

Rural Affairs and Islands Committee

4th Meeting, 2023 (Session 6), Wednesday, 8 February

Petition PE1951: Reinstate inshore coastal limit on the use of dredge and trawl fishing gears

Petitioner	Alistair Bally Philp, on behalf of the Scottish Creel Fisherman's Federation (SCFF)
Petition summary	<p>Calling on the Scottish Parliament to urge the Scottish Government to re-introduce a variation of the historic three-mile coastal limit on the use of mobile dredge and bottom-trawling fishing gears to support:</p> <ul style="list-style-type: none">• the recovery of Scotland's inshore demersal fin-fish population and the wider ecosystem;• opportunities to optimise the social, economic and environmental returns within the new spatially managed area; and• increases in fishing jobs and the revitalisation of coastal communities.

Introduction

1. This paper supports the Committee's consideration of [petition PE1951](#), which was referred by the Citizen Participation and Public Petitions Committee on 28 October 2022.
2. Additional written evidence relating to the petition has been received from—
 - [Fish legal](#)
 - [Marine Conservation Society](#)
 - [Sustainable Inshore Fisheries Trust \(SIFT\)](#)
3. This paper provides a brief summary of the petition and recent developments. A more detailed overview of the petition is set out in the [SPICe briefing](#).

Background

4. The petitioner is calling for a ban on mobile dredge and bottom-trawling fishing gears to be reinstated within three miles of Scotland's coast. The petitioner argues this will help to restore fish stocks and to bring environmental and socio-economic benefits.
5. The petitioner's reference to a "historic three-mile coastal limit" relates to restrictions on the use of bottom-trawling fishing gear within three miles of the coast introduced in the late 19th Century. The SPICe briefing points out that

implementation of the three-mile limit was adapted over the 19th and 20th centuries, with some restrictions relaxed or new restrictions introduced in response to changing socio-economic and conservation concerns related to evolving fishing practices.

6. In 1970, the Cameron Report on the Regulation of Scottish Inshore Fisheries considered both the socio-economic and conservation value of inshore fisheries regulation in Scotland. Among other things, it considered the restrictions on trawling within the three-mile limit and concluded that the existing restrictions could not be justified on the grounds of conservation and recommended the removal of restrictions for the benefit of fishing communities.
7. Consideration of the Cameron report contributed to the Inshore Fishing (Scotland) Act 1984 which repealed restrictions on trawling within the three-mile limit.
8. The petitioner attributes the removal of the three-mile limit to the decline in fish populations. As the SPICe briefing points out, direct cause and effect are difficult to establish due to the complexity of marine ecosystems and very few studies have investigated the impact of this policy. However, a 2010 study linked declines in whitefish populations in the Firth of Clyde to the removal of the three-mile limit and wider scientific studies have demonstrated that bottom-towed fishing gear can cause damage to seabed habitats.

SCFF judicial review

9. The petition mentions the Scottish Government's rejection of an inshore fisheries pilot proposed by the SCFF in the Inner Sound of Skye, which was subject to a judicial review. On 8 January 2021, [the Court of Session ruled in favour of the SCFF](#), finding that the proposal was turned down by the Scottish Ministers solely because of the strength of opposition. The judge, Lady Poole, said the SCFF's proposal had not been fairly considered before being rejected.
10. [In December 2021, the Scottish Government won an appeal against the outcome of the judicial review.](#) Lawyers for the Scottish Ministers argued that the previous judgement had misinterpreted the law and Marine Scotland, a directorate of the Scottish government, had acted correctly in how it dealt with the proposal.

Objections to proposals to reintroduce a three-mile limit

11. The Scottish Fishermen's Federation (SFF) has published two reports in response to the SCFF proposals for re-introducing the three-mile limit. [SFF's first report](#) disputes the historical interpretation of the three-mile limit and the proposed benefits of its reintroduction.
12. The [second report](#) models three future scenarios of future fisheries management measures and concludes that displacement of fishing activity could lead to reductions in output and job losses in the fishing industry, with particular effects in coastal communities.

Scottish Government action

13. In September 2021, the Scottish Government and Scottish Green Party published a shared policy programme to deliver "good environmental status" for Scotland's seas, offshore and inshore. This included a proposal to cap fishing activity in inshore waters and deliver fisheries management measures for existing Marine Protected Areas (MPAs) by March 2024.
14. Additionally, they committed to designating a world-leading suite of Highly Protected Marine Areas (HPMAs) covering at least 10% of Scotland's seas. The Scottish Government's consultation on HPMAs was launched on 12 December 2022 and closes 20 March 2023.
15. The Scottish Government has also indicated it intends to develop a new National Marine Plan for Scotland by late 2025 which will provide "a clear policy framework that reflects our new shared priorities and commitments and considers potential co-dependencies, synergies or trade-offs between different interests". The Committee may wish to consider the updated national marine plan, in so far as it relates to fisheries and aquaculture, at a relevant point.
16. Pages 6 to 8 of the SPICe briefing summarise wider Scottish Government policy and statutory duties in relation to marine conservation.

Relevant previous committee consideration of this issue

17. On 2 March 2022, the Committee took [evidence from stakeholders in consideration of secondary legislation implementing seasonal fishing closures in the Firth of Clyde to protect cod spawning](#).
18. The Committee also held an [introductory roundtable evidence session with stakeholders \(including the petitioner\) regarding inshore fisheries](#) on 26 October 2022.
19. The Committee previously scrutinised [the draft Joint Fisheries Statement](#) which provides an overarching framework and policy objectives for fisheries management in the UK.

For decision

20. **The Committee is invited to take evidence from the petitioner and then consider its next steps.**

**Rural Affairs and Islands Committee clerks
February 2023**