being banned, both static and mobile. Nobody has argued with that, so I assume that all of you feel the same way, but can I ask what the scientific evidence is that warrants static gear being banned?

Calum Duncan: I do not think that I said that the optimum would be for them all to be banned. I was trying to give an illustration for Alasdair Allan about what some of the measures mean in practice. I understand that there are a lot of technical things here and I maybe went into too much detail, but there is evidence showing that even the setting of creels, for example, can disturb the mating habits of cod. That was a debate around the Clyde cod box coming inshore. It can get quite subtle, but then there is the direct impact; for example, if you have a creel pot landing on a crop of coral that is thousands of years old, it can literally snap it.

Rhoda Grant: What about deep-sea things such as long lines and gill nets? Sorry—can you hear me properly?

Calum Duncan: Yes, I can.

The gill nets are buoyed proud of the seabed, but they can hang down on to the seabed. The deploying of those can lead to direct entanglement of whatever life is on the seabed there, but they are also just left there. The soak time can be several days before the vessel will come back and pick them up, so they will just be catching everything passively that is there, including species that they want and species that they do not want. That is why that can be a concern. If you are looking at the entirety of an ecosystem and how it functions, you do not want to be catching things that are not a target species.

Caitlin Turner: Just to add to that, if the static gear gets damaged in stormy weather, it could smother the benthic habitats. In the same vein as Calum Duncan, I note that there is evidence of seabirds becoming entangled in gill nets—that is a very prevalent issue. That relates to the benthic habitats or the features that are being protected, because those provide the nursery grounds and the shelters for the prey that the seabirds will feed on. The seabirds will then make their dives down

to the benthic habitats to get that and, in turn, they become entangled in the nets.

It is very important that that issue is being addressed now. Sometimes it can go by the wayside and be overlooked when we talk about set nets and gill nets, but especially now that we are seeing such a decline in Scotland's seabirds, this would be a welcome way forward to help conserve them, as well as addressing all the other pressures that they face in the marine environment. This is just one of several measures that we hope can ease the pressure on our seabird populations.

Professor Harrison: I have three key points. First, we are talking about demersal static gear, which is static gear that has some connection with the seabed, usually through an anchor or something, so not all static will necessarily be prohibited here. I think that the JNCC recognises that there was less evidence about the risks to some sites. In this conversation, it is hard not to get to the details of individual sites. We are talking about a huge range of different ecosystems, each of which has very different pressures and characteristics. At one level, of course, there will be different management across different sites, depending on the risks that are posed by different gears. The JNCC recognises that there was less evidence, but the Scottish Government position, as I read it, was that these are vulnerable habitats and it was taking an explicitly precautionary approach here. That is embodied in the law. It is allowed to do that and it can decide, on the evidence of some risk to a vulnerable habitat, to take measures to phase out or prohibit that activity. That is the position that it has taken. The evidence does not have to be crystal clear. The whole point of the precautionary approach is that there is uncertainty, but it allows management to come in where that is deemed appropriate, and it has been deemed appropriate in many of these sites.

Rhoda Grant: I have a very short supplementary. Do you believe that the management proposals are finely honed enough around each site in relation to what they are looking to protect and what fishing can go on that does not damage that protection?

Professor Harrison: My first answer was stressing the balance that needs to be struck here. The legal framework requires the conservation objectives to be furthered but also other factors to be taken into account, including economic factors. I think that the Scottish Government has had to balance these different things. For me, when these hit the statute book, we will be in a good position. We need to keep monitoring, as I said. There have been compromises that have been struck, but the legal framework allows for that. I am content with

what we have right now, subject to looking at further evidence and data that is gathered in the years to come.

The Convener: Is it not the case that there is an awful lot more to consider? We cannot just generally say that long lines or gill nets are potentially problematic; by their very nature they are very light, if they touch the bottom at all. As science and technology improves, they are far more likely to be highly targeted with the mesh spacing and the net size, so we do not need to have a blanket ban. That is the whole reason why we have a zonal approach, which ensures that we concentrate on protecting the environment that needs protected. That does not just lie just within the MPA zone; the ecosystems go far beyond that. Science is very important when we look at zonal or whole-site closures, rather than broad discussions about what damage they might cause, which is not necessarily across every single site that we protect.

Professor Harrison: There is a risk calculation going on here. Demersal set nets have already been prohibited below 600m under European Union law for a long time, so for some of these sites demersal set nets were already prohibited. The risk is that all it takes is one or two badly set sets of gear on habitats that have grown for thousands of years and they are then destroyed. It is balancing the vulnerability and the risk. Yes, the risk is much lower, and that is a judgment that the Scottish Government has been asked to make. It has decided in some of these sites to go for a full site prohibition, and in some sites it has gone zonal because it thought that the risk balance was slightly different. For me, that is appropriate.

Calum Duncan: I want to follow up quickly on my first answer and review what the JNCC said. There are recent studies from 2018 and 2020—this is in relation to traps; I will come to the gill nets—that suggest that traps will have negative impacts on the functions of reef habitats at high spatial and temporal densities, but the JNCC is advising monitoring of the remaining effort in these sites going forward. It is saying that the evidence has improved on the impact of the traps on the functioning of reef habitats.

To answer the broader question about the zonal approach, again it would be helpful to have a map, but a good example of that is the Faroe-Shetland sponge belt MPA. It is not that static gear is prohibited across the whole site; it is prohibited in the southern portion of the site, where the known sponge communities are. You are talking about extremely slow-growing, slow-reproducing, ancient fragile ecosystems, so having an anchored net going down there, moving about with the tide, can do a considerable amount of damage. To me, that seems entirely proportionate.

I remind you that the JNCC was advising a whole-site approach for the management of mobile gear on that site, not necessarily for the management of static gear. We would agree with it on the whole-site approach to mobile gear, because there is a huge corridor at 600m just allowing mobile gear in there.

Emma Harper (South Scotland) (SNP): Good morning to you all. I have a couple of questions about socioeconomic impact. Some of the respondents highlighted the potential of negative effects on coastal communities and local economies if restrictions were too broad and not carefully targeted. In our papers, West Coast Sea Products was in favour of a zonal approach, which it said was

“sensible in ensuring PMFs”—

priority marine features—

“of relevance shall be protected.”

I am interested to hear from you about concerns that full-site closures could lead to displacement of fishing activities and adverse effects on coastal communities.

Phil Taylor: I think that West Coast Sea Products is mainly a scallop dredging producer, so the site that will be of most interest to it are the Firth of Forth banks, which are one of the sites off here, where there is a zonal proposal going forward.

From our perspective, the socioeconomic assessments provide only part of the story because, at the moment, all that they are doing is trying to estimate where fishing will be lost, not how it will be displaced into other areas—not in a proper way, in my opinion—and failing to properly account for the fact that these protections will provide social and economic benefits in the long run by recovering the health of the sea and the fish stocks in them.

09:45

I agree with the sentiment of your question that the socioeconomic impact assessments are probably not creating an accurate representation of the costs. In my view, they are overestimating costs and underestimating benefits. That is what we have seen in the other inshore marine protected areas. We can look back at the cost estimates that were made when those inshore sites were at this same stage—they have been in place for nine years, I think—and we can see that those estimates do not reflect what has happened in ports.

It is notable that the majority of the offshore fishing affected by these sites will be coming into just a few key ports, so Kinlochbervie to a degree, Ullapool now—there has been a slight change in

the way that those two ports are operating—Peterhead, Fraserburgh and Lerwick, which are the big ports where the big offshore boats are operating. I think that the dredgers that are operating in the marine protected areas that we are looking at will not be landing to your area, because the sites are so far away from it, but I may be wrong on that. I do not want to presume someone else's business activities.

Emma Harper: Does a more accurate assessment of socioeconomic impact need to be conducted, or is what has been done accurate enough to convey the potential impacts?

Phil Taylor: We should do more. Yes, it should be more accurate. One of the key things that we should do is ensure that we are monitoring that very closely as the measures come into effect, so that we can look back at what the estimate was and whether that was the actual impact. Of course, as I said in response to Dr Allan's question, the landings into ports are what I would call noisy in a statistical sense. In some years you will have lots; in some years you will not have many at all. There is quite a lot of inter-year variation, which will depend on things far outwith marine protected areas. In my view, the impact—the restriction and the actual reduction in areas for fisheries caused by MPAs—is very limited or within the statistical normality.

Professor Harrison: Just to build on that, the other point to make is that there are lots of other restrictions coming in for the fishing industry that will also have economic impacts. It will be very difficult to tease out the impact of the MPAs from the impacts of new offshore wind and other activities that affect where the fishing industry can fish. The industry is rightly concerned about the spatial squeeze, and I think that that needs to be taken seriously. Planning needs to be done on a macro level, through a good marine spatial planning approach that looks at all of those factors and works out where we want the fishing industry to be able to fish. At the moment, it is left with the remnants, where we are not doing wind or marine conservation. I think that the marine planning system needs to come in and help us to understand the overall uses of our seas, because, without that, we will never be able to tackle the problems that are rightly being raised by the industry.

Calum Duncan: That is a good question, and it goes back to the fine-grain work that Phil Taylor and Open Seas have done in looking at ports and landings. I know that Open Seas has done a lot of work on that, but from a Marine Conservation Society perspective—I am here as a LINK representative, but we are members—my colleague did a study that looked at the estimated benefit of managing offshore marine protected

areas through a whole-site approach. He showed that, on balance, after 20 years, there is an estimated £0.8 billion of benefit in terms of ecosystem services. I know that that is a broader debate when we are talking about individual businesses and so on, but, in that wider consideration of socioeconomic benefit, a whole-site approach would deliver a great deal over the longer term in carbon storage and securing food provision by protecting important habitats.

I am slightly reluctant to talk about percentages, but, when you look at the MPA network, you need to think about the scale of it. I completely agree with James Harrison about the importance of spatial planning and ensuring that there is space for sustainable fisheries activity. The west of Scotland MPA and the north-east Faroe-Shetland channel MPA are vast MPAs, largely deeper than 800m, that already have restrictions in place. However, for the whole MPA network, you are talking only about 15 or 20 per cent of the continental shelf sea, and even then there is not a whole-site approach—just to paint a picture of how much restriction is coming in there. There is a discussion to be had about proportionality, because there is still a lot of fishing ground there as well.

The Convener: Caitlin Turner, do you want to touch on the socioeconomic impact?

Caitlin Turner: Yes. Professor James Harrison has already claimed some of my answer on the need to look at spatial squeeze in a spatial management plan—that is vital. I do not think that any of us would say that there will not potentially be short-term economic struggle. We fully recognise that there might be, but, as Phil Taylor touched on, the long-term returns of this could be far more substantial than the short-term struggle.

That said, it is all well and good for us to sit here and say, "Think about the big picture," but, in the here and now, when your business is struggling—I am very familiar with this from my family having a business—you are just trying to figure out how to make ends meet. If we are putting in whole-site approaches, businesses will suffer as a result, whether it is the fishermen themselves or the processing that comes as a result of it—because there are so many elements within the fisheries chain. We need to make sure that there is some financial support or additional support being provided to them, to either help them to seek out other opportunities or to cover the shortfalls where the protection has created financial losses.

There is recognition within the scientific literature that bottom-contact towed fishing gear is very impactful to the seabed—it is destructive. There are conversations about just transitions happening within fisheries, and I think that we need to continue those discussions, accelerate

them and take them more seriously. We discuss a just transition in the space of oil and gas, recognising that it is a harmful industry and that we need to try to get more workers shifted into green skills industries or into other industries that are not as impactful. We should approach fisheries in the same way, to mitigate the losses that might come about as a result of protection.

In the long term, MPAs will benefit the more sustainable, lower-impact fisheries. They will also benefit other businesses and other users of the marine environment, and they will have an overall benefit for us all. Whether we are inland, as we are here, in Edinburgh—although we are not that inland in Edinburgh—or whether we are closer to the sea, it is to the benefit of everyone to have these protections in place. But that is not to say that there is not likely to be that shorter-term economic struggle in the first instance. Elsewhere around the world and in the United Kingdom, protections have worked and have benefited fishermen. Healthier ecosystems and overspill effects can return much larger and much more productive fisheries, but we need to have the bravery and the steps in place to support the businesses and fishermen who might be put out of place by these protections.

The Convener: Thank you. We will now move on to our last theme, which is scientific evidence and monitoring. It is probably the biggest and most difficult one, and we have about 10 minutes in which to cover it. We will start with a question from Tim Eagle.

Tim Eagle (Highlands and Islands) (Con): I hope that you can hear me all right. I am sorry that I cannot be with you in person this morning. I had better be quick, because of the convener's time limits.

I want to touch on data and monitoring. When I am out and about in some of these coastal communities, I get the feeling that they cannot trust what people say in terms of the data, monitoring and so on. Can you run me through a wee bit more about where we are in terms of baselining before we go into this? What do we then need to improve, or what do we need to carry on doing, to monitor effectively and ensure that the data is open so that everyone can see it and have trust in it moving forward, so that we know where we need to get to or where we will go to meet those conservation objectives?

Calum Duncan: Thank you for the question. The process that the Scottish Government went through—this goes back to 2014—to identify marine protected areas has stood up to scrutiny and challenge and is held up as a good example of how to identify where MPAs should be. I support it. We have our advocacy position in relation to some of the sites—where they should

be and what the measures should be—and we advocate for stronger positions and have done so for inshore as well as for offshore areas. However, as a process to identify sites, it has been held up to a lot of scrutiny and a lot of challenge.

Sorry—I have just remembered the other point that I was going to make. I commend the Scottish Government on the workshops that were held as part of the process of talking about the management measures for the MPAs, which were inclusive. They engaged fishing representatives from all the affected countries, including all the home nations as well as France, Spain, the Netherlands, Norway and Denmark. The Scottish Government did an excellent job of getting data from the industry on the use of these spaces. I hope that the debate and the discussion will now be about what measures are proposed as a result of all that data collection.

There could always be more data, particularly offshore data. It is expensive, but the JNCC, the Marine Alliance for Science and Technology for Scotland and the National Oceanography Centre have good collaborations. We want to see more of that happening, as it is particularly crucial in the adaptive management approach.

Phil Taylor: Thanks very much for the question, Mr Eagle. The first thing that I will say is that some of these sites are some of the best or earliest studied deepwater environments anywhere in the world. A site here called the Wyville Thomson ridge was studied in the 1800s by a guy called Charles Wyville Thomson. He was the first deep sea ecologist and deep sea scientist. He wrote incredible stuff that I would recommend reading if you ever have the time.

You asked how we can make sure that the science is trusted. That is an important point, Mr Eagle. You also touched on the need to make sure that it is open to everybody, and the JNCC has done a good job on that to date. These are difficult environments to study, because they are so deep. We are talking about depths of 1km, and the water pressure will destroy most bits of equipment. There are rough seas and exposed bits of water. Capturing images has been an important part of what the JNCC has done so far, showing why some of these areas deserve protection and showing some of the species that live down there. It has also done a good job of presenting the data in some cases. The JNCC is, of course, constrained, however, as these are difficult places to work in and it is expensive to work there.

I know that the committee cannot conditionally accept this statutory instrument, but I would ask you, in the strongest possible terms, to encourage the Scottish ministers to commit to a programme of monitoring these sites properly, so that we can explore what they look like in due course and

address the trust issue that Mr Eagle has raised. We need to see what these sites look like in five or 10 years, as well as on the normal review cycle.

Professor Harrison: Scotland has an MPA monitoring strategy that recognises—to reiterate what Phil Taylor said—that we do not have all the data that we want and we never will. We have to be fairly selective and prioritise. Once these measures are in place, and once the inshore measures are in place, there will be a job to do in having another look at that monitoring strategy and coming up with a set of priorities that will allow us to gain the key data, to fill in gaps and to monitor the effects of these measures. It is a job for the next session of this Parliament to come back and scrutinise how the Government is doing that.

Ariane Burgess (Highlands and Islands) (Green): I have a supplementary question on that. I get the whole piece around adaptive management and the need to monitor, feed back and make adjustments to the plans that have been put in place so far, but how do we filter that down to the folks who are actually out at sea? When I talk to people in Shetland or other fishers, they say, “I’m out fishing and I’m surrounded by cod. Why can I not fish cod?” Somebody on the west coast might talk about a similar experience—not necessarily with cod, but their direct experience is that they see a lot of the species that they are not allowed to catch in an area where they are not allowed to work.

10:00

How do we help to feed the data back? What does the Government need to do to get it to the people on the ground? We heard earlier—Caitlin Turner spoke well—about the struggle that people face in the day-to-day management of their businesses. They feel as though they are shut out of somewhere and they cannot work there. How do we help them? How do we support that information getting there?

Phil Taylor: One key way, which Mr Eagle pointed to, is providing visual and accessible public data that we can all look at. You are talking about anecdotal evidence from fishermen saying, “Hey, there’s an abundance of X, Y and Z,” but that is without accurate catch estimates or an accurate reflection of what is being caught on the back of the boats. We all know that discarding at sea continues, and we all know that that masks a certain amount of catching abundance in the data. We need to address that, and the way to do it is, as Mr Eagle suggested, visually and openly. We have a lot of cameras in remotely operated vehicles, and I am willing to make everything that we collect public. The JNCC has done a good job in using its underwater cameras to do the same.

As Professor Harrison pointed out, this is not just about the fishing industry. We also have the offshore wind and offshore oil and gas industries collecting lots of information about what is down there. That all needs to be brought into the public domain.

Calum Duncan: It is a good question. The Scottish Government has a good platform in the national marine plan interactive. It is about getting the information on there and then being able to communicate it.

Your question broadens out to fisheries management, where co-management is key—and mutual trust, of course. We have long advocated for fully documented fisheries with remote electronic monitoring by cameras. It is about having clarity and transparency so that everybody knows what is there and why decisions are made. It is easy to say that, but it is much more difficult to do in practice, as we know. Having information, having clarity and having transparency is important.

Caitlin Turner: I am aware that we are pressed for time. Having more accessibility and more information available on websites and things is great, but we need to go and meet fishermen more where they are at—quite literally, by going out to the coastal communities to have the discussions, presenting the information there and taking any questions that there might be as well.

We recognise that fishing is highly laborious, and fishermen are out at all kinds of hours. They cannot necessarily be expected to make meetings at certain times or even travel all the way through to Edinburgh from Ullapool or somewhere like that to have their views heard. There has to be a more concerted effort to go out to coastal communities, to understand their needs and to take in the information and the evidence that they find when they go out fishing—or whatever industry it might be that is operating on the water.

You have to fully immerse yourselves in the communities and give them the space to share their opinions and evidence and to have open discussions about why things happen in those spaces, instead of making decisions here that have to be filtered out to the rest of Scotland, with them having to like it or lump it. It is important to go out to communities and meet them where they are in order to understand their specific needs as well as to communicate why we do certain things and the evidence that we have, too.

The Convener: A lot of this will be down to confidence. Calum Duncan touched on confidence in the data. A report to Parliament suggests that only 30 per cent of the MPA network is moving towards meeting objectives, and the Government does not know about another 10 per cent. We

have all this legislation, but if you look at the Government's record, you will see nothing that suggests that MPAs are delivering what they should. The lack of transparency and the lack of data are not helping the situation.

Caitlin Turner touched on the release of carbon from bottom dredging. I have not seen any evidence at all to suggest that that is significant or is something that we should be concerned about, but that is one thing that we often hear. The last time that Phil Taylor was here, we discussed a suggestion that bottom trawling was emitting as much carbon as international air travel, which was later disputed.

There is a lack of peer-reviewed, proper science and a lack of progress in relation to MPAs. How do we ensure that there is confidence in the industry and non-governmental organisations that we will achieve the outcomes?

It is a bit like the Natural Environment (Scotland) Bill. We will set nature targets, but unless we have the policies in place to deliver them, targets are absolutely hopeless. With MPAs, we do not even know what the targets are and whether we are getting close to them. Is this all about far more investment in data collection and confidence in that data?

Phil Taylor: It is about confidence in that data, yes. My perspective is that Scottish Government officials have done a good job of trying to collate a lot of that information. We have significant consultation documents that try to bring together a lot of information. They have done a pretty good job of pulling that together, and I appreciate that. I agree with you that we need more data to understand how these sites are meeting their conservation objectives.

For me, the real risk is that we have gone through this whole process, with 10 years of debate, significant consultations and significant stakeholder engagement, but not much has changed in the health of the sea. Ten years down the line, the fishing industry is asking, "Why did we bother with this? This is not a good outcome." That is because we have done too little in terms of restriction.

What can we do about that? Of course, this statutory instrument could have included a suite of measures that would have ensured monitoring, with all catches in the sites recorded or whatever, but it does not. However, the committee could—and I would encourage it to do this—make sure that that recommendation goes to the cabinet secretary. The committee could also remember to discuss it during its budget scrutiny. The marine directorate has a significant budget that includes a huge amount of money for enforcement capabilities—the boats that operate at sea. There

is a platform there for data collection. If we can ensure that there is proper resourcing of that from that significant public investment, that would be a good outcome.

Professor Harrison: I have two quick points to make. The first is that we need to remember why these sites are protected in the first place, given that it has been such a long time since they were designated. These are some of the most biodiverse and ecologically fragile sites in our seas. That is why they have been selected. We need to continue to remind ourselves that they are worth protecting. Of course, conservation objectives are not being met because conservation management measures have not been in place until this point. That is obvious.

My second point is about enforcement. It is all very well to have these measures on the statute book, but they need to be complied with. A penalties review was announced a while ago by the Scottish ministers, and current penalties for unlawful fishing in MPAs are not adequate. We need everybody to comply. It affects not just the Scottish industry; this is all offshore, so EU boats will be fishing in our waters, too. Having a robust enforcement policy and strategy in place to ensure that the measures translate into practice is also vitally important.

Calum Duncan: Absolutely. I remind the committee of the MPA report to Parliament, which showed the benefits that are now coming through where monitoring has happened. We have seen an increase in flapper skate in the Loch Sunart to the Sound of Jura MPA and an improvement in the health of the flame shell beds that were damaged in Loch Carron. We know that protection works.

I also draw your attention to the NatureScot report, which did a review of MPAs globally and showed the benefits. The benefits are most marked where the site is damaged and needs recovery.

I endorse the need for monitoring and enforcement. NatureScot said:

"Being able to assess the efficacy of management measures in MPAs is key to supporting future adaptive management of the MPA network in Scotland."

That need is recognised.

The Convener: This is an appropriate time to move on to the next question, which is from Alasdair Allan.

Alasdair Allan: We have been speaking about data. Much of the fishing fleet is already embracing technologies such as remote electronic monitoring and catch monitoring. Would it be useful for the use of that technology to be mandatory in these sites and elsewhere?

Phil Taylor: Yes, in short. That is the answer to the questions that have been raised so far about the state of the sites and what is in them. It also resolves issues such as those that Ms Burgess raised about anecdotal evidence of abundance.

I note that there appears to be an issue with remote electronic monitoring. Although it is used on the scallop dredge fleet, some illegality is still taking place—or alleged illegality, I should say. A couple of recent reports are still raising concerns around how the Scottish Government uses that technology for enforcement.

Calum Duncan: My short answer is yes. That technology is what I was referring to earlier when I mentioned fully documented fisheries. That would be helpful.

The Convener: We have no more questions, but I am minded to suggest that we spend the final five minutes on any further comments that the witnesses would like to put on the record before we move to our next panel.

Caitlin Turner: I am here as a youth representative of YSCS. For those of you who do not know who we are, we represent young people across Scotland. We help to provide them with the skills, the knowledge and the opportunities to engage with marine policy and to boost their confidence to engage in these processes.

It falls to me, as a young person, to raise the point about young people's concerns. This is also reflected in the YSCS youth manifesto, which is coming out next week and—spoiler alert—one result in there is that habitat degradation and biodiversity loss are major concerns among young people, a lot of whom come from coastal communities. They see MPAs as a way of mitigating that. As a young person, I have seen the system in action for many years. I was about 15 when the proposals first came in, and my university dissertation analysed inaction in Scotland's MPA network.

We are worried about what might happen if we continue to delay, if we continue to see habitats being destroyed and if MPAs continue to be paper parks. What we have so far are partial protections. As much as we would prefer whole-site protection, partial protection is better than nothing, so we welcome the proposals and we hope that they are effectively enforced so that we see the recovery that is needed and our fragile marine ecosystems are protected.

We need to see some boldness and some bravery in making the hard decisions now, because we face so much biodiversity loss, not just globally but in Scotland. Scotland's marine assessment 2020, which is a few years out of date now, reported that our biogenic habitats were in a poor state of health across the board, which is

worrying. We talk about how important Scotland's seas are, how incredible they are and how they are a source of inspiration—we talk about their importance to our history and our culture. For us to preserve that, we have to ensure that our protected areas offer the protection that, by their own definition, they should. Otherwise, it is just an empty label stuck on a map and it does not do anything to achieve conservation objectives.

On behalf of the young people, we ask that hard decisions are made for the sake of not just our collective future but the future of the fishing industry, the future of coastal communities and the future of everybody who uses the sea. All of us depend on the sea; it is our shared resource. We are due to inherit whatever is left behind as a result of the decisions that are being made today. Please take into consideration that, when you make policy, young people are due to inherit whatever is left.

Phil Taylor: I am not sure that I can say anything better than that—that was pretty incredible.

My view is that we are over a barrel here. Ten years down the line, we need to move this forward. These sites are the bare minimum that is needed to progress.

I want to make it clear that I recognise the huge amount of work that the Scottish Government officials have put in. We appreciate that there has been an extremely complicated process up to this stage. I hope that this will kickstart a recovery beyond the sites. We need to stop thinking in silos and start thinking about the health of the wider sea, which somewhat addresses Rhoda Grant's questions. These measures will be a starting point if we can ensure compliance through a decent monitoring programme. Let us see where we get to.

Professor Harrison: I agree with much of what has been said. We welcome the fact that we have the proposals now, but they need to be seen as part of a bigger marine management picture. We have a huge marine area, and fisheries are not the only pressure on these sites. We need to think about managing our marine area coherently and comprehensively. That requires a good marine spatial plan at the national level as well as regional plans. It also requires us to consider the other pressures on these sites and how we regulate them.

After this is done and dusted, we will be required to go through the inshore measures, too. We may think that these were tough decisions, but many more tough decisions are coming down the line. A good question for the cabinet secretary later is what lessons have been learned from this process so that we can make the consultations

and the process for the inshore measures even better.

10:15

Calum Duncan: It is difficult to add to the great representations that have been made. I endorse the need for wider strategic spatial planning and for us to think about the sea more broadly.

My experience of the MPA process, which was acknowledged as very good, was often that our discussions were about these cookie cutters in the sea. We have not had that conversation about the whole sea. We need to do that to make proper use of the resource. In that context, I am sympathetic to the concerns of representatives of the fishing industry, because we are all having a discussion about pieces in the jigsaw puzzle, not the whole puzzle.

I want also to acknowledge that although the focus, rightly, has been on fisheries—this is a statutory instrument for fisheries—there are other concerns. For example, we have concerns around other industries such as aquaculture and putting developments in the right place.

I will give an example. We are concerned about the Berwick Bank proposal for offshore wind, which overlaps with 42 per cent of one of sections of the Firth of Forth Banks complex MPA. That underlines the need for holistic management.

I fully endorse the need for proper enforcement and an adaptive management strategy for those sites to see whether they are working and whether the management measures need to be extended.

The Convener: Thank you very much for your contributions, which have been most helpful. I will now suspend the meeting for 10 minutes to allow a changeover of witnesses.

10:17

Meeting suspended.

10:25

On resuming—

The Convener: Welcome back. We will now move on to our second panel of the morning. I welcome David Anderson from the Aberdeen Fish Producers Organisation; Kenny Coull from the Scottish White Fish Producers Association Ltd; Elspeth Macdonald from the Scottish Fishermen's Federation; and Keith Whyte from Aberdeenshire Council.

As with the previous panel, we have allocated around one hour for the discussions and, again, we have quite a few questions to get through, so I would appreciate it if everybody could be succinct

in their questions and answers. I also remind people joining us in the gallery that the third agenda item will be in private, so we will ask you to leave the gallery as quickly as possible after the end of this session.

We will get straight into it. Do you think that the proposed measures strike the right balance between conservation and economic activity, and what are the practical implications for your members? I would also like to touch on the question that was asked previously about whether the discussions that were held in the build-up to the announcement of the measures reflect the discussions that you had with the Scottish Government. Who would like to kick off?

Kenny Coull (Scottish White Fish Producers Association Ltd): I started engaging in this process back in 2011, when I was approached by people from Marine Scotland's nature conservation team, who said that they couldn't get the fishermen involved in the process, which was a grave concern of theirs. I had just started in the post at that time, but I regarded that as one of my key roles, and we were able to quickly get the fishermen involved. One reason for that was that the key issues that provided the Scottish fishing industry with confidence during the stakeholder process included commitments that decisions would be based primarily on scientific evidence, that a key objective was to safeguard natural features based on the principle of sustainable use and that management would be done on a site-by-site basis. The key commitment, from our point of view, was that there would be a presumption of use within an MPA, as long as objectives can be met, recognising that some activities might need to be restricted, and all approaches to management will be considered.

That is how it was laid out to us at the start. I will probably expand on this later, but I have to be honest and say that, in this final outcome, we feel that that has been met. We were heavily involved in the entire process, with fishermen giving up a great deal of time. That has supported the statutory nature conservation bodies as the measures were developed. The measures were not developed by the statutory nature conservation bodies; they were developed by a combination of stakeholders and the bodies.

The Convener: Do you believe that the right balance has been struck?

Kenny Coull: I do, yes, I would caveat that in finer detail in relation to one or two areas, but we may well cover those issues later.

Elspeth Macdonald (Scottish Fishermen's Federation): Good morning. I have been involved in the issue for much less time than Kenny Coull has. It has been a long process to get to this

stage, but I believe, as Kenny does, that the measures are very much in line with the position that the Scottish Government set out to Parliament at the start of the process of designating and putting in place measures for marine protected areas, with the presumption towards sustainable use and finding that balance between conservation and activity, as long as the conservation objectives can be met.

I was not involved in all the discussions that Kenny Coull has spoken about, but I understand that as well as the fishing industry being involved in these discussions, many of the NGOs also are. The Government developed the approach very much in collaboration with the industry that would be impacted by the measures and with environmental stakeholders.

We feel that we can broadly support the outcome of the process. The Government has stuck to the principles that were set out at the beginning of the process, and we have reached the right end point.

10:30

David Anderson (Aberdeen Fish Producers Organisation): Good morning. I had better introduce myself, because you are probably not as familiar with me as you are with Elspeth Macdonald and Kenny Coull. I am the chief executive of the Aberdeen Fish Producers Organisation, which represents the biggest number of operators of static-gear offshore vessels.

Kenny Coull and Elspeth Macdonald made their statements in relation to the mobile sector, and the members of Aberdeen FPO who operate in that sector fully agree with all that has been said. However, the static gear vessels have been treated abominably. They were never engaged in any process. They were told about this whole process only in late 2021 and were allocated two meetings. The first meeting was a car crash—the JNCC and NatureScot did not have a clue about the fishery. At this stage I do not want to get into all the details of that, but, as Rhoda Grant asked about science, I will note that they offered no science about the interaction with static gear vessels. If you read their documents, you will see that, when they came around to thinking that static gear should be included in some of the sites, the evidence that they put forward was about pots and creels—there was nothing at all about gill netting and long lines.

In other words, for us, the process has not worked. We are disappointed by that, obviously. If we are asked questions later about the technicalities of all that, I will elucidate a bit more.

The Convener: Yes, we will certainly come to static gear concerns in some later questions.

What will the practical implications of the measures be for your members if the instrument is passed?

David Anderson: I know that you did not want to talk about specific sites, but two are particularly problematic. One is the Faroe-Shetland sponge belt. The JNCC said that most of the static gear activity there is between 200m and 500m, and—lo and behold—the section that has been closed off is between 200m and 500m. That effectively means a whole-site closure for static gear. The other site—the west of Scotland deepwater area—is slightly different. There is a history to that, which we can maybe talk about later.

The Faroe-Shetland sponge belt is an area where static gear vessels work quite a lot. The implication of a whole-site closure is basically that there would be more conflict with other vessels. One of the previous witnesses said that we can fish in the mobile gear corridors. I am sure that it will go down well with the mobile gear sector if we start deploying our gear in the mobile gear corridor, which would effectively close it off to them. The measures have a few implications for our members. I will not go any further than that at the moment, convener.

The Convener: I am sure that further questions will let us explore some of those issues.

Keith Whyte (Aberdeenshire Council): I am from Aberdeenshire Council, where I look after economic development in the rural and maritime sectors.

I have no axe to grind in relation to anything that we are discussing. Aberdeenshire Council knows the huge benefits that fishing and all the activities that go along with it bring to the area. It is quite a key sector, and we have to monitor what is happening with it and help and advise where we can.

The main thing for us as a local authority is to see that the balance is maintained, whatever is decided eventually. We know that there are issues, but we also know that that key economic activity and growth needs to continue from a sectoral point of view and a community point of view, and from the point of view of the overall economy of Scotland. It is a huge industry for us in our area. We want the situation to be carefully considered and balanced, and for things to continue as they are, where possible. We do not want there to be a detrimental effect on any area in particular, because everything has a place. Equally, we know that things have to improve slightly, but data and evidence have to be a key part of that. I am not saying that we sit on the

fence, but we sit watching what is happening from the fence.

I cannot emphasise quite how critically important the sea sector is for the north-east. There are implications in relation to the need to share the area with the oil and gas sector and the wind energy sector. Huge conflicts are coming along in that regard, too, but that is another debate. Suffice it to say that we want a balance that works for us all, if we can get that.

Ariane Burgess: We have heard the concerns that David Anderson voiced around static gear not being included appropriately in the consultation process. I am interested in the other witnesses' perspective on static gear. From what we have heard, even methods that are considered lower impact can still add pressure when used at scale. How do you see the industry balancing that with the need to protect ecosystems, so that fishing remains viable in the long term?

Kenny Coull: Clearly, we come under a lot of pressure in that regard. Recently, there has been pressure for the mobile sector to transition to other gear. However, in reality, that is not an option, and the fishermen are pursuing the use of the gear that they are familiar with. Having said that, they are continually improving as they quietly go about their business. For example, they are implementing appropriate measures to cut their fuel costs and bottom contact. That is an on-going process, usually undertaken by the skippers who lead the industry, with the things that they come up with gradually filtering down.

However, there has not been a pressure to stop altogether. That would be almost catastrophic for our industry. Moving to static gear, for instance, brings its problems if you increase the scale at which it is used. We are aware of the difficulties and are gradually looking to improve our efficiency and reduce the damage that is done.

Elsbeth Macdonald: There are lots of different forms of static gears, including the pots and traps that David Anderson spoke about, and there are also the other ones that his FPO represents.

It is perhaps worth thinking about the issue of management. We could reflect on one site where the potential for gear conflict between the mobile gear sector and the static gear sector was avoided because the sectors were able to work together and find a way to accommodate the use of a certain type of gear.

Ariane Burgess: What type?

Elsbeth Macdonald: It was what we call the wind sock, but it has a more formal name. Kenny, do you know it?

Kenny Coull: I call it the wind sock.

Ariane Burgess: The one that looks like a wind sock—okay.

Elsbeth Macdonald: Yes. That site had been closed for many years for cod recovery. When it was reopened, there was debate about how the fishing pressure would be managed there to accommodate different fleets. The industry was able to work through that and find sensible solutions through a conversation that was facilitated by the Government.

We have to recognise that our fleet here, in Scotland, is diverse. We have a wide range of different gear types for many different reasons, for different fisheries, for different vessel types and for different ground types. We need to work through those processes with Government and regulators to find ways in which all the sectors can be viable and we can still continue to ensure that we have environmental protection that we need. We think that this process is an important part of that.

The Convener: David, you touched on your view that the static gear operators did not get the same input as others to the consultation. Do you believe that what we have now gives equal weight to static and mobile fishing?

David Anderson: I will start with the statement that we always seek to protect vulnerable marine species. In fact, our fleet in the Aberdeen PO is seen as a European leader on bycatch mitigation. We have had a lot of interaction with the University of St Andrews and the Scottish Government. Papers have been issued by the Scottish Government following up the activities that we have done, particularly on seabirds and cetaceans and other marine mammals and things like that.

Where the environmentalists are perhaps getting a wee bit confused is that a lot of the sites are trying to protect specific features. The clue is in the title: the Faroese-Shetland sponge belt. There should have been a process for finding out and mitigating any potential interactions with our vessels on that site. However, none of that took place—that is the point that I was making. As Kenny Coull said, he was involved from 2011 in a long process of interaction that included describing numerous features, methods of fishing and so on, but none of that took place for our vessels. As I said, even more galling was the fact that no science was offered to say that there was an issue in the first place. You have to remember that our vessels have been fishing that area for decades, way back to the 1960s, and the sponges are still there.

The Convener: Because of the anecdotal evidence, the NGOs focused on mobile gear. The Government took that on board and did not think that there was much of an issue with static gear, and you have been caught up in that narrative.

David Anderson: The JNCC seemed to change its mind. From reading its papers, I think that that occurred about 2018 and was predicated, according to the JNCC, on two papers that were issued in 2018 and 2020. I admit that I am no scientist, but, when I looked at those papers, they appeared to talk only about creels, pots and traps. One environmentalist mentioned during the statement that the decision was based on that.

It is important to remember that, as Elspeth Macdonald explained, there are many methods of static fishing. Even for us, every time I turn up in front of officials and scientists, I keep having to explain the methods of fishing that we use, which are different to, for instance, static gear and gillnets in Portugal or Indonesia, which have been quoted as well. Those are completely different methods of deploying static gear. Ours is a rectangular sheet netting that sits vertically, barely touching the bottom of the sea. You will hear the word “anchors” a lot. We do not use anchors. We use 20kg stones at the end of every set of nets so that they are anchored.

Somebody mentioned the fact that you lose gear and that it could cause damage. Our Aberdeen PO vessels, as part of their mitigation interaction, use AIS buoys on the end of every set of nets, so that the skipper knows all the time exactly where the gear is. We are discussing with the marine directorate—to give it its proper name—adopting that approach as standard for the future catching policy for the whole industry. We have been using it for quite a while now. It is successful in identifying the gear and where it is, not just to us and our skippers but to other mobile gear skippers who will not interact with our gear if they know where it is, for example.

The Convener: We were provided with a document with 110 pages of basic fishing methods and I do not think that it was exhaustive. Most of them I was not aware of, so I can take on board some of the issues that you have in explaining exactly what the static gear is.

Alasdair Allan has a supplementary question.

Alasdair Allan: Elspeth, you set out your organisation’s views. I note that the Scottish Fishermen’s Federation is on record as saying that Scottish ministers have been

“willing to adopt common sense measures based on dialogue”.

However, we have just heard some discussion specifically about static gear. How did you seek to represent the views of that sector in the conversations with the Government?

Elspeth Macdonald: It is important to understand that the static gear sector that David Anderson speaks about is not in the SFF

membership. The eight constituent associations that are in the SFF membership are either in the mobile gear or pelagic sectors, or in the static gear sector that David does not represent, which involves creels, pots, traps and so on, inshore but with some offshore. David’s sector is not represented in our membership.

Alasdair Allan: In that case—this applies to anyone on the panel—how do you feel about the opportunities for engagement? How will the conversation go forward, specifically on static gear?

10:45

Elspeth Macdonald: As I said, I was not involved in the process that kicked off way back in 2011, as Kenny Coull said. I understand that there was a lot of engagement, and I think that there was also engagement with the EU industry, because the UK was in the EU when this started. There was engagement with advisory councils and so on. I was not party to those discussions and I am not sure to what extent the static gear fleets from the EU countries may have been involved in that. Maybe Kenny Coull can provide more information on that.

Kenny Coull: Yes. I gave the impression of how pleased we were in the industry, but I was not talking about the static gear sector. However, I remember the early days and the advice from the statutory nature conservation body. For each of these sites, it explained that it did not envisage fisheries management measures being required in those areas. Possibly for that reason, the sector did not attend quite a few meetings, although it was represented at the advisory council, and I remember one or two meetings where representatives attended. Until 2018, the sector was going on the assumption that the advice was that there was no need for additional measures or restrictions on static gear. I do not know the sequence of events, but it arose after 2018 that the advice or the decisions were changing.

David Anderson: I do not believe that the Europeans were engaged in this whole process, although they may have been informed. We were engaged in the process only through our colleagues in the SFF alerting us to the fact that static gear had been introduced as an issue. Prior to that, static gear was not mentioned in the documents, which is probably why the Europeans were not involved.

Of course, a critical point in the middle of all this, which has been mentioned, was Brexit. That occurred in 2016 and then 2020, so there was possibly a change politically in that. I cannot answer on that, as that is all about internal politics in the Scottish Government. However, on the

actual timeline, as I say, we were alerted to the issue only in late 2021. I remember saying to the Scottish Government, "Have you spoken to the European fleet?" This is a hazy memory, but I think that the response was, "We are planning to do that," or something to that effect. However, I never heard any more about it. As you can imagine, I have quite a few contacts in Europe and nobody has ever said to me, "We had a big meeting with the Scottish Government about MPAs."

You will have to find out through other sources whether that happened, but, as far as we are concerned, how we found out was almost purely accidental. As I say, it was through the good offices of Elspeth Macdonald, Kenny Coull and people like that, who alerted us to the fact that this was happening.

Ariane Burgess: MPA management brings economic benefits by setting up creel-only areas. Do you recognise those benefits for the offshore MPAs, or will the benefits really arise when we come to the inshore MPAs?

Elspeth Macdonald: The specific example that I mentioned of the wind sock was a recognition that both those fleets use these areas. Both fleets derive economic benefit from that area, but it would not work well if both fleets were trying to use the area at the same time. Essentially, that would create spatial conflict in terms of where gear could go.

As I said, through a Government-facilitated conversation, the industry was able to find ways to work to manage that site such that both fleets are able to derive economic benefit from it while recognising its role in conservation. That is indicative of the approach that we want to see more generally. We recognise that there can be gear conflict, both onshore and offshore. Sorry, I mean inshore and offshore—I will need to get my teeth in.

I appreciate David Anderson's point that, from his members' perspective, the process has not been satisfactory, because they were not involved early enough in the changes that were made. That is why we need that carefully considered and properly carried out process to understand which fleet sectors will be affected by which measures on which sites. There is not a one-size-fits-all approach. It is about understanding the activity that takes place in certain areas, the conservation objectives of that area, and how to achieve all those things. It is about finding the balance between conserving a site for its conservation objectives and allowing economic activity to take place, whatever form of economic activity that is.

That is about engaging people and having detailed and lengthy conversations. On the sites

that we are talking about today, there were detailed and lengthy conversations. The risk of trying to do this in a hurry or finding a one-size-fits-all solution is that you do not get the right outcomes. There has been a lot of discussion about the inshore MPAs, and we understand that the consultation is due to start on that later this year. Again, that has been a long process with a lot of input, and we hope that the same decision-making process will prevail.

Kenny Coull: To clarify slightly, the west Shetland area, which we refer to as the wind sock, had been closed to mobile fishing for a considerable time. Europe then lifted that, as part of the cod recovery plan. We recognised that, for instance, crab fishermen and lobster fishermen were working in that area. We hit upon an arrangement whereby, every six months, we set up an agreement on which areas could be fished and which were exclusive to one side or the other.

We tried to incorporate that into the management measures for the area, but the advice from the JNCC was that longer periods of stability were needed and that our approach was too flexible. That is perhaps something to be wary of—we have lost the flexibility that we had with that industry to share that area. That might cause problems in the future between the sectors, but what we had in place up to that point avoided conflict between two sectors in that area. I am not sure that that could be applied elsewhere, for the reasons that the JNCC suggested.

Rhoda Grant: Views have been expressed in industry responses to our consultation that gear-specific mitigation and monitoring should be used as alternatives to whole-site restrictions. Are there examples of where that has worked well and has resulted in better protection and restoration of an area? I am putting you on the spot for examples, I know.

Kenny Coull: I am not so sure. Those things tend to be more individual businesses where people operate in an area and they do things that they feel are right for that particular area. As an industry, we tend to react to the pressures at the time and they tend to be in a wider sense. Wider gear measures are not adopted unless they are essential at the time. However, evolution of the gear is on-going and a lot of skippers invest in it, especially when they are buying new vessels. They are willing to do that; they know what needs to be done.

I am not sure whether that answers your question, but it probably shows why it is not being flagged.

Rhoda Grant: I guess that you are saying that some of the gear-specific measures that are proposed, along with the monitoring of what is

being fished in that area, is a new approach, so the science and the knowledge are not in place and we need to monitor that to see what happens.

Kenny Coull: In actual fact, during the stakeholder engagement, in many areas, once they got to the final detail, the particular habitats in that area were discussed and gear changes have been included in some of the MPAs, particularly the inshore ones, where there are restrictions on vessel size, type of gear and attachments to the gear. That has been considered, particularly for the inshore areas.

In the offshore areas, we never got down to fine discussion. It was about the general principles of what needed to be protected—which areas and which activity. There was not as much discussion on modification as there was for the inshore areas.

Rhoda Grant: Do we have examples of that working? Are we testing it?

Kenny Coull: In the inshore areas, where the measures are in place, there are a couple of areas where the vessels are restricted in size and in the type of foot ropes that they would use.

Rhoda Grant: Has that worked? Has that provided protection as well as allowing some fishing?

Kenny Coull: That works, and that is why it was proposed and accepted in the management measures that were put in place. There is evidence of that, yes. It was a mitigation to allow vessels to fish at that time. It might have included vessel size, power and, as I say, attachments to the nets.

Keith Whyte: I might jump in there. From my position of sitting on the fence—or on the top of the fishing boat—it is an ideal opportunity for the industry to get together with the concerned nature bodies, with us as local government, with other councils and with whoever else is helping. So many things are coming in now, technology is moving apace, and it would be a great way to support the industry and support, I suppose, the endangered areas, or the perceived endangered areas, and the industries and economies of those areas, too, if everybody could work a bit more together and see what we could do.

If there is a specific concern about an area, could technology advances be used there? Unfortunately, those usually come at a cost and a lot of that is still at the research stage. Could funding be put in to further the process and strengthen capabilities and encourage more of such technology to be used?

We always feel that there is more to be done than saying, “No, you can’t fish here,” or, “Yes, you can fish here a wee bit,” or, “Carry on as you are doing just now.” There must be ways that we

can all work together in the sector—the industry and the Government—to get the information that you are looking for to see whether a measure is working and not be afraid to see that it is not working and that we have to change it. We always see the potential to do something. If we can drill into goodness knows how many depths of the world to get oil and gas and all that stuff, we can surely work in areas that we can see and do things about.

We always think that it would be great to try to encourage a bit more collaboration and working together to see a lot of these things happen, because there will be solutions out there. They will perhaps not entirely agree with what the members are wanting their fishermen to do, but it helps if people can see a point, if they can see the data and if they can see that things are happening and not have so much conflict all the time, which either slows things up or puts a stop to stuff. We always think that we could do more. How do we work together, as a sector and as a populace of Scotland concerned about the waters? We need to do a bit more working together.

The Convener: On the back of that, do the regulations allow innovation potentially to open up areas that are closed off? For example, the N-Virodredge is a different harrow, developed in my hometown of Kirkcudbright, that uses spring tines as part of the scallop dredging. That has less impact on the seabed and reduces fuel consumption. Do the regulations allow for innovation like that to prompt reconsideration of where you can and cannot fish? Are you able to do that?

Kenny Coull: Yes. I will expand slightly on the answer that I gave earlier. Quite often, regulation does not allow you to make such changes. However, during the cod recovery plan, for instance, we did exactly what was required at that time and modified gear, not so much to meet the regulation but to achieve the target that was set. That was about not protecting a seabed feature, but managing the fishery of a particular species. Several measures were put in place at that time that limited and reduced the numbers of cod, for instance, being caught. That meant that we could continue activity in certain areas provided that we used the three or four different gear types or modifications to the gear. Measures also included closed areas and juvenile closures. The industry was quite active in that area, but that was not looking to protect seabed features specifically.

11:00

Elspeth Macdonald: I will address both of those questions. Rhoda Grant’s question is about whether changes mean that something works. That brings us to an important issue about data,

baselines and monitoring. There might be more questions around that, because I heard the tail end of the last session when that was being discussed. It is important to recognise the need for properly designed strategic monitoring that allows you to determine your baseline and what your monitoring is telling you. Having a proper data framework allows you to make sense of data. There is no point in collecting lots of data if you cannot make any sense of it. It is important to recognise that resources and effort will be needed to assess whether measures are working.

That links to the convener's question whether regulation sometimes slows down innovation. Yes, it can, because regulation can be restrictive and quite slow to change, but it is not necessarily just regulation that can slow the pace of innovation and slow the pace of positive change. It can also be the availability of resources to focus on carrying out gear trials, for example. It takes quite a lot of effort to properly design a robust trial. It is easy to go away and do something ad hoc but, if you cannot draw any meaningful conclusions from a trial because it has not been well designed and it does not have statistical robustness, you cannot do much with it.

In all of this, there are real issues around the design of monitoring programmes, the resourcing of programmes and having the right skillsets involved in all those areas of work, whether that is about whether a measure is working or, if there are new ways in which we could do things, how we go about doing that. That needs resourcing. As the committee will be aware, we have expressed concerns before about the resources that are available for this work within Government.

David Anderson: In the interests of transparency, my hometown is also Kirkcudbright, so we share something there.

I will return to Rhoda's question about examples of things working or of what has happened in the past. I certainly have an example of something that has worked. I do not know whether you recall that, some years ago, there was great excitement among the NGOs about seabird interactions with long-line fleets around the world. That started to reflect on the vessels that are in my producers organisation. This goes back to before they were members of my PO but, at the time, it was recognised that something had to be done about that.

Through interactions and self-funding the project, we engaged with the University of St Andrews sea mammal project. Ever since then, we have carried on our boats observers from the University of St Andrews who monitor the bycatches. We have deployed various measures, such as offal management, deck light management and anti-seabird tori lines that go out

at the back of the boats. All sorts of measures have been successfully deployed and are now evidenced by the University of St Andrews.

That is the important bit that Elspeth and Kenny were getting at there. To evidence things is expensive. We carry observers at our expense and, although some of this technology is fairly low-level technology, it also incurs expense. Our industry has been engaging with the issues, but you would not think it to listen to some of the NGOs and politicians. You would think that nothing has been happening, but this has been on-going for quite some time.

Yes, there are good examples of the interaction between industry, science and managers, but you tend to find in our case that that work has to be instigated by the fleet. The majority of it has to be paid for by the fleet. The outcomes are hard won over a lengthy period of time.

Rhoda Grant: A while ago, we took evidence on Government marine labs and how their funding and therefore their science was falling back. Do you find that? You are working with the University of St Andrews and paying money towards that research, but would it be better if we had more science? I am not saying that industry should not pay anything towards it because it is in industry's benefit to have it, but should it be more joined up and involve NGOs, Government and industry to get more of that science in place?

David Anderson: You can always have more science. Let us face facts. It is an endless chequebook, that one, but it is important in instances such as those that we are discussing—the MPAs, for example. My preamble to all of this was that the science had not been done and that, when you are facing a Governmental issue or a governance issue, proper science should be incorporated into it. I agree that interactions with those who make their living in these areas and who pursue that fishery should be taken on board as a first instance.

The NGO issue is difficult because some NGOs want to completely stop and ban your activities. It probably involves a bit of judicious thinking about who you get involved and whether they are genuine actors or are trying to stop people from doing something.

As far as we are concerned, though, not enough Government-funded science is being done in lots of sectors, but we understand that the economic situation probably means that it is unlikely that that will improve in the near future.

The reason why I mentioned our project is that we had to self-fund it. We had to go to the institution that was the best institution to be interacting with, which was not necessarily the Government. That is the point here. If you can find

and choose an institution that is certifiable as a genuinely open and free agent, as it were, you can interact with it. However, it is difficult because ICES, for example, has narrow and strict protocols and criteria about what evidence it can and cannot accept. That sometimes butts up against what we are trying to do in the industry, such as when we are trying to evidence the fact that we are not doing something or that things are different to the perception. Kenny is more of an expert on that one than I am, but it is certainly an issue.

Kenny Coull: We talk about resources being made available. I used to work at the marine lab. I worked there for 42 years and was responsible for the sampling programmes, for observers and for market sampling. I was also a cruise leader on many surveys. I have noticed that they are struggling. They are not getting what they had before. However, the research vessels are able to and have spent more time working on, for instance, MPAs. That did not happen in the past, so we have seen a shift there. It is key for both nature conservation and the general fisheries that the resources match that. We certainly need the science.

There may also be an underestimation of what has been going into the process. I heard the previous panel speak about no data or limited data. Data is going in there and the industry is contributing to that. They run a programme. That data finds a way to ICES and is used in the stock assessment, which is a different matter from nature conservation.

Emma Harper: Thanks very much for coming in this morning. I asked our earlier witnesses about the socioeconomic impacts of introducing the MPA regulations. In submissions that it has received, the committee has heard of concerns about job losses, displacement of fishing activities and economic harm. Keith Whyte also mentioned the effects on our economy.

I am interested to hear your thoughts on the anticipated economic impacts of the proposed measures on your local fishing communities. Do the socioeconomic assessments used in the consultation accurately reflect the potential impacts?

Kenny Coull: My experience is based on talking to fishermen as we responded to the consultation. They felt that the socioeconomic assessments did not reflect their experience. I recall that they made that case during stage 1 of the bill process, and in our recent discussions they said the same. However, the fact that the outcome has moved towards option 1 should minimise the potential damage and potentially allow for displacement at a level that would not be so damaging and might make up for the loss that they are likely to encounter. I think that it should

become manageable for most businesses, but others might feel differently.

Emma Harper: Is option 1 the zonal approach?

Kenny Coull: That is correct.

Elsbeth Macdonald: I will add to that. Kenny Coull touched on the issue of displacement. As I have said to the committee on previous occasions, the impact assessments that were carried out for this process recognised that the measures would have a displacement effect, but it is difficult to assess the impact of that displacement.

It is important for the committee to bear in mind, too, that the fishing fleet will be displaced from traditional, well-established fishing grounds for reasons other than MPAs. There is a cumulative impact that is not particularly well understood, but which needs to be. There will be displacement as a consequence of the MPA measures, and displacement from offshore wind developments is very much to be expected. In inshore waters, displacement might come more from measures such as the marine restoration plan. There is currently a lot of policy development in the marine space, most of which has potential implications for fishing and for socioeconomic and displacement impacts.

In the context of these particular measures in the offshore zone, it is important to recognise that it is not just the Scottish or the UK fleet that will be impacted and displaced. It will also be the European fleet, which fishes freely in our exclusive economic zone, and other fleets that might be given annual access. In itself, the effect of displacing the fleet into smaller areas is potentially pretty significant. However, it is important to bear in mind that the impact will come not just from the proposed measures and that we need to recognise the wider displacement and socioeconomic impacts.

Having said all of that, I agree with Kenny Coull that the Scottish Government's decision to go for the zoned measures in the context of this instrument should reduce that economic impact, and it is the measure that we support.

The Convener: Does anyone else want to come in on that?

Keith Whyte: I agree with what others on the panel have said. We must realise that the proposed changes would affect an awful lot more than the fishing sector that they would impact directly: the transport, manufacturing and processing companies would be involved, too. Aberdeenshire Council is concerned about the effect on the economic development of the whole area, and we want to mitigate as much of that as we can. We appreciate that there would have to be some changes, but we would also support

whichever approach would mitigate the direct results of the proposed changes.

We should try to remember that such effects would spread an awful lot further than the man or the woman on a fishing boat; they would bleed right into the rural heartland of Aberdeenshire and to many other businesses than people might associate with fishing. Therefore, any change could have great consequences for the whole area. We would like to see as many of the potential effects as possible being mitigated.

The Convener: That leads us neatly into a question from Evelyn Tweed.

Evelyn Tweed (Stirling) (SNP): Good morning. Thank you for all your answers so far. As ever, the evidence that we have heard has been illuminating.

Keith Whyte, I was interested in what you said about collaboration and about local authorities working with the Government and the industry. If we are to move forward, we need to think about diversification and resilience. How can we make that happen?

11:15

Keith Whyte: That is a good question—it is the \$64,000 question, I suppose. It all goes back to the need for communication. It is about showing understanding and a willingness to listen, and not having the barriers that people sometimes perceive as coming up. Everybody is passionate about their own sector, whether its aim is to preserve or to capitalise on what is there, both economically and socially.

Equally, whatever happens now, it will cost money to do those things. Supporting each other will be key. The industry knows that it has to support measures. However, much of the time it feels that it is doing everything off its own back, without official assistance, and almost as though it is having to justify a proposed decision.

The level of calling for data sometimes goes overboard, but having information is really key. We should look at the approach taken in other countries, and in particular those in northern Europe. They focus an awful lot more on getting data, doing research, taking the industry forward and realising its potential, but they also realise that the industry will not last forever unless we look after it.

I am more agriculture orientated than fishing orientated, but I do speak to fishermen and they say that they have no desire to see anything disappear. This is about their livelihood and their potential income for the next X number of years. Give or take one or two mistakes that they might have made, they are all caring people. I genuinely

mean that when I say it. Therefore, I can see why it might get their backs up when they are told that they cannot do this or that, or that something is a problem. They can see for themselves what is happening. Yes, they might see a bit of change that is coming as a threat, but sometimes it turns out to be not quite as bad as has been perceived. We have to respect that everybody has opinions—some of them quite vociferous. I suppose the long and short of it is about speaking to each other and having a willingness to listen a bit more.

However, funding must also be taken into consideration, otherwise some of this stuff will not work. There are some great ideas out there, but they need support to get them done. That will then help people to make decisions, which, in turn, will help with what is happening out there at sea, and both inshore and offshore. It all goes back to the need for communication.

Our council wants to help as much as we can. We listen, but sometimes our hands are tied, both financially and with regard to time. The request is there. If we want to make things happen, we need to make the resources available, whether they involve simply understanding more or, alternatively, the financial aspects. I am afraid that it comes down to that, from an economic point of view.

Elsbeth Macdonald: Collaboration is really important. Aside from David Anderson's clearly expressed dissatisfaction with the process concerning the static gear fleet, from our members' point of view the collaboration around that process was pretty good and long standing. It involved the industry, NGOs and the Government talking about the issues and finding compromises. Not everybody can get everything that they want; it is about finding compromise and recognising a landing zone that everybody can get to.

The local authority point is interesting, too. SFF's members are spread throughout Scotland, but we are based in the north-east, where we are fortunate to have a supportive local authority. For example, Keith Whyte and one of his councillors run the north-east Scotland fisheries development partnership, which involves councils in Aberdeen, Aberdeenshire and Moray coming together to talk about the industry, understand what is happening in it and bring forward ideas and thinking from elsewhere.

I absolutely hear what Keith Whyte says about resource limitations restricting the ability to drive change, but the partnership is a good example of a local authority trying to understand what is going on at national level and recognising the economic importance of our industry to Aberdeenshire and other local authority areas. It is also about recognising what the council can do to influence national policymaking, to get the right balance

between conserving and protecting our environment and also protecting our economic activity.

The Convener: I would like to follow up on that. What is your experience of local authorities getting involved? Again, I will be parochial and talk about the local authority in my patch. The UK scallop industry is hugely focused on ports such as Kirkcudbright and the processors, but the local authority's engagement with the scallop industry is extremely limited.

In addition, because of MPAs and other spatial pressures, scallop fishing is far more nomadic in nature than it was in the past, so it does not naturally sit within the footprint of a single local authority. Fishing boats leave Kirkcudbright and head for the English Channel or the area off the coast of the north-east of England or wherever.

Do local authorities have enough understanding of the economic and social impact of fisheries policies? Aberdeenshire Council has an insight into that, but is it unique in that respect?

Keith Whyte: I cannot say that we are unique, because I do not know what every local authority does, but we are talking about an industry that is of huge value to our area—£700 million-worth of revenue is generated by two ports in Aberdeenshire, which is a substantial amount. That carries over into other areas, such as transport, lorries, design, net making and so on, which a lot of people are employed in. It is a whole sector and a whole industry.

At Aberdeenshire Council, we would like to think that we have an understanding of what is there, because whatever is good for the economy of the area is good for us as a council as well. We get some lovely comments from people who tell us that they wish that they had a bit more input into what the council does economically for some of the primary sectors. We have a similar event for the agriculture sector, which is always well received. I look after forestry as well. We are talking about a huge sector—together, agriculture, food and drink, forestry and fishing bring in about £2.5 billion for the north-east—and one person looks after it, or, rather, keeps an eye on things. You know what I mean. It is a question of where we put our resources as a local authority. We know that things are challenging for all authorities.

In answer to your question, it would be great if more local authorities took an interest in how policies in this area can affect economic development. Sectors such as fishing are often the forgotten sectors, but they are the primary sectors. We must remember that they are “primary” for a reason. We cannot do anything on an empty tummy.

David Anderson: It is also important to look at the bigger picture. If we look at European countries such as Spain, Portugal, France and Norway, we can see that fishing-positive Governments can have a huge impact on rural communities and the viability of their economic situations. They regard fishing not only as an economic activity, but as a vital part of the fabric of their societies, whereas, in this country, we do not.

That is rather unfortunate, because the ability to produce social cohesion in such areas is greatly enhanced by the ability to have economic activities such as fishing. It is classic economics. Adam Smith would be proud of the fishing industry, because it involves lots of small actors acting in a market. Nowadays, that is generally pretty rare in economics. That can be only to the benefit of the participants and wider society in the areas concerned.

For example, our vessels in the static and the mobile sector support places such as Lerwick, Scrabster, Lochinver and Ullapool. If it was not for the landings of those vessels, those ports simply would not be viable in the long run, because they need that economic activity to sustain their ability to provide jobs.

Keith Whyte is right. Aberdeenshire Council supports the sector. The Highland Council does, too—obviously, it owns Kinlochbervie and Lochinver. I am very disappointed in Aberdeen City Council, which no longer has any interest in fishing. There does not seem to be anybody on the council who deals with it. The port authority is—rightly, I suppose—more fascinated by high economic activities. The oil and gas and renewables industries and the cruise line sector are all massive industries compared with us. However, it gets totally forgotten that Aberdeen still has a substantial processing sector. If Aberdeen City Council supported the fishing industry in the area, it might find that it could have a much more integrated supply chain than it has at the moment. Let me put it that way.

There is lots of stuff that needs to be looked at. In general, politicians should perhaps think more positively about the fishing industry than they do at the moment.

The Convener: Elspeth, would you like to comment?

Elspeth Macdonald: Yes. I absolutely agree with what David Anderson has just said about the need to look at the support that other countries provide for their industries. That is an important point.

With regard to local authorities and their interest in and engagement with the sector, it is probably a bit of a mixed bag. Mention has been made of the situation in Aberdeenshire, but fishing is also a big

part of the Shetland economy. Shetland Islands Council is very engaged with it and sees it as a critical part not only of the local economy but of the local culture and society. Much has been said today about fishing as an economic activity, but we must remember that fishing is more than that: it is important for our society, for our culture and for our food production. We must never forget that it is important that our country has the mechanisms and the infrastructure to be able to produce food to feed people.

When it comes to local authorities and the people they represent, we carry out regular polling to sense check public attitudes towards our sector. Fishing has strong public support across Scotland, not only in coastal areas but inland. David Anderson's point about the need for politicians to be alive to that is relevant. We are keen for more consistent support to be provided for our industry across local authorities.

The Convener: We will move on to the theme of scientific evidence and monitoring, on which Ariane Burgess has a question.

Ariane Burgess: You have all already touched on this subject. In response to our call for views, the industry emphasised the need for robust scientific evidence and on-going monitoring, called for adaptive management and transparent decision making, and highlighted gaps in data, especially for static fisheries. I would be interested to hear your views on the scientific assessments that were used to inform the proposed measures. Do they adequately reflect the nature and intensity of your fishing activities?

Kenny Coull: I sat through many meetings on the issue, and I thought that we comfortable with the scientific evidence and assessments. The JNCC, NatureScot and the nature conservation team were well aware of our concerns. They were keen to hear about any concerns. More importantly, they reacted to those, especially when we got down to discussing areas where management was needed. We had a close relationship, and I advised our members that we were comfortable with the evidence and the assessments. We were not so sure about the financial and socioeconomic side of things, but we were happy with the scientific evidence.

Like members of the previous panel, we have concerns about on-going monitoring. The idea was that the areas would be reviewed every six years and that changes would be made, if necessary. We were disappointed that, in two areas in particular, the measures were increased beyond what had initially been advised. We understand the reasons for that, but we also hope not that the system will protect us, but that, if the situation changes such that the conservation status

changes and the risks change, we might recover access to some of those grounds.

Ariane Burgess: Could that happen sooner than six years?

11:30

Kenny Coull: That is unlikely. I think that it would take longer than that. I cannot imagine that the issue will be revisited, but there is a six-year monitoring process for assessing each of the sites. If we start now, we will have six years to find evidence. In six years, we will have our first shot at saying, "Things are much better—they're not going to do that." I do not think that big changes will be made on that basis; there will be a desire for some continuity. We must have the resources to be able to carry out monitoring and to gather evidence.

Ariane Burgess: Okay, so we need to ensure that Marine Scotland and the marine directorate have the resource and the budget for that.

Kenny Coull: It was set out at the start that there would be continual monitoring and that adaptive management would be applied. For that to happen, there has to be an evidence-based approach and the monitoring must be meaningful.

Elspeth Macdonald: "Adaptive management" is two words. It sounds nice and easy, but it is neither easy nor cheap. That is the important point as we move forward. We need to know where we are starting from—what the baseline is—and how we will monitor and assess change. We also need to recognise that there are lots of different habitats at the sites in question and that some of them will probably be very slow to show change, because they are things that do not change quickly, while others will show change more quickly.

When it comes to the time period within which things could be better, it is not a one-size-fits-all approach. It is important to recognise that adaptive management is not a simple process. It requires thought and proper design, and it needs to be well resourced for not just the short term but the long term.

David Anderson: You have already all heard about my problems with the science and the JNCC. Going forward, we have already written to Mairi Gougeon to state our case on how we can assist with the science. We have done it before, and we are willing to do it again. We can assist in proving that some of the features are not being impacted. If it is possible that they are being impacted, we are quite willing to look at alternative methods of protecting them.

I hear what Kenny Coull says about the six-year process, but it is possible. Everything is possible when it comes to legislation and policy. Caveats can be introduced. It is simply a matter of having

the political will to do it. In our case, I think that that is necessary, because what has happened is grossly unfair.

As I said, going forward, we are willing to assist with the monitoring, if we are allowed to. However, the problem is that, if you are not fishing in an area, how do you monitor the impacts of fishing? That will not be an easy thing to do unless we are allowed to perform the activities in some shape or form.

With regard to the precautionary principle, if it can be shown that there have been issues in an area, that is fine. However, if there is no evidence of any interactions, we should be allowed to have access at least to some of the area. If monitoring is needed, so be it. We will assist with that. That is the simple answer.

The Convener: You have already read Tim Eagle's mind, because he has a question on how your members might get involved. Tim, it is over to you.

Tim Eagle: Thank you, convener, and hello, everybody. I am sorry that I cannot be there in person today. It is a fascinating discussion. David Anderson has just touched on exactly the issue that I was going to raise; I asked this question in the earlier session. When I was out over the summer, trust came up a lot. Disagree with me on that if you think I am wrong, but, when I am at the harbours—obviously, I am in the north-east, and I connect with what people are saying, which is that this is about more than fishing; this industry is the cultural lifeblood of the people of Scotland—trust in science comes up a lot.

The practical part of me says that, if we do this, and there seems to be broad support around it, how do we take the data that we have—one of the earlier witnesses said that we have loads of data because we have been doing this for years—and make that as open and easy to understand as possible, as a baseline? How do we then monitor effectively, both with scientists and with your members, and how do we disseminate that information? Any further thoughts that you have on that would be gratefully received so that, if this happens, we can show what the future will look like, whether things are getting better and so on.

The Convener: David Anderson, do you want to carry on from your previous response?

David Anderson: I think that Kenny Coull found a completely different vista when it came to trust with the scientists and the administrators concerning the MPAs. We did not, but I have been through all of that already.

Trust is very important. We have had interactions with scientists for years and, historically, there was a dearth of trust between

scientists and the fishing industry as a whole. Every part of it did not understand what the scientists were trying to achieve, what they were doing and the results that they gave us. That has improved over recent years—there has been a lot more engagement—but there is still a lack of understanding and trust on both sides as to what the objectives are and what the outcomes should be. It is not helped by the bigger global picture, when there are people such as ICES involved and coming out with things that are eminently not understandable in the real world. They might be right in their own little world of science, thinking that something is the right thing to do, but, from the industry side, the outcomes and the visuals do not make any sense at all.

We need to continue on the path of greater and more interactions between the scientists and the industry. The politicians are hog-tied nowadays; they keep trotting out the phrase “the best available science”. Now, that could be zero science, or it could be 100 per cent science, but somewhere in between is the best available science. Unfortunately, that still might fall far short of what is needed for specific issues—and possibly for this MPA idea.

In going forward with the MPAs, it will all get wrapped up with resources, political will and all sorts of things that have to be addressed immediately, because these things will not work unless you address them. I will pass over to Kenny Coull.

Kenny Coull: I will say a couple of things about trust. A key thing for me, particularly for this subject, was the trust in the nature conservation team and the work that they have done. We saw early what their intentions were, and it was key for us that they try to deliver on that. That went very well. However, from phase 1, inshore, I recall that, in five areas, the politicians took a decision that was different from the advice that was given to them. For the industry, trust in the process then decreased. However, it has clearly been restored now.

We have to be mindful of that. Resources need to be made available for the nature conservation team and nature conservation bodies, and political leaders need to allow them to do what they have set out to do.

We must provide resources to support the scientific assessments. We have seen that change with the nature conservation bodies, with research vessel time for monitoring and scientific evidence, and we look for that to continue as we move to the next stage of assessment.

We do not see compliance as being an issue for us. The resources are there for compliance, and they are being built on as we improve vessel

monitoring systems and remote electronic monitoring. From an industry perspective, we feel that the tools will be there and should be there to maintain trust at a higher level. It is political intervention that is usually the problem for us.

Elspeth Macdonald: I agree with much of what has been said. To have trust in the scientific process for decisions on what happens next, these things must be based on a scientific programme that is properly designed. We cannot just have science being thrown in from all areas, with people saying, “This has happened. This has happened. That has happened.” It needs to be a properly designed programme from the outset so that people know how it will work and function, and so that you can have trust in its robustness and resilience.

As we know, fishermen spend more time at sea than most other people. They have a lot of knowledge, but that knowledge cannot necessarily be easily translated into a formal scientific process. David Anderson touched on ICES, which there are a lot of issues with at the moment, but ICES is thinking about how to capture some of the tremendous knowledge, information and understanding that fishermen have from years or, in many cases, decades of working at sea and knowing what is below the sea as well as what is on the surface. We could perhaps go further on the trust journey if there could be progress in how to weave the knowledge, understanding and experience that fishermen have into a well-designed scientific process that underpins future decision making. That could help to develop greater trust.

The Convener: I am conscious that we have run over time.

Tim Eagle: Can I quickly jump in?

The Convener: Go for it, Tim.

Tim Eagle: Sorry, convener—you are right that time is precious.

There are two sides to this, are there not? One side is about what we are looking for in terms of the areas that we are protecting, while the other side is about what the consequences are from the displacement of fishing, so it is about how we monitor those two sides. When you talk about science, Elspeth, I presume that that means data from both sides, so that we know the full picture.

Elspeth Macdonald: Yes, absolutely. You have to understand the cause and effect.

The Convener: As I say, we are over time, but Ariane Burgess has a short supplementary question. If you direct it to the witness who you think can answer it, that would be helpful.

Ariane Burgess: It is a short question for Kenny Coull. In the context of trust, you talked about the importance of REM and VMS so that we have vessel monitoring going on. I am aware that there are a very few situations—it is not everyone—in which there is illegality. For those folks who feel that they need to turn off equipment and go dark, how do we support them to realise that, in gathering data and sharing information, they are part of something really important?

Kenny Coull: That is an on-going thing with us. Through the structure of the SFF, we have regular meetings of the constituent associations, and, regularly, the response is, “That is the law; compliance is there—you have to follow it.” We understand the reasoning for something being in place, and we certainly do not support the idea of switching it off. We think that the industry is getting to know that, as well. They have to do it, and we will keep sending that message to them—that is a condition of their being there.

The Convener: Thank you all very much for your contributions this morning, which have been hugely helpful. As previously agreed, we now move into private session, and I will suspend the meeting for five minutes.

11:42

Meeting continued in private.

12:01

Meeting continued in public.

The Convener: Welcome back. Moving on to the fourth item on the agenda, I welcome to the meeting Gillian Martin, the Cabinet Secretary for Climate Action and Energy, and the following Scottish Government officials: John Mouat, head of protected seas; Conor Nangle, offshore marine protected area delivery lead; and Charlotte Altass, offshore marine protected area policy manager. We have around an hour for this discussion, and we have quite a few questions, too, so I again remind everybody to try to keep their questions and answers as succinct as possible.

Before we begin, I invite the cabinet secretary to make a brief opening statement.

Gillian Martin (Cabinet Secretary for Climate Action and Energy): Thank you very much, convener. I am very pleased to be here to talk about the Offshore Fishing (Prohibition of Fishing Methods) (Scotland) Order 2025. The management measures in the order mark the most significant step that we have yet taken to safeguard Scotland’s offshore marine environment and to address the twin crises of biodiversity loss and climate change in our marine area.

The order laid before the Parliament seeks to introduce site-specific restrictions on certain fishing gear types within 19 offshore MPAs. The measures, which were consulted on between August and October 2024, include sites designated under both the UK Marine and Coastal Access Act 2009 and the Conservation of Offshore Habitats and Species Regulations 2017.

Scottish ministers have a number of statutory duties in this area. Our goal is to ensure that the sites achieve their conservation objectives and support wider ecosystem health, while also recognising the realities for fishers and coastal communities, and we consider that the fisheries management measures are reasonable and proportionate in all circumstances.

For each site, management options were tailored on the basis of the best available scientific evidence and advice, including that from the JNCC as well as detailed evidence on how fishing gear affects the habitats that we are protecting. In 15 cases, that has allowed for zonal closures, with the remaining five taken forward as full closures. The measures are grounded in evidence and aim to support the achievement of conservation objectives at site while allowing sustainable use as appropriate.

I acknowledge that some sectors have concerns about the scope of these proposals, and that is why we have worked closely with the industry throughout the process and have published clear impact assessments. We recognise that there are concerns for the fishing industry, particularly around displacement and economic impact, and, as a result, we have sought to design targeted and proportionate measures. Our analysis shows that overall economic impacts are limited in scale, especially when set against the importance of meeting our legal duties in relation to the protection of the marine environment. We have taken a pragmatic and proportional approach.

I want to emphasise that these proposals reflect our statutory obligations, our environmental commitments, and our responsibility to manage Scotland's marine resources in the interests of current and future generations. They are based on evidence, have been shaped by dialogue and collaboration and are essential to protecting our marine biodiversity in a changing climate. The measures are not about excluding fishing unnecessarily. They are about ensuring that protections are in place to allow our MPAs to achieve their conservation objectives, and they are essential if we are to safeguard the most sensitive offshore ecosystems—ecosystems that, of course, include nursery areas for fish stocks and that contribute to overall sea health.

I welcome the committee's scrutiny of these measures, and I am more than happy to take questions.

The Convener: Thank you very much, cabinet secretary.

No doubt, you or your officials heard the evidence in the previous two sessions, which appeared to suggest that the consultation process had been well carried out, with most of the stakeholders feeling that their contributions had played some part in shaping the regulations that we see now. I might know the answer to this already, but my question is: why did the Scottish Government opt for zonal management in most of the MPAs, despite evidence from the JNCC, and NatureScot in some instances, recommending whole-site closures?

Gillian Martin: It is important to put this in context. Obviously we have to take cognisance of the statutory advice that we get from the JNCC, and from NatureScot in the inshore areas, but we also have to balance that with the other assessments that we do, not least on the socioeconomic impact. As I said in my opening remarks, what we do has to be proportionate as well as evidence based.

The JNCC gives us advice based on its objectives and the data that it collects, but we are also taking evidence from the people affected by our decisions. I should mention that 94 per cent of MPAs will have no bottom trawling as a result of these measures, which I think conservationists, and people in Scotland generally, have been looking for. However, where there might be the possibility of, or the opportunity to have, sustainable fishing, why rule it out, as long as it is not having any impact on the features that we are wanting to protect? We have to recognise that marine protected areas do not have to be no-go zones when it comes to other aspects of the marine environment.

We wanted to take that pragmatic approach. I did not see all your previous witnesses—I saw some of the second evidence session—but, based on the feedback that we have been getting from environmental NGOs and those representing the fishing industry, I think that we have largely managed to achieve that sort of approach through collaboration and after dealing with all the available evidence and data, particularly through the JNCC, which uses all of that evidence and data, and taking into account the socioeconomic potential for loss and even job losses. We have tried to take that proportional approach, but we have also stated our aim to have, as we go forward, an adaptive approach.

The measures need time to bed in—this is not just some moment in time when we are saying,

"We've done the measures, so that's it." They need to be analysed over time, because quite a lot of the ecosystems that we are talking about are very slow growing. Therefore, that sort of thing will not happen quickly. It will happen on the basis of the advice that we get from the JNCC and others about when it is best to review the measures, but we do have to be adaptive.

Moreover, the marine environment is very much impacted by climate change. Species and other things move and change in that environment, and we need to be fleet of foot in adapting to that.

The Convener: You have talked about adaptive management and different types of fishing having different impacts, but can you set out your criteria for determining that there should be a whole-site closure rather than a zonal approach, which appeared to be universally welcomed in some areas? What did you look at? What was the process of deciding that an area should have a full closure?

Gillian Martin: I will answer that question, but I will also bring in John Mouat to give you some of the specific detail, because my team are steeped in the issue and know that sort of thing.

We wanted to use the best available advice to take a feature-based approach. Each MPA has a variety of features on the seabed, so it is the seabed itself that, by and large, is being protected. There are some areas in which particular ecosystems might be impacted more than others. In particular, with the full-site closures, there will have been an assessment that no fishing can be done in that area, because the evidence will have highlighted the impact that it would have on what might be particularly vulnerable areas. In others, however, there will be a mixed picture, and some activities might be sustainable because they are not having the same impact.

As for the criteria, we got scientific advice from the statutory nature conservation bodies, as you would expect, as well as from the chief scientific adviser for marine on the distribution of features and the level of protection required in each area. I guess that those are the criteria. We cannot have just blanket criteria, because it cannot just be a case of checking things off. After all, we are talking about complex marine environments that contain diverse ecosystems.

I will hand over to John Mouat, to give you a wee bit more detail.

John Mouat (Scottish Government): It is important to understand how the JNCC provides its advice. Each site has conservation objectives for the particular features that it is designated for, and they all have a range of sensitivities. We have already heard a lot of evidence this morning about corals and sponges, which are very fragile and

very slow growing; other sites have sand and gravel features that are much more robust, and the level of protection that the JNCC advises for those is very different. For sensitive features, the advice might be to completely remove or avoid the pressure from specific fishing gear, whereas for others it is more about limiting the amount of pressure.

The advice from the JNCC itself is risk based—and by "risk", I mean the risk of not achieving the conservation objective. In any situation, closing the site will be the lowest-risk option, but that does not mean that the advice is that you should close the site. We work with the JNCC when we design the sites to understand whether it feels that the measures proposed will be able to achieve the conservation objectives, and we take its advice on board.

There will be a balance to strike there: if you have more sustainable use, there is a risk that you will not achieve the conservation objectives in the long term. That is where we come in with our robust monitoring approach, looking at adaptive management, and assessing the sites to see whether they are moving towards their conservation objectives, as we have to do under the requirements of the 2009 act and the habitats regulations and on which we report to Parliament every six years. We take all of that into account in devising the measures, and we liaise with the JNCC and NatureScot regularly, as appropriate, as we develop them.

The Convener: Am I right in saying, then, that there is a presumption in favour of sustainable use, as long as conservation objectives can be achieved?

Gillian Martin: I would not say that there is a presumption of anything in particular. The way that I would frame it would be to say that conservation of the marine protected areas is the main objective but, where possible, sustainable fishing can be allowed.

The Convener: Thank you. I call Rhoda Grant.

Rhoda Grant: In the evidence that we heard earlier, there were examples of decisions taken that have not made a lot of sense to people who were impacted by them: for example, the ban on long lines and gill nets in certain MPAs. I do not want to home in on the one example, but it shows where the concern was. Can we look at more selective management measures in certain MPAs, or how do we monitor whether there is no harm done? David Anderson talked about the sponges and how operators use their long lines and nets on sponges. They say that that has no impact and does not damage them. They have been doing that fishing for 50 years and the sponges are still there, yet they will be banned from doing that. As I

say, I am careful not to home in on one case specifically, but I use that as an example.

12:15

Gillian Martin: It is a useful example. Although you may be saying that we do not want to home in on static gear in particular, it is important that I address some of the points that I heard when you were taking evidence but also talk about how the static gear sector itself has been innovative in this space. First of all, it has already done an awful lot to reduce the bycatch of birds and marine animals associated with its practices, and that will be particularly important as we go forward in looking at the inshore MPAs. I absolutely accept that the sector takes its environmental responsibility very seriously.

The JNCC said that there could still be an impact from static gear operators' practices, in particular on the corals, which are slow-growing, very vulnerable features. I think that the Aberdeen Fish Producers Organisation mentioned a study that its members had been involved in, I think with the University of St Andrews. The data that they provided backed up what the JNCC was saying, because that study identified an impact as well.

That said, Ms Grant, you are right that, if, in however many years—in a decade, for example—there is more robust evidence and data to suggest that we might allow certain types of gear to be used in areas and that it will not have an impact because the data and the evidence have come forward, of course we would adapt. That is very much the case. Similarly, if the industry came up with an innovation in the gear that it was putting forward or investing in such that there was no contact—I am not a fishing expert—and the pressures that had been identified in the evidence were no longer present, of course that would be a development.

It comes back to the adaptive approach. Again, you said that you did not want to home in on a particular sector but, when we were in the EU, the static gear sector was very involved in the discussions about all of this. Evidence and data change and that is part of the adaptive process. There are a couple of MPAs in which the JNCC advised that there might be long-term potential damage to very vulnerable types of benthic structures, particularly in coral.

Rhoda Grant: How is this being monitored? We heard from the panel that possibly there is not that much science. The first panel was very clear that there should be a precautionary approach. The second panel said, perhaps, that the sector would not damage sites and that the history shows that. How do we monitor it? More importantly, if we see adaptations take place that would allow more

fishing—that is, more non-damaging fishing—how can that filter through into practice? We are putting through statutory instruments on this now and they do not change overnight. How do we encourage the industry to take forward mitigation and, with that, receive a prize of greater access?

Gillian Martin: There are two things there. There is your final point about how the industry reacts to this and the adaptations that it might want to make, which is an important aspect, but there is also the point about how we are monitoring.

My marine directorate is working with the JNCC and NatureScot. In particular, if you look at the JNCC's report, you will see all the references at the back as to where it got the evidence and the data to support its findings. It is using all the most up-to-date evidence and that evidence will be coming not just from the scientific community but from the fishing industry. It will be reaching out. It will be getting assessments on fish stocks and it will be getting vessel monitoring system data, presumably.

Again, these are questions mainly for the JNCC and NatureScot about what their sources are, but they are using the most up-to-date evidence from our universities, from industry, as I say, and from scientific papers. Scottish universities, in particular, are really good on this. Of course, they are also using data associated with the vessels that we have in Marine Scotland. In inshore areas we have the mandatory remote electronic monitoring cameras on the fishing fleet and there are a number of them in smaller vessels in the offshore area.

I could get John Mouat to give you a little bit more detail on how we will monitor, but that is effectively the vehicle for it: NatureScot and the JNCC advising Government based on all the science and all the data that is out there, plus industry information.

The Convener: We will move on a little in our line of questions. If you do not mind, we will come back to that in further questions.

Gillian Martin: That is fine.

The Convener: I have a supplementary, but I see that Alasdair Allan has a question—is it on monitoring?

Alasdair Allan: It is on this subject.

The Convener: Okay.

Alasdair Allan: It is the really the same issue as has been raised. You will probably have heard in the previous panel a discussion about the phrase "the best available science". Obviously, the best available science is all anyone can and should act on, but is the Government constantly

assessing where the gaps in the data are in order to try to proactively fill those? That was one of the questions that was being asked by the previous panel.

Gillian Martin: Yes. Over the past few years, in particular, we have tried to address the gaps in some of the data coming forward. I mentioned the REM equipment that is now in inshore vessels, but we also have the vessel monitoring systems in the marine directorate. They do not just provide data; they monitor compliance as well. We also have fisheries protection vessels and aircraft, and monitoring associated with that.

This is probably a good chance for me to bring in John Mouat with the detail of some of the work that has been done over the past few years, because we recognise that, with the marine environment, there are data and evidence gaps that need to be filled, and Governments have an important role in making sure that those data gaps are filled.

The Convener: Again, I will ask you to come back. We are looking at static gear specifically just now, and I would like to look just at that at the moment.

John Mouat: Just to comment on particularly the static gear point and the evidence and the decision around that, the JNCC is looking at the most up-to-date scientific evidence and peer-reviewed papers that are coming forward, trying to focus particularly on those that are in the Scottish region, and that is what it bases its advice on where at all possible.

When we were discussing with the Aberdeen Fish Producers Organisation whether we could do mitigation around their gear, we looked at the observer data that it gathered with the University of St Andrews, which David Anderson mentioned. We went through that with the university and the producers organisation. However, that data showed that there was a bycatch of benthic features, or corals and sponges. It was at a low level but, as I mentioned before, because those are the most sensitive features, even a low level of continual bycatch adds up. It is that cumulative effect that the JNCC was advising on: the impact and the removal of corals and sponges over years and years. We used the evidence that was there and available to us at the time when we were making that decision in those discussions with the producers organisation directly.

The Convener: Rhoda Grant, do you have any further questions on that?

Rhoda Grant: No.

The Convener: I will go back to a question that I asked you, cabinet secretary. In the “Marine Protected Area Network” report, which you

submitted on 19 December 2024, the Government reaffirmed that MPAs are not no-use zones. It stated that there should be a presumption in favour of sustainable use within MPAs, as long as activities do not compromise the conservation objectives. Now you have contradicted that. What has changed since 19 December for you not to be sticking by what seems a fairly strong statement—that there is a presumption in favour of sustainable use?

Gillian Martin: With the greatest of respect, convener, you gave me only half of that sentence—that there is a

“presumption in favour of sustainable use”.

The second part is very important and I think that that is reflected in my answer to you, because you put it to me that there was a presumption for sustainable use and I said that it is a balance between the two things.

The Convener: No, I think that I said that it was as long as the objectives were met.

Gillian Martin: We can argue over that. Obviously, the wording of a document has not made it into how I expressed myself but, hopefully, the meaning of what I said is in line with what you have just read out to me.

The Convener: A presumption for sustainable use, as long as—

Gillian Martin: “As long as” is very important.

The Convener: —it does not compromise the objectives.

Gillian Martin: Indeed.

The Convener: Thank you. That makes that clear. We will move to the topic of socioeconomic impact and a question from Emma Harper.

Emma Harper: Good afternoon to you, cabinet secretary, and everyone else. In the previous two panels I asked about socioeconomic impacts, and I am interested to hear whether you have any thoughts, concerns, or response to what has been said about socioeconomic impacts. Also, is there a need to revisit or refine the models that we use to look at socioeconomic impacts?

Gillian Martin: In an adaptive approach, which is the approach that we are taking, there is always a need to adapt and refine our methods. We also need to base our models on the best available data and science, and indeed the monitoring systems that may be available to us. Technology will adapt as well and something may present itself in the future that will allow us to get better data, or more data, or whatever it might be. I have given examples of what we have done in the past few years to enhance that data, and the JNCC is doing

its level best to make sure that everything that it takes into consideration is the most up to date.

The answer to the final part of your question is yes. This is not a static moment in time that we do not revisit. It is the nature of nature—things change. It is also very important that we monitor the efficacy of the decisions that we have made in this area. If we are allowing sustainable fishing in certain MPAs, that has to be monitored to make sure that it is not having any impact on the features that we are trying to protect. It goes both ways.

Socioeconomic impacts are a very important factor and that comes back to the first question that I was asked, about why we went for a zonal approach over a blanket ban on any economic activity happening in MPAs. The zonal aspect is in reflection of the socioeconomic impacts that a blanket ban would have if we did not take a proportionate, pragmatic and evidence-led approach. That is my answer to that.

Emma Harper: In the previous session, Keith Whyte talked about the whole supply chain. Someone else used the phrase “cultural lifeblood”. You are a north-easterner and I am from the opposite end of the country. Will you affirm that we must consider the whole supply chain when thinking about the socioeconomic impact of the measures?

Gillian Martin: For the record, Keith Whyte is a constituent of mine and I know him well. I heard his comment and I agree with what he said. In any area, regardless of whether we are talking about the measures in the regulations or any other measures, you cannot just look at the impact on that particular sector. You have to look at the impact that it has on the supply chain and on the communities that are associated with that sector as well.

When we are making decisions on any aspect of the economy, we will have very robust financial assessments on their impact. In this case, we cannot just base our decision on what will happen to the fishing sector; we must also think about the impact that there might be on the ports and harbours and on the local population. If you are making a decision that affects a particular sector, you need to look at the impact that it might have on everything, down to the school rolls.

12:30

We also have to think about the viability of our fishing sector. The sector is very important for Scotland culturally and economically. Fish is also a very good source of protein that is sold in our supermarkets and to markets throughout the world. We have to take all of that into account.

Evelyn Tweed: Cabinet secretary, we discussed diversification and resilience with the previous panel. The witnesses were keen to work with the Scottish Government and with local authorities. One issue that came up was funding. Will the Scottish Government provide any transitional support to affected fishers and communities?

Gillian Martin: Probably the more stark question is, will there be any compensation? No compensation will be given directly to fishing vessels, because we have assessed that the economic impact of the measures on those vessels will not be particularly high. That is because we have taken a zonal approach and we have not ruled out sustainable fishing.

In terms of Government—public—money that will be provided, it is important to recognise the amount of effort that is being made by, and the funding that will go in through, my portfolio and that of Mairi Gougeon in particular. That includes the support for all the evidence gathering that is associated with the decisions that we make, the money that we have put into the marine directorate and into the systems that it uses, and the funding that we give to universities that will be carrying out quite a lot of the studies that are associated with the marine environment, which will feed into the JNCC’s work as well.

There is a holistic, whole-Government approach in improving the data, adapting to the science, supporting the collection of that data, supporting the ability for everyone to feed into our consultations on the regulations, and having direct relationships with my officials when we look at measures and do our on-going monitoring of their efficacy.

I keep coming back to the fact that we will take cognisance of any static gear that might be available in the future that might not have an impact on the seabed or of any evidence to support that more activities can happen sustainably in MPAs. I would say that the Government support is holistic support to provide that evidence base, which will allow us to adapt our decisions as we go forward.

Evelyn Tweed: Do you think that, in the longer term, you will work more collaboratively with local authorities and the sector?

Gillian Martin: I would say that we already work very collaboratively, and I hope that that came across in your previous sessions. I listened to quite a bit of your second panel, but I was in meetings when you were speaking to your first panel.

I think that the reason why we have reached this place in which we have broad buy-in from the vast majority of the fishing sector and from our ENGOS

for our approach is that we have taken a collaborative approach. There will always be people who do not think that we are doing enough on the conservation side, but we are fulfilling our statutory duties while taking into account the pressures on the fishing industry.

I must pay tribute to my officials who are with me and the teams that are not with me just now. They have had not just an open-door approach but a very collaborative approach, which has led us to this point.

If anyone feels that they have not been consulted enough, that is not for the want of opportunity to engage, because there have been engagement opportunities. Those include opportunities in, for example, the EU advisory councils, while we were in the EU. There have been opportunities to be involved in all the MPA consultations and events.

The fact that someone thinks that they might not be affected does not mean that they should not be in the room, putting forward their voice. There are lessons in that for other MPA measures as we go forward. I encourage anyone who is working in the marine sector or whose sector is in the marine sphere, if there are any discussions, including on measures or MPAs, to take up the opportunity to be in the room with the rest of the stakeholders who are involved, to make sure that their voice is heard.

The Convener: I agree with you that there seems to be almost universal agreement with the approach that the Government has taken—that is to be welcomed—unlike with some other co-designed pieces of legislation that we have heard about recently. However, the one exception to that relates to the static gear sector. Although there might be different reasons for that, perhaps you can set out why that sector felt that it was a bit late to the game and had not been included in some of the earlier discussions on the protections.

Gillian Martin: First of all, I want to go back to what I said about the fact that the representatives from the static gear sector on your panel have been very innovative in this space, and I absolutely respect everything that they have done in that regard. However, it is not true to say that they were not able to access any of the fora that were available as this discussion took place. There was a series of meetings on the issue when we were in the EU, including regional advisory councils, in which every representative of the fishing industry could be involved. All parts of the fishing sector could attend that. Indeed, many representatives from the static gear sector from other EU countries were involved in them as well.

I want to talk about one of the areas that was mentioned. The west of Scotland MPA was

designated only in 2020, and that was the point at which we reached out to have those meetings. John Mouat might be able to provide details on those meetings.

There were three substantial meetings with our colleagues in the Aberdeen Fish Producers Organisation. It could have been involved in all the discussions that the SFF and the Scottish White Fish Producers Association were involved in as well. With the greatest respect to AFPO, it might have been working on an assumption that the measures would not affect it. However, as I said, data, science and evidence changes, so it is very important that it makes its voice heard.

Having said that, I would say directly to the organisation that, going forward, it should establish those relationships with my team and work shoulder to shoulder with all other stakeholders. The opportunities were there and those opportunities are there. It might feel like it was invited late, but we cannot track down absolutely everyone. The meetings are open to everyone who is a stakeholder in the marine environment. How many consultations do we put out over the years? There is an ability to feed back.

The Convener: With all due respect, cabinet secretary, it is also Government's responsibility to ensure that it engages and does not just sit back and wait.

Gillian Martin: Indeed.

The Convener: You heard what the AFPO representative David Anderson said, and the point was also made in AFPO's written submission. He was quite clear that the engagement with the mobile gear sector was initiated in 2014 but that it was not until after Brexit—post-2021—that the static gear sector was alerted and it was suggested to Marine Scotland that it should be engaged with. According to the organisation's evidence, it has had only two meetings, over a period of two years, since 2021. That contradicts what you have said.

Gillian Martin: It does not really.

The Convener: All that I am saying is that there might be lessons to be learned from that going forward. Static gear is quite separate from mobile gear.

Gillian Martin: There are lessons to be learned from that, convener, but I would also point to what Kenny Coull said. He said that the static gear representatives could have been in those meetings but were not. I do not want to labour that point, because that was then and this is now. We now have a situation in which it is engaged, and I want those relationships to be nurtured and improved going forward, because if there is one

lesson that we have learned—I am not referring just to Government, but to everyone who is involved—it is that we should not assume that the position in 2014 will be the position in 2020, because the science, the evidence and the data change.

The Convener: Thank you. I will move on to scientific evidence and monitoring—John Mouat will get the opportunity to come in on that.

As I stated in our discussion with the previous panel of witnesses, only 30 per cent of MPAs are moving towards meeting their conservation objectives, and progress is unknown for 10 per cent of them. We heard that good work was being done on that, with the static sector and other sectors of the industry providing data in various ways. How can you work better with the fishing industry to ensure that the monitoring programme is capable of improving how MPAs are performing, which is in everybody's interest?

Gillian Martin: Before I hand over to John Mouat, I want to say that I feel that my portfolio has a constructive relationship with the fishing industry. I welcome the many offers that I get from the various parts of the industry, whether it be the pelagic sector or the inshore fisheries sector, to do more to gather evidence and provide data. There is a great willingness for fishers to be more involved in informing the decisions that are made. I welcome that and I can only see that happening more and more as we go forward. The engagement has been very constructive.

With regard to the monitoring of the MPAs in order to inform later reviews and decisions, I ask John Mouat to give you the details of that.

John Mouat: As has been mentioned in the previous evidence sessions, the Scottish MPA monitoring strategy sets out the monitoring and overarching engagement with NatureScot in inshore areas and the JNCC in offshore areas. We work collaboratively with them—for example, we give them time on the MRV Scotia to do surveys, and we have a prioritisation process for which sites we will monitor.

We are working intensively at the moment to develop that approach in the longer term, particularly because we are now at the stage where we have measures coming in. As has been stated before, it is expensive to do monitoring in the offshore area. You need specialised vessels, particularly for benthic habitats where you need to do work involving, for example, grab samples and video recording. However, we are trying to do as much as we can.

We are looking at how we can prioritise that monitoring, particularly because of the fact that, due to the way in which the MPA network is set up, there is a duplication in the sites, so the same

features are captured in more than one site. We are therefore thinking about whether we can prioritise a series of sites that will allow us to measure the effectiveness of the measures. We must note that we are looking at slow-growing features that will take a long time to recover—decades, in some cases; centuries, in others. Corals, for example, are incredibly slow growing. We need to take that into account when we think about how quickly we expect them to recover.

We are now working with those agencies to refine the strategy to look at the monitoring of the effectiveness of measures, so that we can have that assurance that the measures are effective and the sites are moving towards their conservation objectives, and we will feed that into a longer-term adaptive management approach. We need to bear in mind the ecological processes and the timescale over which we expect things to recover, but we will be looking to try to increase that budget where possible and consider how we can monitor the situation effectively.

We hope that, in coming years, advances in technology will allow us to do more monitoring than we are doing at the moment. For example, there are some trials going on involving underwater vehicles, environmental DNA and so on. There is a range of things that, if we invest in them now, may allow us to do broader-scale monitoring. However, at the moment, our activity involves more ship-based monitoring, and we will try to focus that on examining the effectiveness of measures, in order to inform future decision making.

Gillian Martin: On the cameras and sensors on boats that monitor fishing activities, I will just say that there is now a requirement for all scallop dredge vessels and pelagic fishing vessels that operate in Scottish waters to have sensors—whether they involve REM or whatever—to monitor all the activity that is associated with the catch. That applies not only to the Scottish fleet; it involves every vessel that is fishing in that area. The requirement will be rolled out to other fleet segments, so there will be even more data coming in from the fishing sector.

12:45

The Convener: That touches on my next question. We have data collection for one purpose, but there is also data collection in relation to compliance. Are you considering further implementation of REM across vessels for compliance reasons?

Gillian Martin: The more that we have that technology deployed on our vessels, the easier it is for us to see whether they comply. First of all, we can see the GPS data of where they are, but

we take other measurements as well. We have automated alerts for vessel activity within restricted areas. Vessel transit speed is limited to six knots and we will be able to see if they are going over that. There will also be efforts using other technologies, such as drones, aircraft and compliance vessels.

There are other issues, which John Mouat might be able to explain to you, but I will give you the layman's version. If, when a vessel is in a restricted area, the gear used to fish is not reeled up in the vessel but is out, that is an issue. There are rules around that as well, such as the requirement to stow fishing gear when the vessel is in a restricted area. Technology will make advancements that help us in relation to those issues, and we have to be alive to that and take advantage of developments.

I go back to my point that, from my perspective, there is no reluctance in the fishing industry about adopting these measures. In fact, my impression is that the industry would like to do more.

Alasdair Allan: I know that, in the future fisheries management delivery plan, the Scottish Government has committed to a review of penalties for fisheries offences. Has that work been done, and have you any views on penalties and how they would apply in this case and in relation to this order?

Gillian Martin: Some work has been done since we said that we would have that review, which is still on-going.

One of the pieces of work that has been done to inform that review has been a survey concerning the fishers' behaviours and attitudes towards compliance and enforcement. That is informing a lot of the work that we are taking forward in relation to penalties. It is obviously in the interests of the fishing sector to make sure that members and the vessels that are associated with them comply with all the enforcement measures—and, indeed, everything that we are putting forward today and beyond—because, if we see vessels infringing on the measures or not taking them into account, there might be a need to increase the penalties. If we have compliance across the board, it is unlikely that we will have to go down that route.

Rhoda Grant: Earlier, you said that you would look at applying lessons learned. How will you do that when you consult on the measures for inshore MPAs and priority marine features?

Gillian Martin: We have already bottomed out some of the lessons learned, particularly with regard to the one sector of the fishing industry that did not feel that it was involved. I have set out how we tried to involve it, but it was not satisfied with that. I think that the biggest lesson in that regard is

that that sector is now represented at the table. That sector—inshore fisheries—has done a power of work in terms of the innovation around the fishing gear that it uses. It will be a fundamental partner and stakeholder as we go forward.

I would like to replicate the success of what has been done in the fisheries management measures for MPAs. As I say, I heard the feedback from your second panel of witnesses, and I am delighted with the feedback that we have had from the fishing sector generally regarding how we have reached this point. I want to continue the openness and transparency of our approach, as well as the way in which we have listened to stakeholders and engaged the sectors, the ENGOs and the scientific community in everything that we do. All stakeholders have to be around the table.

I do not want to blow our own trumpet, but the current position gives me hope. It certainly seems that we have buy-in from most of the stakeholders around the fishing management measures in the MPAs. We need to continue to take whatever was successful in this particular collaboration into the next pieces of work that we do. We will have calls for evidence, workshops and meetings to review the proposals. We will make sure that all of those are accessible. When I had responsibility for inshore fisheries, quite a lot of the meetings featured people dialling in from vessels. We have to recognise that a lot of the people who want to contribute do not have 9 to 5 jobs, cannot come into the Scottish Parliament and cannot come to in-person meetings. We need to be flexible in that regard.

Everyone wants the decisions that we make in this area to be based on science. I will not go over what we are doing in terms of the monitoring, the data collection and the work of the JNCC in this area, but I will say that we have to be alive to all the data from the fishing fleet and the scientific community and use it to inform those decisions. We must take assistance when offered. The fishing sector has data and studies that it has done with particular universities and so on, and we need to take in that advice and make sure that the JNCC knows about it. We must take a collaborative approach.

I hope that we are coming to all of that from a good starting point. I did not hear the evidence that you took from the first panel of witnesses, but the feedback that I have been getting suggests that, while it is true that there may be people who want full closure sites across all the MPAs and that there might be areas in which fishers want the ability to do more fishing, the collaborative approach that we have taken has been fruitful in terms of balancing those views and coming to a decision on the zonal measures. I am hopeful that

we will take that approach into the development of the next measures.

Rhoda Grant: The inshore fleet is not as organised as the deep-sea fleet. There will be lots of people working in the sector that are not part of an association or anything like that, yet they will be fishing in the impacted areas.

Gillian Martin: That is true.

Rhoda Grant: How do you reach out to them to make sure that they do not suddenly see management orders coming down the line that will impact on their businesses?

Gillian Martin: That is really important. I am very aware of that. “Disparity” is not the right word, but there are individual small vessels that might not be plugged into any of the organisations that come and give evidence on behalf of a lot of the industry.

First of all, we have to be very careful about those people’s ability to contribute, and in that respect we have to think about their needs rather than Government’s needs.

We have a spatial platform, and John Mouat can give you more detail on how people can have an input. We are improving our outreach in respect of getting people’s views. I will hand over to John to give you more detail on that.

John Mouat: My remit covers the inshore side as well. We have done a lot of work to engage directly with individual fishers. Over many years, we have held a range of workshops through the regional inshore fisheries groups and through the associations to try to reach as many of those fishers as possible so that we have the data to understand where they are fishing. There is a challenge in the inshore fisheries. We are rolling out tracking for the inshore sector, but it is not across all vessels yet, and it is a bit more challenging to understand where activity is happening.

We understand that the inshore sector is not as organised into associations as the offshore sector is. Looking forward to the consultation, we are planning for how we can try to engage those fishers. We are aware that there is a lot of documentation around the consultation. For the first time, the Scottish Government has used an official citizen space consultation with a map interface. We worked with the developers to get that in, so that we could show the site spatially. That was a trial for what we are planning to do for the inshore area, where we know that things are more complicated. We will be able to show the sites in detail on a map, so that people understand where they are.

We will be developing that so that they can look at a regional area—if they are interested in the

Western Isles, the south-west or the north-east, they can see it regionally. We will also be able to display the measures in the consultation by gear type, so that a nomadic scalloper, for example, can go in and look at what sites affect scalloping only and respond on that basis. People can also respond individually. During the consultation, we will again take the approach of having a series of meetings.

We have mentioned how we are engaging with local authorities. The team is up in Orkney today, meeting elected members. I am going up to Shetland tomorrow to meet with the elected members there to explain where we are in the process, what is coming up and how they can engage.

We are trying to be on the front foot in our engagement with the fishing industry but also with the environmental NGOs on how we can take the consultation forward, because we know that the number of sites involved will be an order of magnitude bigger than the number involved in the offshore sector. We are very aware that we need to be reaching out and making this as accessible as possible.

We will also translate the consultation document into Gaelic for those in the Western Isles who prefer to use Gaelic, and we will accept responses in Gaelic as well, because we understand that the language is intrinsically linked to the fishing industry in those islands and communities. We are trying to be as inclusive as possible.

Rhoda Grant: What is the timetable for all this? When do people who may be involved need to be in touch with you? When will the consultation end? When are you looking to bring forward legislation on the inshore sector?

Gillian Martin: There is a 16-week consultation—I will ask John Mouat for the dates on that, because there are lots of consultations and I do not want to give the wrong dates. The spatial platform and everything associated with that will be available before the consultation, I believe.

John Mouat: We are still aiming to launch the consultation in November if we can finalise all the assessments that we need to get done before then. It will run for 16 weeks and then we will be looking to get the measures in place in the next year—we hope to do that by the end of 2026. I highlight that this exercise will be more complex and we will need to think about how we manage the workload with the orders coming to the committee. We will work with our legal colleagues to manage that process.

It is a much bigger project and it will take time to understand the consultation responses, to give them the proper consideration that they need, and

to devise the measures and get everything in place. We do not want to rush this. We want to take the views on board and make sure that we get it right.

The Convener: Thank you very much. I am sure that you are looking forward to the next 16 weeks. Many of us around the committee table will look forward to considering the instruments, potentially this time next year.

Cabinet secretary and your officials, thank you very much for your contributions this morning. That concludes our evidence session

Our final item of business is to dispose of the Offshore Fishing (Prohibition of Fishing Methods) (Scotland) Order 2025. If members have no comments to make on the instrument, I assume that we are all content.

Members *indicated agreement.*

The Convener: That concludes our business for today.

Meeting closed at 12:57.

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