

# Formal consultation on proposed management measures (capping potting effort) for pot fisheries

## Officers' Recommendation

**That Members agree to formal consultation on the proposals set out in this paper**

### 1. Background

Officers have undertaken two periods of engagement with potting permit holders to understand their concerns regarding the pot fisheries and seeking their ideas for future management.

Between January and June 2024, D&S IFCA Environment officers held port meetings with commercial potting permit holders across the D&S IFCA's District. In total 12 port meetings were organised with three on the north coast of Devon and nine along the coast in south and east Devon. All commercial potting permit holders were contacted directly by e-mail, and news items were produced and published on D&S IFCA's website highlighting the opportunity to attend the meetings. A summary report from the outputs of port meetings was presented to the B&PSC last September and is available on the D&S IFCA's website.

Between 18<sup>th</sup> October and 15<sup>th</sup> November 2024, informal consultation was undertaken with all commercial and recreational potting permit holders. The informal consultation was intended to build upon information provided by some fishers at the port meetings held throughout the District, and other information already assembled and presented to the B&PSC. A summary report documenting and analysing the responses to the informal consultation is attached as Annex 1.

Although attendance at meetings and responses from the informal consultation were low in respect of the number of persons and vessels operating under a potting permit, the geographical spread of views was good. Any measures taken forward from the process so far to formal consultation will show how representative the responses to date have been.

### 2. Concerns raised

The two summary reports record that there are many issues that concern fishers in different parts of the District. The reports also demonstrate that identifying the issues was easier than identifying possible solutions.

An interesting dichotomy also emerged where fishers were wanting D&S IFCA to protect their interests from the threat of current or increasing fishing pressure whilst concern was raised regarding the level of management already applied to the fisheries.

#### Local Management

Localised management emerged as a strong theme in the consultation and built on the call by the commercial potters at port meetings held on the north coast.

Officers intend to reflect these responses by proposing different management on the north and south coasts. More localised management either by splitting the coast into zones, e.g. inside 1Nm and 1-6Nm, or sections of the coast e.g., Plymouth to Start Point, Start Point to Hope's Nose etc. is possible, but without the introduction of the national Inshore Vessel Monitoring

Systems on all commercial vessels it becomes very challenging to identify fishing activity effectively.

### Effort Limitation

Most respondents were concerned either with the current level of commercial and recreational potting in the District or with the prospect of increased effort caused by larger vessels (particularly the vivier fleet) being displaced from Cornwall and from the offshore grounds.

A typical inshore commercial potter operating a vessel of six metres or less on average works 78 pots (inkwell, creel and parlour) (range 10 – 400). These commercial potters are concerned with the level of recreational potting in the coastal margins where both activities take place. Currently D&S IFCA has 450 recreational permit holders that in total operate approximately 2,100 pots (inkwell, creel and parlour). These small-scale operators consider other commercial operations involving 800 – 1000 pots as excessive.

The vast majority of commercial potting vessels are less than 10 metres in length. Currently only 18 of the 177 commercial vessels are between 10 and 14.99 metres in overall length. These vessels are estimated to operate on average 954 pots (inkwell, creel and parlour) (range 100 - 1,800). The owners of these vessels are concerned about more modern vessels, likely to be vivier design, that are capable of operating 4,000 to 6,000 pots (inkwell, creel and parlour) entering the fishery.

Annex 2 shows the total effort directed towards the pot fishery based on the size of the vessel. Annex 2 shows that the section of the fleet that applies the most pressure in terms of the number of pots is the 8-9.99m vessels but the over 10m vessels operate considerably more pots per vessel.

### How to limit effort

There are various ways to limit fishing effort including limiting the time that vessels can operate in the District, limiting the amount of fishing gear that can be deployed, limiting the areas where gear can be deployed, or limiting the size of the vessels that are allowed to operate.

D&S IFCA uses a combination of limitations in the mobile gear fishery. The vessel size is limited to less than 15 metres for all mobile gear vessels with spatial restrictions applicable per gear type. In addition, for the scallop fleet, vessels are restricted to using a maximum of 12 dredges (six aside) and can only operate in the District between 0700hrs and 1900hrs local time. A seasonal closure for scallop vessels applies between July and September (inclusive). No vessel design limitations are applied, and it is evident that larger scallop vessels have increased their beam and or introduced conveyor belts to make the vessels more efficient. The larger demersal trawlers have increased the beam too and operate twin or triple rigs compared to the traditional single otter trawl. Without a restriction, the larger scallopers and demersal trawlers are seldom limited by weather and can work around the clock.

The responses from the port visits indicated some support for prohibiting vivier vessels from operating in the District. The reasons for this were three-fold. The vivier vessels could operate significantly more pots than the current fleet and the vessels are seldom restricted by weather and have the capacity to work around the clock.

Limiting the time potting vessels could operate in the District by days at sea or between periods of the day was not generally supported. Many felt it was impracticable given the nature of the potting fishery but also because the pots fished independently to the vessel. Seasonal closures were supported but was called for by the smaller scale operators that generally stopped fishing in the winter and early spring.

The informal consultation indicated stronger support for pot limitation than for removing vivier boats. Currently the owners of six vivier vessels have valid permits to operate in the District and the amount of pots (inkwell, creel and parlour) that each of these vessels use is less than the number worked by the largest vessel with no vivier system (internal saltwater holding tanks). The concern that some of the larger vessel operators had regarding pot limitation was that this would inevitably, in their view, mean that the number of pots that they currently work would be reduced, and this would risk their established business model. The officers' recommendations have taken this concern into account.

### 3. Monitoring Number of pots

A number of the IFCA's have limited the number of pots that can be operated by each vessel and require tags to be fitted to pots. Some IFCA's only limit the number of pots in the whelk fishery, some apply the requirement to all their pot fisheries. The other IFCA's charge for the permits and charge for individual tags.

Currently D&S IFCA only requires the recreational sector to fit tags to their pots and only charge for replacement tags, but the provisions of the Potting Permit Byelaw allow for the number of pots used by commercial vessels to be limited and for tags to be fitted.

The use of tag attached to pots should identify whether vessel owners are adhering to the pot limits. Other IFCA's charge per tag as an additional incentive to vessel owners only to apply for the correct number of tags.

The national roll out of inshore Vessel Monitoring System devices on all of the commercial licenced potting vessels will provide an additional means of checking that vessels are adhering to the pot limits. Potting vessels have distinct speed signatures (at three-minute reporting) when hauling and setting pots. The number and length of strings can be identified with sufficient accuracy to determine whether there are any vessels that are suspected to operating in excess of the pot limits which can then be inspected at sea.

The formal consultation proposals for capping the number of pots used per vessels (2,200 pots) is considerably higher than most of the fleet have capacity for. If the proposals were introduced, it is the officers' view that initially only the vessels over 10m would be required to fit tags. These vessels collectively operate approximately 24,475 pots, 17,175 (inkwell, creel and parlour) and 7,300 whelk pots. Based on a cost of 15p per tag, the total cost of tagging the pots of these vessels would be £3,671.25. If this cost was transferred to the vessel owners, the average cost to vessel owners across the 18 vessels would be approximately, £204, the maximum cost to a vessel owner would be £330. D&S IFCA's Potting Permit Byelaw implies that charging for tags is possible but it is the officers' opinion that if tagging of pots is approved that the initial cost of purchasing the tags will be covered by D&S IFCA. This approach would also recognise a lack of clarity on payment for tags in the Impact Assessment created for the introduction of the Potting Permit Byelaw in 2015.

### 4. Officers' Recommendation – Continue to Formal Consultation

Officers understand that whatever management proposals go forward to formal consultation, many within the sector will feel that D&S IFCA has not listened or taken into account their views. However, the process to date has identified the complexities that D&S IFCA faces when considering how to address some of the more locally based issues. Officers believe that rather than discounting these local issues, it is felt that the fundamental risk of increased

fishing effort in the District must be the initial focus. Formal consultation should be used to set out firm proposals by the B&PSC, with a view to those proposals being implemented within the Potting Permit Conditions, unless new information or evidence submitted in the formal consultation counters the proposals.

### **Officers' proposals**

Officers propose to formally consult on capping the amount of pots that can be operated by a commercial potting vessel in the District. Using the available information from the permit applications it is proposed to cap the number of pots per vessel to the highest number recorded on D&S IFCA's database on the 1<sup>st</sup> November 2024. Noting that on application for a D&S IFCA potting permit, it is a mandatory requirement for the applicant to provide the number and type of pots used and should be completed to the best of their knowledge.

**It is proposed to cap the maximum number of pots (targeting all species) that can be operated by any vessel in the District to 2,200 pots.**

2,200 pots would therefore be a vessels total effort at any time, regardless of the pots potentially being divided into different sets of gear and worked on different days.

The capping of effort should reflect the highest number of pots (inkwell, creel and parlour) operated on the two coasts of the District.

**It is proposed that the maximum number of pots (inkwell, creel and parlour) to be operated by a vessel on the south coast of the District should be 1,800.**

**It is proposed that the maximum number of pots (inkwell, creel and parlour) to be operated by a vessel on the north coast of the District should be 1,500.**

The informal engagement was primarily focussed on the decline in crab stocks, but concerns were raised, particularly on the north coast of the District about the sustainability of the whelk fishery.

In response and in line with the proposals above;

**It is proposed that the maximum number of pots (whelk) to be operated by a vessel on the south coast of the District should be 1,000.**

**It is proposed that the maximum number of pots (whelk) to be operated by a vessel on the north coast of the District should be 1,500.**

## **5. Summary**

It is the officers' opinion that the proposals to cap potting effort at the current levels is necessary to safeguard the sustainable exploitation of several important commercial and recreational species. Further focused research and engagement with potting permit holders would be required to understand more fully how to tackle additional management challenges. In particular there is the concern that if crab stocks decline further, greater fishing effort will be applied to the other fisheries, in particular lobster.

Officers believe that the proposals to restrict effort by capping the number of pots operated by a single vessel is in line with many of the Fisheries Act 2020 Objectives.

**The “sustainability objective” is that—**

- (a) fish and aquaculture activities are—
  - (i) environmentally sustainable in the long term, and
  - (ii) managed so as to achieve economic, social and employment benefits and contribute to the availability of food supplies, and
- (b) the fishing capacity of fleets is such that fleets are economically viable but do not overexploit marine stocks.

The data available to D&S IFCA on potting effort would suggest that levels of potting have remained relatively stable for many years. It is unknown what the principle factors are that have caused the recorded decline in crab landings but given the relative stability of potting effort within the District it is less likely that this is driving the decline. The proposed capping of effort is intended to minimise disruption to the existing catching businesses and to safeguard against the fishery being undertaken by fewer larger vessels that may not be embedded in the local communities.

**The “precautionary objective” is that—**

- (a) the precautionary approach to fisheries management is applied, and
- (b) exploitation of marine stocks restores and maintains populations of harvested species above biomass levels capable of producing maximum sustainable yield.

The proposal to cap effort at current recorded levels is precautionary. It is unknown whether inshore potting effort in the District is contributing to the decline of the crab stock, but officers believe it is not one of the main factors.

**The “ecosystem objective” is that—**

- (a) fish and aquaculture activities are managed using an ecosystem-based approach so as to ensure that their negative impacts on marine ecosystems are minimised and, where possible, reversed, and
- (b) incidental catches of sensitive species are minimised and, where possible, eliminated.

Officers have undertaken environmental impact assessment on the interaction of pots in the marine environment based on current knowledge of the overall potting effort. Formal advice from Natural England agrees with D&S IFCA’s conclusions that the assessed impact from the current level of potting does not significantly impact the designated habitats or features within the Marine Protected Area network nor MPA sites’ integrity.

**The “scientific evidence objective” is that—**

- (a) scientific data relevant to the management of fish and aquaculture activities is collected,
- (b) where appropriate, the fisheries policy authorities work together on the collection of, and share, such scientific data, and
- (c) the management of fish and aquaculture activities is based on the best available scientific advice.

Officers have been collecting data regarding the lobster and crab fisheries. It is recognised that additional evidence gathering will be needed to support consideration of other management interventions to address the range of concerns raised through the engagement with fishers in 2024. The introduction of Inshore Vessel Monitoring Systems nationally and catch data available from the under 10 metre vessels’ catch app will significantly support the gathering of the necessary evidence on fishing effort and catch rates.

**The “bycatch objective” is that—**

- (a) the catching of fish that are below minimum conservation reference size, and other bycatch, is avoided or reduced,
- (b) catches are recorded and accounted for, and
- (c) bycatch that is fish is landed, but only where this is appropriate and (in particular) does not create an incentive to catch fish that are below minimum conservation reference size.

Officers are monitoring the potential for the emergence of a new pot fishery in the District. Officers are engaged with the developers of pots designed to catch scallops. These pots are already known to also catch crab and lobster. The proposed cap on pots, means that divergence of effort by a vessel to the scallop pot fishery may reduce effort applied to other pot fisheries.

**The “equal access objective” is that the access of UK fishing boats to any area within British fishery limits is not affected by—**

- (a) the location of the fishing boat's home port, or
- (b) any other connection of the fishing boat, or any of its owners, to any place in the United Kingdom.

At least half the operators of vivier boats that operate in D&S IFCA's District have their base ports in Cornwall. The pot capping proposals do not deny these vessels access to the fisheries in the District but apply the same management measures to them as any other vessel through the Category One Permit Conditions.

Officers believe that the proposals and approach to managing the commercial and recreational potting sectors remains consistent with D&S IFCA's duties under **Section 153 Marine and Coastal Access Act;**

- (1) The authority for an IFC district must manage the exploitation of sea fisheries resources in that district.
- (2) In performing its duty under subsection (1), the authority for an IFC district must—
  - (a) seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way,
  - (b) seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation,
  - (c) take any other steps which in the authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development, and
  - (d) seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

## Background Papers

B&PSC - Officers' papers and minutes of meetings – [Section B of D&S IFCA website Resource Library](#).

Potting Impact Assessment – [Section F of D&S IFCA's website Resource Library](#).

Potting Consultation Report (Annex 1)

Analysis of Pot Numbers – D&S IFCA Potting Permit Holders (Annex 2)

[Report on the Outputs from District Wide Port Visits](#) - B&PSC Papers - Annex to Agenda Item 10 (B&PSC Meeting – September 2024)

End.