

The Sandeel (Prohibition of Fishing) (Scotland) Order 2024

Island Communities Impact Assessment

January 2024

1. Purpose and intended effect

1.1 Background

The seas around Scotland have a wide variety of marine wildlife and varied habitats and support a diverse abundance of marine organisms. Sandeel form a particularly important component of the North Sea ecosystem and a link between different levels of the marine food chain from plankton up to commercial fish species, seabirds, and marine mammals. As an island-based society, the sea around Scotland has always had an important role to play, offering a source of food and recreation.

The Scottish Government has national and international commitments to protect marine biodiversity, and to take necessary measures to protect and conserve the marine ecosystem. The Scottish Government is also committed to the sustainable management of fisheries, which includes taking account of the protection of biodiversity and healthy functioning ecosystems.

The Scottish Government has made the commitment under the Future Fisheries Management Strategy to work with stakeholders to deliver an ecosystem-based approach to management, including considering additional protections for spawning and juvenile congregation areas and restricting fishing activity or prohibiting fishing for species which are integral components of the marine food web, such as sandeel.

Following on from an analysis of responses to the recent consultation on proposals to close fishing for sandeel in all Scottish waters, the Scottish Government has made the decision to proceed with closure of fishing for sandeel in Scottish waters.

2. Step one - Understanding the Objectives

The closure of fishing for sandeel in all Scottish waters aims to:

- a) Seek effective protection of sandeel, as a contribution to the wider marine ecosystem;
- b) Provide the opportunity for wider ecosystem benefits to a range of species, including commercial fish species, seabirds and marine mammals, that will also improve resilience to changes in the marine environment; and
- c) Complement, as far as possible, existing sandeel management measures.

2.1 Rationale for Government intervention

The Scottish Government has commitments under the UK Marine Strategy to collaborate with the other UK administrations to assess, monitor and publish a programme of measures the UK will use to support progress towards achieving Good Environmental Status, which includes descriptors for biodiversity and commercial fish. The Scottish Government's key regional platform for collaboration with neighbouring countries on marine biodiversity is OSPAR (the Convention for the Protection of the Marine Environment in the North-East Atlantic), where we participate as part of the UK and take action developed under this forum to protect and conserve the marine ecosystems and biodiversity.

Furthermore, given the importance of sandeel to the wider ecosystem and the subsequent benefit provided by the species in aiding long-term sustainability and resilience of the marine environment, it remains an over-arching and long-held Scottish Government position not to support fishing for sandeel in Scottish waters, which is reflected in Scotland's Future Fisheries Management Strategy. This position was emphasised in June 2021 when the Cabinet Secretary for Rural Affairs and Islands committed in Parliament to considering what management measures could be put in place to better manage the North Sea sandeel fisheries in Scottish waters.

The decision aligns with our commitments under the Joint Fisheries Statement, Fisheries Act 2020 and the National Marine Plan, as well as the range of national and international commitments and strategies to which we are bound.

The closure will contribute to the following Marine Scotland Blue Economy Outcomes:

Environment: Scotland's marine ecosystems are healthy and functioning, with nature protected and activities managed using an ecosystem-based approach to ensure negative impacts on marine ecosystems are minimised and, where possible, reversed.

The closure will contribute to the following National Outcomes:

Environment: We value, enjoy, protect and enhance our environment.

Economy: We have a globally competitive, entrepreneurial, inclusive and sustainable economy.

3. Step two - Gathering Data and Identifying Stakeholders

Since the UK has not allocated sandeel quota to UK vessels since 2021, as such it has been determined that the closure will not have additional impacts on individuals or businesses within Scotland. Sandeel fishing in UK waters is currently assessed and managed in the North Sea, where it supports one of the largest single-species industrial fishery.

Despite this, in the consultation held during summer 2023 respondents were invited to share their views on the impact that a closure might have on island communities.

The consultation was hosted on Citizen Space, though there were also options for respondents to submit their responses via post or email.

4. Step three - Consultation

The Scottish Government undertook a consultation in relation to the closure from 21st July 2023 to 13th October 2023. A total of 494 responses were received, with 443 submitted by individuals and 51 submitted by organisations. Furthermore, 9,815 campaign responses were received.

An analysis of responses to the consultation will be published.

A total of 102 respondents gave responses to question 4 in relation to island communities; 72 of those responses were from individuals and 30 from organisations.

The vast majority of respondents stated they had no additional comments to make in response to the question. A number of respondents highlighted positive potential impacts of the closure on island communities, and others expressed some concerns.

In general, concerns were raised about the economic impact of the closure on island communities. However, as historic sandeel fisheries in island communities ceased a number of years ago and are unlikely to be re-established, and quota for sandeel in the North Sea has not been allocated to UK vessels since 2021, additional measures taken will not change the current position.

Positive impacts suggested in response to the consultation included an increase in wildlife tourism and recreational fishing tourism, however these effects are indirect and are not guaranteed as a result of the closure.

5. Step four - Assessment

Considering the responses gathered from the consultation, and the current state of sandeel fishing within Scotland and the wider UK, no direct impact is expected on island communities as a result of the closure.

There is no evidence that the closure will impact on island communities in differing ways to the rest of Scotland, nor that there will be different experiences or outcomes as a result of the closure. The environmental benefits, and theoretical increases to wildlife tourism and seabird populations, would be equally likely across mainland Scotland and island communities.

6. Conclusion

In preparing the ICIA, I have formed the opinion that our policy, strategy or service is not likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). The reason for this is that the regulation will apply with equal effect on every community, and the current fishery, for which the UK has not allocated quota to UK vessels since 2021, is based in the North Sea. Furthermore, historical sandeel fisheries in island communities has long since ceased.

Full Island Communities Impact Assessment is therefore not required

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