

Amendments to Category One Mobile Fishing Permit Conditions

Officers' Recommendation

That the area of the Inshore Potting Area known as 'the Corridor' / Area C is reopened to demersal towed gear during March (1st March to 31st March)

1. Background

At the Byelaw and Permitting Sub-Committee meeting, held on 5th December 2024, members agreed to consult on the reopening of the area of the Inshore Potting Agreement area (IPA) known as 'the Corridor'. The Corridor is also located within the Skerries and Surrounds MCZ. Within D&S IFCA's Category One Mobile Fishing Permit Conditions (Annexes), the Corridor is referred to as Area C.

Members were informed that 'the Corridor' was an area of the IPA that historically allowed access to the demersal towed gear fleet for the month of March each year. The area is closed the rest of the year. However, after one reported incursion by a demersal towed gear vessel outside of the agreed period in 2023, members of the IPA Committee (representatives of the mobile and potting gear commercial sector) agreed to close the area in 2024.

The decision to close the area was not taken based on environmental impacts but to act as a deterrent and further encourage all fishers to adhere to the agreed management measures. The IPA Committee decision making is part of the framework of management that exists within the IPA.

At the meeting of the IPA Committee in September 2024, the Members agreed to reopen 'the Corridor' during March as there was no evidence, either reports of lost static gear or vessel tracking data, which indicated that any illegal fishing had taken place whilst the full closure was in place during 2024. Changes to the IPA chart are made through Fishing Vessel Licence Conditions (variations).

The Marine Management Organisation has already amended the Licence Condition to allow access. D&S IFCA's Category One Mobile Fishing Permit Conditions currently do not authorise access.

D&S IFCA generally reflect the management decisions taken by the IPA Committee, as the IPA is a long standing (over 50 years) conflict resolution management system, recognised nationally and internationally. However, D&S IFCA understands that this support is on condition that it can demonstrate delivery of its statutory duties including;

seeking 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;

seeking to ensure that the conservation objectives of any Marine Conservation Zone (MCZ) in the district are furthered.

2. Response to the Formal Consultation

A total of seven objections were received during the consultation period. A full report on the consultation is provided in Annex A¹. B&PSC Members are asked to consider whether any new evidence has been provided in the responses that materially changes the basis for the B&PSC proposing to re-open 'the Corridor,' as set out in the information used for the public formal consultation.

Natural England's Response:

Natural England acknowledges that it and D&S IFCA share a common goal of sustainable management of a healthy marine environment. Natural England recognises that the IFCA also has a specific commitment to secure the balance of environmental concerns with the needs of sustainable fishing. The Chart below shows that The Skerries and Surrounds MCZ co-locates with Start Point to Plymouth Sound and Eddystone Special Area of Conservation (SPPSE SAC). Both of these MPAs co-locate with the IPA area. The consideration of appropriate management in the Skerries and Surrounds MCZ is made more complex when considering it through the wider context of the SPPSE SAC.

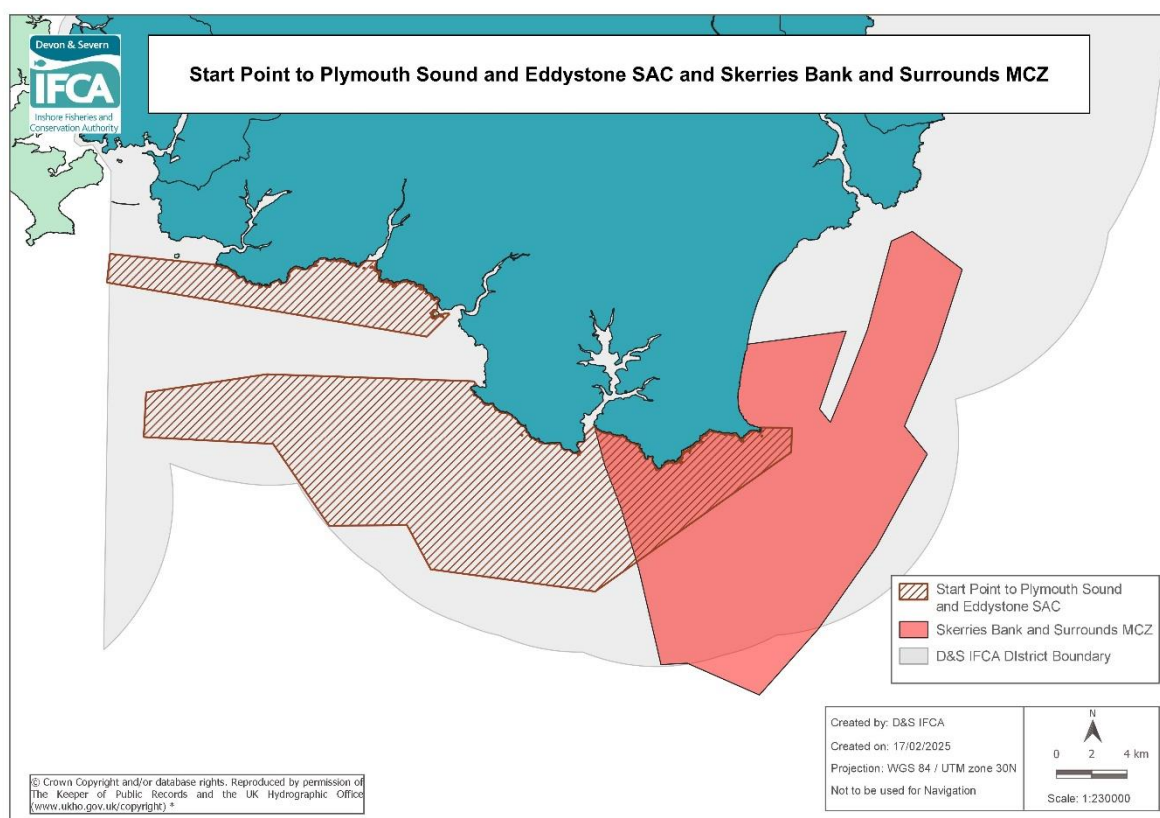


Figure 1 - Skerries Bank and Surrounds MCZ and Start Point to Plymouth Sound and Eddystone SAC within D&S IFCA's District

¹ Formal Consultation Report – Mobile Fishing Permit Conditions – A Summary of Responses from the Formal Public Consultation (9th January 2025 to 2nd February 2025)

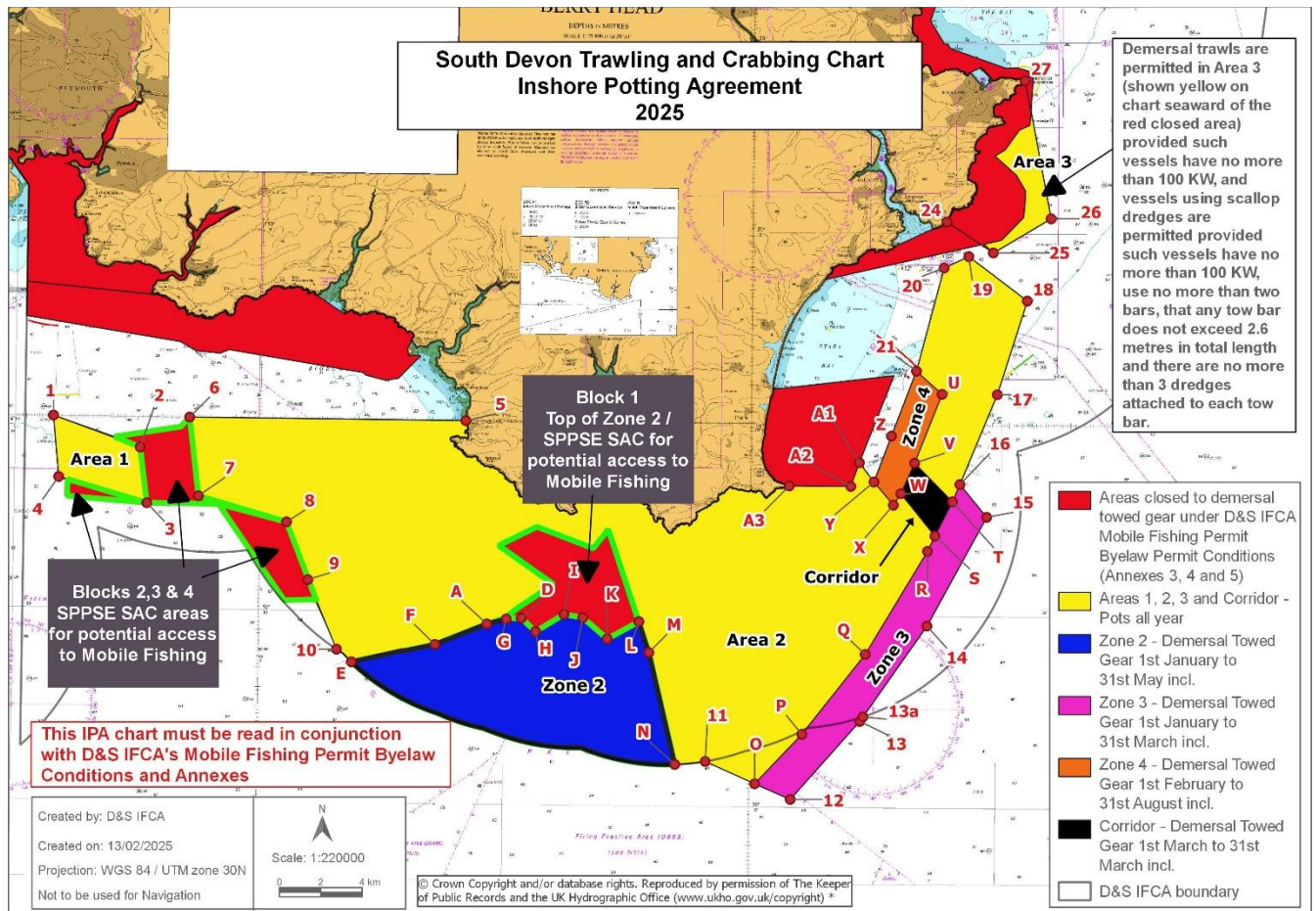


Figure 2 IPA Chart 2025 showing areas that could be reopening or where MEEB considerations could be applied

Natural England has restated its position that it disagrees with D&S IFCA's MCZ assessment that the opening of 'the Corridor' for one month will not hinder the achievement of the conservation objectives of the Skerries Bank and Surrounds MCZ.

Natural England state that Condition Assessments are carried out for all MPAs to provide information on the condition of marine features for statutory reporting obligations. D&S IFCA recognises the importance of these Condition Assessments. Officers made comments on the 2023 Condition Assessment for the Skerries Bank and Surrounds MCZ but was not in agreement with some of conclusions made by Natural England within that assessment.

When the site was designated the General Management Approach (GMA) to the coarse sediment was to 'maintain in favourable condition' in full knowledge and recognition of the existing mobile gear fishing activity that takes place, and has done since 1970s, in the three temporally opened zones. D&S IFCA raised concerns about the rationale behind the change in approach recorded in the 2023 Condition Assessment which changed the condition to 'unfavourable declining' due to the continuation of seasonal mobile fishing in the three zones. D&S IFCA has challenged the Cefas survey data used to inform the Condition Assessment and raised concerns on some of the information used to inform the 2023 Condition Assessment. Natural England took into account some of the issues raised but maintained the Condition Assessment for the features as 'unfavourable declining' and changed the conservation objective to 'recover'.

The Corridor, which has been open for the month of March each year until 2024, covers an area of 1.69% of the Skerries Bank and Surrounds MCZ and contains approximately 3.54% of the coarse sediment and 0.27% of the subtidal sand features present in the whole site. The Skerries Bank and Surrounds MCZ Assessments, undertaken by D&S IFCA, concluded that the limited time access to demersal mobile gear, would not hinder the original conservation objective targets of the site. The conclusion was drawn from a range of evidence including, but not limited to, the lack of certainty and D&S IFCA's challenge to Cefas survey results; the evidence provided by Ocean Ecology Consultants that there was no significant difference between the open and closed areas, and the assertion that the integrity of the IPA would remain in tack when the site was designated. Natural England did not agree with D&S IFCA's conclusion at the time and have since undertaken the Condition Assessment and changed the conservation objectives.

Natural England, in their consultation response, concluded that it would not support the opening of the Corridor of the IPA. However, D&S IFCA and Natural England have been in discussions about the possibility of opening the area within the SPPSE SAC (Figure 2 - Block 1 part of the red area to the north of the blue 'Zone 2'. In addition, the latest habitat mapping adopted by Natural England indicates that the red areas, Blocks 2, 3 and 4, to the east of 'Area 1') do not contain the designated reef feature of the SPPSE SAC. These areas could therefore be considered for reopening to demersal towed gear fishing even though they have been closed to demersal fishing for over 10 years and will be in a fully recovered state.

The consideration of opening areas, which have been closed for so many years, is due to the fact that the latest evidence available from the benthic surveys indicate that the designated reef features are not as widespread as previously thought. Natural England has already provided formal advice that would allow the partial reopening of the Block 1 (red area above the blue zone 2, south of Salcombe) to demersal towed gear. The reef feature in the other sites is now known to be far smaller in extent than previously mapped and D&S IFCA would expect Natural England to hold a similar view and not advise against authorising access by demersal towed gear in this area too.

These areas (2, 3, and 4) do hold very little designated reef feature, similar to 'the Corridor' and the habitat is mainly subtidal coarse sediment. In addition to not agreeing with the Natural England's Skerries Bank and Surrounds MCZ Condition Assessment, D&S IFCA Officers are seeking to avoid the scenario where it closes 'the Corridor', and possibly Zone 3 and Zone 4 of the MCZ, due to the reassessment of the General Management Approach by Natural England, whilst opening a similar size area of similar habitat within other areas of the SPPSE SAC.

D&S IFCA is addressing the scenario described above with Defra and Natural England and is working on its submission of a management plan based on the principles of Measures of Equal Environmental Benefit (MEEB). Officers believe that whilst these discussions are ongoing D&S IFCA's management approach to the MCZ and SAC should include the reopening of 'the Corridor'.

The principle of MEEB is that when an activity takes place within an MCZ then there is potential to allow this activity to continue if :

- there is no alternative means of proceeding with the activity which would create a substantially lower risk of impact,
- that the benefit to the public of proceeding clearly outweighs the risk of damage to the environment, and
- that the applicant will undertake or make arrangements for the undertaking of MEEB to the damage or likely damage.

D&S IFCA believes that MEEB can be applied by keeping the areas already closed in the SPPSE SAC, where the coarse sediment will be in a recovered condition, and this will provide Measures of Equal Environmental Benefit against allowing the continued time limited access to demersal gear in zones within the Skerries Banks and Surrounds MCZ. The areas within the SPPSE SAC are of equal size to the three zones in the MCZ and the benefit will be to allow the existing activity to continue (as agreed on designation of the MCZ), and provide food security, social and economic certainty to the fishers. D&S IFCA believes that the benefit to the public of proceeding with the current activity in the MCZ outweigh the risk of damage to the environment that is created by the existing activity, and MEEB is achieved through not opening the areas within the SPPSE. D&S IFCA has commissioned Ocean Ecology Consultants to analyse underwater video footage taken in the Block 1 to ascertain how well recovered the coarse sediment is in this area to provide evidence to support MEEB.

These discussions are ongoing with Defra and Natural England. It is envisaged that an application for MEEB will be submitted this year. The uncertainty lies with the fact that to date MEEB has not been applied to fishing activity and whether Defra and Natural England will determine that the public benefit test has been met.

Devon Wildlife Trust's response

Devon Wildlife Trust base their objection on their view that demersal towed gear should be prohibited within all Marine Protected Areas. D&S IFCA Officers are aware that other environmental bodies share 'the whole site approach' to management within Marine Protected Areas

The 'whole site approach' has not be formally implemented through the UK Government and the Statutory Nature Conservation Bodies (Natural England/JNCC). Defra's Revised Approach to managing fishing activity in MPAs, implemented in 2013, has been on a MPA designed feature and site by site basis. D&S IFCA has undertaken MPA assessment in all its 22 MPAs on the Revised Approach basis. D&S IFCA Officers therefore do not agree with changing the approach to managing fishing activity to a whole site approach unless it is formally implemented and believe that it is possible to allow demersal towed gear to operate within Marine Protected Areas without significant impact to the designated features.

In the Officers' opinion it is wrong to characterise the proposal to open the Corridor as a response to supporting short-term industry needs over long-term resilience. Many of the respondents including possibly the Devon Wildlife Trust may not be aware of the longstanding management that has been applied to the site including allowing access to 'the Corridor'. Both the SPPSE SAC and the Skerries and Surrounds MCZ were designated because of the favourable conditions of the site features at the time of designation. This was because of the fisheries management that was in place, not despite of it

D&S IFCA recognises that Devon Wildlife Trust's focus is delivering environmental benefit through the MPA network. However, protection of the MPA sites is not delivered simply by designation and Officers believe that improved conservation and fisheries benefits are delivered through achieving high compliance with the management measures. The actions taken by the IPA Committee in 2023 to request the closure of the Corridor in 2024 demonstrates the commercial fishing sectors wish to support the established management approach.

The response references the MMO's Impact Evidence of bottom towed gear. The evidence is generic and is less applicable to highly dynamic environments such as found in the Corridor.

Despite the statement in the MMO's report, the MMO has already issued an amendment to the fishing licence this year that will allow the Corridor to open in March.

Devon Wildlife Trust are concerned that D&S IFCA does not have the resources to effectively monitor the fishing activity. Whilst Officers agree that D&S IFCA's resources are insufficient to deliver all its statutory duties, each Annual Plan prioritises the monitoring of the mobile gear fleet. D&S IFCA introduced IVMS on all mobile gear vessels in 2018 to improve its ability to monitor mobile gear fishing vessels through complex access areas and reduce the impact of displacement of effort. The introduction of IVMS was a prerequisite to allowing access back to the areas of the SPPSE SAC that Natural England has agreed to. D&S IFCA is confident that it has improved compliance since 2018 as the number for reported pot losses from within the MPA network has fallen considerably.

D&S IFCA understands its wider duties, including its environmental responsibilities and this is why it has undertaken formal public consultation with a wide range of stakeholders. Officers would support the IPA Committee's position in this case, but in contrast, D&S IFCA closed the areas (Blocks 1, 2, 3 and 4) that had historically been accessed by the mobile gear fleet without the agreement of the IPA Committee.

Wembury Marine Conservation Area Advisory Group's response

The Wembury Marine Conservation Area Advisory Group's response raised similar points to Devon Wildlife Trust.

The Wembury Marine Conservation Area Advisory Group advocates a whole site approach where demersal towed gear is removed entirely from within Marine Protected Areas. Issues relating to the Whole Site Approach have been discussed under Devon Wildlife's Response. Officers are unsure whether the Group is aware of the longstanding management of this area and whether its objection is based on the premise that D&S IFCA is proposing to open a new access opportunity for the demersal towed gear sector, rather than restoring the access that was in place before 2024.

Officers accept that demersal towed gear may have an impact on the habitats within the Corridor, but this is an area that has been fished in this way for decades and provides the necessary balance of access to fish stocks and promotion of the recovery of the marine environment when looking at the whole Marine Protected Area (SPPSE SAC).

Individual stakeholder's response (01)

The respondent is concerned that the reopening of the Corridor could represent a concerning precedent. Officers are unsure whether the respondent is aware that the seasonal opening of the corridor is the default and that the decision to close the Corridor in 2024 was unprecedented.

The respondent recognises that various needs of the commercial sectors whilst promoting the safeguarding of the static gear fleet. The IPA Committee's decision was based on these principles.

The respondent also acknowledges that the habitat naturally experiences a high rate of disturbance but feels that the area remains environmentally important, and that the area should not be reopened. As already stated, Officers agree that the richness of the coarse sediment in the Corridor is not as high as in areas that are currently protected but not designated in other parts of the SPPSE SAC.

The respondent makes reference to the recreational sector's interest in the site and references the Skerries Bank in particular. Officers do recognise the importance of the social and economic benefits derived from the recreational fisheries and it is why D&S IFCA introduced the Angling Zone (Code of Conduct) for the Skerries Bank to restrict commercial fishing with nets in addition to the formal prohibition of demersal towed gear fishing in the area.

The Corridor is normally fished by scallop dredgers rather than demersal trawling. Trawling generally occurs in the areas directly adjacent to the Skerries Bank.

Individual stakeholder's response (02)

The respondent highlighted the recreational and commercial angling interests in the site. Officers recognise the general feedback that the plaice fishery on the Skerries Bank is poor. The reason for the decline in the number and size of the plaice is unknown although the respondent believes that this is due to overfishing. Officers consider that the level of illegal trawling across the site has reduced significantly since the introduction of IVMS and the number of trawlers working the areas to the north and east of the Skerries bank has also reduced.

Officers believe that the changes in trawling activity immediately adjacent to the site are therefore less likely to be the main driver for the decline of this important recreational and commercial species.

Individual stakeholder's response (03)

The respondent highlighted the recreational importance of ray species, particularly blonde ray in their response and the importance of fish conservation and sustainability.

The Corridor is dominated by potting activity when the area is closed to demersal towed gear vessels. There is netting activity for rays and turbot across the wider Skerries Bank and Surrounds MCZ and SPPSE SAC and whilst recognising the individual's concern for these species and bass, the management of the net fishery is not the focus of this formal public consultation.

Individual stakeholder's response (04)

The recreational angler in their response attributes the decline in inshore stocks to commercial fishing activity. The respondent refers to the Skerries Angling Zone and believes that opening the Corridor will impact on the plaice and rays available in the Angling Zone.

The Corridor, if opened again, would attract mainly scallop dredging vessels and although some plaice and ray bycatch might be taken, during the one month opening, it is likely to be significantly less than the catch taken by trawlers that can fish immediately to the north and east of the Skerries Banks all year round.

3. Officers' Recommendation

Officers recommend that the area of the Inshore Potting Area known as 'the Corridor' is reopened to demersal towed gear during March 2025.

The consultation responses highlighted the challenge to balance the various interests in fisheries and conservation management presented to the Authority.

The consultation process was valuable in that it has confirmed the conservation importance of the Skerries and Surrounds MCZ and the wider SPPSE SAC, and the ambition of environment groups for demersal towed gear vessels to be excluded from all Marine Protected Areas. The importance of the recreational fishing sector was also brought to the fore by the four individual respondents.

The purpose of the consultation was to seek to identify new information or evidence that would change the Members' basis for the proposed management. Officers believe that no new information has been provided.

Members were aware that Natural England do not agree with the Officers assessment that reopening of the Corridor will not hinder the achievement of the conservation objectives. This paper highlights that the consideration of the management of the Corridor is part of a wider conversation regarding improving the environmental benefits of the SPPSE SAC whilst balancing the benefits of accessing the fish stocks.

Members recognised that the decision of the IPA Committee is not binding and D&S IFCA needs to consider the other matters raised in the consultation. However, where it is possible to recognise the views of both the inshore static and mobile fishing sectors the value for doing so should not be underestimated.

D&S IFCA has significantly improved its ability to protect Marine Protected Areas from the impact of illegal towed gear and intends to explore the opportunity to improve this further through the introduction of Remote Electronic Monitoring onboard demersal towed gear vessels. However, the most effective compliance is achieved when those that are affected by regulation support the management imposed upon them. The IPA Committee's decision to close the Corridor in 2024 was based solely on supporting the approach to management that has been developed over many years. If that support expressed by the commercial fishers translated to a permanent change in management, it is unlikely that such decisions will be made in the future. The loss of opportunity to gain regulated access may be the justification for a rise in non-compliance.

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](#).

[B&PSC meeting minutes 9th June 2022](#).

End.