



# Byelaw & Permitting Sub- Committee Meeting

Draft Minutes from 5<sup>th</sup>  
September 2024

## Version Control and Drafting

| Date   | Comments  |
|--|---|
| Version 0.1<br>18 <sup>th</sup> September 2024 | 1 <sup>st</sup> Draft of minutes developed by PPO Townsend for circulation to Officer's present at the meeting for potential internal amendment and/or additions. |
| Version 0.2<br>9 <sup>th</sup> October 2024    | Additions by DCO Clark & CO Mander – Draft minutes circulated to Members for initial feedback   |
| Version 0.2<br>5 <sup>th</sup> November 2024   | No initial feedback from Members. Draft minutes (V0.2) published on D&S IFCA's website.   |
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## Minutes of the Byelaw and Permitting Sub Committee Meeting

Held at Exeter Racecourse on 5<sup>th</sup> September 2024

**Present:** Dr Emma Bean (Chair) Professor Mike Williams Wayne Thomas  
Felicity Sylvester\* Dr Pamela Buchan\*\* David Morgan  
Dave Saunders Charlie Ziemann Jon Dornom  
Jasmine Rix Guy Baker\*\*\*

**Present (officers):** Chief Officer (CO) Mat Mander, Deputy Chief Officer (DCO) Sarah Clark,  
Principal Policy Officer (PPO) Neil Townsend.

**Public Observing:** None

**Notes:** \* Felicity Sylvester arrived during agenda item 8  
\*\* Dr Pamela Buchan arrived during agenda item 9  
\*\*\* Guy Baker arrived during agenda item 9

### Introduction:

The Chair welcomed everyone, and it was announced that traffic may have delayed the arrival of some Members.

## Action Items:

### Agenda Item 1

#### Appointment of B&PSC Chair

CO Mander explained that each year a Chair of the B&PSC needed to be appointed and asked for nominations. Wayne Thomas nominated Dr Emma Bean to continue as Chair of the B&PSC. Mike Williams said that he would second the motion and Dr Emma Bean said that she would accept if Members voted in favour.

***That Dr Emma Bean continues as Chair of the B&PSC.***

**Proposed:** Wayne Thomas                      **Seconded:** Mike Williams  
**In favour:** 7  
**Against:** 0  
**Abstain:** 0

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### Agenda Item 2

#### Appointment of B&PSC Vice Chair

The Chair asked for nominations for the role of Vice Chair of the B&PSC. Charlie Ziemann nominated Professor Mike Williams to continue as Vice Chair of the B&PSC. Jon Dornom said that he would second the motion and Professor Mike Williams said that he would accept if Members voted in favour.

***That Professor Mike Williams continues as Vice Chair of the B&PSC.***

**Proposed:** Charlie Ziemann                      **Seconded:** Jon Dornom

**In favour:** 7  
**Against:** 0  
**Abstain:** 0

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### **Agenda Item 3**

#### **Apologies for Absence.**

PPO Townsend said that he had received apologies from Simon Toms (EA), Didi Alayli, Neil Smith (MMO), and Cllr Dewhirst. PPO Townsend said that he was not aware if Felicity Sylvester, Dr Pamela Buchan, Guy Baker, Caroline Acton, Simon Thomas and Mark Day would be attending the meeting.

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### **Agenda Item 4**

#### **Declarations of Interest.**

CO Mander highlighted the changes to Standing Orders, relating to declarations of interest, that had been communicated to Members. CO Mander said that officers had considered the agenda items for the meeting, and had not expected a need for any Member to declare a pecuniary interest. CO Mander confirmed that no declarations of interest, other than those already held on file, had been provided by Members prior to the meeting.

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### **Agenda Item 5**

#### **To consider and approve the draft minutes of the B&PSC meeting held on 13<sup>th</sup> June 2024.**

The Chair invited those who were present at the last meeting to raise any issues associated with the accuracy of the draft minutes from the June meeting and the minutes were examined page by page. There were no comments or suggested amendments to add to those received prior to the meeting that had already been applied. This was noted by PPO Townsend.

***That the minutes provide a true and accurate record.***

**Proposed:** *Mike Williams*                      **Seconded:** *David Morgan*  
**In favour:** 8  
**Against:** 0  
**Abstain:** 0

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### **Agenda Item 6:**

#### **Matters requiring urgent attention.**

The Chair consulted with officers and there were no matters requiring urgent attention.

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## Agenda Item 7:

### Members of the public – questions or comments for the meeting.

The Chair consulted with officers and there were no questions or comments from members of the public for the meeting.

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## Agenda Item 8:

### To Consider Amendments to the Current Category One Mobile Fishing Permit Byelaw – Permit Conditions

The Chair asked CO Mander to introduce the agenda item.

#### **Presentation**

CO Mander provided Members with background information, explaining that delays getting the new Mobile Fishing Permit Byelaw 2022 confirmed, had impacted on planning work for the B&PSC and impacted on introducing required management measures as permit conditions. CO Mander highlighted that the B&PSC had already agreed to a series of management measures, as set out in the officers' paper, relating to:

- **South Australian – Heritage Asset Site** (Scheduled Wreck off Lundy Island).
- **Bideford to Foreland Point MCZ**
- **Morte Platform MCZ**

CO Mander explained that the agenda item reflected a need to introduce spatial restrictions by amending current Mobile Fishing Permit Conditions, rather than to continue with a delay waiting for a new Mobile Fishing Permit Byelaw (with associated permit conditions). CO Mander reminded Members that the changes had all been through formal consultation and that there had been no objections to the management measures as set out. CO Mander highlighted that, subject to decision making of the B&PSC, an exact date when the new measures would be rolled out was not possible to determine at this time: however, regarding the Marine Conservation Zones (MCZ), there is an expectation that necessary management measures for commercial fishing are implemented by the end of 2024.

*Note: Felicity Syvester arrived.*

#### **Debate, Questions & Comments**

The Chair asked Members if they had any comments but said that it would not be appropriate to review the past decision relating to the management measures already agreed by the B&PSC, just how the management would be delivered. Mike Williams said that it was disappointing that the new Mobile Fishing Permit Byelaw (and associated permit conditions) had been delayed; however, it was important not to delay action and that using the current permit conditions provided a solution. Regarding the date for roll out, Mike Williams asked CO Mander if it was useful to set a date, as an expectation for new conditions to apply. Mike Williams also stated that it might be appropriate to introduce the changes, when the time is right, at officers' discretion. CO Mander said that a date could be included in a motion put forward by a Member.

## Decision Making:

*That current Category One Mobile Fishing Permit Conditions are amended (as summarised in Section 5 of the officers' paper) to introduce additional spatial restrictions when officers deem appropriate, but prior to 31<sup>st</sup> December 2024.*

**Proposed:**                      **Mike Williams**                      **Seconded: Wayne Thomas**

*There were no amendments to the motion.*

**In favour:**        **8**  
**Against:**         **0**  
**Abstain:**         **1**

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## Agenda Item 9

### To Review the Potential Management of Demersal Trawl Gear in Hartland Point to Tintagel MCZ

The Chair highlighted that the officers' recommendation was divided into two sections. The Chair said that the second part relating to the prohibition of scallop dredging in the Hartland Point to Tintagel MCZ would be discussed first.

#### **Presentation (scallop dredging)**

CO Mander explained that at the B&PSC meeting in February 2023 Members agreed that scallop dredging should be prohibited across the whole of the Hartland Point to Tintagel MCZ, in line with the outcome of the MCZ assessment for scallop dredges and the formal advice from Natural England. As per the management measures highlighted in agenda item 8, formal consultation had been undertaken on the introduction of the prohibition and there had been no objection. Therefore, and to once again recognise the delay in introducing the new Mobile Fishing Permit Byelaw 2022 (with associated permit conditions), the officers' recommendation is to apply required management measure within current Mobile Fishing Permit Conditions.

*Note: Pamela Buchan arrived.*

#### **Debate, Questions & Comments (scallop dredging)**

The Chair asked Members if they had any comments regarding the intended prohibition on scallop dredging within the Hartland Point to Tintagel MCZ. David Morgan stated that nothing had changed since the formal consultation regarding the need to protect the feature from interaction with scallop dredges. Mike Williams commented that this was purely a timing issue, with no need to revisit past decision making.

## Decision Making (scallop dredging):

*That a prohibition on the use of scallop dredges is implemented for the Hartland Point to Tintagel MCZ, prior to 31<sup>st</sup> December 2024, and at a time determined by officers.*

**Proposed:**                      **Mike Williams**                      **Seconded: David Morgan**

*There were no amendments to the motion.*

**In favour:**        **9**  
**Against:**         **0**  
**Abstain:**         **1**

### ***Presentation (trawling)***

CO Mander explained that during preparation of the papers for the B&PSC meeting, officers had examined the officers' advice to the B&PSC, prior to their decision making, leading to formal consultation. Within the formal consultation it had not been made clear that management measures should be introduced to protect the rock feature even though there has not been any identified demersal trawl gear activity interacting with the rock feature to date. However, there is the potential for trawl gear activity to interact with the rock feature if the permit conditions indicate that access to trawl gear is permitted. Officers had subsequently reviewed the Hartland Point to Tintagel MCZ assessment (Version 2) for towed demersal trawl gear on the rock feature and recognised that the conclusion of the assessment indicated that appropriate management, to protect the rock feature from demersal trawling, was required. Therefore, officers wanted to bring this to the B&PSC attention and for consideration.

CO Mander highlighted the content of the officers' paper including the conclusion relating to trawl gear and that if there was interaction, the conservation objectives of the site would not be met. CO Mander explained that a majority of the site is not suitable ground for demersal trawling, but that mapping is not perfect. DCO Clark confirmed that past surveys commissioned by Natural England had limited data on the habitat types within the site. Historic evidence demonstrates that activity is low and IVMS data has confirmed that there is no demersal trawl activity within the site. CO Mander explained that the officers' recommendation reflects that having no management for the site would not be appropriate, but that management through permit conditions, may also not be required. CO Mander explained that, with agreement of the B&PSC, the development and use of a Monitoring and Control Plan would be discussed with Natural England. If activity was to commence or increase, CO Mander said that the potential remains that management via permit conditions could be introduced.

### ***Debate, Questions & Comments (trawling)***

Felicity Sylvester highlighted that vessels from Cornwall do fish within the site. DCO Clark informed Members that the MCZ does extend into Cornwall; however, IVMS allows D&S IFCA to monitor mobile fishing vessels operating within the D&S IFCA District. The data indicates that trawl activity occurs just outside the site in the northern section, but that some fishers had in the past suggested that they do fish within the MCZ, although IVMS data did not confirm this. DCO Clark explained that the use of a Monitoring and Control Plan would enable the setting of a trigger point based on activity levels and would be an appropriate form of management. Charlie Zieman questioned whether a horse power limitation may be an appropriate form of management for the demersal trawl vessels. CO Mander replied saying that more evidence is needed on whether there is any activity by demersal trawl vessels in the MCZ, which could be gathered through a Monitoring and Control Plan. CO Mander added that the national roll out of IVMS would enable the monitoring of mobile fishing vessels that did not have a permit (with IVMS as a requirement) from D&S IFCA.

Mike Williams said that further discussion with Natural England was a course of action he would support, with the potential that D&S IFCA could reconsult on a closure if Natural England are not supportive of a Monitoring and Control Plan. Mike Williams said that it was potentially a two-stage process, and he would propose a motion to reflect that.

*Note: Guy Baker arrived.*



## Decision Making (trawling):

*That the B&PSC:*

- a) *Officers will engage with Natural England regarding the introduction of a Monitoring and Control Plan for demersal trawl gear vessels within the Hartland Point and Tintagel MCZ.*
- b) *If required, Officers will conduct a public consultation on limiting access to demersal trawl gear vessels within the Hartland Point to Tintagel MCZ.*

**Proposed:**

**Mike Williams**

**Seconded: Pamela Buchan**

**There were no amendments to the motion.**

**In favour: 9**

**Against: 0**

**Abstain: 1**

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## Agenda Item 10 (and 10a)

### To consider Conducting Informal Consultation regarding the Management of Pot Fisheries in D&S IFCA's District

#### **Presentation**

DCO Clark introduced the agenda item and highlighted the detailed information set out in both officers' papers 10 and the Annex 10a. DCO Clark explained how over time D&S IFCA had assembled the concerns raised by commercial fishers working within the District relating to crustacea stocks, and had provided the Authority with updates including development of the Crab and lobster Fisheries Management Plan (FMP). DCO Clark explained to Members that agenda item 10, set out relevant background information, with the first eight pages summarising the outputs from a series of port meetings. Although the port meetings had a range of aims, including improving D&S IFCA's evidence base regarding the location of activity, the meetings had helped officers collate mixed concerns regarding the state of the fishery and the broad views and suggestions for management measures. DCO Clark highlighted that the information, including the charts had been divided into different areas of the District, with Table 2, setting out the key themes that had generated different numbers of comments. DCO Clark explained that section 4 of the officers' paper set out additional information relating to:

- UK Project South West Crab Management Workshop
- Points raised at South Devon and Channel Shellfishermen Ltd (SDSC) meetings
- Anonymised responses from SDSC Members regarding the FMP
- An overview of responses gathered by CIFCA during their own Crustacea Call for Evidence in 2021

DCO Clark added that the pace of FMP work, with potential for future additional national management measures, is considered, by many to be slow. However, DCO Clark added that she has just been invited to join the Crab and Lobster FMP Implementation Group which will start to progress the management intervention highlighted in the FMP. DCO Clark explained that although a lot of information had already been gathered, a more focussed bit of work (pre-consultation) could be used to potentially reach a wider audience and gather wider views and opinions on changes to management within D&S IFCA's District.



### *Debate, Questions & Comments*

The Chair explained that although there were two agenda items relating to the subject matter, including information had been prepared for agenda item 10a for Members to note, anything specific relating to any of the presented information could be discussed at this point.

As a collective, Members thanked DCO Clark for preparing the detailed information. Wayne Thomas asked about the level of data that D&S IFCA has regarding catches and landings. DCO Clark explained that some analysis of crab landings had taken place, but establishing accurate Catch per Unit Effort (CPUE) was challenging. DCO Clark said that based on work by Cefas, landings are generally declining, and there is the possibility that environmental changes can have a bearing – there are many variables, including an increase in larger offshore vessels impacting inshore activity.

Mike Williams commented on FMP work, potentially leading to implementation of national control measures, but shared the views of others about the pace of this work and how it would be implemented. CO Mander explained to all Members that no one was sure at this time how this would be potentially achieved, and in what timeframe, on a national level; however, it was important for D&S IFCA to be as informed as possible, which is why officers attend relevant meetings about the FMPs. CO Mander explained that D&S IFCA may be better placed to make a difference at a quicker pace, albeit the management measures that are potentially introduced can only apply in the District and must be more restrictive than national measures.

Pamela Buchan said that she was supportive of pre-consultation; but enquired about environmental need and sustainability. DCO Clark said that the information gathered to date is an indication of the level of concern raised by fishers, but it is a limited pool of views. Pamela Buchan said that she hoped for a larger response in the pre consultation as D&S IFCA will need a strong basis to justify change. DCO Clark said it was hard to predict the level of response that may be achieved during pre-consultation; however, it will have a clear purpose and offer the opportunity for widespread engagement.

DCO Clark responded to further questions from Pamela Buchan about soft crab, and highlighted D&S IFCA's work testing durometers that measure the hardness of shells. Charlie Ziemann highlighted that some large vessels target soft crab to supply as bait for vessels targeting whelk. DCO Clark highlighted the Sea Fisheries (Shellfish Act) 1967 and explained how it was legal to land soft crab for bait nationally; however, D&S IFCA had introduced a prohibition on the use of soft crab as bait, but not when the target species is whelk.

Regarding declining profitability for inshore potting vessels, David Morgan commented that in his experience this was the case. Catches of brown crab are undoubtedly lower, with only increased catches of lobster providing relief for many inshore fishermen. David Morgan said that the decline could be caused by many factors, including increases in effort, inshore and offshore and would support the officers' recommendation as action is needed as soon as possible.

Charlie Ziemann said that recorded concerns raised to date are different around the District and that impacts of implemented management measures, across fishing sectors, have a potential bearing on others, for example the closure in Lyme Bay (for Mobile Fishing) leading to an increase in netting activity. Charlie Ziemann suggested that the increase in netting has impacted sole stocks, and a lot of crab claws are being landed from netting which is impacting crab stocks. Charlie Ziemann commented that further engagement may help to better identify regional differences in views, and potential management measures suited to different areas in the District and would therefore support the officers' recommendation to begin a consultation.

