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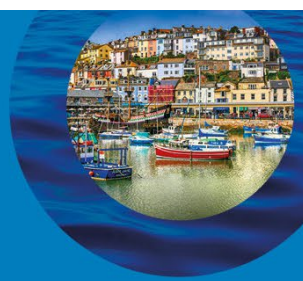
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Llywodraeth Cymru
Welsh Government

Response to the call for evidence on ICES area 7d king scallop closure from 1 August to 30 September 2022

30 June 2022



...ambitious for our seas and coasts

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Summary

The Marine Management Organisation (MMO), acting on behalf of all four UK Fisheries Administrations (UKFAs), sought views on a proposal to close UK waters in ICES area 7d (see Annex) to king scallop (*Pectens maximus*) fishing between 1 August and 30 September 2022 to all vessels, regardless of length, partially aligning with similar king scallop fishing closures in EU waters.

UKFAs are committed to ensuring fisheries are managed to a level where stocks are healthy and fished sustainably, environmental damage is minimised, and economic return is maximised whilst ensuring sustainable exploitation.

The most recent Cefas stock assessment published in 2022 indicates that most stock units in the English Channel, including in area 7d, are estimated to have been exploited above the rate associated with maximum sustainable yield (MSY) at some point over the last 5 years.

Stock assessment data covering the last five years is considered adequate to produce sufficiently robust estimates of stock status. Therefore, available scientific evidence over this time period indicates that stocks are at risk of being overexploited. The stock assessment for 2020 has a provisional harvest rate estimate just below the MSY rate (21.4 vs 21.5), however this is subject to change once full international landings data become available. This strengthens the need for appropriate management to be maintained and increased to ensure scallop stocks are protected and the fishery is managed sustainably.

In light of this advice, UKFAs wished to explore the option of a 2-month closure applying to all vessels to provide increased protection to scallop stocks during peak spawning season. A similar proposal was received from the Scallop Industry Consultation Group (SICG).

In previous years UKFAs have closed area 7d to scallop dredging during peak spawning times to UK vessels of 15 metres and over in overall length. Due to exceptional circumstances there was no closure in 2020 but the measure was reintroduced in 2021 with a 2-month closure applied to all vessels (UK and EU) over 10 metres in overall length.

Ten representations to the call for evidence were received including responses from industry groups, fisheries managers and individuals (full summary of responses available in the annex).

In summary, all respondents were in agreement of holding a scallop closure during August to September 2022, however there were differing opinions on whether smaller vessels should be exempt from the closure. Six respondents were in favour of a closure to all vessels, whilst four wanted smaller vessels to be excluded from the closure.

For some over 15 m vessels, the closure was seen as a regular management measure and was taken into account during annual planning. However, for smaller inshore vessels there was concern that a closure could place additional financial pressure on small businesses.

Respondents believed that the closure would cause some displacement into 7e and 4c, although there were mixed views on the impact of this. One highlighted concerns around gear conflict, whilst others suggested it would not cause economic losses or biological concern.

There was spilt opinion on whether under 10 m length vessels should be exempt from the closure. Some believed under 10 m length vessels should be exempt due to their relatively low impact on scallop numbers, natural limitations of fishing and increased costs in fuel. Others thought they should not be exempt to ensure the restrictive measure was applied uniformly, maximising stock protection.

The respondents made other pertinent comments regarding the increased pressure on fishers through spatial squeeze, fuel costs, potential gear conflict, current and future management measures.

Having considered the call for evidence responses and scientific advice on the stock biomass, UKFAs have agreed to introduce a closure of the area 7d, in UK waters, for the scallop fishery from 1 August to 30 September 2022. The closure will apply to all UK and EU vessels in UK waters over 10 m in length, and to UK vessels of all lengths in EU waters. The decision has been made to not include vessels under 10 m in length due to their limited impact on spawning potential, which on reflection, was considered not proportionate when considering the level of protection provided to the stock and financial impacts. The arrangements are outlined below:

- A prohibition from 1 August to 30 September 2022 for the whole area 7d scallop fishery in UK waters to all vessels using dredges over 10 m in length.
- The same closure will apply for all UK vessels, irrespective of size, in the whole area 7d scallop fishery in EU waters.

Response of the UK Fisheries Administrations and call for evidence outcome

The call for evidence sought to gather views on a closure to scallop dredging in ICES area 7d during August and September 2022 to all vessels.

Having considered the call for evidence responses (summary of responses available in annex) and scientific advice (available as part of the consultation document [here](#)), the UKFAs have agreed to introduce a closure of the area 7d in UK waters to the scallop fishery from 1 August to 30 September 2022, for vessels greater than 10 m in length.

This consultation tested the premise to include vessels of all sizes as part of the closure. The decision has been made not to include vessels under 10 m in length. This is due to their limited impact on spawning potential, which on reflection, was not considered proportionate when considering the level of protection provided to the stock and financial impacts.

Detailed reasoning for this decision is as follows:

- Both scientific advice and consultation responses suggested a scallop closure during August and September will provide protection to stocks during peak spawning season.
- Scientific advice indicates that both 10 – 15 m and over 15 m vessels have the capacity to impact spawning potential. For example, UK vessels between 10 and 15 m and over 15 m fishing in ICES area 7d during August and September have taken up to 12.4% and 37.8% of the total annual UK scallop landings respectively (full data available in Table 2 [here](#)).
- Scientific advice indicates that under 10 m vessels may have a lower capacity of impacting spawning potential at the scale of 7d, although there may still be localised impacts as this sector has a more limited spatial range. For example, although activity for the under 10 m sector in 7d was at their highest levels since 2013 during both the 2021 closure and the full spawning period of 2021, it still represents relatively low level of impact. The under 10 m sector had an average of 0.16% and a maximum of 0.41% of total annual UK scallop landings in area 7d during August and September from 2006 - 2021. During the 2021 closure, 19 unique vessels landed 27.3 tonnes of scallops. This represents 0.003% of total landings of scallops by all vessels (UK and EU) in area 7d (UK waters only) during the whole of 2021. Consultation responses also suggested the under 10 m sector had a relatively low impact on scallop stocks during the proposed closure dates.
- Consultation responses highlighted that whilst a scallop closure could put increased financial pressure across all sectors, the impact would likely be higher on smaller business due to the natural limitations of their fishing activities.
- Consultation responses suggested that some displacement may take place into 7e or 4c, but the closure is considered an established seasonal fishing pattern particularly for over 15 m vessels, and therefore may not cause a large disruption.
- Therefore, it was considered a two-month scallop closure would be beneficial for the protection of stocks. However, due to under 10 m vessels low capacity to impact spawning potential and increased financial pressure it is not considered proportionate to apply the closure to the under 10 m sector. UKFAs understand

that the financial impacts are not the main driver to exclude fleet segments from the closure, however, due to the lack of evidence of the impact from under 10 m vessels on spawning potential, it was considered overburdensome to include them in the closure.

- This decision has been assessed against the South Marine Plan¹. This activity is compliant with the following marine plan policies in the South Marine Plan: S-FISH-1, S-EMP-2, S-SOC-1, S-BIO-2, S-FISH-4. The remaining policies in the South Marine Plan are not applicable to this decision.
- This decision does not set a precedent for any potential future closures, and future decisions will be made using best available scientific evidence and with input from a cross section of the scallop industry.

The proposal to protect the spawning scallop stock by closing the UK waters in area 7d to scallop dredging builds on similar closures in the area over recent years and partially aligns with king scallop fishing closures in EU waters, leading the way to achieving long term stock sustainability.

Improving how non-quota species, including shellfish stocks, are managed is a priority for UKFAs and the Government as we work towards developing and implementing longer term approaches. This will be supported through, for example, the current process looking at Fisheries Management Plans, as set out in the Fisheries Act 2020, and discussions with the EU on long term management plans for shared non-quota stocks.

Exercises such as this call for evidence and the introduction of improved measures, alongside continued engagement with industry and scientists, will help inform these longer-term management approaches and improve the evidence on which decisions around future management will be based. This approach will also help to ensure the impacts of any future management measures are fully understood, both in terms of the likely socio-economic impacts and the level of protection they provide to the stocks. The introduction of seasonal closures, such as the 7d scallop fishery closure, is one management measure that could be applied and developed alongside others such as technical measures and fishing activity limits. The aims and scope of any potential future seasonal closure, including in area 7d, will continue to be informed by the best available scientific evidence on the status of stocks. As well as basing future measures on the best available scientific evidence, consideration will be needed around how any future closures will be incorporated into and compliment measures being developed under Fishery Management Plans and multi-year strategies for shared non-quota stocks with the EU.

Next steps

The closure will apply to all UK and EU vessels in UK waters over 10 m in overall length, and to UK vessels of all lengths in EU waters. The arrangements are outlined below:

- 1 August - 30 September 2022 for the whole of the area 7d scallop fishery in UK waters to all vessels using dredges over 10 m in overall length.

¹ <https://www.gov.uk/government/publications/the-south-marine-plans-documents>

- The same closure will apply for all UK vessels, irrespective of size, in the whole area 7d scallop fishery in EU waters.

The closure will be enacted through a licence variation. Any fisher who has signed up will be informed via a notification when the variation is enacted.

Useful Information

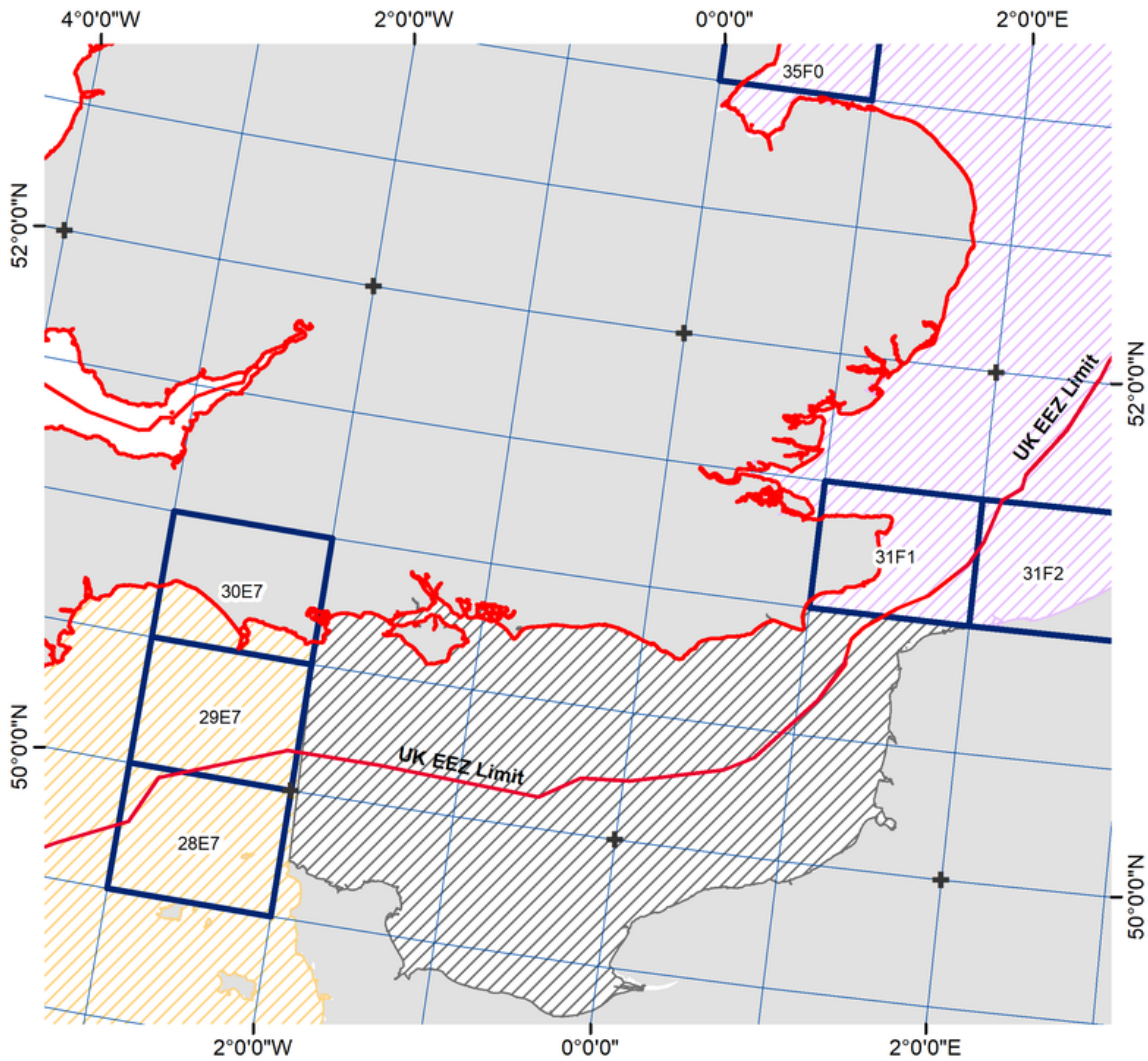
Topic of the consultation:	To ask for views on a closure of ICES area 7d king scallop fishery between 1 August and 30 September 2022 to all vessels regardless of length.
Scope of this call for evidence:	To seek views, evidence and impact information on a closure of ICES area 7d king scallop fishery to all vessels regardless of length.
Geographical scope:	ICES area 7d.
Those consulted:	Scallop fishing and processing industry, IFCA's, Crown Dependencies, academics and members of the public.
Body/bodies responsible for the call for evidence:	MMO: Fisheries Management Team, Defra and UKFAs.
Duration:	The consultation ran from 9 May 2022 to 6 June 2022.
Enquiries:	For any enquiries about the call for evidence please contact effort@marinemanagement.org.uk

Annex



Marine Management Organisation

ICES Area 7d and Surrounding ICES Areas



- UK Exclusive Economic Zone
- ICES Statistical Rectangles
- ICES Area 7d
- ICES Area 7e
- ICES Area 4c



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 Projection: Lambert Azimuthal Equal Area
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Summary of Responses to the Consultation Questions

This consultation ran from 9 May 2022 to 6 June 2022 with information on background of the fishery, reasoning for the proposed closure and consultation questions available for review at: <https://www.gov.uk/government/consultations/call-for-evidence-ices-area-7d-king-scallop-fishery-closure>.

People with a fishing vessel licence, respondents to the 2021 call for evidence and other interested parties were directly emailed to notify them of the consultation.

There were also communications regarding the call for evidence on social media.

MMO notes that the call for evidence was highlighted in Fishing News on 19th May 2022.

Fisheries Management colleagues gave a presentation on the call for evidence at area 4c and 7d Regional Fisheries Groups meetings on 24 and 31 May respectively to raise awareness.

Ten responses were received to the call for evidence which sought views on six questions. These included responses from industry groups, associations, producer organisations and individual fishers, and a mixture of sectors from under 10 m vessels to over 15 m vessels. Further details on sectors which responded is available in question five.

Summaries of the views received are set out below:

1) A closure to scallop dredging in ICES area 7d from 1 August to 30 September 2022 to all vessels.

All respondents were in agreement of having a scallop closure of some description, with respondents stating a closure would provide protection to the stock during the peak spawning period and benefit the future recruitment of scallops into the fishery in future years. Two respondents suggested that previous closures led to improvements in stock condition.

All over 15 m operators who responded were in favour of a closure to all vessels, whilst there were mixed views from other sectors.

Of the ten responses, six were in favour of a closure to all vessels, although some caveats were included. For example, one respondent emphasised this would not set a precedent for future years. Another respondent asked for an earlier re-opening if France re-open their scallop fishery before the end of September 2022.

Four respondents were in favour of a closure but wanted smaller vessels to be excluded from the closure.

One respondent objected to the inclusion of vessels under 15 metres in overall length due to causing significant financial hardship. They suggested an alternative technical measure could be applied to under 15 m vessels, such as limiting the number of dredges, to limit effort in the area without completely closing the fishery to smaller vessels.

Three respondents objected to the inclusion of vessels of under 10 m length as part of the closure. Further details on reasoning provided for excluding under 10 m vessels from a closure is available in question four.

2) How a closure of ICES area 7d to scallop dredging would impact you and your business, and other fisheries.

There were mixed views on how a closure would impact those affected and other fisheries.

One respondent stated that the 7d closure is a regular feature of management that is taken into account during annual fishery planning. Some vessels fish in area 7e whilst others use the break to perform routine maintenance and upgrades to vessels.

It was expressed that applying a closure to all vessels was disproportionate, given the different fishing capabilities of vessels under and over 15 m.

With the current climate of high fuel prices, cost of scallop gear and no change in the market prices for scallops, there was concern that adding the additional restriction to smaller inshore vessels would put a lot of financial pressure on smaller businesses.

Two under 10 m operators were concerned that smaller vessels could not go elsewhere, whereas another under 10 m operator was concerned that a closure would mean they would have to travel to area 4c which would increase fuel costs.

One respondent was concerned the closure could be extended to area 7e.

3) Do you think a closure in ICES area 7d would lead to displacement of fishing for scallops into other areas? If so, which areas?

There was overall consensus that some displacement would occur into 7e and 4c. However, there was no consensus whether this may negatively impact local fisheries in 4c and 7e.

One respondent had concerns about displacement into 7e, impacting other scallop grounds as well as other fisheries as some scallopers switch to static gears, potentially leading to displacement of towed gear vessels that can no longer fish in an area that is heavily fished with pots or nets. There is also potential for gear conflict, which may create more issues for existing fisheries.

Another respondent stated that the move into 7e and 4c is not an issue as it has become an established seasonal fishing pattern since a closure had been in place since 2013.

One respondent suggested that 7e is harvested within MSY proxy levels and therefore any disruption should not cause economic losses or biological concern.

4) Any reasoning as to why under 10 m length vessels should be exempt from the closure.

One respondent stated that under 10 m vessels have several natural restrictions upon them already which limits the number of days they can fish. For example, weather, sea conditions and space on the vessel which means they need to return to harbour at the end of every day. Therefore they suggested under 10 m vessels should be exempt from the closure to maintain fishing opportunities year-round.

Two under 10 m operators suggested a closure to all vessels would lead to increased fuel costs if they would need to change scalloping patterns to neighbouring 7e and 4c. They requested to be exempt due to their relatively low impact on scallop numbers during the proposed closure dates and limitations of fishing due to weather.

Other respondents did not believe that under 10 m length vessels should be exempt from the closure. Three stated this was because restrictive measures for stock management purposes should be applied uniformly to maximise stock protection during peak spawning. Another stated that it also coincided with Sussex Inshore Fisheries and Conservation Authority (IFCA) closed season fishing for king scallops in the Sussex IFC district.

5) If you are a vessel owner/vessel agent or skipper: in which length group is your vessel: over 15 metres, between 10 to 15 metres, under 10 metres?

Four represent vessels of all length groups, under 10 m, 10 to 15 m and over 15 m.

One operator represents vessels of 15 m and over only.

One operator represents vessels under 15 m only.

One operator represents vessels over 10 m in length.

Two respondents represent under 10 m vessels only.

For one respondent it is unknown which size vessel they represent.

6) Do you have any other comments?

Three respondents mentioned concerns about loss of fishing grounds due to floating offshore wind and marine protected areas.

One respondent mentioned uncertainties around the implementation of the non-quota stock (NQS) tonnages in EU waters through the UK-EU Trade and Cooperation Agreement (TCA) and future apprehension surrounding the development of multi-annual strategies, Fishery Management Plans in English and Welsh waters and likely extended closures of French grounds in 2023.

Two respondents mentioned the possibility that the EU will include an extended five month closure in 2023, which would affect UK vessels, and asked for similar measures in UK waters, or suggested that EU activity is limited in UK waters.

One respondent suggested that as the fishery is not only fished by the French and UK fleets, but also by Irish fleets, any decision of a closure should be communicated to them.

Two respondents wanted to ensure hand diving was not included in a potential closure.

One respondent was concerned that under 10 m vessels could easily access more sensitive areas and that even one small dredger could cause serious damage. They suggested a prohibition of dredging for scallops across the south coast to be phased in over time, but continue to fish using sustainable methods including static gear and hand diving.

One respondent was concerned about the level of fishing activity by nomadic year-round scallopers and the potential for gear conflict, stating that there is no clear-cut methodology to resolve disputes of set gear loss.