

Clyde Cod Spawning Closure 2022-23: Consultation

October 2021

E: rosanne.dinsdale@gov.scot

19 October 2021

Dear Sir/Madam

Firth of Clyde – Cod Spawning Closure - Spring 2022/23

Since 2001, a specific area in the Firth of Clyde has been closed to fishing each year between 14 February and 30 April, in order to protect spawning cod. The Scottish Government has responsibility for the closure which is implemented on a biennial basis via a Scottish Statutory Instrument (SSI). Exemptions have always been provided for *Nephrops* trawlers, creels and scallop dredgers due to the low amounts of cod that they catch.

This letter seeks your views on continuation of the closure in 2022/23, including the exemptions previously provided.

All respondents should be aware of the guidance in Annex B and complete the Respondent Information Form (RIF) in Annex C.

Please see Annex B for details on how we will handle your response.

Our initial consultation focused on our existing list of stakeholders; we are now extending this consultation to enable members of the public to share their views.

The previous closing date was 13 October, however we have extended this to allow a further 2 week consultation to be carried out online.

We look forward to hearing your views.

Yours faithfully

Rosanne Dinsdale
Sea Fisheries
Marine Scotland

Clyde Cod Spawning Closure Spring 2022/23

Objective of the Consultation

1. The Scottish Government has made a Scottish Statutory Instrument (SSI) on a biennial basis from 2002-2021 to provide for the closure of a specified area of the Clyde to most types of fishing activity from 14 February to 30 April each year. The purpose of the closure, first established by the EU Fisheries Council in 2001, has been to protect spawning cod in the area. Exemptions have always been provided for *Nephrops* trawlers, creels and scallop dredgers in the area due to the low amounts of cod they catch.
2. The Sea Fish (Prohibited Methods of Fishing) (Firth of Clyde) Order 2019 No. 419 provided for the closure regime in 2020/21 and is available online¹.
3. This consultation seeks views on the continuation of the seasonal closure in 2022/23 including the exemptions previously available.

Desired Aims

4. This consultation document sets out the key issues that need to be considered in determining arrangements for 2022/23, subject to views received in response to this consultation.
5. The Scottish Government is requesting views on the continuation of the seasonal closure by means of an SSI. We are committed to supporting the recovery of cod stocks in Scottish waters and further afield. We wish to sustain appropriate measures that meet as far as possible the following aims:
 - a. to offer effective protection to the local spawning cod stock, as a contribution to the wider recovery of cod stocks; and,
 - b. to complement, as far as possible, other west of Scotland cod recovery or other stock management measures.

Effectiveness: Precautionary Approach

6. There has been little sign of improvement in the state of the west of Scotland cod stocks in recent years.²
7. As with many area closures of this type, it is challenging to substantiate its precise biological effect. One school of thought is that, since the stock has yet to show significant signs of recovery, it is imperative that the protection offered by the closure, to date, is maintained or even strengthened, because the stock remains vulnerable; on the other hand, some have argued that the closure is not having a demonstrable effect and should therefore be amended or discontinued.
8. The proposed closure area in the Clyde is within ICES³ Area 6a (West of Scotland)⁴ which in 2021 has a bycatch total allowable catch (TAC) of 1279 tonnes for cod and a 2% bycatch limit. The latest scientific advice from ICES for cod in Area 6a states that

¹ <https://www.legislation.gov.uk/ssi/2019/419>

² [cod.27.6a \(ices.dk\)](#)

³ International Council for the Exploration of the Sea.

recruitment of cod has been low since 2001 and that, when the maximum sustainable yield (MSY) approach is applied, there should be zero catches in each of the years 2021 and 2022.

9. In August 2015 a scientific paper entitled “Evaluating the effectiveness of a seasonal spawning area closure”⁴ was published in the ICES Journal of Marine Science, focusing on this particular closure area. The results from the study was that whilst the rationale for the spawning closure was sensible, it had no detectable impact on wider cod numbers in the Clyde. The paper concluded that this was probably due to the poor state of the stock when the closure was implemented and the continuing sources of mortality.
10. This paper noted, based on earlier studies, that cod from the Clyde are reproductively isolated, having little detectable exchange with the northern spawning aggregations^{5,6}. Genetic evidence also supports this finding, as Clyde cod were found to have a greater similarity to those from the Irish Sea than the cod from the northern aggregations⁷. Irish Sea cod (ICES Area 7a) is also in poor state, with ICES advising catches of no more than 74 tonnes under the precautionary approach. Given the evidence for reproductive isolation it is even more important to have specific management measures in place in the Clyde.
11. More recently, a study was undertaken by the Scottish Oceans Institute and Clyde Fishermen’s Association (CFA) during the spawning period with demersal and pelagic gears. A final version of the report can be requested from the CFA. Early results from the study show the presence of spawning cod in the closed area during the closure period, indicating that the closure is in the right place at the right time.
12. Taking all of the available evidence into account, the Scottish Government remains of the view that the closure offers some necessary protection to spawning cod at a crucial stage in their life cycle. To remove closure provisions altogether would place cod stocks at unacceptable risk of further depletion, unless appropriate alternative measures were introduced in their place.

Ongoing and Future Fisheries Management

13. The 2019 SSI make provision which achieves the particular requirements of the closure. These provisions provide a degree of legal protection to spawning cod at the correct time and place, whilst allowing for some fishing activities to continue. Furthermore the closure complements other similar closures in the region, including the Irish Sea closure which, since 2001, has taken place at the same time of year as the Clyde closure.
14. In January 2020 the Convenor of the Rural Environment and Connectivity Committee, acting upon representations from The Community of Arran Seabed Trust (COAST), requested that the exemptions granted to *Nephrops* trawlers, creel and scallop dredgers were removed from the 2019 and any subsequent SSI providing for the Clyde Cod

⁴ <http://icesjms.oxfordjournals.org/content/early/2015/08/12/icesjms.fsv144.full.pdf+html>

⁵ Wright, P. J., Galley, E., Gibb, I. M., and Neat, F. C. (2006) Fidelity of adult cod to spawning grounds in Scottish waters. *Fisheries Research*, 77: 148-158.

⁶ Wright, P. J., Neat, F. C., Gibb, F. M., Gibb, I. M., and Thordarson, H. (2006) Evidence for metapopulation structuring in cod from the west of Scotland and North Sea. *Journal of Fish Biology*, 69: 181-199.

⁷ Heath, M. R., Culling, M. A., Crozier, W. W., Fox, C. J., Gurney, W. S. C., Hutchinson, W. F., Nielsen, E. E., Wright, PJ, Calvalho, G. (2014). Combination of genetics and spatial modelling highlights the sensitivity of cod (*Gadus morhua*) population diversity in the North Sea to distributions of fishing. *ICES Journal of Marine Science*, 71: 794-807.

closure. In response to that request the then Cabinet Secretary committed "...to use the period before the next iteration of the Order (due in force in 2022) to consider the case for the exemptions more closely. Through further consultation with stakeholders, this will consider current science, cod bycatch levels, achieving consistency with conservation measures currently being introduced for cod in the North Sea, and other factors related to Clyde fisheries." EU Exit and the Covid-19 pandemic limited the team's ability to consider and respond to the Convenor's request in 2020; we had intended to consult on this matter in autumn 2021 in respect of the forthcoming SSI.

15. However, on 20 August 2021, the Scottish Government and the Scottish Green Party (SGP) published a shared draft policy programme, setting out areas of collaboration over the current parliamentary term. This document sets out a number of policy objectives which will affect inshore fisheries in Scotland including the Clyde, such as:

- Enhanced fisheries management measures for existing Marine Protected Areas (MPAs) and other key coastal biodiversity sites;
- Designating a suite of Highly Protected Marine Areas (HPMAs) covering at least 10% of Scotland's seas; and
- Additional specific evidence-based measures to protect the inshore seabed.

16. The Scottish Government and the SGP plan to consult as soon as practicable on these policy objectives. It is likely that such consultations will cover the area of the Clyde covered by the forthcoming Clyde cod closure SSI. In order not to forestall and to minimise any overlap with these wide-ranging consultations, this consultation only seeks views on the continuation of the Clyde cod closure measures already provided for, including the exemptions. It is important that there is no gap in these closures to ensure that spawning cod remain protected to prevent further decline to the stock. In the event that the planned Scottish Government and SGP consultations do not cover this area, we will act on the Convenor's request as part of the next biennial consultations.

17. In terms of other ongoing management initiatives, Scottish Ministers committed to a programme of research and practical measures called 'Clyde 2020' to contribute to restoration of the Clyde marine ecosystem. Following the recommendation by Clyde 2020, there are a number of ongoing research projects in the Clyde. As such the Clyde Marine Planning Partnership have been developing The Clyde Regional Marine Plan to ensure sustainable and co-ordinated management of the region. We understand that the regional Inshore Fisheries Group and CFA will input into the CMPP in respect of fishing interests. Further details can be found at the following link:

<https://www.clydemarineplan.scot/>

18. Our Future Fisheries Management Strategy⁸ makes a commitment to work with our stakeholders to deliver an ecosystem based approach to fisheries management, including considering additional protections for spawning and juvenile aggregation areas in Scottish waters.

Proposal for the Closure in 2022/23

19. The proposal on which we are seeking views is to continue all of the measures which applied in respect of the 2020/21 closure in 2022/23. Therefore, as in previous years, the 2022/23 closure will provide for fishing restrictions in two areas in the Clyde from 14 February 2022 to 30 April 2022 and 14 February 2023 to 30 April 2023. (Annex A).

⁸ <https://www.gov.scot/publications/scotlands-future-fisheries-management-strategy-2020-2030/>

20. Area 1 is that part of ICES statistical rectangle 39E4 which lies to the east of the peninsula of Kintyre and to the north of a straight line between 55°18'18" north latitude, 05°38'50" west longitude, and 55°00'30" north latitude, 05°09'24" west longitude.
21. Area 2 is that part of ICES statistical rectangle 39E4 which lies to the north of a straight line between 55°17'57" north latitude, 05°47'54" west longitude and 55°00'00" north latitude, 05°21'00" west longitude and to the south of a straight line between 55°18'18" north latitude, 05°38'50" west longitude and 55°00'30" north latitude, 05°09'24" west longitude⁹.
22. The intention is to protect key spawning grounds (Areas 1 and 2) whilst leaving other areas such as the North Channel and remainder of the Firth of Clyde open with the aim of enabling fishermen to work elsewhere during the closure.

Exemptions

23. The following exemptions have been provided in previous years:

Area 1: *Nephrops* trawlers, scallop dredgers and creel vessels;

Area 2: Scallop dredgers and creel vessels.

24. For the 2022/23 closure, the Scottish Government proposes to retain these exemptions.

25. The South Arran Marine Conservation Order 2015 No. 437 (MCO) ¹⁰ prohibits and regulates fishing activities in the South Arran Nature Conservation Marine Protected Area Order 2014 (MPA). Restrictions contained in the South Arran MCO which overlap with parts of the Clyde cod closure area, will continue to apply in addition to the measures which will be contained in the forthcoming Clyde cod closure SSI. Furthermore, consultations are due to take place regarding fisheries measures for the Clyde Sea Sill MPA in due course, having been delayed by the Covid-19 pandemic. Therefore, in future, should the Clyde cod closure exemptions remain in place, they may not apply in areas within the Clyde Sea Sill MPA where other fisheries management measures may yet be introduced. Finally, as noted above, the proposed continuation of the Clyde cod closure exemptions would be subject to the planned Scottish Government and the Scottish Green party consultations and subsequent policy changes.

Conclusion

26. The Scottish Government proposes to renew the seasonal closure in the specified area in the Firth of Clyde (see map in Annex A) as in previous years for 2022/23.
27. Views are invited on all issues raised in this consultation paper and responses to the questions posed in Annex C.

⁹ These are co-ordinates of latitude and longitude according to the World Geodetic System 1984 ("WGS 84"). WGS84 is defined at paragraph 2.1 of the United States National Imagery and Mapping Agency Technical Report TR8350.2, third edition, amendment 1 of 3rd January 2000 entitled "Department of Defense World Geodetic System 1984" (<http://earth-info.nga.mil/GandG/publications/tr8350.2/wgs84fin.pdf>). International Council for the Exploration of the Seas (ICES) standardise the division of sea areas for statistical analysis. Each ICES statistical rectangle is '30 min latitude by 1 degree longitude' in size.

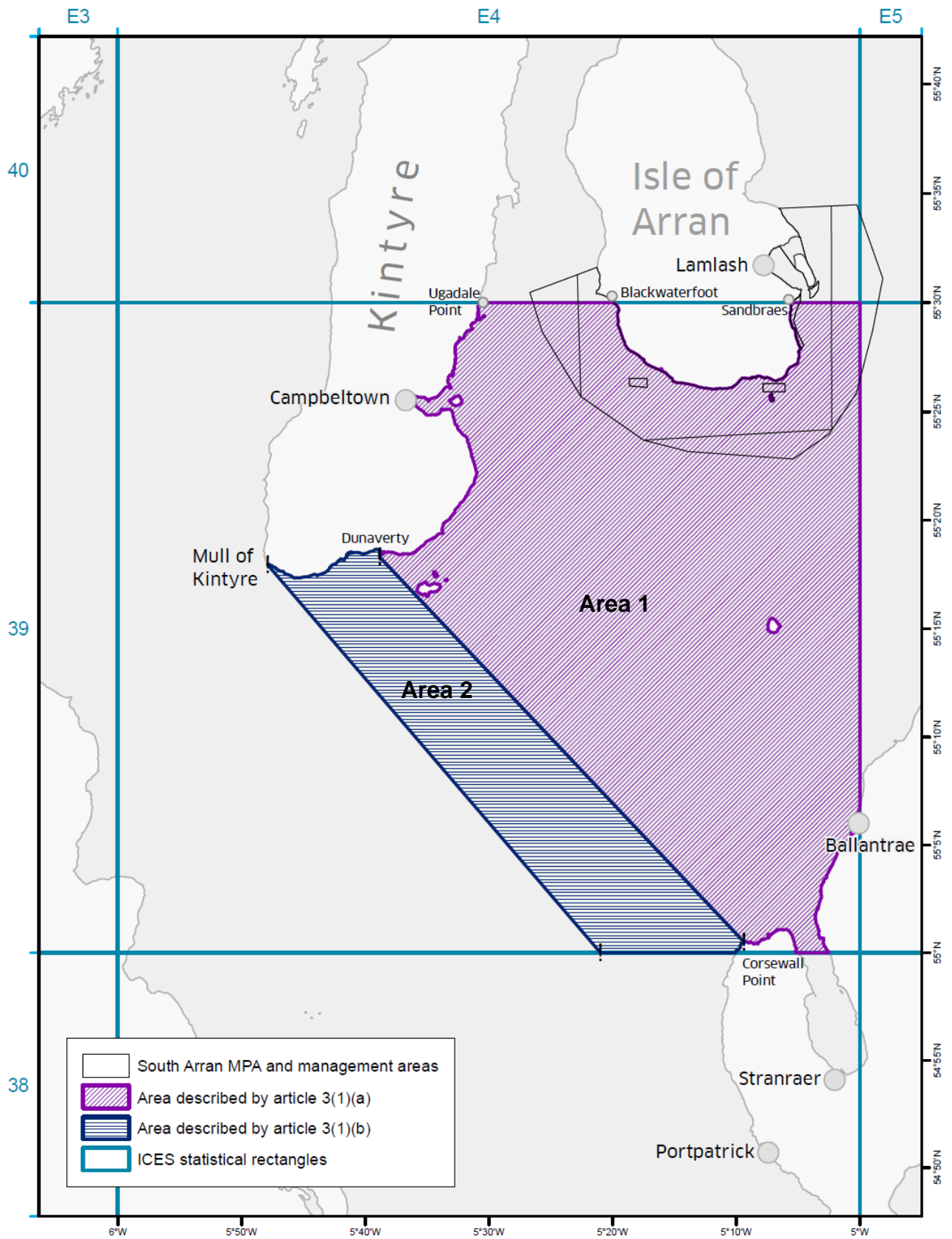
¹⁰ [The South Arran Marine Conservation Order 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

What questions does the consultation seek to consider?

1. Do you agree with the Scottish Government's view that it is appropriate to renew the seasonal closure in the Clyde, as in previous years, to protect spawning cod, for 2022/23?
2. Do you have any views on the proposed continuation of exemptions, which have previously applied, for fishing boats fishing with scallop dredges, creels or trawls used for fishing for Norway lobsters?
3. Do you have any views on alternative or complementary measures that could be considered for the protection of cod spawning in the Firth of Clyde for 2024 and beyond?

Annex A

Illustrative map of the area.



NOT FOR NAVIGATION. Created by Scottish Government (Marine Scotland) 2015. gj1069. © Crown Copyright. Contains data © ICES
Projection: Mercator. Datum: WGS 1984. Standard Parallel: 55°0'0.00"N

Annex B

Responding to this Consultation

We are inviting responses to this consultation by Thursday 4th November 2021.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/marine-scotland/cod-spawning-closure/>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of Thursday 4th November 2021.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

Sea Fisheries – International Fisheries Demersal
Scottish Government
Area 1B-North
Victoria Quay
Edinburgh, EH6 6QQ

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at Rosanne.dinsdale@gov.scot.

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



Annex C

Consultation on the Firth of Clyde Cod Spawning Closure 2022/23

Respondent Information Form

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

Consultation Questions

Question 1: Do you agree with the Scottish Government's view that it is appropriate to renew the seasonal closure in the Clyde, as in previous years, to protect spawning cod, for 2022/23?

Comments:

Question 2: Do you have any views on the proposed continuation of exemptions, which have previously applied, for fishing boats fishing with scallop dredges, creels or trawls used for fishing for Norway lobsters?

Comments:

Question 3: Do you have any views on alternative or complementary measures that could be considered for the protection of cod spawning in the Firth of Clyde for 2024 and beyond?

Comments:



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