



Department  
for Environment  
Food & Rural Affairs

# **Latent capacity in the over 10m scallop and shellfish fleet**

## **A call for evidence**

Date: 19 July 2021

We are the Department for Environment, Food and Rural Affairs. We are responsible for improving and protecting the environment, growing the green economy, sustaining thriving rural communities and supporting our world-class food, farming and fishing industries.

We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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# Executive Summary

We are now an independent coastal State. We are committed to developing a world-class fisheries management system. It will embrace sustainable fishing and support a diverse, profitable and sustainable fleet which serves the needs of coastal communities and the UK economy.

One of our priorities in this ambitious agenda is to improve how we manage non-quota stocks such as shellfish, whelks, cuttlefish etc. We want these profitable but data-poor stocks to be healthy and abundant and managed sustainably, enriching the diversity of our marine environment and coastal communities. To achieve that aim, we in Defra are working with the Scallop Industry Consultation Group, the Shellfish Industry Advisory Group and its species-specific sub-groups, to develop a future management programme for non-quota species.

The scallop and shellfish industry/government management groups have identified two areas of work that require further consideration, namely **the management of the under 15m scallop fleet** and **latent capacity (unused licences and entitlements) within the over 10m scallop and shellfish fleet**. Two separate calls for evidence are being launched in parallel. They aim to identify the level of risk and impacts associated with the unrestricted fishing of the under 15m scallop fleet and existing latent capacity and consider whether action is needed in these areas.

In this call for evidence, we are asking for views which will help us to better understand whether latent capacity is an issue of concern for the over 10m scallop and shellfish fleet in England, and, if so, how this could be alleviated. We will use the evidence gathered to inform us whether latent capacity is an issue and if so, what form of response we might consider, to ensure the sustainability of scallop and shellfish fisheries.

## Background

To be able to fish commercially for scallops and shellfish, fishers are required to have a scallop and/or shellfish permit on their fishing vessel. Vessels with a permit for scallops and shellfish on their fishing vessel licence can also engage in a mixed fishery targeting other species, including other shellfish to meet market demands.

Management provisions for scallops and shellfish vary depending on area fished. For example, the Western Waters (WW) Days at Sea scheme (ICES Area VII) sets out the UK effort limits for the over 15 metre fleet fishing for demersal species and for king (*Pecten Maximus*) or queen scallops (*Aequipecten opercularis*) and/or edible/brown crab (*Cancer Pagurus*) and spider crab (*Maja Squinado*). The WW Days at Sea limits apply to all over 15 metre vessels with a scallop or shellfish permit on their fishing vessel licence. It now only applies to UK waters as fishing in EU waters is covered by a tonnage limit. As a result, the days at sea limit in Western Waters is now less of a check on fishing effort in UK waters.

Vessels that have a scallop and/or shellfish permit on their fishing vessel licence and fish outside the WW Area VII, can land unlimited quantities of scallops, crabs, lobsters (*Homarus gammarus*) and crawfish (*Palinurus elephas*) from offshore waters (6-12nm).

Vessels that do not have a shellfish permit on their fishing vessel licence can land up to 5 lobsters or crawfish per day, caught with pots or nets; and up to 25 crabs per day, caught with pots or nets; or any shellfish, excluding green crabs, taken as a permitted bycatch when fishing for other species using towed gear, or up to a maximum limit of 10% by weight, of the total catch.

In inshore waters (0-6nm), the Inshore Fisheries Conservation Authorities (IFCAs) manage scallops and shellfish stocks with local legislation. Permit conditions set out in IFCA byelaws may vary from IFCA to IFCA.

The cumulative impact of this hotch-potch of regulation and management is that effort is largely poorly managed, thus raising concerns about the sustainability of stocks.

In the fisheries, described above, when scallops and shellfish species are not landed, the scallop/shellfish permit becomes latent or dormant/inactive. Similarly, when a vessel exits the fishery the vessel owner may decide to hold onto his fishing licence with the scallop/shellfish permit and that becomes an entitlement. Inactive scallop and shellfish licences and/or entitlements become an issue for the sustainability of the stocks only when they become active and enter a sector fleet which already lands unlimited quantities of these species, further intensifying the pressure on the stocks.

Scallop/shellfish management groups have expressed the concern that a sudden uptake of currently latent effort may present a threat to the scallop and shellfish sectors' financial viability, although we have currently no evidence to suggest that such a sudden uptake is likely to happen.

## Latent capacity definition

For the purposes of this call for evidence, latent capacity has been defined as:

- unused scallop and shellfish permits currently on active vessels which are fishing for other species, but not for king scallops or shellfish (crabs, lobsters, crawfish);
- unused scallop and shellfish permits currently on inactive vessels, which are not fishing at all; or
- unused entitlements with a scallop and/or shellfish permit not attached to a vessel.

## Current situation

The Marine Management Organisation (MMO) has been monitoring the uptake of latent licences since 2008. MMO data for the period 2008-2020 shows that in England in the over 10m scallop and shellfish fleet there were on average **67** active scallop and **123**

active shellfish vessels. For the same period MMO data shows that **143** scallop and **115** shellfish licences and entitlements have not been used to catch scallops or shellfish respectively.

Between 2008 and 2015 latent capacity in the >10 m scallop fleet decreased sharply, from 69% of vessels with a permit latent in 2008 to 54% of vessels with a permit latent in 2015. This corresponded to a 2015 peak in the size of the fleet actively targeting scallops with dredges. After 2015 the active scallop fleet has gradually decreased in size annually, resulting in an increase in latent capacity to 63% of permitted vessels in 2020.

For vessels holding shellfish permits the trend has been different, with latent capacity stable between 36 and 40% of permitted vessels between 2008 and 2017. From 2018 onwards the amount of latent capacity in the fleet decreased annually to 28% of permitted vessels latent in 2020.

There are no barriers to prevent unused scallop and shellfish licences and entitlements being used at any point, and as noted above, little effective management of effort, particularly in some areas and for some species.

## Scope

Fisheries policy and management is devolved. This Call for Evidence is a Defra initiative for the over 10m scallop and shellfish fleet in England.

## Questions

We are looking for views and expert advice in the following four key areas:

- abundance and health of scallop and shellfish stocks in relation to existing latent capacity in the over 10m scallop and shellfish fleets;
- conservation and environmental impacts of latent capacity on the over 10m scallop and shellfish fleets in England;
- economic, social and cultural impacts of existing latent capacity in the over 10m scallop and shellfish fleets in England; and/or
- fishery management measures for scallop and shellfish stocks.

We also welcome any additional evidence you have that you feel does not fit under any of the areas above. This might, but not exclusively, include the impacts on biodiversity, environmental, social and economic sustainability, impacts on small businesses and any unintended consequences in England or across the UK. Evidence can come in many forms, including numerical data, case studies, literature reviews, personal experiences, or

reports and documents, whether new or historic. Please provide full references for any documentation discussed.

## Questions about you

**Question 1: What is your name?**

**Question 2: What is your email address?**

**Question 3: What is your organisation?**

If you're replying as an individual, please type 'individual'.

Representative groups are asked to give a summary of the people and organisations they represent and, where relevant, who else they have consulted in formulating their responses.

**Question 4: Would you like your response to be confidential? (a response is required)**

Please read the important section on confidentiality and data protection at the end of the document.

## Questions about the current fleet and management

We would like to understand the extent to which the current fleet management and stock protection measures provide sufficient protection for scallops and shellfish stocks.

**Question 5: Please provide any evidence you may have on the appropriate fleet size/capacity and effort for the over 10m scallop and shellfish fishery.**

We would like to understand how you would describe the current fleet effort levels for scallops and shellfish. Please, indicate in your response if there is too much effort, not enough, about right.

**Question 6: Please provide any evidence you may have to help us understand the use and value of your fishing licence/permit/entitlement.**

For example, are you actively fishing for scallops/shellfish now and, if so, how long have you been fishing for these stocks? If you are not actively fishing for scallops and/or shellfish, how long has your scallop/shellfish permit been out of use?

We would like to understand why licences/entitlements are not being used. If you are holding a licence/entitlement, do you intend to use them and when? We would also like to understand why some do not sell their entitlements. Please provide any information on the purchase price of a licence or entitlement with a scallop and/or shellfish permit.

**Question 7: Please provide any evidence you may have to help us understand if latent capacity is an issue.**

Has the uptake of existing latent licences affected your scallop or shellfish catches, the general health of the stocks and the viability of your business and your community? Has the expansion of effort from existing and active scallop or shellfish vessels had an impact? If so, what?

We are also looking for your views on any social or economic impacts on scallop, shellfish or other businesses that may be affected by potentially more effort coming into these fisheries through an uptake of latent capacity. Would some businesses, individuals, groups or communities be more affected than others?

## Questions about fishery management measures

We recognise that we need to consider a variety of management measures appropriate for scallops and shellfish species, as well as for the fishing fleets and wider fishing communities that rely on them.

**Question 8: Please provide any evidence of effective or ineffective management measures to manage latent capacity.**

Is capping latent capacity an effective management tool? If so, why? What lessons can we learn from previous capping exercises? If it is not effective, could other measures work (e.g. increased minimum landing sizes, gear modifications, pot limitations, restricted catches or area closures)?

## Further evidence

If there is additional evidence you have that you feel does not fit under any of the previous questions, please submit it in response to the question below.

**Question 9: Please provide any other relevant evidence you would like to include in relation to latent capacity in the over 10m scallop and shellfish fleet in England.**

## How to respond

We ask that any responses be sent by 30 August in one of the following ways:

Online using the Citizen Space Call for Evidence at

<https://consult.defra.gov.uk/shellfish-and-crown-dependencies-domestic-fisheries-and-reform/latent-capacity-over-10m-scallop-and-shellfish>



Or by email: [scallopandshellfishconsultations@defra.gov.uk](mailto:scallopandshellfishconsultations@defra.gov.uk)

Or in writing to:

Latent capacity Call for Evidence

Consultation Coordinator

Defra 2<sup>nd</sup> Floor

Foss House

Kings Pool

1-2 Peasholme Green

York

YO1 7PX

Please note, any responses sent by post must have arrived at the above address by the closing date of the Call for Evidence (30 August 2021) to be counted. Unfortunately, any responses received after this date will not be analysed. To ensure your response is included in the analysis, please consider responding online via Citizen Space.

## Important - Confidentiality and data protection

Please find the Consultations Privacy Notice uploaded alongside this call for evidence, which will apply to any personal data that you provide with your response.

This call for evidence document and process have been planned to adhere to the Consultation Principles issued by the Cabinet Office which can be found at:

[www.gov.uk/government/publications/consultationprinciplesguidance](http://www.gov.uk/government/publications/consultationprinciplesguidance)

Representative groups are asked to give a summary of the people and organisations they represent and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this call for evidence, including personal data, may be published or disclosed in accordance with access to information laws. These are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA).

We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the EIRs, FOIA and DPA and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential.

If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

If you have any comments or complaints about the call for evidence process, please address them to:

Consultation Coordinator

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1-2 Peasholme Green

York

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Or email: [consultation.coordinator@defra.gov.uk](mailto:consultation.coordinator@defra.gov.uk)