



Marine
Management
Organisation



Scottish Government
Riaghaltas na h-Alba
gov.scot

marinescotland



Department of
Agriculture, Environment
and Rural Affairs

www.daera-ni.gov.uk



Llywodraeth Cymru
Welsh Government

Response to the call for evidence on ICES area 7d and Lyme Bay area of 7e king scallop dredge fishery closure

03 May 2023



...ambitious for our seas and coasts

Contents

Summary.....	2
Response of the UK Fisheries Administrations and call for evidence outcome.....	3
Next steps.....	5
Useful Information.....	5
Annex.....	7
Further information on UKFAs consideration of the call for evidence.	8
Summary of Responses to the Consultation Questions.....	9

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 and Lyme Bay area of 7e to the king scallop (*Pectens maximus*) dredge fishery. The proposed closures were partly in response to the EU closure of EU 7d waters to all UK and EU vessels in the king scallop dredge fishery from 15 May to 30 September, to offer protection to spawning stock in 7d and limit depletion of the stock in the Lyme Bay area of 7e due to displacement of fishing effort.

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 maximized whilst ensuring sustainable exploitation.

Three closure lengths were considered: 15 May – 30 September, 1 July – 30 September and 1 August – 30 September for ICES area 7d and Lyme Bay area of 7e (see map in annex for further information). The consultation also sought to determine if vessels 12 meter (m) and under sector should be excluded from any closure decision.

The most recent Cefas stock assessment published in 2022 indicated that most stock units in the English Channel, including area 7d and Lyme Bay area of 7e, are estimated to have been exploited close to and above the maximum sustainable yield (MSY) proxy rate over the last 6 years.

The 2022 assessment for 7d has a provisional harvest rate estimate just below the MSY rate (19.5 vs 21.5). The averaged harvest rate from 2017 to 2020 in the Lyme Bay area of 7e was 53.2%, twice the MSY of 21%. This over exploitation of the stock combined with concern of potential displacement from 7d during UK and EU closures led to UKFAs considering a concurrent closure in the Lyme Bay area of 7e. For example, there has been a 57% increase in the number of UK 15 m and over scallop dredging vessels that worked in 7d from 2021 to 2022. These factors strengthen the need for appropriate management to be retained and increased to ensure scallop stocks are protected and the fishery is managed sustainably.

Thirty-four representations to the call for evidence were received including responses from industry groups, fisheries managers and individuals (see annex for full summary of consultation responses). In summary, respondents agreed to a scallop closure however there were differing opinions on the extent of the closure, both in length, area and whether

smaller vessels should be exempt from the closure.

Respondents believed that a 7d closure would cause displacement into 7e, although there were mixed views on the impact of this. Closure concerns included gear conflict, spatial squeeze, economic losses, and the measurement of ecological health.

There was a split opinion regarding whether under 12 m length vessels should be exempt from the closure. Some respondents thought the closure should apply to all vessels:

- Smaller vessels tend to have mixed fishing activity through the year and could switch fishing activity during the closure period.
- Reduce the risk of the EU 12 m and under fleet working in UK waters during the EU closure period (15 May - 30 September).
- Offer maximum stock protection against fishing activity.

Other respondents believed the 12 m and under fleet should be exempt:

- The 12 m and under fleet have limited capacity to move their fishing activity along the coast and into new fishing areas, and the closure of 7d and Lyme Bay 7e would exacerbate this.
- Economic small port activity in areas 7d and 7e is reliant on inshore fishing activity continuing.
- The inshore fleet are dependent on a strong summer fishery as they have limited fishing opportunities in the winter months.
- Reduce the need for the inshore fleet to move into the offshore area of 7e and in turn decrease potential offshore fishing activity and subsequent spatial squeeze.

Response of the UK Fisheries Administrations and call for evidence outcome

Having considered the call for evidence responses (a summary of which is available in the annex) and scientific advice (outlined in the call for evidence [here](#)) on the stock biomass, UKFAs have agreed to introduce a closure in UK 7d & Lyme Bay area of 7e (ICES rectangles 29E6, 29E7, 30E6 and 30E7, see map in annex for further details), for the king scallop dredge fishery from 1 July to 30 September 2023. The 7d closure will apply to all UK and EU vessels in UK waters over 10 m in length, the Lyme Bay area of 7e closure will apply to all UK and EU vessels over 12 m in length.

When considering this decision UKFAs must be mindful of the principles of public law which includes requiring measures to be necessary and expedient for the regulation of sea fishing, as well as being proportionate and enforceable. UKFAs also considered the Fisheries Act, 2020 in their decision making including the sustainability objective and environmental, social and economic considerations.

A summary of the reasoning for this decision is outlined below:

- The proposed closure in 7d will provide protection of stock during the peak spawning period, and closer align to the EU closure. This will increase the protection of the shared stock and reduce the potential impact of displacement from the EU scallop fleet.
- Although financial impacts are not the main driver to exclude fleet segments from the closure, due to the lower capacity of the 10 m and under vessels to impact the spawning potential, it was considered overburdensome to include them in the closure. The over 10 m vessels were considered more capable and had the potential for a greater impact on the spawning potential and therefore were included in the 7d closure.
- A concurrent closure in the Lyme Bay area of 7e would limit depletion of the stock due to displacement of fishing effort. This is particularly important due to the overexploitation of the stock in Lyme Bay. Landings data from 2022 shows that 85% of

the scallop landings in 7e during the proposed closure period (1 July – 30 September) were landed by vessels over 12 m. Therefore, allowing the 12 m and under fleet to be excluded from the closure balances the social and economic dynamic of the small vessel fleet with the need to reduce the risk from large vessel displacement into Lyme Bay.

- A longer closure (15 May to 30 September) could provide further protection to the stock during spawning. However, due to the potential disruption to all sectors of industry from introducing a closure regime at short notice, and concerns that a longer closure will exacerbate potential spatial squeeze to all fisheries in the Channel it was concluded that the potential benefits of the longer closure did not outweigh the social and economic costs. There remains a risk of displacement of UK and EU vessels into UK waters during the EU closure. Modelled data suggests a potential increase of 4.8% UK effort into UK 7d waters. From an EU effort displacement, it was considered a relatively low risk due to historic trends and consultation responses. MMO will monitor effort during the EU closure to understand vessel movement, which can support future decisions on scallop closures.
- A shorter closure (1 August to 30 September) would provide the least protection for the stock during spawning although it would reflect the fishing patterns of 2022. However, as the 2023 EU closure will affect fishing behaviours potentially causing displacement of UK and EU vessels, it was felt that this closure could not offer sufficient protection from removals or displacement to allow the fishery to continue in a sustainable way.

This decision has considered national policy such as the relevant marine plans and Joint Fisheries Statement to ensure the short term social and economic risks have been balanced with long term health of the marine environment that provide resilience to coastal communities whilst protecting the stock for future fisheries. Further consideration of environmental, social and economic themes and alternative scenarios is available in the annex.

This decision does not set a precedent for any potential future closures, and future decisions on fishing effort and gear restrictions will be made through the king scallop fisheries management plan using best available scientific evidence and with input from a cross section of the scallop industry.

Improving non-quota species management, including shellfish stocks, is a priority for UKFAs and the Government as we work towards developing and implementing longer term approaches. This will be supported through the Fisheries Management Plans and international agreements on non-quota species such as the Trade and Cooperation Agreement, as set out in the Joint Fisheries Statement.

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 decision has been assessed against the South¹ and the Southwest² Marine plans:

This activity is compliant with the following marine plan policies in the South Marine Plan¹: 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 activity is compliant with the following marine plan policies in the Southwest Marine Plan²: S- FISH-1, S- FISH-2, S- FISH-3, S-EMP-1, S-SOC-1, S-BIO-2. The remaining policies in the Southwest Marine Plan are not applicable to this decision.

Next steps

The following closure in UK waters for the king scallop dredge fishery will be applied through a licence variation:

- ICES area 7d for UK and EU vessels over 10 m in length from 1 July to 30 September 2023.
- Lyme Bay area of 7e (ICES rectangles 29E6, 29E7, 30E6 and 30E7) for UK and EU vessels over 12 m in length from 1 July to 30 September 2023.

Any fisher who is the nominated contact on the domestic fishing vessel license system and has either a scallop flag or declared dredges as a gear option will be informed via an email notification when the variation is enacted.

All respondents to the Call for Evidence will be informed of the decision by e mail.

Useful Information

Topic of the consultation: To ask for views on a closure of ICES area 7d and 7e (Lyme Bay area) king scallop dredge fishery between:
15 May - 30 September,
1 July – 30 September or
1 August - 30 September 2023
With consideration given to exempt the 12 meter and under fleet.

Scope of this call for evidence: To seek views, evidence, and impact information on a closure of ICES area 7d and the Lyme Bay area of 7e for the king scallop dredge fishery.

Geographical scope: ICES area 7d and Lyme Bay area of 7e (ICES areas, 29E6, 29E7, 30E6, 30E7)

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.

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

² <https://www.gov.uk/government/publications/the-south-west-marine-plans-documents>

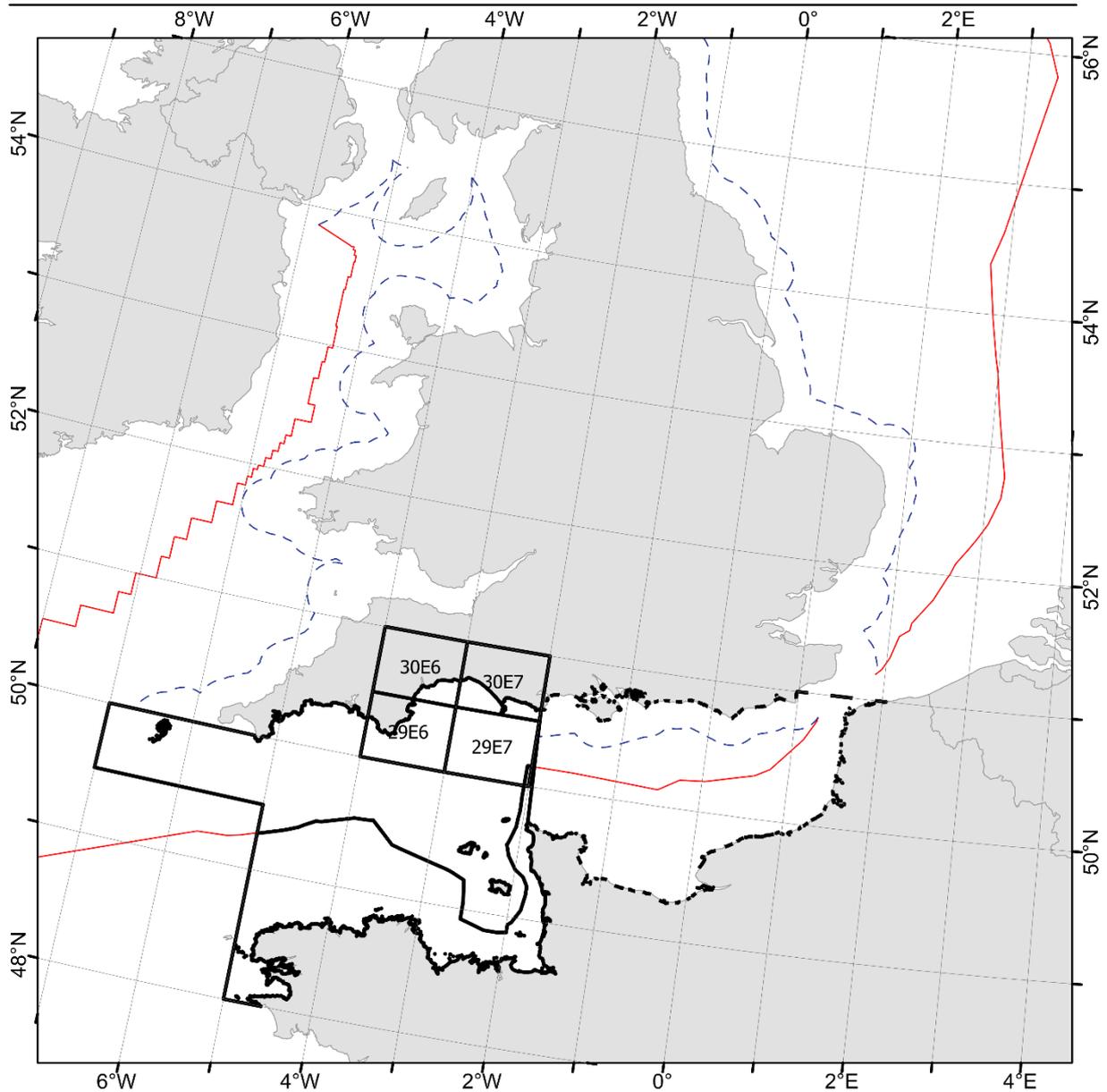
Duration: The call for evidence consultation ran from 26 January
Enquiries: -19 March 2023.
For any enquiries about the call for evidence please
contact effort@marinemanagement.org.uk

Annex



Marine Management Organisation

ICES area 7d and 7e (Including Lyme Bay Area - 29E6, 29E7 30E6 and 30E7)



Maritime Boundaries

--- UKHO 2020 12nm Limit

— UK Exclusive Economic Zone (2013)

▭ ICES Statistical Rectangles

▭ ICES Area 7d

▭ ICES Areas 7e

Date of Publication: 01/03/2023
 Coordinate System: ETRS 1989 LAEA
 Projection: Lambert Azimuthal Equal Area

Not to be used for navigation
 Contains Collins Bartholomew, ICES, MMO and UKHO data
 © Collins Bartholomew, MMO and UKHO copyright and database right 2023
 © ICES Statistical Areas dataset 2015. ICES Copenhagen
 Contains public sector information licensed under the Open Government License v3.0

Further information on UKFAs consideration of the call for evidence.

Environmental theme

- Scientific evidence suggests a closure can protect the stock during spawning as well as reducing the environmental impacts from dredging. Peak spawning is typically summer, although spawning events occur from spring through to October.
- The potential impacts of any closures are uncertain. A closure would be expected to materialise as an increase in the average level of future recruitments. However, it would be difficult to separate management benefits from natural variability for a single event. The additional benefits of a longer closure compared with a shorter closure is also unknown.
- If overall effort patterns across the year are not reduced, it can negate any positive impact of a closure.
- If any displaced effort from the 7d closure is redirected to Lyme Bay, there is a risk to the sustainability of the local scallop population.
- Scientific advice indicates that vessels under 10 m may have a lower capacity of impacting spawning potential due to the small number of removals. During the 2022 7d closure, the under 10 m fleet vessels landed 13.3 Tonnes of scallops, representing 0.14 % of annual total 7d landings of scallops by all UK vessels.

Social and economic theme and alternative scenarios

A closure for scallop dredging from 15 May to 30 September 2023

- It was considered that an extended closure to match the EU closure could cause extreme hardship for UK fishing industry, with the scientific benefits of a longer closure uncertain.
- Call for evidence responses suggested that there could be significant displacement into 7e from UK and EU vessels, an earlier closure would move vessels into 7e when the scallops were in poor condition. This is supported by modelling scenarios suggesting there could be an increase in fishing activity of 27.5% into 7e.
- A longer closure could also lead to increased spatial squeeze and gear and ground conflict between all fisheries in the area.

A closure for scallop dredging from 1 August to 30 September 2023

- It was considered that a short closure would not prove an effective mechanism for protecting the spawning scallop stock due to the increased number of large vessels working in the area and potential displacement of UK and EU vessels due to the EU closure.
- Some respondents raised concerns about EU vessels fishing in UK waters during the EU closure. Others suggested the risk of increased effort from EU vessels was low.
- A shorter closure would reflect the fishing behaviours observed in 2022. It also minimizes the risk of spatial squeeze, reduces gear conflict and incursions into voluntary closed areas such as the mid-Channel potting boxes.

- The call for evidence has raised the issue that further investigation is needed into the overall levels of fishing activity in Lyme Bay that may need to be managed from a comprehensive approach.
- It was considered whether the 7d and Lyme Bay area of 7e closure could be offset, with a closure for 7d in July, August and September, and the closure for 7e Lyme Bay in August and September. This closure scenario was considered to reduce the risk of spatial squeeze and gear conflict in 7e. This would further extend the closure in 7d thus offering further protection for the scallops during the summer months and allow the natural fishing patterns of the fleet moving into 7e in July. However, the main objective of proposing the closure in 7e Lyme Bay was to reduce the potential displacement from 7d which this closure scenario would not support.
- It was considered whether Lyme Bay 7e could remain open during a 7d closure, with a monitoring regime established instead. This would record uptake and allow for fishers to work within a limited total quantity that would trigger restriction once an amount was landed. However, it was considered there was inadequate time to determine a robust system and if there was adequate evidence to set an appropriate limit on effort.

Exclusion of 12 m and under fleet from the 7d and Lyme Bay 7e closure

- There was concern that exempting the 12 m and under fleet size would encourage EU vessels in that fleet size to start working in UK 7d waters during the EU closure period.
- There were several responses that supported the closure for all fleet sizes, however others suggested the closure has a disproportionately large financial burden on the small local fleet which do not have the support and resilience to change fishing locations.
- The capability of the 10.01 - 12 m fleet capability has been investigated through landing data. In 2022 there were 16,10.01-12 m vessels working in 7d and 7e in the king scallop fishery. That vessel fleet accounted for 10% of all scallops landed in the 2022 closure period (1 Aug- 30 Sept) and that effort level is consistent across 7e including the Lyme Bay rectangles. To balance the social and economic dynamic of the small vessel fleet with the need to reduce the risk from large vessel displacement into Lyme Bay, it was considered 10% of the total removals would be an accepted risk to allow the small fleets to sustain in Lyme Bay.

Summary of Responses to the Consultation Questions

This call for evidence consultation ran from 26 January 2023 to 19 March 2023 with information on background of the fishery, reasoning for the proposed closure and consultation questions available for review [here](#).

Those individuals who are the nominated contact on the domestic fishing vessel licence system, 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 2 February 2023.

MMO gave a presentation on the call for evidence at area 7d Regional Fisheries Groups meeting on the 12 January and the Channel demersal non-quota species fisheries management plan engagement sessions in 7e were also used to raise awareness of the call for evidence.

Thirty-four responses were received to the call for evidence which sought views on seven questions. These included responses from industry groups, associations, producer organizations and individual fishers, and a mixture of sectors from under 10 m vessels to over 15 m vessels. Further detail of responses from each industry sector are available in the answers from Question six.

Summaries of the views received are set out below:

1) *A proposed closure prohibiting scallop dredge fishing in the UK waters of ICES area 7d, for the following time periods:*

- *From 15 May to 30 September 2023*
- *From 1 July to 30 September 2023*
- *From 1 August to 30 September 2023*

20 of the 34 respondents agreed that a 7d scallop closure was needed.

Of the 20 respondents, six favoured the 15 May to 30 September, six favoured the 1 July to the 30 September and eight favoured the 1 August to the 30 September closure.

Respondents that supported the 15 May to 30 September were concerned about the stock levels in 7d, wished to reduce the risk of any EU displaced vessels working in UK 7d, and felt the closure would support the future work of the Scallop Fisheries Management plan and future king scallop Multi Year Strategies. However, there were concerns that a mid-May to September closure would displace the fleet into 7e when scallop stocks were in a poor condition which would lead to increased effort and the number of interactions with the seabed. This could lead to expected returns from the summer scallop fishery would not be realized which could threaten jobs offshore and support industry onshore.

Respondents that favoured the 1 July to 30 September closure stated that the closure period would offer protection for the spawning stock, aligned with other local closures, and allowed the fishing to follow the observed fishing patterns and to move into 7e in July.

Respondents who favoured the shortest closure from 1 August to the 30 September as per 2022, noted that many of the summer scallop fleet were unable to change fishing methods due to license restrictions, that the short closure would reduce the displacement from the UK fleet and ease the spatial squeeze in 7e.

Other management measures other than closures were suggested, including limiting the number of dredges allowed to a maximum to 14 aside, introducing beam length restrictions, re-evaluating the effort days, and reducing overall effort.

One respondent suggested that the MMO opt for the shortest closure and monitor fishing uptake in 7d and if large numbers of EU vessels were working in UK 7d and landings were high that an immediate closure could be imposed.

2) *A proposed closure prohibiting scallop dredge fishing in Lyme Bay area of 7e (ICES rectangles 30E6, 30E7, 29E6 and 29E7) that aligns to the dates of the proposed 7d closure.*

Of all the responses for the call for evidence, seven were in favour of closing Lyme Bay boxes for the same period as 7d and one person suggested making the closure shorter than 7d. The rationale behind supporting this additional spatial closure was that the area has been fished above maximum sustainable yield in the recent past and stock

levels would not sustain if the displacement from 7d was focused on the area.

There were 12 responses who disagreed with the proposal to close Lyme Bay. A few issues were raised; including the need for more information to support the closure and introducing other measures such as gear restrictions before closing the area. A couple of responses suggested closing the two inshore ICES rectangles (30E6 and 30E7) only. There was concern that if Lyme Bay was closed there would be an increase in displacement and spatial squeeze which would lead to gear conflict between the trawling/dredging fleet and the static gear fleet. Gear conflict has negative financial implications to the industry as there may be cumulative losses of gear, landings and fishing time. The Lyme Bay closure could also have a negative impact on the voluntary agreement between the trawlers and the potters in the mid channel potting boxes and force the fishery westwards into Cornish waters and south into Channel Island waters.

- 3) *Do you think the closure should only apply to vessels greater than 12 m in length? (i.e., vessels 12 m and under in length are exempt from the closure) Please provide any reasoning.*

There were 19 responses to the question regarding the exemption of the closure for the 12 m and under fleet. Of the 19 responses, four agreed that the closure should apply to the vessels that were over 12 m in overall length. Reasons given in support of the statements were that the smaller inshore fleet had other constraints such as weather and effort limit through gear restrictions.

Fifteen of the responses disagreed with the question, however the reasoning given was divided into the application of the closure to different fleet sizes. Six respondents believed the closure should be for all vessels as newer vessels are very capable and introducing a size limit tends to encourage boat owners to sell their current vessels to buy new vessels that are exempt, thus increasing the overall effort. One respondent suggested that the class exemption should be based on kilowatts (kW) rather than vessel length. One respondent thought that only the under 10 m vessels should be exempt from the closure, and a closure may cause severe hardship. A couple of respondents thought that the closure should only apply to the 15 metre and over fleet. There was concern that by exempting the 12 metre and under fleet that the EU vessels of that length size would be encouraged to fish in UK waters in the closure period.

- 4) *Do you think the EU closure and the UK proposed closure are likely to result in displacement of fishing effort from UK and EU vessels?*

a) *Do you think there will be spatial (into different areas) and/or temporal (fishing at different times of the year) displacement?*

b) *What do you think will be the likely level of displacement?*

c) *Do you foresee potential issues the closures might cause to the scallop and/or other fisheries?*

From the 34 respondents there were 24 responses to the question regarding possible displacement of fishing activity from the proposed closure. All respondents voiced concerns regarding possible spatial squeeze from displaced fishing activity, as fishers would move areas to maintain their livelihood. The spatial squeeze in the channel is exacerbated by spatial restriction in the North Sea and existing inshore closures in the channel. Respondents were concerned that fishing would displace into 7e at the time

when the scallops were not in a good condition, and this would adversely lead to an increase in effort. There were concerns that the closure would force parts of the fishing fleet that are normally local to become nomadic and they would not know the fishing grounds, ports, supporting industry or be welcome in a new area. Other respondents were concerned that the nomadic scallop fleet would be displaced into the mid channel potting boxes (that are in 7e) that would adversely affect the crab population and thus the viability of the crab fishery. There were some responses that voiced concerns that if the UK closure does not align with the EU closure there would be additional EU scallop fishing activity in UK waters in ICES area 4, 7d and 7e.

5) *How would these proposed closures of ICES area 7d and Lyme Bay area of 7e to scallop dredging impact you and your business?*

Out of the 34 respondents there were ten responses to this question. Three responses were in favour of the closure and said that the short-term loss from this closure would lead to long term gains in terms of stock levels and economic terms. The other seven responses thought that the economic losses from the closure would lead to job losses on and offshore, and that crew would leave the industry if they had to relocate to other ports. Some respondents were concerned that the closure would lead to reputational damage and credibility in the international scallop market that could lead to loss of market share. One response considered the enforcement risks from the closure, stating that there are insufficient resources to manage such a large area for a long period that would ultimately lead to loss of authority and integrity for the fishing authorities.

6) *If you are a vessel owner/vessel agent or skipper: in which length group is your vessel; 10 m and under, 10.01 m – 12 m, 12.01 m – 15 m and the over 15 m fleet?*

- Nine respondents represented the 15 m and over fleet.
- Two respondents represented the 12.01 – 15 m fleet
- One respondent represented the 10.01 – 12 m fleet
- One respondent represented the 10 m and under fleet
- Other respondents were from parts of the fishing industry outside of vessel ownership or representation.

7) *Other Comments*

There were several responses that proposed that there should be gear restrictions for the over 12-m vessels, restricting the number of dredges, beam lengths and the number of days that can be used for fishing. There was a reply that stated the proposed closure decision was taken too quickly and that the fishing authorities should monitor effort and uptake before introducing quick closure decisions based on assumptions of fishing activity. There were also requests to look at the fishery on an ecosystem and approach, and minimum landing sizes and closure regimes should be harmonised across all boundaries. One comment considered whether not aligning to the EU closure was not supportive of the future king scallop Fisheries Management Plan and Multi Year strategy. Another response suggested the closure should consider the external factors that the fishing fleet are currently having to endure such as rising fuel, maintenance and processing costs that were eroding profit margins.