

## **ASSESSMENT: Inshore Fisheries Roadmap Assessment Against NMP**

Our '[roadmap for inshore fisheries improvement](#)' was shared with our stakeholders via FMAC Inshore Fisheries Subgroup on 29<sup>th</sup> January 2024, having been driven by a combination of stakeholder concern and the picture painted by our most recent stock assessment advice, suggesting crab and lobster stocks across many of Scotland's inshore sea areas are under pressure ([based on 2016-2019 data](#)).

On the 2<sup>nd</sup> April 2024 we received Ministerial agreement for an approach that would take limited urgent action to address our stock assessment advice.

### **Decision under review:**

To implement a scientific exemption to the prohibition of retention, landing and sale of egg-bearing crab and lobster for certain UK licensed fishing vessels operating in Scottish waters of UK EEZ. This exemption would apply to 19 vessels fishing within the Solway Firth, in order to enable Marine Directorate to gather scientific evidence regarding lobster fisheries within this area.

### **Conclusion of assessment:**

This authorisation/licensing decision accords with the National Marine Plan, and, where applicable, is consistent with the General Policies and Sea Fisheries Objectives within.

## National Marine Plan

[Scotland's National Marine Plan - gov.scot \(www.gov.scot\)](http://www.gov.scot)

### **Gen 1: General planning principle**

There is a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of this Plan.

#### **Assessment of the licensing decision according with the NMP policies and objectives:**

Fishing is a key activity within the Scottish marine environment, specifically as it relates to ensuring a sustainable economy for many coastal areas of Scotland.

As the vast majority of Scotland's fishing fleet target crab and lobster within inshore waters, controls are required to ensure sustainability of the stocks, as well as social and economic benefits in the short and long term.

The proposed trail directly seeks to fill a gap in our scientific evidence base, to work towards sustainable exploitation of this fishery without disproportionate impact on vulnerable rural businesses.

**Conclusion: The decision is consistent with this overarching policy objective.**

### Gen 2: Economic benefit

Sustainable development and use which provides economic benefit to Scottish communities is encouraged when consistent with the objectives and policies of this Plan.

#### **Assessment of the licensing decision according with the NMP policies and objectives:**

Crab and lobster fishing is essential to over three quarters of our domestic fleet and is a pathway for new and younger fishers to access the industry.

Addressing evidence gaps in the Solway is vital to ensure improvements to the sustainability of these stocks do not come at the expense of disproportionate economic impacts short-term.

**Conclusion: The decision is consistent with and contributes to this overarching policy objective.**

### Gen 3: Social benefit

Sustainable development and use which provides social benefits is encouraged when consistent with the objectives and policies of this Plan.

#### **Assessment of the licensing decision according with the NMP policies and objectives:**

1573 of Scotland's 2082 commercial fishing vessels are 10 metres and under in length and predominantly fish for crab and lobster in inshore waters. This fleet sector is a pathway for new and younger fishers to access an industry that in [2022](#) employed approximately 4117 people in the catching sector alone.

An ancillary benefit from 'inshore' fishing is tourism to coastal locations which have a fishing port – fishing is viewed as a historic and traditional vocation, itself a valuable social benefit.

Additional controls in response to clear evidence that these stocks are under pressure are required to ensure sustainability as well as social and economic benefits in the short and long term. However where there is uncertainty about the impact of these measures on vulnerable rural fishing businesses, we must ensure our actions are correctly evidenced and mitigation measures in place.

#### **Conclusion: The decision is consistent with and contributes to this overarching policy objective.**

### Gen 4: Co-existence

Proposals which enable coexistence with other development sectors and activities within the Scottish marine area are encouraged in planning and decision-making processes, when consistent with policies and objectives of this Plan.

#### **Assessment of the licensing decision according with the NMP policies and objectives:**

Preferential access/use to fishing grounds may be a future consideration within Regional Marine Plans.

#### **Conclusion: The decision is consistent with this overarching policy objective.**

### Gen 5: Climate change

Marine planners and decision makers must act in the way best calculated to mitigate, and adapt to, climate change.

#### **Assessment of the licensing decision according with the NMP policies and objectives:**

This decision relates to the management of fishing opportunity for vessels fishing overwhelmingly in inshore waters. It does not constitute a new activity or development, or a wider review of the activity and the means for mitigating climate change through it are limited. It does allow for food security and shellfish are identified as a high protein-low carbon food source.

Fisheries climate change mitigation and adaptation are being considered as part of Scotland's Fisheries Management Strategy. There are no readily available decarbonisation solutions yet for the fishing sector, however we have made substantial progress with key pieces of research which will further our understanding and help us develop our baseline.

Fuel use at sea is the biggest contributor to carbon emissions from marine fisheries and these emissions vary markedly by fleet type. The current evidence is clear that climate change is already visible with wide ranging impacts on fish distributions, infrastructure, and fishing operations causing significant implications for the sector.

We work closely with our stakeholders to build our knowledge and understanding of how climate change affects fisheries and the contribution fishing makes to climate change.

**Conclusion: The decision to not adjust the measures is consistent with this overarching policy objective.**

Gen 6: Historic environment

Development and use of the marine environment should protect and, where appropriate, enhance heritage assets in a manner proportionate to their significance.

**Assessment of the licensing decision according with the NMP policies and objectives:**

Keeping these fisheries on a sustainable footing generates ongoing revenue that will help maintain ports and harbours in Scottish coastal communities ensuring their continued use.

**Conclusion: The decision is consistent with this overarching policy objective.**

Gen 7: Landscape/seascape

Marine planners and decision makers should ensure that development and use of the marine environment take seascape, landscape and visual impacts into account.

**Assessment of the licensing decision according with the NMP policies and objectives:**

Use and investment in infrastructure by fishers and through their activity helps to maintain the fabric of buildings and harbours, significant to local communities and culture. This not only supports the 'built' landscape but will also contribute to characteristics such as flood defences.

**Conclusion: The decision is consistent with this overarching policy objective.**

Gen 8: Coastal process and flooding

Developments and activities in the marine environment should be resilient to coastal change and flooding, and not have unacceptable adverse impact on coastal processes or contribute to coastal flooding.

**Assessment of the licensing decision according with the NMP policies and objectives:**

This decision carries no impact on coastal processes.

**Conclusion: The decision is consistent with this overarching policy objective.**

## **Living within environmental limits**

Gen 9: Natural heritage

Development and use of the marine environment must:

- (a) Comply with legal requirements for protected areas and protected species.
- (b) Not result in significant impact on the national status of Priority Marine Features.
- (c) Protect and, where appropriate, enhance the health of the marine area.

### **Assessment of the licensing decision according with the NMP policies and objectives:**

Fishing for lobster is almost exclusively by pots and creels and therefore is unlikely to impact on the conservation objectives of MPAs.

We are content that controls to exempt a small number of vessels from the prohibition on landing of berried shellfish hens will maintain the current status quo and not change the health of the marine area. Therefore it is compliant with legal requirements for protected areas, protected species and PMFs.

**Conclusion: The decision is consistent with this overarching policy objective.**

Gen 10: Invasive non-native species

Opportunities to reduce the introduction of invasive non-native species to a minimum or proactively improve the practice of existing activity should be taken when decisions are being made.

### **Assessment of the licensing decision according with the NMP policies and objectives:**

[National biosecurity strategy](#) has been assessed against the measures. However, they are largely immaterial in the case of vessels impacted by these measures as given the restricted areas in which they fish and the limited distances over which they transition, risk of introducing non-native species is very low.

**Conclusion: The decision is consistent with this overarching policy objective.**

Gen 11: Marine litter

Developers, users and those accessing the marine environment must take measures to address marine litter where appropriate. Reduction of litter must be taken into account by decision makers.

### **Assessment of the licensing decision according with the NMP policies and objectives:**

There is a retained [EU regulation](#) (Council Reg. 1224 of 2009) covering the loss of fishing gear. The loss of fishing gear can concern any category of fishing vessel, irrespective of its size. All vessels will also have to carry on board the equipment necessary for the retrieval of lost gear.

**Conclusion: The decision is consistent with this overarching policy objective.**

Gen 12: Water quality and resource

Developments and activities should not result in a deterioration of the quality of waters to which the Water Framework Directive, Marine Strategy Framework Directive or other related Directives apply.

**Assessment of the licensing decision according with the NMP policies and objectives:**

The decision will result in maintenance of the status quo for fishing vessels working in the Solway Firth, therefore there will be no deterioration in water quality, as set out in Scotland's Water Framework Directive.

**Conclusion: The decision is consistent with this overarching policy objective.**

Gen 13: Noise

Development and use in the marine environment should avoid significant adverse effects of man-made noise and vibration, especially on species sensitive to such effects.

**Assessment of the licensing decision according with the NMP policies and objectives**

The decision will result in maintenance of the status quo for fishing vessels working in the Solway Firth, therefore there will be no change to noise levels as referenced in the [Marine Directorate Scottish Marine Assessment 2020](#).

**Conclusion: The decision is consistent with this overarching policy objective.**

Gen 14: Air quality

Development and use of the marine environment should not result in the deterioration of air quality and should not breach any statutory air quality limits.

**Assessment of the licensing decision according with the NMP policies and objectives**

The decision will result in maintenance of the status quo for fishing vessels working in the Solway Firth, therefore there will be no change in air quality.

**Conclusion: The decision is consistent with this overarching policy objective.**

Gen 15: Planning alignment A

Marine and terrestrial plans should align to support marine and land-based components required by development and seek to facilitate appropriate access to the shore and sea

**Assessment of the licensing decision according with the NMP policies and objectives:**

This decision does not interact with terrestrial plans.

**Conclusion: The decision to not adjust the measures is consistent with this overarching policy objective.**

Gen 16: Planning alignment B

Marine plans should align and comply where possible with other statutory plans and should consider objectives and policies of relevant non-statutory plans where appropriate to do so. <applies to inshore waters only>

**Assessment of the licensing decision according with the NMP policies and objectives:**

No Regional Marine Plans (covering Scottish inshore waters) are in effect.

**Conclusion: The decision to not adjust the measures is consistent with this overarching policy objective.**

Gen 17: Fairness

All marine interests will be treated with fairness and in a transparent manner when decisions are being made in the marine environment.

**Assessment of the licensing decision according with the NMP policies and objectives:**

The decision is based on open and transparent discussion with fishers affected and their representatives.

**Conclusion: The decision is consistent with this overarching policy objective.**

Gen 18: Engagement

Early and effective engagement should be undertaken with the general public and all interested stakeholders to facilitate planning and consenting processes.

**Assessment of the licensing decision according with the NMP policies and objectives:**

The decision was based on discussion via the southwest RIFG and via face-to-face meetings with representatives of the fishers affected.

**Conclusion: The decision does not cut across current/previous engagement with interested stakeholders.**

Gen 19: Sound evidence

Decision making in the marine environment will be based on sound scientific and socio-economic evidence.

**Assessment of the licensing decision according with the NMP policies and objectives**

In line with sound use of evidence our intention is that national policy, based on best available evidence not be compromised while mitigating impacts on those fishers disproportionately affected. We will use this opportunity to work closely with fishing businesses, building our evidence base in this area. Once we have assessed the claims made by our fishers, decisions will be made about our longer-term approach.



This decision forms part of a concerted move to improve the evidence base on which decisions are taken by the Scottish Government and other relevant public authorities. This will in turn inform fisheries and wider marine policy development, enhance the evidence base and provision of scientific advice, and gathering of intelligence for enforcement purposes.

**Conclusion: The decision is consistent with this overarching policy objective.**

Gen 20 Adaptive management

Adaptive management practices should take account of new data and information in decision making, informing future decisions and future iterations of policy.

**Assessment of the licensing decision according with the NMP policies and objectives:**

This decision is grounded in our approach to adaptive management. In this case, responding to stakeholder feedback and also addressing deficiencies in our evidence base.

**Conclusion: The decision is consistent with this overarching policy objective.**

GEN 21: Cumulative impact

Cumulative impacts affecting the ecosystem of the marine plan area should be addressed in decision making and plan implementation.

**Assessment of the licensing decision according with the NMP policies and objectives:**

This decision involves maintenance of the status quo within a discrete inshore fishery area. For that reason there will be no additional or cumulative impacts.

**Conclusion: The decision is consistent with this overarching policy objective.**

## Sea fisheries objectives

Objective 1: Fish stocks are harvested sustainably (both environmentally and economically) leading to exploitation of Scotland's commercial fish stocks at Maximum Sustainable Yield and with increased long-term stability.

The decision will deliver no change to current fishing pressure within the Solway Firth, whilst enabling Marine Directorate to drastically improve the information we hold about this fishery, delivering future benefits for our understanding and management of it.

**Conclusion: The decision is consistent with and contributes to delivery of this objective.**

Objective 2: A fishing fleet which is seen as an exemplar in global sustainable fishing practices, is confident in securing a long-term income from the available sustainable fishing opportunities across all sectors, and accounts for changes in species distribution and abundance due to climate change.

The decision was made to move towards a situation where decisions on the management of fisheries in the Solway Firth can be made with the benefit of up to date evidence.

**Conclusion: The decision is consistent with and contributes to delivery of this objective.**

Objective 3: The sea fisheries industry can:  
Optimise annual quota opportunities across Scotland's fish stocks  
Optimise the sustainable harvesting of wild fish  
Optimise the value of its product, both on first landing and through the supply chain  
Optimise the use of fuel by using fuel-efficient gear and vessels  
Continue to contribute to food security and provision of a healthy food source

The decision will: (a) help optimise catch opportunities, and seek to maximise value, through all parts of the supply chain, (b) gather scientific evidence to ensure sustainably exploited stocks within our national and international obligations; and (c) help contribute to maintaining a healthy and secure food source.

**Conclusion: The decision is consistent with and contributes to delivery of this objective.**

Objective 4: Communities where fishing is a viable career option and value is added throughout the supply chain maximising the contribution fisheries makes to Scotland.

The decision reflects concerns held by active fishing businesses.

**Conclusion: The decision is consistent with and contributes to delivery of this objective.**

Objective 5: Management of fisheries on a regional sea-basin ecosystem basis with appropriate stakeholders empowered in the decision-making process and, where appropriate, ecosystem-based management of inshore fisheries at local level, on the basis of participative management with interested stakeholders and involving both Marine Planning Partnerships and Inshore Fisheries Groups.

No Regional Management Plans currently.

These controls reflect concerns held by active fishing businesses.

**Conclusion: The decision is consistent with and contributes to delivery of this objective.**

Objective 6: Fisheries managed in line with international and national environmental priorities.

See comments at GENPOL 1 and GENPOL 9

**Conclusion: The decision is consistent with and contributes to delivery of this objective.**

Objective 7: An evidence-based approach to fisheries management which is underpinned by a responsible use of sound science and is supported by the whole sector.

The decision is intended to ensure delivery of an optimal fishery, ensure a level playing field in Scotland and not disproportionately impact the vast majority of the fleet; and ensure that vital fishing opportunities are there for the future benefit of the Scotland's rural economy.

Improvements to the scientific evidence base are being prioritised concurrently with measures in order to aid future decision-making regarding these fisheries.

**Conclusion: The decision is consistent with and contributes to delivery of this objective.**

Objective 8: Tackle discarding through the avoidance of unwanted catches and the implementation of the EU's obligation to land all catches of quota stocks in a way which is workable and sensitive to the impacts on fishing practices both offshore and onshore. Objective 9: Management of removals rather than landings, where necessary, through fully documented fisheries.

Shellfish are a very high survivability species, so discarding is not a significant problem. Measures will require return to sea alive of all egg bearing females.

**Conclusion: The decision is consistent with and contributes to delivery of this objective.**

### **Marine planning policies: Fisheries 1**

Taking account of the EU's Common Fisheries Policy, Habitats Directive, Birds Directive and Marine Strategy Framework Directive, marine planners and decision makers should aim to ensure:

- Existing fishing opportunities and activities are safeguarded wherever possible.
- An ecosystem-based approach to the management of fishing which ensures sustainable and resilient fish stocks and avoids damage to fragile habitats.
- Protection for vulnerable stocks (in particular for juvenile and spawning stocks through continuation of sea area closures where appropriate).
- Improved protection of the seabed and historical and archaeological remains requiring protection through effective identification of high-risk areas and management measures to mitigate the impacts of fishing, where appropriate.
- That other sectors take into account the need to protect fish stocks and sustain healthy fisheries for both economic and conservation reasons.
- Delivery of Scotland's international commitments in fisheries, including the ban on discards.
- Mechanisms for managing conflicts between fishermen and/or between the fishing sector and other users of the marine environment.

The measures will directly reduce presence of large fishing vessels in inshore waters, including fragile habitats and spawning areas, as well as introducing additional protections for spawning females.

**Conclusion: The decision is consistent with and contributes to delivery of this planning policy.**

### **Marine planning policies: Fisheries 2**

The following key factors should be taken into account when deciding on uses of the marine environment and the potential impact on fishing:

- The cultural and economic importance of fishing, in particular to vulnerable coastal communities.
- The potential impact (positive and negative) of marine developments on the sustainability of fish and shellfish stocks and resultant fishing opportunities in any given area.
- The environmental impact on fishing grounds (such as nursery, spawning areas), commercially fished species, habitats and species more generally.
- The potential effect of displacement on: fish stocks; the wider environment; use of fuel; socio-economic costs to fishers and their communities and other marine users.

Sustainable management of the fishery supports the cultural and economic importance of fishing.

The decision will not generate any additional fishing impacts.

**Conclusion: The decision is consistent with and contributes to delivery of this planning policy.**

**Marine planning policies: Fisheries 3**

Where existing fishing opportunities or activity cannot be safeguarded, a Fisheries Management and Mitigation Strategy should be prepared by the proposer of development or use, involving full engagement with local fishing interests (and other interests as appropriate) in the development of the Strategy. All efforts should be made to agree the Strategy with those interests. Those interests should also undertake to engage with the proposer and provide transparent and accurate information and data to help complete the Strategy. The Strategy should be drawn up as part of the discharge of conditions of permissions granted.

The content of the Strategy should be relevant to the particular circumstances and could include:

- An assessment of the potential impact of the development or use on the affected fishery or fisheries, both in socio-economic terms and in terms of environmental sustainability.
- A recognition that the disruption to existing fishing opportunities/activity should be minimised as far as possible.
- Reasonable measures to mitigate any constraints which the proposed development or use may place on existing or proposed fishing activity.
- Reasonable measures to mitigate any potential impacts on sustainability of fish stocks (e.g. impacts on spawning grounds or areas of fish or shellfish abundance) and any socioeconomic impacts.

Where it does not prove possible to agree the Strategy with all interests, the reasons for any divergence of views between the parties should be fully explained in the Strategy and dissenting views should be given a platform within the Strategy to make their case.

This Planning policy is addressed in the answers to the General policies as detailed above.

**Conclusion: The decision is consistent with and contributes to delivery of this planning policy.**

**Marine planning policies: Fisheries 4**

Ports and harbours should seek to engage with fishing and other relevant stakeholders at an early stage to discuss any changes in infrastructure that may affect them. Any port or harbour developments should take account of the needs of the dependent fishing fleets with a view to avoiding commercial harm where possible. Where a port or harbour has reached a minimum level of infrastructure required to support a viable fishing fleet, there should be a presumption in favour of maintaining this infrastructure, provided there

is an ongoing requirement for it to remain in place and that it continues to be fit for purpose.

This licensing decision has no need to interact with wider stakeholders on the matter of onshore infrastructure.

**Conclusion: Consistent with this planning policy.**

**Marine planning policies: Fisheries 5**

Inshore Fisheries Groups (IFGs) should work with all local stakeholders with an interest to agree joint fisheries management measures. These measures should inform and reflect the objectives of regional marine plans. <applies to inshore waters>

Regional Policy: Regional marine plans should consider:

Whether they require to undertake further work on any data gaps in relation to fishing activity within their region.

The potential socio-economic impacts for the local fishing industry (and parts of the industry using their area) of any proposed activity or conservation measure.

How to include local Inshore Fisheries Groups as a key part of their planning process.

The potential consequences and impacts for other marine regions; and for offshore regions of their approach to planning for fisheries.

Taking account of ongoing local initiatives, such as Clyde 2020, which may be relevant to their work. <applies to inshore waters>

RIFGs are one of our primary stakeholder groups for the management of our non-sector vessels. They were at the forefront of our engagement strategy during our development this trial.

Varying the conditions of a domestic fishing licence by necessity, requires engagement with relevant stakeholders.

There are currently no Regional Marine Plans to engage.

**Conclusion: The decision did not require to engage this planning policy.**

**UK Marine Policy Statement**

[10164 Marine Statement\\_Cov.indd \(publishing.service.gov.uk\)](#)

The decision under review is in line with the requirements of the UK Marine Policy Statement

**Assessment completed by:**

**Assessment completed on (date):**

**Counter-signed by:**

Malcolm Pentland, Deputy Director – Marine Economy and Communities

**Countersigned date:**

2024

