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26 August 2011

Dear Consultee

English Scallop Order: consultation on the evidence base for the Impact Assessment

I am writing to invite views on the evidence base for the Impact Assessment for the new English Scallop Order which we aim to come into force April 2012. Since the consultation earlier this year we have analysed responses, refined our thinking and developed a slightly revised package of measures. This package of measures is detailed later in this letter and also in the attached evidence base.

What we are hoping to gain from this consultation

Through this consultation we hope to gather information which will assist us in finalising the Impact Assessment. This consultation may provide us with information which will change our assessment of the situation. It is important that we obtain any such information before finalising the Impact Assessment.

Background

Previous Consultation

In February 2011 Defra carried out a consultation containing a set of questions about new proposals for scallop management in English waters¹. The consultation responses were overwhelmingly in favour of the key aims of our proposals - ensuring there are scallops for the smaller scale fleet to fish and better safeguarding stocks. There was some difference of opinion however, on how these 'small scale vessels' could best be defined and the management measures which should be used.

We received a total of 40 responses from a wide variety of respondents. Nearly half of the individual responses were from small inshore fishermen, with the larger vessels mainly feeding in their views via organisations such as the UK Scallop Association, Producer Organisations or other industry bodies. We also received responses from environmental non government organisations (NGOs) (2 responses) and independent scientific and academic experts on scalloping (2 responses). In addition to written responses we met with a number of scalloping organisations to discuss their views in greater depth. We are pleased with the level of response to

¹ British fishery limits other than the Scottish zone, the Northern Irish zone, the Welsh zone and the territorial sea adjacent to the Isle of Man, Jersey and Guernsey (referred to as 'English waters' for the purposes of this document).

this consultation and are satisfied that all that wished to provide their views were able to do so.

We have now analysed the responses and developed a revised set of proposals which we believe will best address the current issues in the scallop sector.

A joint approach

In the previous consultation we asked whether there was merit in working together with other UK Fisheries Administrations on scallop management. A clear majority of respondents felt that this would be a positive move.

There are obvious benefits to the industry in having a clear, consistent set of management measures and being able to fish across the border without the need to change gear. This is especially important in this particular fishery, where the fishing patterns of the large scallop fleet mean that they rotate around a number of fishing grounds.

Another clear benefit of joined up management is the removal of legislative causes for displacement of scallop effort, which will have a positive effect for the scallop sector.

In the past couple of months Defra and Marine Scotland have agreed to pursue a joined up approach to scallop management. As part of this new Anglo-Scottish approach we hope to be able to adopt the same technical measures in both English and Scottish waters. This, if agreed, will be in the form of two separate national scallop orders but with consistency in the measures introduced. This letter and evidence base relates only to the English part of this approach and as such only looks into the impact on English waters.

If an Anglo-Scottish approach is successfully adopted, Defra and Marine Scotland intend to continue working together when introducing any future scallop management measures

Wales and Northern Ireland cannot work with us on a UK approach at present due to the need for more stringent management in their waters.

Current proposals

Based upon consultation responses we are now proposing the following package of measures:

- **A limit within the 6-12nm zone of 8 dredges per side (p/s).** This will extend the current limit of 8 dredges p/s within 6nm of the coast to the 12nm limit.
- Increasing the effectiveness of the English Channel Minimum Landing Sizes (MLS) by introducing **a requirement for all scallops caught on a single trip covering both ICES divisions VIId and VIle to comply with the larger MLS of 110mm.**

- **Deregulating to allow attachments used solely for the purpose of emptying dredges safely.**

The last two of these measures received overwhelming support in the responses to the previous consultation and remain unchanged.

The introduction of dredge per side limits was fully supported as a concept, but there were varying views on exactly what the limits should be. Many thought the original proposal of a new limit of 10 dredges p/s did not go far enough and suggested more stringent limits and matching the current limit of 8 dredges p/s already in place within 6nm. We believe that this lower limit will be sufficient to discourage the largest scallop vessels from fishing in the inshore area, therefore safeguard these stocks for the smaller scale vessels and reducing gear conflict issues.

Specific Questions on the Evidence Base

We welcome any additional information concerning the likely effects of the proposed measures, but in particular we would appreciate answers to the following questions.

1. *Do you use more than 8 dredges per side in English waters? If so, would the proposed measure to restrict dredge numbers result in you adapting your fishing pattern by using fewer dredges in the 6-12nm area, or would it result in you increasing the proportion of your catch taken from beyond 12nm?*
2. *Do you ever fish in both ICES divisions VIIId and VIIe on the same trip? If so, what proportion of your catch would be affected by the proposed management measure which requires scallops to meet the higher MLS of 110mm?*

Management measures to be kept under review

The following management measures are not being introduced at present, but will be kept under review:

- **Dredge per side limits outside of 12nm.** We do not currently have sufficient data to produce robust stock assessments to warrant the introduction of such a limit at this moment in time. However work is underway to improve available information on stock levels and if it indicates issues in the offshore area we will work with other fisheries administrations to develop appropriate management measures.
- **An engine power limit of 221kW within 12nm.** We believe a dredge limit of 8 p/s within 12nm will be sufficient to discourage the larger vessels from fishing within this area. If this proves not to be the case and it becomes clear that additional restrictions are required, we will look into the case for an engine power restriction again or alternative measures.

Finding these documents online

The following documents can be found on Defra's website at:

<http://www.defra.gov.uk/environment/marine/shellfish/scallops>

- A copy of this letter
- A copy of the evidence base accompanying this letter

We welcome your views and comments.

These documents are not being published in hard-copy, however if you experience any difficulty in accessing the versions on our website, please contact us by email at: shellfish@defra.gsi.gov.uk

Responses

In order to save paper, I encourage you to respond by email if possible, to shellfish@defra.gsi.gov.uk

Alternatively, postal responses should be addressed to:

**Shellfish Policy Team
Sustainable Fisheries
Area 2C Nobel House
17 Smith Square
London SW1P 3JR**

Please do not send duplicate responses by both email and hard copy.

Joint responses

If you are responding on behalf of a number of organisations, please indicate clearly in your response who you are representing. It is not necessary for your members to submit multiple identical responses. Group members who wish to submit their own response are politely requested to restrict their individual reply to those areas where they disagree with the group reply or have additional information or comments. This will help improve the efficiency of our analysis, and we are most grateful for your co-operation.

Deadline

This consultation will run for **6 weeks**. The deadline for all replies is therefore **7 October 2011** I regret that we may not be able to consider any views which are received after this date.

Consultation Criteria

As this forms part of a non-formal consultation it has not intended to be in line with the Code of Practice on Consultations. This approach was adopted in the consultation earlier this year and is considered an appropriate, effective and proportionate method of engaging with the scallop sector.

Confidentiality

If you do not want your response – including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response to the consultation. We will not include your response in a public pack; however we may still be required to release it if requested under the Freedom of Information Act (FoI), so please explain why you need to keep details confidential. We will then be able to take those reasons into account if someone asks for this information under FoI but we cannot promise that we will always be able to keep those details confidential.

Please note, automatically-generated confidentiality disclaimers on emails will NOT be treated as a confidentiality request.

Yours faithfully

Iain Mathieson

Policy Advisor
Department for Environment, Food and Rural Affairs