



Formal Public Consultation

Amendments to Commercial (Category One) Mobile Fishing Permit Conditions

What is this about?

D&S IFCA is inviting you to respond to the formal public consultation on a proposed amendment to current commercial (Category One) Mobile Fishing Permit Byelaw Permit Conditions. To amend the Permit Conditions, D&S IFCA must follow a process that includes formal public consultation.

D&S IFCA is directly contacting everyone on its (email) mailing list to set out the proposed change to the Permit Conditions, the reasons for the proposed change, and how you can respond. D&S IFCA is also writing to permit holders that have not provided an email address. Your view is important, and D&S IFCA encourages you to forward this information or to notify others that may have an interest in the formal public consultation.

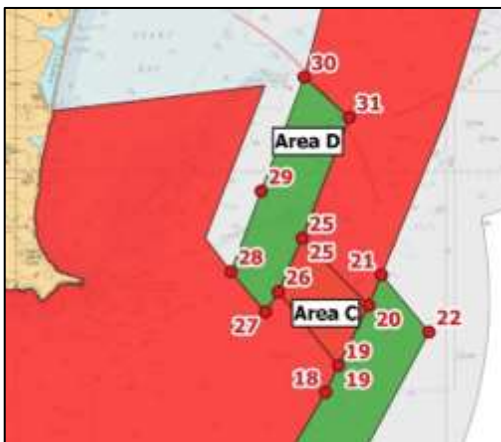
Information is available on the D&S IFCA's website to support this formal public consultation. The formal public consultation begins on **9th January 2025** and will end at midnight on **2nd February 2025**. The information prepared for the formal consultation includes a privacy notice relating to the protection of personal information.

The Proposed Change

The proposed change to the Permit Conditions relates to access (a re-opening of an area) for demersal mobile fishing gear in part of South Devon, east of Start Point. The area is marked as Area C in the chart below. This area is also known as "the Corridor."

The Area - Part of Annex 5a

Annex 5a sets out access areas for vessels using demersal mobile fishing gear in accordance with Paragraphs 3.5 and 4.4 of the Mobile Fishing Permit Byelaw Category One Permit Conditions.



Currently Area C (within points 19, 20, 25, and 26) is not accessible for demersal mobile fishing and is coloured red in Annex 5a.

It is proposed that Area C will be re-opened to allow access for demersal mobile fishing gear 1st March to 31st March and Annex 5a will be amended to show Area C as a green access area.

Paragraph 4.4 in the Permit Conditions includes a table of dates and the table of dates will be amended to show that Area C will be open from 1st March to 31st March. Paragraph 3.5 in the Permit Conditions will not require amendment.

The current Annexes, including Annex 5a, can be viewed on D&S IFCA's website: <https://www.devonandsevernifca.gov.uk/wp-content/uploads/2024/12/Mobile-Fishing-Cat-One-Permit-Annexes-Dec-2024.pdf>

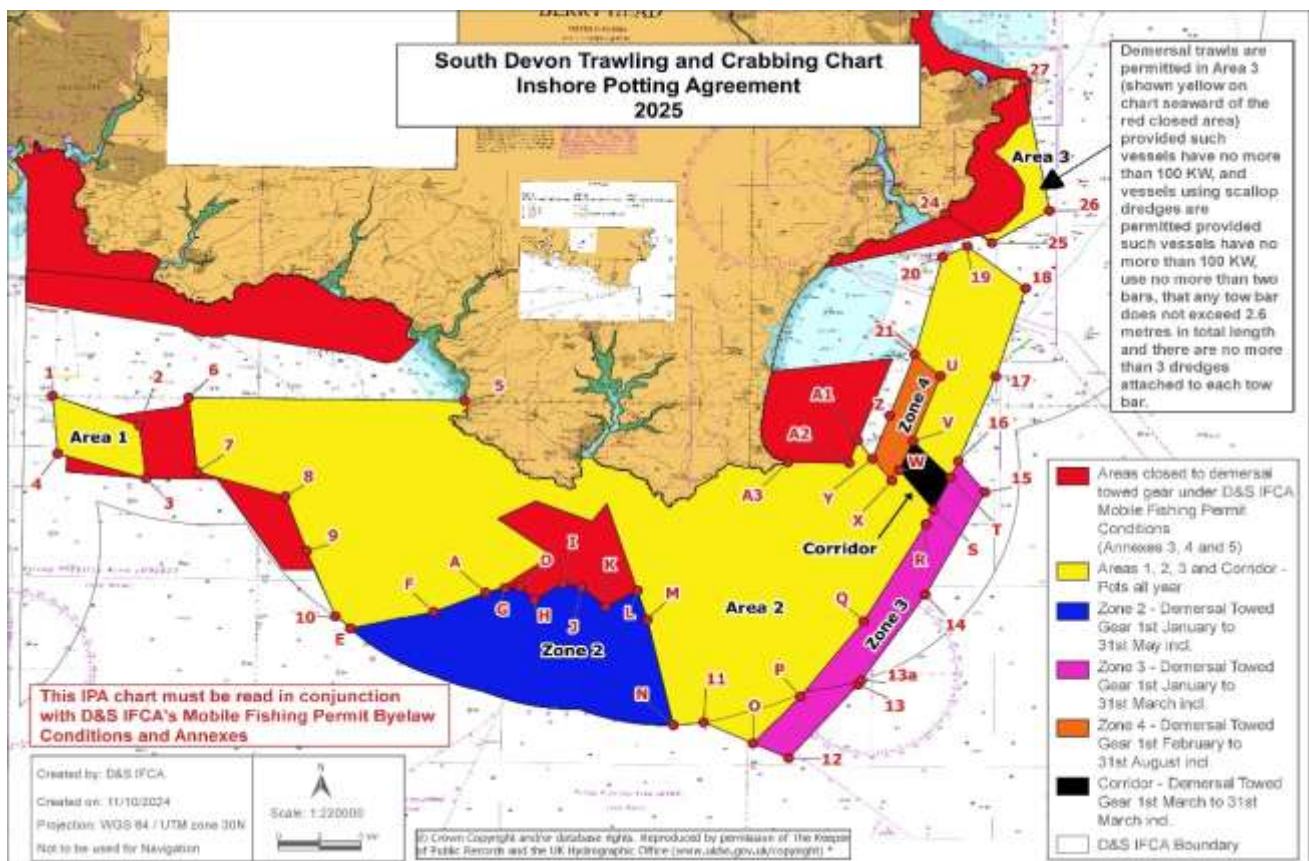
What is the Purpose of the Change?

Mobile fishing is managed through local and national legislation, and although local legislation (Byelaws and Permit Conditions) can be more restrictive than national legislation, this is not always appropriate to achieve particular objectives. Implementation of the proposal will result in an alignment of local and national legislation. Background information and the rationale for the proposal is set out below.

Background Information and Rationale for the Proposed Change

In addition to D&S IFCA's Mobile Fishing Permit Conditions, access for mobile fishing (that includes trawling and scallop dredging) in parts of South Devon is regulated by national legislation through a licence condition. A chart, called the South Devon Trawling and Potting Chart, and also known as the IPA Chart, is produced and should be read in conjunction with the licence condition.

The IPA Chart overlaps with D&S IFCA's Mobile Fishing Permit Conditions (Annexes). Two designated MPAs, the Skerries Bank and Surrounds MCZ and Start Point to Plymouth Sound and Eddystone SAC (designated in 2013 and 2011 respectively) co-locate with the IPA.



The IPA Committee

The areas in the IPA Chart are discussed each year by the IPA Committee which normally consists of five members of the commercial potting fleet and five members of the mobile fishing (trawling and scalloping) fleet that actively fish within the IPA or are representatives of those that do. The Marine Management Organisation (MMO) and D&S IFCA facilitate and chair the meeting.

In 2023, the IPA Committee reacted to reported infringements within the Corridor, and determined that the Corridor should be closed during March 2024 and the 2024 IPA Chart prohibited access within

the Corridor. The IPA Committee agreed to consider the re-opening of the Corridor if there were no infringements recorded in 2024. The closure, with the potential for a re-opening was the IPA Committee's commitment to encourage compliance with the spatial management.

In 2024, D&S IFCA were required to amend its Category Mobile Fishing Permit Conditions to also close the Corridor (Area C of Annex 5a of the Mobile Fishing Permit Annexes) as D&S IFCA's permit conditions cannot be less restrictive than national legislation.

At the IPA Committee in September 2024, the re-opening of the Corridor for 2025 was discussed. In a vote, Members of the IPA Committee unanimously agreed to the opening of the Corridor between 1st March and 31st March 2025.

Decisions taken by the IPA Committee are not bound by the legal duties placed on D&S IFCA. This decision by the IPA Committee is reflected in the IPA Licence Condition, which applies from 1st January 2025. The 2025 IPA Chart has been circulated to fishers. Minutes of IPA meetings can be found on D&S IFCA's website; on the South Devon IPA Display Page:

<https://www.devonandsevernifca.gov.uk/enforcement-and-legislation/south-devon-ipa-trawling-crabbing-chart/>

D&S IFCA's Byelaw and Permitting Sub-Committee (B&PSC)

D&S IFCA's Byelaw and Permitting Sub-Committee (B&PSC) has the responsibility of reviewing the management of fishing activities within D&S IFCA's District. The B&PSC reviews and develops D&S IFCA's byelaws and permit conditions. The role of the B&PSC includes considering changes to permit conditions. A list of B&PSC Members can be found on D&S IFCA's website or by clicking [here](#).

Due to the amendment to the 2025 IPA chart, the management measures set out in the Licence Conditions and D&S IFCA's Category One Mobile Fishing Permit Conditions do not align, with D&S IFCA's management measures now more restrictive than the Licence Conditions. On 5th December 2024, the B&PSC discussed the differences in management measures and the B&PSC were aware that D&S IFCA is not legally required to align the management measures; however, the B&PSC supports and encourages the continuation of co-management within the IPA areas.

The B&PSC have accepted that the default position is that the Corridor and adjacent areas should be accessible for demersal mobile fishing vessels during limited time periods each year. The opening enables D&S IFCA to balance the needs of the fishing sector and its own conservation duties. D&S IFCA officers have undertaken the necessary environmental assessment of mobile fishing activity within the Corridor based on this limited access window each year, and concluded that the activity would not have an adverse effect. The B&PSC have accepted this as their position and are satisfied that the proposed change does not conflict with its statutory duties (S153 and S154) Marine and Coastal Access Act 2009.

On 5th December 2024, the B&PSC voted and agreed that formal consultation should be undertaken with a view to align the Category One Mobile Fishing Permit Conditions with the 2025 Inshore Potting Agreement (IPA) Licence Condition.

Your Response

1. If you wish to object to the proposed change, please explain the reasons for your view.
2. Responses sent by email or letters are preferred, however you can also telephone us or meet with us in person if you prefer.
3. It is important that every response contains the following information:
 - Your name and contact details (if not already on our mailing list).

- Why you (or the organisation you represent) have an interest in this consultation?
- Are you a D&S IFCA permit holder and if so, what D&S IFCA permit do you hold?
- How were you made aware of this formal public consultation? (e.g., by this circular, by browsing D&S IFCA's website, D&S IFCA Facebook, from someone else, or other source).

4. Sending in your response/contacting us

Different options are available:

- Contact us via email – consultation@devonandsevernifca.gov.uk
- Write to us: D&S IFCA, Brixham Laboratory, Freshwater Quarry, Brixham, TQ5 8BA.
- Call us to find out more about the formal consultation – 01803 854648 (Extension 856)
- Your response must be received by midnight on 2nd February 2025.

The Next Steps

When the formal consultation ends, all the responses will be collated. The responses will be analysed by D&S IFCA Officers and anonymised (where appropriate) to create a report that will be presented to D&S IFCA's B&PSC in February 2025. If the B&PSC decide to go ahead with the changes to the Category One Mobile Fishing Permit Conditions, amendments will be made as highlighted in this formal consultation. The amended Category One Mobile Fishing Permit Conditions and Annexes will be reissued to permit holders free of charge before 1st March 2025.

What do we do with your information – Privacy Policy

We protect any personal data that you may provide. Any personal data submitted in this information collecting process will not be shared with other organisations or placed in the public domain. The content of responses will be summarised and anonymised where appropriate for documenting in reports that will be presented to the Byelaw & Permitting Sub-Committee and published on our website.

D&S IFCA has a privacy policy which can be found by visiting our website (home page) www.devonandsevernifca.gov.uk

- You can change your preferences at any time.
- We have a duty to consult with D&S IFCA Permit Holders.
- You can manage your preferences by contacting D&S IFCA.

Background Reports & Papers (Links) and keeping you informed.

Reports and Officers' papers of most significance to any review or change to byelaws or permit conditions are available on D&S IFCA's website:

- [The Authority and B&PSC Meetings Page](#)
- [B&PSC Papers & Meeting Minutes: Section B of the D&S IFCA Website Resource Library](#)
- [MCZ Assessments \(Tranche 1\): Section H of the D&S IFCA Resource Library](#)

We post information about our work on our website/Facebook. Direct communication is often the best way to help you stay informed about our work and to highlight the opportunities for you to have your say on a range of topics or issues. If you are not already on our mailing list, then you can get yourself added by contacting D&S IFCA and you will then be directly notified of all our formal consultations.

End.