



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Rural Affairs and Islands Committee

Wednesday 6 November 2024

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Wednesday 6 November 2024

CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
JOINT FISHERIES STATEMENT.....	2
SUBORDINATE LEGISLATION.....	24
Wildlife Management (Consequential Amendments) (Scotland) Regulations 2024 (SSI 2024/268)	24

RURAL AFFAIRS AND ISLANDS COMMITTEE

27th Meeting 2024, Session 6

CONVENER

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

DEPUTY CONVENER

*Beatrice Wishart (Shetland Islands) (LD)

COMMITTEE MEMBERS

*Colin Beattie (Midlothian North and Musselburgh) (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)

*Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Mairi Gougeon (Cabinet Secretary for Rural Affairs, Land Reform and Islands)

Jane MacPherson (Scottish Government)

CLERK TO THE COMMITTEE

Emma Johnston

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Affairs and Islands Committee

Wednesday 6 November 2024

[The Convener opened the meeting at 09:00]

Decision on Taking Business in Private

The Convener (Finlay Carson): Good morning, and welcome to the 27th meeting in 2024 of the Rural Affairs and Islands Committee. Before we begin, I remind everyone to ensure that their electronic devices are switched to silent.

Rhoda Grant and Beatrice Wishart are participating remotely this morning.

The first item on the agenda is a decision on taking business in private. Does the committee agree to take item 4 in private?

Members indicated agreement.

Joint Fisheries Statement

09:01

The Convener: The next item of business is to take evidence on the amendments to the joint fisheries statement. I welcome Mairi Gougeon, the Cabinet Secretary for Rural Affairs, Land Reform and Islands. She is joined by Jane MacPherson, who is the head of fisheries management strategy in the Scottish Government. We have up to 90 minutes for this discussion, and I invite the cabinet secretary to make an opening statement.

The Cabinet Secretary for Rural Affairs, Land Reform and Islands (Mairi Gougeon): Thank you for the invitation to speak to the committee today about the consultation on the draft amendments to annex A of the joint fisheries statement, which relate to the production of the Scottish-led fisheries management plans.

All of us here today understand the importance of Scotland's fishing industry to our communities, economy and culture. We all want a sustainable and safe industry that has space to thrive alongside other users of the sea and that can fully capitalise on a healthy marine environment. Ensuring that our fish stocks are healthy and being fished responsibly is a key part of that.

Good progress is being made. The Scottish sustainable fishing indicator demonstrates that the sustainability status of commercial stocks in our waters has increased over time, from 37 per cent in 1993 to 70 per cent in 2022. Fisheries management plans should be a tool that helps us to continue to manage sustainability and, where necessary, to deliver improvements in our approach. FMPs will also play an important role in improving transparency around management and the measures that we take, which I know is really important to the committee as well as to our stakeholders more widely.

However, it is important to reflect that, even without FMPs, we already have a strong suite of measures in place and in development to support the management of the fishing sector and to deliver environmental protections. FMPs are about enhancing our approach, not replacing it.

Fisheries management is complex. There is a range of stakeholders who, rightly, want to be listened to, and it is important that we provide the space for that. We also do not operate in a static environment. Fish stocks are ever changing and science is always evolving, and we need to take account of that as we develop FMPs so that they remain relevant and reflective of the broader situation.

The views that were submitted to the committee in response to its call for evidence reflect the complexity of fisheries management and demonstrate the importance of our getting it right. The amendments that are proposed in the draft amended annex A of the JFS are fairly simple in and of themselves. We are extending the deadline for delivery by two years and merging two of the plans for cod into one so that we better reflect the advice from the International Council for the Exploration of the Sea on the northern shelf cod stock.

Two years can feel like a long time, but the reality is that that time is needed to properly engage with stakeholders, to have meaningful consultation, to ensure that the FMPs are fit for purpose and reflective of the intention of the Fisheries Act 2020 and to properly engage across the United Kingdom Administrations.

In our development so far, we have already found that the steps involved in developing these FMPs are complex and time consuming, but they are necessary in order that the FMPs that are ultimately produced are meaningful. It is better to take the time to get the FMPs right than to do it too quickly.

The consultation on the amendments is ongoing, and we are interested in the committee's views. The proposals made in the consultation provide the right course of action that will enable the best FMPs to be delivered and to allow us to listen to stakeholders and take their thoughts on board.

I am happy to take questions from the committee.

The Convener: Thank you, cabinet secretary. The industry has mixed views on the lengthy delays. Where did it all go wrong exactly? Why does the deadline have to be extended by two years? Most people would take on board and appreciate the idea that it is important to get things right rather than to do them quickly, but, at some point, there must have been a realisation that the deadlines were far from achievable. When did you realise that, and why does the deadline have to be extended by two years? Why has the prediction of when you could get things done changed so dramatically?

Mairi Gougeon: I will respond to your question, but Jane MacPherson can talk more about the process and some of the work that has been done.

I want to make it clear that fisheries management plans are a completely new tool and a completely new process, so that is a point in and of itself.

We knew that the timescales that were set out in annex A of the JFS were ambitious, which is quite

right. However, as we have gone through the process, we have recognised that more time is needed to get things right. That is the case for a number of reasons, not least the fact that there is still so much work to be done and that, as the committee has seen from the responses from stakeholders, they have concerns about what they have seen in the initial drafts that were shared with them. Those extra two years will enable us to have full engagement with our stakeholders and to go out to a full public consultation and reflect on the results of that before we redraft the plans and publish the final versions.

Although some of the other Administrations have published some fisheries management plans, we are not alone with regard to the challenging timescales that were set out in the JFS. Other Administrations have found themselves in the same position, and we now know that we need that bit of extra time, which is why we are all jointly going out to consultation.

Although the Scottish Government is leading on 21 FMPs, those are still joint plans, which means that it is not just a case of our having engagement with stakeholders. Engagement is also needed to reach agreed positions with the other Administrations. That has all taken extra time. In the middle of that, we had a UK general election and there is now a new Government in place. Therefore, enabling all those discussions to take place has taken more time than anybody could have anticipated, which is why all the Administrations find themselves in this position.

If it is helpful, I will ask Jane MacPherson to set out a bit more about the process and where we have got to.

Jane MacPherson (Scottish Government): I will reflect on what we have done over the past 18 months or so. There was always a staggered timetable for how the plans would be produced across the UK. We knew that the Department for Environment, Food and Rural Affairs would produce a series of what it called front-runner plans. In consultation with the Administrations, it went through a process of thinking about what the front-runner plans might look like. That is important because it was going first and trying to put meat on the bones of what FMPs would look like.

It is important to reflect on the fact that these are really new tools. The Fisheries Act 2020 gives us an architecture; it talks about the things that should be included in an FMP. However, inevitably, as Administrations have looked to develop the FMPs, it has become clear that, although it is fine to talk about the sustainability of fish stocks in the context of whether we are fishing at maximum sustainable yield levels, when we look at the entirety of how we are fishing and think

about other objectives in the Fisheries Act 2020, such as the bycatch objective and the precautionary approach, the content of the FMPs becomes much bigger.

When we started, we thought—probably quite naively—that it would be fairly straightforward to draft the Scotland-led plans. We are looking at quota management stocks, for which there is a really well-established approach to management and engagement with other coastal states on how we set quotas, for example. However, learning from DEFRA's front-runner plans and then thinking about our development took much longer than we thought that it would, which is the first chunk in explaining why the delays have happened.

We have been keen to learn from other approaches. As Administrations, we have been engaging closely to think about how we can learn from the front-runner plans and adapt our approach. Late last year, we started to engage with stakeholders. We pulled together not just Scottish stakeholders but stakeholders from across the UK to have initial discussions on what the drafting might look like for the Scotland-led plans and how we might take into account things such as the wider objectives in the Fisheries Act 2020.

Those discussions were useful and helped to shape some initial drafts, but they also made clear to us the meat that needs to go into the FMPs, which will probably be much more detailed than we perhaps initially thought. The processes that support the FMPs, such as strategic environmental assessments and the many impact assessments that need to be produced, are also really robust, and there are quite a lot of them.

It feels obvious now but, at the time, we were still very much feeling our way on what was needed. It has been a learning process for us. As the cabinet secretary pointed out, the engagement not only with stakeholders but across the Administrations has inevitably taken time. It became clear to us through the course of this year and in the discussions with other Administrations that additional time is needed to ensure that we engage with stakeholders properly, get the process right and do not try to rush things through. We need appropriate space and time to have the consultation, to take it into account and to produce the supporting documents. Although we propose a lengthy delay, we intend to use the time well to get the FMPs right, to engage properly and to produce all the documents that we need to produce for them.

The Convener: Although there will be some interaction between all the plans at some level, whether that is between nations or fisheries, was any consideration given to publishing the plans for certain fisheries early, when they are ready, to

address some of the issues that have been raised? Some stakeholders have suggested that the delay will have a significant negative impact on the delivery of sustainable fisheries, with regard to the likes of the scampi industry, nephrops and landing obligations. Was any consideration given to bringing forward some plans as a matter of urgency to address some of the concerns that have been raised by, in particular, non-governmental organisations?

Mairi Gougeon: In relation to some of the points that you have raised, perhaps Jane MacPherson can talk a bit more about the process of the plan. The JFS has ultimately set out the criteria by which we determine what plans we are going to bring forward and within what timescale.

I do not agree with some of the evidence that says that there is no action on fisheries in the absence of an FMP. I would absolutely refute that, because we have a suite of management measures in place. We also have a range of work on-going in relation to how we manage our fisheries, whether that relates to inshore fisheries or the on-going work on the fisheries management measures for marine protected areas and priority marine features. I do not agree with those assertions, because the situation does not prevent us from undertaking any of the work that we are doing already.

As I said in my opening comments, we have specific obligations and there are some things that we have to set out in FMPs, but they are really about setting out in a more transparent way all the work that we are doing. The FMPs pull together a lot of that work and are an additional tool rather than something that is completely absent at the moment. I want to be clear on that.

The Convener: Thank you.

Rhoda Grant (Highlands and Islands) (Lab): Can we get a timeline for when the work will be done? My understanding is that the other nations have at least produced drafts, or that the industry and stakeholders are aware of what those nations are looking to do, and that consultation will be taking place. When can our stakeholders expect drafts, and what is the timeline for each stage? When will the Government's thinking become more apparent?

09:15

Mairi Gougeon: Jane MacPherson will be able to talk through the estimated times for each of the stages. As I set out, there will be engagement with stakeholders, assessments need to take place and we will need to have discussions with the other Administrations. There will then be a consultation and then a redraft before we publish the final FMPs. We believe that the additional two-year

timescale that we have set out allows us enough time to work through those processes. Jane MacPherson can talk through how that timescale and timetable are looking as a result.

You mentioned the FMPs that have been published by other Administrations. As Jane set out, some of those were the front-runner FMPs. It is important to point out that we have to work through our processes. Although some FMPs have been published, all Administrations are finding themselves in the same position and need additional time for the remaining FMPs that are in annex A.

As you will see from the evidence that the committee received, there has been some criticism of the early drafts that have been shared with stakeholders. As Jane MacPherson outlined, there were initial discussions with stakeholders to consider what FMPs might look like and what information they would contain. We fully intend to have that discussion with stakeholders again, as only very initial drafts were shared with them. There will, of course, be future drafts, and we will continue those discussions. The additional time is needed to enable that to happen in a meaningful way.

Jane MacPherson: To build on the point about the timeline, we agree that it is important to ensure that we have a clear timeline in place. We are conscious of the need to give stakeholders, in particular, clarity so that they understand when there might be a call on their time. We are consultation heavy. There is a big call on stakeholders' time at the moment, and it can be challenging not only for us but for stakeholders to properly engage with the process and to have the time and space to consider things fully.

We are conscious that stakeholders have perhaps not had clarity and that, going forward, it is important to set that out and ensure that they understand when we will ask for their input. The first call on stakeholder time will be in the new year, when we will ask them to come together to help us to look at drafting, to get their input and to ensure that we take their views into account. There will be what we are calling a pre-consultation stage. We have done some initial pre-consultation, and we will do further pre-consultation ahead of any formal public consultation later next year.

We will seek to set out the timescales for stakeholders so that they understand when they will need to respond. They will actually need to respond to quite a lot of FMPs. They will need to read documents and then consider their views. Once we have set a timeline, which on the back of the discussions today we will hopefully be able to do quite quickly, we will be able to share that with stakeholders. I am happy to share it with the

committee, if that would be helpful to give clarity on what the next two years will look like.

In relation to the point about phasing, which is important, we are thinking about how we might split the FMPs to make them manageable. There are three groups of FMPs. We have 21 plans, but there are two nephrops plans, which are distinct, and there is a group of demersal plans and a group of pelagic plans. It makes sense to group the plans in that way. The demersal plans are about white fish such as haddock, cod and saith, which are all swimming together and are all part of a mixed fishery, so the way in which we manage those fisheries is quite similar. For us, it makes sense to have those as a group and to think about them in that context. The same applies to the nephrops and pelagic plans.

We might see some phasing to make the process more manageable for us and for stakeholders, but that can be confirmed once we have the timeline in place.

Ariane Burgess (Highlands and Islands) (Green): It was helpful that Jane MacPherson outlined the 21 plans.

I want to come back to what the cabinet secretary said about an existing suite of measures. I would be interested to hear a description of what those measures are, in the cabinet secretary's mind, so that we understand what already exists that she is aware of.

When the plans come in, will there be a transition to them, or will some of the existing measures for how we manage fisheries—which the cabinet secretary is about to unpack for us—also stay in place? How does the cabinet secretary see the situation?

Mairi Gougeon: The plans are very much complementary to what we are doing. They will be helpful in setting out, in a more transparent way, how we manage our fisheries; they will make that a lot clearer for people.

I mentioned that we already have a number of strands of work under way, which will all add to the sustainable management of our fisheries. On some of the work that the committee has already dealt with, I note that I appeared in front of the committee to discuss our proposals for remote electronic monitoring. We also had the consultation on the wider roll-out of the vessel monitoring system. I know that concerns were raised in some of the stakeholder evidence about bycatch and about how we were looking to tackle the issues. We consulted on the future catching policy a couple of years ago and have been developing work on that to tackle some of the challenges that we know exist.

The FMP process does not stop any of that work happening. It will happen anyway, because we know that we can always improve, which is what we always strive to do. We were the first nation in the European Union to lead on REM work; it is really quite exciting in that regard.

As with anything, we know that there is more work to do, and that is why we are continuing those strands of work.

I also mentioned the work that is being done to deliver the fisheries management measures for the MPAs and the priority marine features, which has been on-going. That is another big and complex piece of work, given the number of sites that are involved.

All of that will continue and I think that it will very much complement what is happening with the FMP process. It will draw some of that together throughout that process.

I do not know whether Jane MacPherson wants to add anything further.

Jane MacPherson: Our fisheries are some of the most regulated in the world. We have lots of legislation in place. For example, we have the legislation that comes under retained EU law—that is, the common fisheries policy, technical conservation measures and lots of control regulations. All of that carried through when the UK left the EU, so we have that baseline level of legislation in place.

In addition, we have the UK Fisheries Act 2020, which has lots of obligations in relation to the different objectives and how we should achieve sustainability through fisheries management and marine management. We also have the joint fisheries statement, which outlines how the policy authorities seek to do that.

In addition to the measures that the cabinet secretary has outlined, where we are looking to deliver some improvements, we also have a vast swathe of legislation in place that protects our fish stocks and seeks to protect the marine environment.

Do we need to improve in some areas? Yes, absolutely, and that is what we have set out. However, it is important to remember that there is already a lot that restricts what fishers can do and that supports them to act responsibly and sustainably—which, of course, the vast majority of fishermen would like to do anyway.

Ariane Burgess: It is interesting to hear that UK fisheries are some of the most regulated in the world. However, it is one thing to have regulation; enforcing and monitoring that is something else. I want to name that.

You are working on 21 plans in Scotland, out of—what is it?—29 plans, or something like that, in total. Scotland is responsible for a very large part of UK waters. Is there something in the mix around budget allocation for the work that needs to be done in Scotland, given that more fisheries management plans need to be developed? Is the right amount of resource being allocated, or is that part of the issue behind the delay, in that there are not enough people in the marine directorate who are able to put their attention to the work?

Mairi Gougeon: As I outlined in a previous response, we know that a range of different issues led to the delay. It is not necessarily just a resource problem.

As both Jane MacPherson and I have outlined already, this—all the steps that we have had to go through and that we still need to go through—is a completely new process. Again, even though the Scottish Government is leading on them, they are joint plans, so we still must have those discussions with other Administrations. Those discussions, by their very nature, take time and will continue to do so, which is why we are looking for the extension.

We have discussed budget and resources during my past few appearances at the committee. There is probably no part of Government that would say that it could not do with more budget and resource. As with all other areas, we are working within the best resources available.

Like the other Administrations, we have had to ask for an extended timeline to allow us to complete that process. However, we believe that it can be achieved within the additional time, if that is agreed.

Ariane Burgess: What is in place to ensure that committee members—should it be us—are not back here in two years, hearing requests for more time?

Mairi Gougeon: As Jane MacPherson outlined in a previous response, once we have a firmer idea of the timetable, we would be happy to share it with the committee. I know that that would be helpful not just for our stakeholders and that it would probably help with your workload, of which there will be a lot over the coming years. As you have said, we could well be into a new Administration then. However, we will absolutely provide as much clarity as we can on that.

The Convener: My apologies, Rhoda; I cut you off mid-questioning. I will come back to you.

Rhoda Grant: I have a quick question on the back of the previous question. We cannot see a timeline now. When can we expect to see a draft timeline for when all of this will happen?

Jane MacPherson: Could we commit to ensuring that a timeline is in place by the end of the year?

Mairi Gougeon: We could do that.

Jane MacPherson: I hesitate because the plans are joint plans, so it is not just us who need to sign up to the timescales but the other Administrations as well. We are drawing on resources from across the different Administrations—that speaks to the point that was just made about resourcing—and on lots of expertise from different policy teams, experts, scientists and people who are out negotiating quotas in coastal states. It is not dependent on the input of one singular person but on that of a whole team, so I need to ensure that I am not just speaking for us but for the other Administrations as well.

Mairi Gougeon: Either way, we want to be as open and transparent with the committee as possible. If there are any issues, we will write to the committee with an update.

The Convener: That was going to be my next question, so I appreciate that point.

Emma Harper (South Scotland) (SNP): Good morning. I am not a fish expert. I have just looked at the UK Government website, which shows that there are 43 fisheries management plans and five current consultations about cockles, North Sea and Channel sprat, queen scallops, the southern North Sea skates and rays, and other demersal non-quota species. There are a lot of separate species in each fisheries management plan.

Are the fisheries management plans grouped together under demersal and pelagic and, if so, is that to help manage the plans, because similar species are in the same waters? There is also the issue of managing the plans so that it is not just individual species that are looked at.

Jane MacPherson: The grouping that I talked about is almost a virtual grouping. We have the list of 21 plans, which are single-stock plans—we have a cod plan, a haddock plan, a saithe plan and so on—but it is really useful to think of them as a package of work.

Each fish is different: different stocks have different characteristics; the state of the stock can be different; and how we manage it can be different. However, there are similarities between lots of different fish. In particular, although demersal species and white-fish species are different, the way that we fish them is very similar. They are often caught together, so they are part of a mixed fishery.

Sometimes, the health of one species depends on the health of another, and a management measure that we do for one can be replicated

across the piece. We consider single-species plans in terms of batches, in that we have a demersal grouping, a pelagic grouping and so on. Those are not formal groupings—for instance, “demersal plans” will not appear in any of the documentation—but we will group the plans together when it comes to how we consult on and develop them and how we do our strategic environmental assessment. That is because we recognise that there are interactions between the various stocks. We have to make those connections, and we have to think about and discuss how the different plans interact and how the fisheries interact.

09:30

There is a classic example involving how we manage Rockall cod and Rockall haddock stocks. There is a very healthy stock—the Rockall haddock—whereas there have been some issues with Rockall cod in the past. Those fish are caught together, so we need to think about the interaction between those stocks when we think about their management—and we always do. Although we have single-species plans, it makes sense to think of fisheries on a multispecies basis.

I am sorry that this is a circular discussion, but it is important to do both things: to think about the fisheries on a single-stock basis, but also to think about them on a multistock basis, noting how they all interact. That is our job, which speaks to some of the complexities that we have in drafting the plans.

Emma Harper: Thanks—that is helpful.

The Convener: Tim Eagle has a question on cod plans, and this is perhaps an appropriate time to ask it, given those comments.

Tim Eagle (Highlands and Islands) (Con): Apologies, convener and cabinet secretary, for being late. My train was running slightly late this morning.

Some concerns have been raised about recovery of the cod species and about the fact that the plans are being merged together. How are you going to rectify some of the concerns that were raised in the consultation?

Mairi Gougeon: I hope that, in her response, Jane MacPherson has been able to illustrate how we consider that, even though we are focusing on individual stocks. I appreciate from the committee’s call for evidence that there was some concern about the merging of the two cod plans, in particular. That has been done in order to match the science and the management approach, as ICES considers that those plans concern the same stock. I realise that this harks back to a discussion that we had about Clyde cod earlier in the year,

and work has been on-going to consider that. Our approach does not mean that we are not able to consider different characteristics in the species. If more evidence becomes available, we would consider that.

Tim Eagle: So, where you might identify specific population trends or whatever in individual areas, you would be able to provide support for that, should the science evolve over time.

Mairi Gougeon: Yes.

Tim Eagle: That would give reassurance to those who have raised concerns on that point.

Beatrice Wishart (Shetland Islands) (LD): Tim Eagle has asked the questions that I was going to ask. However, when we are talking about sustainable fish stocks, we should have those at the front line of our fishing industry at the forefront of our minds, noting the importance of having accurate scientific data for sustainable livelihoods as well as for species protection.

Regarding the proposed technical changes, Tim Eagle has asked about the variation in cod stocks between North Sea cod and west of Scotland cod. Professor Michael Heath raised concerns about the subspecies. Could you add a bit more to what was said in reply to Tim Eagle?

Mairi Gougeon: Yes. First, I will touch on your first point: you are absolutely right about sustainable livelihoods. What comes through in the Fisheries Act 2020 is the issue of how we balance all the objectives. Our environment is critically important, and supporting a healthy marine environment is good for the livelihoods of our fishermen as well. However, we have to balance that against the economic situation, too. Our fishermen do their very best to fish sustainably and it is in all our interests to see that happen.

On the concerns about merging the two plans that you outlined, it has only been since last year that ICES has considered North Sea and west of Scotland cod to be part of the same biological stock, which is why we decided to merge the plans. That is designed to reflect the latest scientific understanding of the stock, in line with ICES' advice structures. I hope that that helps to explain our approach. However, if any area-specific management measures need to be taken between the North Sea and the west of Scotland, we would consider those through the FMP process. I hope that that provides some reassurance on that front.

Beatrice Wishart: Thank you. That is fine.

Rhoda Grant: I have a short supplementary question on that. Will the North Sea and west coast stocks be monitored separately so that it will

become obvious if there is divergence and the plan needs to be changed?

Jane MacPherson: Cod is such an iconic species. We rightly spend a lot of time talking about cod because it is important to our fishing industry and to us. It is worth reflecting on the fact that a lot of work was done over the past few years on a benchmarking exercise for cod for ICES. That is important because, for a long time, our view in Scotland and the UK was that there was one cod stock. Although we were treating the North Sea and the west of Scotland separately, there was a lot of evidence that the stock straddled the two sea areas. If you are talking about one stock, it makes sense to ensure that the management approach follows the stock's biology and that we consider the stock's health in the round, so that we have the appropriate assessment in place to manage it effectively.

That is a long-winded way of saying that we were really pleased with the outcome of the benchmarking exercise, because it reflected what fishermen were seeing and the abundance of cod that we were seeing in the west of Scotland and the North Sea, and it enabled us to put in place an assessment that looked at the northern shelf cod, as it is now called, as a whole, rather than considering North Sea and west of Scotland cod separately.

However, there are complexities within that, because, in the North Sea, there are three distinct stocks and the health of the stock fluctuates. For example, in the northern part of the North Sea, the stock is pretty healthy, but, in the southern component of the North Sea, the stock is not particularly healthy. Therefore, we already take account of those differences in our management process. When we are agreeing quota levels—total allowable catch levels—with other coastal states, we look at ICES' advice and consider how we want to appropriately manage the stock, taking into account the scientific advice as well as the socioeconomic aspects.

That is a complex way of looking at the stock, but it means that our processes are already set up to enable us to take some of those differences into account. You will always get some interesting differences—we have talked a bit about Clyde cod—but the management approach is set up to enable us to manage that properly. It is hoped that the FMPs will also reflect that. The process that we go through, annually and on an on-going basis, is that our scientists, ICES and our policy experts look at the data and consider it in the round. If there is anything in the data that suggests that our management approach needs to be adjusted, we are flexible enough to do that. The trick with the FMPs is to make them flexible enough to be able to deal with that, too.

Rhoda Grant: That was quite a long answer, but I think that you are basically telling me that those stocks are monitored separately—

Jane MacPherson: Yes.

Rhoda Grant: —and that changes in different stocks could be identified quite quickly.

Jane MacPherson: Yes, absolutely.

Ariane Burgess: I want to unpack the fisheries management plans that we are talking about. What kinds of measures will sit in the plans that are different from the ones that were listed? I would be interested to hear a description of them, because I want to understand what we will be managing once those plans are in place.

Mairi Gougeon: Jane, having dealt with the process so far, do you want to go into more detail on that?

Jane MacPherson: The content is still being finalised. The structure and architecture are really important to ensure that we cover what we need to cover. Much of the FMP will be about transparency in relation to our current management. The stocks that we are talking about are all jointly managed—we manage them with other coastal states—so our management of those stocks is never entirely in our gift. For stakeholders and the general public, it is important for us to ensure that we set out in the FMPs how the joint management works. You will, of course, see the documents.

On how the FMP looks, we talk a lot in an international forum about joint management and how it is done. We talk a lot about the actual stock, the biological differences of the stock and the fishery that is involved in fishing the stock. There is quite a lot of detail in the current management approach.

Within that, there might be aspects that we want to improve. Coastal states management works well, but there are also areas in which we might want to improve it. We aspire to have in place long-term management strategies that are jointly developed with other coastal states. You will see that reflected in the plans in which improvement is needed. We must ensure that we jointly manage the stocks properly on an international scale.

The rest of the FMP will talk about the pressures in the wider environment. If a bottom-trawling measure is involved in fishing the stock, the FMP might talk about benthic impacts and what we are going to do about them. If there is a particular issue with discards or bycatch, it might talk about that. The FMP will set out where we think that we have measures in place—or in development—that are sufficient. It will also identify areas where we think that the measures are insufficient, and it will put in place new actions to deal with that. It

depends on the stock, but we hope that the FMP will cover the entirety of the management of that stock and the fishery that is within it.

Ariane Burgess: The joint fisheries statement and the plans have come out of the Fisheries Act 2020, the first page of which lists the eight objectives, which include ecosystems and good environmental status for the sea bed. Will the fisheries management plans include indicators that will monitor progress and give the different Administrations an understanding of when something needs to change?

Jane MacPherson: Yes.

Ariane Burgess: When we are working in committee on the marine space, one of the things that strikes me is the sense that fishermen who are out at sea are not necessarily cognisant of plans that are being imposed on how they have to change their practices. What are you going to put in place to ensure that fishers are aware of the fisheries management plans and the changes that they might have to make to their practices?

Mairi Gougeon: There will be a lot of detailed stakeholder engagement throughout the process, so I like to think that anything that is being developed will not suddenly hit our fishermen by surprise. That is why having an extension to the timeline is critically important to ensuring that we have that consultation and engagement.

To hark back to my opening comments to the committee, I see the fisheries management plans as being very much complementary to our approach, by setting out in a more transparent way what we are doing. Of course, some of the other issues that Jane talked about will also be covered. I hope that all that will be helpful and informative as we go through the process, not to mention the formal periods of consultation that we will have.

Ariane Burgess: We have just worked together on the Agriculture and Rural Communities (Scotland) Bill, which is now an act—hooray! Continuing professional development is an aspect of the act, and I wonder what your thoughts are on bringing in CPD for this, so that, to get a licence, fishermen need to do professional development work in order to move along with what will potentially be big changes in their sector.

Mairi Gougeon: Again, we already have a suite of work under way. In the work that we have been doing with our fisheries management and conservation group, we generally try to take a bottom-up approach to managing our fisheries and ensuring that we work with our fishers and wider stakeholders as we implement changes.

In relation to the specific measure that you are talking about, there are specific things that we

have to cover in a fisheries management plan. I am not aware that that area is being considered at the moment, and it is certainly not being put to me.

09:45

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): Good morning. The committee became very aware of wild wrasse during our follow-up salmon inquiry, and I would like to talk about wrasse as a non-quota species. The cabinet secretary will be aware, as the committee now is, of petition PE2110, which calls on the Scottish Parliament to urge the Scottish Government to look at introducing a statutory fisheries management plan that focuses on protecting wild wrasse stocks, given their particular vulnerabilities with regard to their biological and reproductive characteristics. I would like to explore that. There was a call for views in 2020 that resulted in some measures to control the harvesting of live wrasse in the salmon farming industry. How are those control measures working in practice?

Mairi Gougeon: I am happy to set that out. However, first, you touched on the petition. I do not know whether the committee has been copied into the correspondence that I sent to the Citizen Participation and Public Petitions Committee to make it aware of the update and the work on that.

You are absolutely right: in 2021, we introduced mandatory measures in relation to wrasse. However, I have updated the petitions committee on the fact that, in recent weeks, we have received a piece of work by the University of Glasgow that provides us with new evidence on wrasse interactions in our special areas of conservation and marine protected areas. On the back of that, we have asked NatureScot to do further work for us so that we can get advice before we enter the new season next year. It is important that we get that work under way.

More widely in relation to FMPs, we set out in the JFS the criteria for selecting the species for which we are developing FMPs. Wrasse is not included among those at the moment. It is right that we focus on the FMPs that we have said that we will publish and that we have already published. However, that does not prevent us from developing a fisheries management plan for wrasse if we think that one is needed. Even in the absence of a fisheries management plan, we will continue with this work to ensure that it is a sustainable fishery.

Elena Whitham: On those measures in relation to which you are looking at habitats legislation and the bit of research that is being undertaken in order to figure out what you do before the next season opens in May, is there a possibility that that will link into the development of a fisheries

management plan in the future? Would you seek to look at the plan in England, which is in draft form, in order to align the two? The committee understands that DEFRA is looking at a wrasses complex fisheries management plan.

Mairi Gougeon: Yes. That is what we are saying: if we can take any learning from FMPs that are already being developed, we will absolutely look to do that. DEFRA has been leading on fisheries management plans for some non-quota species that we do not have FMPs for at the moment. We always knew that those areas would be more complex, so it is really important that we learn from the processes that DEFRA has been through. There is nothing to prevent us from developing FMPs in the future, but our focus right now is to deliver the 21 FMPs that we have set out in annex A of the JFS. However, should anything change in that regard, we can always bring forward the development of a fisheries management plan.

Elena Whitham: For clarity, in the absence of a fisheries management plan for wrasse, the species is afforded some protection under the measures that are already in place and which you might seek to bring in before 2025.

Mairi Gougeon: Well, that is the thing. We do not have a fisheries management plan for wrasse, but that has not prevented us from taking measures in the past and it would not prevent us from taking measures now. You have already highlighted the mandatory measures that we introduced in 2021. We did not need an FMP to do that, and that is the case now: if we identify that there is an issue with the stock, we can take action. We do not need to wait for the development of an FMP to address any issues.

The Convener: Thank you for that response. Does that go for other fisheries? For example, the lack of an FMP would not stop the development of, or investment in, a cockle, periwinkle or whelk fishery. What would trigger the marine directorate's consideration of some of those other fisheries? We have heard about a trigger that might result in a plan for wrasse. What would trigger an FMP for cockles, periwinkles, whelks or other inshore fisheries?

Mairi Gougeon: We have set out the criteria that were used to identify the species for which we are developing plans. Quite rightly, those are the focus. We have published information on which plans we will bring forward. That is by no means the absolutely definitive and final list of FMPs, but we have set out a timescale for that, which we hope will be extended.

I hope that, as I just outlined in relation to wrasse, if measures need to be taken with any stock, we do not need an FMP in place to do that.

However, if it turns out that it would be beneficial to produce an FMP, we will consider that. We know that other authorities are considering plans for other species, and we want to have a look at that. If there is learning that we can take for our approach in Scotland, we will do that. I emphasise that, as Jane said in a previous response, despite all the legislation and regulation that we have in place at the moment, if we need to take action or if there is more work to be done, we can do that, as I hope you have seen with not just wrasse but other species that we have talked about in the committee previously.

The Convener: In practice, do fishermen or NGOs write to Jane MacPherson and say, “We’ve got an issue with whelks—you need to look at this”? Is there a certain weight of evidence or whatever that triggers such consideration?

Mairi Gougeon: Jane will probably want to come in on that, as she deals more with the day-to-day of this than I do. An example that I would highlight is the interim measures that were introduced for the inshore fisheries this year, which were on the back of evidence that we received. We cannot forget the forums that exist to discuss matters with our stakeholders. We hear about issues through our regional inshore fisheries groups or the inshore sub-group of the FMAC. All the issues are discussed in those forums, and that is where some of the measures that we have taken have come from.

Do you have anything to add to that, Jane?

Jane MacPherson: You are right, in that we have a lot of close engagement with industry and others through the various forums. An approach from a fisherman can take a number of forms. It might involve chatting to one of our coastal officers, engaging through the regional inshore fisheries groups or writing directly to the cabinet secretary or one of the officials. The approaches can come in a number of ways.

I do not think that a fisherman would necessarily see a fisheries management plan as something that they might want. If there are concerns about access to a particular fishery, they would probably use one of the established routes. Clearly, we listen to what is being said, we take into account the scientific evidence and we think about the other priorities that we are working on—all that is considered in the round.

Ariane Burgess: Cabinet secretary, you have mentioned the FMAC a number of times. I am interested in your role in that. We have heard from stakeholders that it is not necessarily a satisfactory forum and is a bit frustrating, and that people’s concerns are not necessarily being heard. Additionally, in a recent discussion about the regional inshore fisheries groups, a concern

was raised that, although some groups are working well, for others, the last update of minutes of meetings was in 2022. You talk about the fora for engagement, but how well are they actually working?

Mairi Gougeon: We constantly look at that. The regional inshore fisheries groups and the FMAC have been through a bit of a refresh in recent years, and we are in a process of reviewing the FMAC structure, which was put on a more formal footing, with terms of reference and a more established structure than it had previously. However, as with anything, when we make such changes, we have to monitor them to see whether they are working. It is important that we consider whether stakeholders think that the FMAC is an effective forum and whether they are getting what they would like out of it. That work is on-going with regard to FMAC, and we are also doing that with the regional inshore fisheries groups.

Ariane Burgess: Could you come back to us with an update when you have looked at that?

Mairi Gougeon: Yes, I would be happy to.

Ariane Burgess: That would be great.

I have asked about the effective monitoring of the fisheries management plans and the inclusion of the eight objectives. I am interested to understand a bit more about how you will approach that to make sure that those objectives are really clear to the people who will be working in those particular fisheries.

Mairi Gougeon: I will touch on that first, and then Jane may have more to add.

How the fisheries management plans relate to the fisheries objectives is set out in the JFS. It states that:

“The design and structure of FMPs directly relate to the sustainability, precautionary, scientific evidence, ecosystem and equal access fisheries objectives by delivering sustainable fisheries”

and some of the other issues that are covered in there. It also states that FMPs can also address the wider objectives.

I would fully expect how we are looking to achieve the objectives in the 2020 act to be set out in the fisheries management plans.

Jane MacPherson: The transparency point is really important. Even some of the questions this morning have been about what is in place to manage our fisheries. It is complicated and there is a lot to consider. Whenever we introduce a fisheries management measure, we have to look at a lot. We have an act to look at, we have objectives to look at, and we have a whole lot of other commitments that we need to look at as well.

It is important for us to be crystal clear with stakeholders about how things relate to and connect with one another. We have been doing a lot of work with the other authorities in the UK to think about how we set out that information clearly.

In some of its plans, DEFRA has directly linked the objectives to the actual actions in order to make sure that it is really clear about what it is looking to deliver. We will look to do something similar, because it is really important to make sure that there is transparency and accountability, so that people can see what we are delivering and how it connects.

Ariane Burgess: That sounds reassuring. Over the past few years, we have been doing work through which it has become really clear that fishers are not aware of the Fisheries Act 2020, the Marine (Scotland) Act 2010 and all of the regulations. I also get a sense that stakeholders are not really clear that Scotland and the UK have signed up to a commitment to protect and restore 30 per cent of Scotland's land and seas by 2030. That really needs to filter down. We see that issue in relation to the national planning framework as well, where we make high-level decisions that do not seem to get through on a more local level.

That is why I am touching on the idea of CPD and that kind of approach, so that we can really take people with us. In order to have a licence or a quota, for example, people would have to do some training to understand the shifting seascape that we are now working in.

Mairi Gougeon: I would come back to the points that Jane MacPherson just made, which are really important in relation to all the different issues that you touched on.

FMPs will be a really useful tool for setting that out clearly and in a way that is open and transparent. As Jane said, and as we no doubt all glean from discussions and from the various appearances at committees before, managing our fisheries is complex. The more that we can do to show that, and to evidence how we are meeting our objectives, the better.

Ariane Burgess: I will ask a bit more about the plans. It was great to hear Jane's descriptions of how you are trying to figure out what the plans should be like.

Stakeholders have raised concerns regarding the approach of a single species per plan, as opposed to regional and area-based plans. As you are thinking through those issues, is there an opportunity to make a shift as you start to see that an area-based plan might be more appropriate?

Jane MacPherson: My personal view is that FMPs will evolve. We have single-species plans at the moment. We have talked already about the

interconnections between them and the importance of ensuring that they are seen as a package and that we look at them as part of the wider ecosystem. There are guidelines around how often we need to review them and ensuring that we are amending them and aware of some of the changes that might be happening.

We are open to adapting. We are open to considering whether that is the best approach or whether they need to adapt in the future. At this point, we are very much concentrating on delivering the plans that we have set out.

However, fisheries management always evolves. It always has to be part of a dialogue and a conversation. As we take our co-management forward, we need to listen to each other, and to the evidence. If there is a need to evolve, adapt and change the plans in the future to better reflect the reality of management, then we will of course be open to doing that.

10:00

Ariane Burgess: It would certainly seem that an area-based regional approach might fit better with the ecosystems-based approach that we are now being asked to consider through the objectives under the Fisheries Act 2020.

Jane MacPherson: It is something that we can consider.

The Convener: I have a final couple of questions.

Cabinet secretary, can you give us the reasons for commissioning Seafish to undertake the work in connection with the nephrops stocks in the North Sea and the west of Scotland?

Mairi Gougeon: Yes, I would be happy to. I know that that was an area of concern that was raised by stakeholders in response to the committee's call for evidence.

It made sense to do so, because Seafish has a wealth of expertise in that area. I believe that it has also assisted DEFRA in the preparation of some of its fisheries management plans. For us, it makes sense to make best use of that expertise and knowledge to assist us in that work.

The Convener: I believe that in the region of £40,000 was spent commissioning Seafish. Is there a potential conflict of interest? That issue was raised by some stakeholders.

Mairi Gougeon: I do not particularly believe that to be the case. Of course, as with anything, when we commission somebody to do work, it is only right that we would expect to pay them for that work. Again, it has a wealth of expertise in that area. It is not as if there will be a way of developing a plan completely in isolation.

We have a process, which I hope that we have been able to illustrate and outline today. The stakeholder engagement element of that is critical. We will work with our wider stakeholders and with industry. We will also have to have discussions with other Administrations, and there will be a full public consultation. All of that will be set out transparently. However, Seafish has that expertise, which is what we are looking to utilise.

The Convener: Would that potentially indicate a lack of capacity in the marine directorate?

Mairi Gougeon: Seafish has also assisted with FMPs down south. It has that expertise and knowledge by the very nature of its work. It therefore makes sense for us to utilise that, where possible, rather than potentially replicating or duplicating.

The Convener: I do not believe that we have any further questions.

Thank you very much, cabinet secretary. I also thank Jane MacPherson, who always answers the questions particularly well.

Jane MacPherson: I do. [*Laughter.*]

The Convener: Both of you do, of course. [*Laughter.*] Thank you both for your contribution this morning.

I will briefly pause the meeting to allow for a short comfort break.

10:02

Meeting suspended.

10:10

On resuming—

Subordinate Legislation

Wildlife Management (Consequential Amendments) (Scotland) Regulations 2024 (SSI 2024/268)

The Convener: We move on to consideration of a negative Scottish statutory instrument. Do members wish to comment on the instrument?

Tim Eagle: I have a couple of wee comments. The letter that the minister sent to the committee said that the Scottish Government will help to support those who use traps with more information on courses et cetera. I do not believe that that information has been sent out. I do not know whether you have any further information on that, convener, or whether we can get any more information on it.

My other comment is on the continuing point about the business and regulatory impact assessment. There is an argument that, although a BRIA was done originally, it did not include the issue of snares and traps, so there probably needs to be another one.

Those are two issues that still concern me about the regulations.

The Convener: Absolutely. I certainly share the concerns about the BRIA. There was no BRIA to reflect the impact of banning snares, because the snaring ban measures were introduced as amendments at stage 2 of the Wildlife Management and Muirburn (Scotland) Bill. With other pieces of legislation, a BRIA was done—for example, that happened with the ban on hunting with dogs, as that absolutely was the intention of the Hunting with Dogs (Scotland) Bill.

I wonder whether we can write to the minister to confirm whether it is possible to get information relating to the impact assessment of the snaring ban and how land managers and those protecting our endangered species can mitigate the impact of the removal of snaring as part of their predator control.

Are there any other comments?

Tim Eagle: I have just one more point that I had flagged up. The minister's letter of 25 October mentioned ground-nesting bird surveys. One of the big issues is how we monitor whether the ban will have an effect on such birds. Could we potentially pick that up in a further letter and ask where the science and data are coming from on that? Obviously, the situation needs to be baselined so that, moving forward, we can tell what the impacts are.

The Convener: Okay—thank you. Unless any other members have comments, I assume that we

are all content. That concludes our proceedings in public, and we will move into private session.

10:13

Meeting continued in private until 10:26.

This is a draft *Official Report* and is subject to correction between publication and archiving, which will take place no later than 35 working days after the date of the meeting. The most up-to-date version is available here:
www.parliament.scot/officialreport

Members and other meeting participants who wish to suggest corrections to their contributions should contact the Official Report.

Official Report
Room T2.20
Scottish Parliament
Edinburgh
EH99 1SP

Email: official.report@parliament.scot
Telephone: 0131 348 5447

The deadline for corrections to this edition is:

Friday 6 December 2024

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba