# Scottish Environment LINK briefing for the Rural Affairs and Islands Committee

# Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2026 (SSI 2026/10)

**Key points**

1. **Precaution is justified**, because the stock is vulnerable, isolated, and not recovering.
2. The Targeted Scientific Programme is positive, but **not a substitute for action**. It should refine management, not delay it. The Scottish Government's position to maintain the closure without proposing complementary actions does not sufficiently account for wider environmental issues and evidence.
3. **Bycatch reduction is the most likely recovery lever**, especially from *Nephrops* trawling, which should be applied year-round. There should be a preference for low-impact gear where access is considered during the spawning season (e.g. if exemptions are lifted). Where trawling continues this should be subject to **bycatch mitigation alongside Remote Electronic Monitoring (REM)**.
4. A **just transition approach** to supporting fishers affected by the closure is essential.

## January 2026

Scottish Environment LINK welcomes the opportunity to provide this briefing to the Rural Affairs, Islands and Natural Environment Committee in relation to the Sea Fish (Prohibition on Fishing) (Firth of Clyde) Order 2026 (SSI 2026/10). This submission draws on LINK's consultation response, scientific advice from the International Council for the Exploration of the Sea (ICES), and Scotland's wider fisheries and marine policy framework. Our position is that the Clyde cod stock remains in a **highly vulnerable state and continues to require precautionary protection**, alongside **improved scientific understanding**, **stronger action to reduce bycatch**, and **support for a fair transition** to lower-impact, sustainable fishing practices.

Conservation of Clyde cod should be understood not only as a matter of fisheries management, but as part of Scotland's broader obligations to protect biodiversity, ecosystem function and marine resilience. Protecting Clyde cod supports wider ecosystem health, as they play an important role as predators in marine food webs, and their recovery would contribute to more balanced and resilient ecosystems. This aligns with Scotland's commitments to ecosystem-based management and the objectives of the UK Marine Strategy Regulations and achieving Good Environmental Status. A healthy cod population supports not only fisheries sustainability but also the broader ecological functioning of the Firth of Clyde.

Cod in Scottish waters is designated a Priority Marine Feature (PMF), reflecting its **ecological importance and vulnerability to human pressures**. Protecting PMFs is a key objective of Scotland's marine policy framework and underpins commitments to ecosystem-based management under the Marine (Scotland) Act 2010 and the UK Fisheries Act 2020. Cod also features prominently in the current Scottish Government consultation on draft Fisheries Management Plans for demersal stocks, with the proposed Northern Shelf and Atlantic (Rockall) Cod FMPs aiming to rebuild stocks to sustainable levels in line with Maximum Sustainable Yield principles while recognising the role of spatial and technical measures, including seasonal closures.

Scientific advice continues to highlight the worrying status of cod in western Scottish waters. ICES assessments for the wider Northern Shelf cod stock have repeatedly indicated **low recruitment and poor stock condition**, and in recent years have advised that, under an MSY approach, zero Total Allowable Catch of cod should be permitted. Although Clyde cod are assessed within a larger stock unit due to data limitations, genetic and biological evidence indicates that the Clyde population is reproductively isolated. This means that local depletion cannot easily be offset by in-migration from other areas, making the stock particularly vulnerable to continued pressure and slow to recover from disturbance. The persistence of very low cod abundance in the Clyde despite long-standing management measures underlines the need for continued caution.

In this context, the **precautionary principle remains highly relevant**. Where there is a risk of serious or irreversible harm to a vulnerable population, **uncertainty should not be used as a reason to weaken protective measures**. Instead, precaution should guide decision-making until recovery is clearly underway. In the Clyde, the combination of low abundance, reproductive isolation, incomplete knowledge of spawning dynamics and ongoing fishing mortality creates a strong case for maintaining protection of spawning activity and habitat. Precaution should be understood not as a barrier to sustainable fisheries, but as a necessary form of risk management that safeguards long-term ecological and economic resilience.

Scottish Environment LINK supports the Targeted Scientific Programme (TSP) as a means to improve understanding of Clyde cod ecology, spawning distribution, habitat use, and gear-specific bycatch risks. Improved data will allow future management to be more spatially precise, proportionate and fair, reducing unnecessary restrictions while strengthening protection where it is most needed. However, **the TSP must not be framed as a substitute for management action** and must work in parallel with appropriate, science-led measures along with precautionary protection. Scientific uncertainty strengthens the case for retaining safeguards, rather than weakening them, but the TSP should be explicitly positioned as a tool to refine and improve measures rather than delay them.

While there are data deficiencies on the impact of different fishing gears on spawning cod, and this warrants a precautionary approach, it should be emphasised that in the wider context **there is sufficient evidence that some gear types have a broadly lower impact on seabed ecology**. ICES consistently identifies *Nephrops* trawling as a key source of juvenile cod bycatch mortality, with creel fisheries not highlighted as a conservation concern for cod. Multiple peer-reviewed studies show that bottom trawling causes orders of magnitude greater seabed disturbance, habitat damage and bycatch than creeling, which has a smaller physical footprint, higher selectivity and minimal long-term ecosystem effects (e.g. Eigaard et al. 2017; Hiddink et al. 2017). There are opportunities here to explore a shift towards enabling access for lower-impact fishing methods that minimise bycatch and seabed disturbance while maintaining precautionary protection of spawning cod.This could be factored into the design of the TSP to demonstrate where certain gear types can operate during cod spawning season and to fill gaps including quantification of bycatch in creels. Where fishing access to the area is considered, priority should be given to fishing practices that are lower impact and reduced risks to cod and sensitive habitats.

One of the key lessons from past management is that **seasonal closures alone are insufficient** to drive recovery **if overall fishing mortality remains high**. Evidence indicates that bycatch, **particularly from *Nephrops* trawling**, continues to be a major source of cod mortality (Adao, 2025). Discarding of cod outside the spawning season undermines the benefits of spawning protections and contributes to the continued failure of the stock to rebuild. Effective cod recovery therefore depends on **addressing bycatch throughout the year**, not only during the spawning period, which should be done through the dual application of

bycatch mitigation supported by the use of REM. Stronger bycatch mitigation measures, including improved gear selectivity, real-time spatial management and enhanced monitoring, should be central to the management approach. It also highlights the need to progress **effective management of marine protected areas as a priority**, supported by the effective application of REM with cameras and winch sensors, given that the Clyde Sea Sill MPA is designated for the protection of seabed habitats used by spawning cod. The further delay to the anticipated consultation on inshore MPA management supports the need for review and reconsideration of the proposed options for this SSI, as the consultation paper included the MPA management as supporting the wider conservation goals of the Clyde marine ecosystem.

At the same time, Scotland's fisheries policy must support a **just transition for fishing communities**. Financial and technical support for gear adaptation, diversification and innovation can help ensure that conservation measures do not impose disproportionate burdens on coastal communities, while still delivering ecological benefits.

Scottish Environment LINK urges the Committee to support an approach that retains precautionary protection for Clyde cod, recognises the value of the proposed TSP without allowing it to delay action, prioritises mitigation action based on the evidence available such as bycatch reduction in trawl fisheries, and actively supports a broader transition to a nature-friendly, climate smart approach to fishing.

Scottish Environment LINK

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

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