

## Options for management measures for inclusion in formal public consultation on proposed changes to potting permit conditions

### Officers' Recommendation

**That D&S IFCA formally consults on capping the number of pots that can be operated by a commercial potting vessel in the District, as set out in this paper.**

#### 1. Aims of the Officers' Paper

This Officer's paper must be read in conjunction with the discussion presentation for the B&PSC – "***Options to introduce potting management measures***".

The paper and presentation reflect the decision making of Members in December 2024, when the Officers' recommendation for pot capping was deferred, with Members wishing to be provided with more information and a selection of options to consider.

This Officers' paper, in conjunction with the presentation has the aim of:

- ***Filling gaps in information, including an analysis of the current potting fleet;***
- ***Presenting a range of management options;***
- ***Consideration of the strengths and weaknesses associated with each option;***
- ***Providing an indication of known and potential impacts that are associated with the options;***
- ***Identifying which measures are suitable for introduction through permit conditions.***

#### 2. Actions to Date

In December 2022, Members of the Authority and the Byelaw and Permitting Sub-Committee (B&PSC) were first alerted to pressures, risks and concerns relating to pot fisheries in the District. The decision making of Members resulted in actions for Officers including the collation of information and evidence to further inform Members. A timeline of actions, and other relevant detail associated with those actions is set out below:

Date	Action	Detail
2024 (Jan to June)	12 port meetings (3 North Coast, 9 South Coast)	All findings collated and reported to B&PSC September 2024.
5 <sup>th</sup> September 2024	B&PSC Decision Making	Officers actioned to informally consult to gain wider opinions on the concerns and suggestions of management measures regarding crab and lobster fisheries in the District.
5 <sup>th</sup> December 2024	B&PSC Meeting	Members presented with the findings of pre-consultation and officers' recommendation for pot capping. Members deferred decision and requested further information and options to be presented.
January 2025	Officer work	Officers conducted a fishing activity survey targeted towards potting permit holders that had declared operating 1000 or more pots. Officers used their own knowledge, all available information, and best available evidence to consider options to be presented to Members.

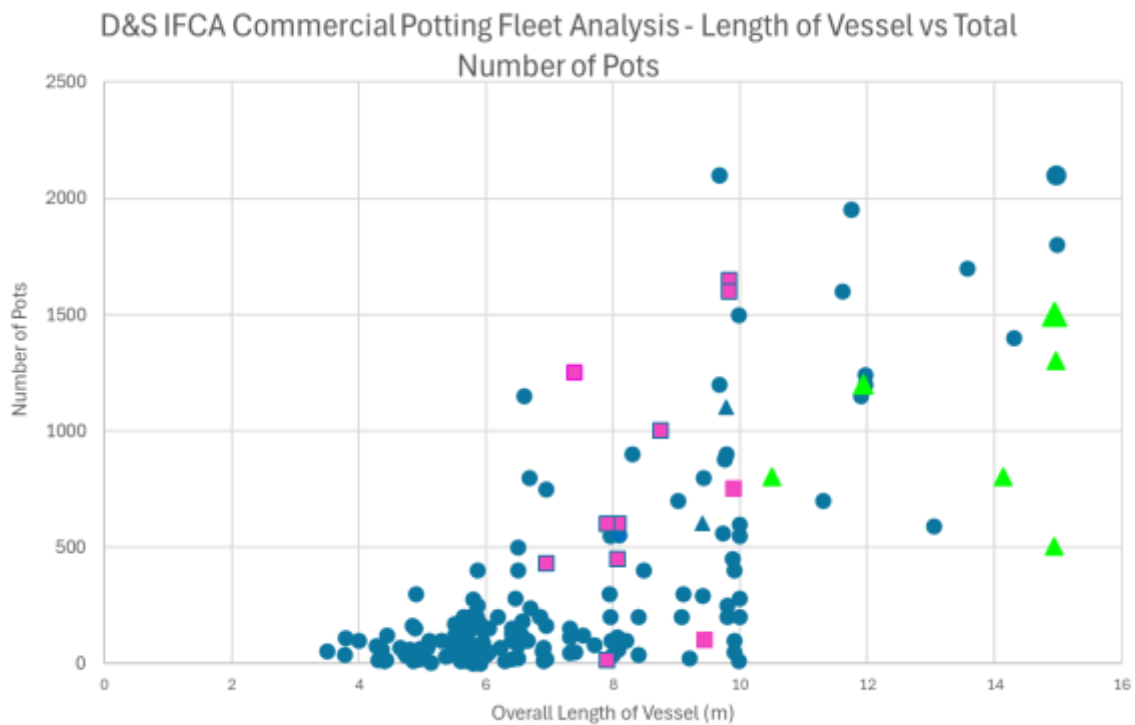
**Level of Potting in the District**

The range of effort applied within the District varies and this has relevance to both the concerns raised during engagement and the options presented by officers. 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). Responses from small scale commercial operators and recreational potters considered larger 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 174 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, which are capable of operating 4,000 to 6,000 pots (inkwell, creel and parlour) entering the fishery.

The views of those operating vivier vessels are unknown; however, it should be noted that these vessels are currently working less pots than some of the other vessels in the fleet. The chart below demonstrates the total effort directed towards the pot fishery based on the size of the vessel.



▲ Vivier vessels    ■ Mulithull vessels    ● Monohull vessels

**Fleet Structure:**

Number of commercial permits	174	Number of mono hull vessels	156
Number of recreational permits	450	Number of Multi hull <sup>1</sup>	11
Vessels (10 metres to 14.99m)	18	Number of Viviers	7
Port of operation	24	with the majority of vessels operating from ports on the South Coast.	

### 3. The Issues

The pre-consultation phase has identified the following main concerns:

- There is a need to safeguard existing operators against increased levels of effort being applied, in particular from the vivier fleet being displaced from Cornwall and offshore grounds.
- There is a need to consider the current levels of effort being applied to the fishery.
- There is a desire for managing the two coasts of the District differently to reflect the different fisheries and how fleet operate.
- There is an interest in localised measures being applied within the coastal belt around the District, including steps being taken to protect smaller scale fishing activity and to reduce conflict between commercial and recreational fishers.

The engagement work to date has highlighted that there are many issues that concern fishers in different parts of the District. 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.

### 4. The Officers' Considerations

In determining what options to present to Members, officers' have considered how these options recognise the main points. Other factors highlighted in the presentation are also relevant including the B&PSC's principles, primary drivers, and the capability to draft and implement suitable and effective permit conditions.

When considering what management approaches were available to the B&PSC, **the Officers applied an approach that avoided impact** on existing fishing activity and businesses.

The known and potential impacts were pivotable in officers thought process, with different options potentially increasing impact, depending on how they go. The level of impact also needs to be balanced against what the potential measure will achieve.

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<sup>1</sup> Multi Hull - Catamaran design provides greater deck space relative to the length of the vessel and vivier vessels increase the carrying capacity of the catch.

## 5. Information Gaps

The accompanying presentation sets out the detail regarding the level of engagement from the port meetings and targeted pre-consultation. In addition, it includes data relating to potting activity in the District:

- Where potting vessels operate in the District;
- From which ports potting vessels operate from;
- The different sizes of potting vessels operating from different ports;
- Landings information relating to lobster, brown crab, and whelk.

## 6. Management Options

### Pot Capping

It is proposed that pot capping is introduced at the level that reflects the current fishing activity undertaken by all vessels in the fleet. This is the only option that does not impact on any vessel operator. Information on the number of pots used by each vessel is available from the permit applications. 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. In addition, those permit holders that claimed to be fishing more than 1,000 pots were contacted to confirm the number of pots they have. This additional information has been used to update the pot capping levels set out at the end of the report.

Pot capping can apply different effort thresholds on the North and South coasts and to different fisheries. This would support the feedback from the informal consultation to manage the North and South coasts differently.

Applying a maximum number of pots across the different fisheries means diversification to another fishery may require vessels to reduce effort to target another species. This would introduce some measure of control regarding the emerging scallop pot fishery that has an important bycatch of crab and lobster.

Pot capping would prevent any existing or new vessel including vivier vessels from increasing effort beyond the thresholds reflecting the concerns raised regarding the risks of increased effort.

Introducing pot capping is possible through amended permit conditions

### How Pot Capping Could Work

A number of the IFCAs have limited the number of pots that can be operated by each vessel and require tags to be fitted to pots. Some IFCAs only limit the number of pots in the whelk fishery, some apply the requirement to all their pot fisheries. The other IFCAs 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 IFCAs 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 cap. 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 cap which can then be inspected at sea.

The formal consultation proposals for capping the number of pots used per vessels (2,100 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 operating 1000 or more pots 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 were 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.

*The following options impact on existing operators and the level of impact depends on how restrictive the measure is.*

## Pot Reduction

Rather than capping effort at the current levels, the cap could be reduced. The degree to which the fishery could benefit and the impact on existing activity will be dependent on how great the reduction is and whether the reduction in effort is applied to part or all the fleet.

The decline in the brown crab fishery since 2016 in the District and nationally is well documented. It is not however known whether the existing effort is a key factor in this decline. As previously reported to the B&SPSC there are other factors that may have led to this decline. D&S IFCA does not have the resources to manage a requirement for permit holders to report catches in sufficient detail to determine changes in Landings Per Unit Effort (LPUE). A decline in LPUE over time is a strong indicator that the stock is under pressure. The use of IVMS and improving national data collection would generate really valuable information across the whole fleet.

It is likely that environmental factors including oceanic shifts and increase in predators, other marine activities, for example aggregate dredging and other fishing activity, such as offshore scallop dredging and increase in nomadic potting vessels since 2014, are responsible for the decline. It is acknowledged that maintaining current levels of potting for crab may exacerbate the situation and a precautionary approach might be justified.

The presentation shows how varying degrees in the reduction in capping level will affect existing potting vessels. A further lowering of the caps on potting effort would be well received by the smaller operators in the fleet, based on the feedback from the consultation. However, to reduce the cap sufficiently to achieve a meaningful impact on effort levels will result in significant impacts to the larger vessels in the fleet. If the reduction in the cap is more modest, say a reduction in crab and lobster pots from 1,800, to 1,600 it is likely that other vessels currently fishing less gear will increase their effort if such an opportunity arose. The presentation shows that on the south coast of Devon, space to place pots is limiting factor.

The alternative that is explored further in the presentation is to apply a percentage reduction in pots across the whole fleet. This would be more challenging to effectively monitor, and a lack of high-resolution data means that the justification to intervene with such a measure is not supported by Officers nor would D&S IFCA have the ability to monitor the benefits and disadvantages of such a measure.

This approach is unlikely to be supported by the smaller operators if the intention is to reduce overall fishing pressure. Larger operators might prefer an overall decrease across the fleet so that the impact of such a measure is felt by all vessel operators. In order to get the support of the potting sector, Officers believe that much better evidence is needed to demonstrate the benefits of this approach.

### Reducing or prohibiting vivier vessel activity

The initial driver for D&S IFCA to engage with the potting sector was based on some commercial fishers raising concerns regarding the recent changes in reported vivier vessel activity within Cornwall IFCA's District, and in the Western Channel and Celtic Sea. It was known that more vivier vessels were soon to join the crabbing fleet. Reductions in the crab stocks offshore and uncertainty of ongoing access to European waters following a review of the Trade and Cooperation Agreement in 2026 means that more viviers may look to fish inshore within IFCA's Districts.

Currently there are seven vivier vessels with valid D&S IFCA potting permits but only one, operates exclusively within the District. The presentation shows the activity of the mobile gear fleet and that identifies where potting vessels including viviers are likely to operate. On the south coast potting is confined to the Marine Protected Areas and the area close inshore in other parts as mobile gear operates everywhere else. The proposed cap on potting levels would reduce the likelihood of this having as significant an impact. On the north coast the level of towed gear activity is much lower, and potting effort could increase if there was sufficient suitable habitat for lobster and whelk. Cornwall IFCA confirms that the main vivier activity in its District is to the west of Land's End and on the north coast.

Six of the seven vivier vessels are nomadic and the level of fishing activity in the District is variable. According to VMS data, in 2024 the larger vivier vessels operated in the District for a total of 11 days between them. The available data also suggest that when the vivier vessels are operating in D&S IFCA's District, the level of pots used for crab and lobster is lower than other vessels in the fleet and operate similar levels of whelk pots as other vessels in the fleet.

However, the experience of Cornwall IFCA shows that changes in fishing can occur rapidly and vivier vessels have the capacity to increase effort significantly. Three vivier vessels had not obtained a D&S IFCA potting permit until 2024.

Members may feel that prohibiting vivier vessels now may be the opportune time before these vessels become more established features of the inshore effort. The economic impact on those operating the larger vivier vessels would be low based on the current known activity within the District. The presentation suggests that it would be possible to differentiate between the smaller vivier vessel that has been operating exclusively within the District for many years by limiting the size of the vivier tank that can be used.

If Members were to consider prohibiting the larger vivier vessels then it is likely that this is only achieved through an amendment to the Potting Permit Byelaw. It would be possible to restrict where vivier vessels operated in the District through the permit conditions, for example exclusively outside of 5 nautical miles but a decision to apply a zonal restriction would lack available evidence.

The option to cap potting effort would limit the degree to which a change in vivier fishing patterns would increase fishing pressure within the District. The approach to limiting effort through gear restriction would also be consistent with D&S IFCA's approach to managing the dredge scallop fishery. Over the past few years, there have been significant changes in the design of some scallop vessels to drive efficiency and increase fishing time. However, all scallop vessels, regardless of size or design are limited to a maximum of six dredges aside.

The cap in effort may also dissuade vivier vessel operators from fishing in the District as their fishing strategy requires the use of many thousands of pots and sailing too far between fishing grounds may not be economically viable. It is likely that an increase in vivier vessel activity on the south coast would only materialise if one or more of the current operators were to sell up. The cap in effort would limit the impact if this were to occur.

The presentation also shows the pot carrying capacity of multihull vessels and the risk of increased potting effort from this design of vessel is possible but might not be as immediate as it may require new builds or vessels coming from other fisheries.

### Reducing the size of vessel

It is possible to restrict potting effort through restricting the size of the vessels that can operate in the District. As set out above, restricting effort in the scallop dredge fishery has been achieved by restricting the number of dredges that can be fished. Reducing the size of the vessel may not reduce effort. Multihull vessels are specifically designed to provide greater deck space to operate more gear and are becoming increasingly common place in the potting and netting fisheries.

The presentation shows that unless the size of vessel is reduced significantly, the effort removed by excluding the larger vessels can be replaced by the smaller vessels or incentivise new multihull builds.

Those older, larger monohull vessels that would be affected by a reduction in the maximum length of vessels would undoubtedly leave the fishery completely, with a significant impact on their business, crew and onshore processors, markets and supporting sectors. These older vessels would not be able to compete with the purposely designed vivier vessels that dominate the offshore fishery.

The paper considers what changes in management measure are possible through amendments to the potting permit conditions.

If Members were to consider reducing the size of vessels, then it is likely that this is only achieved through an amendment to the Potting Permit Byelaw. It would be possible to restrict where the larger vessels operated in the District through the permit conditions, for example exclusively outside of 5 nautical miles but a decision to apply a zonal restriction would lack available evidence.

### Zonal Management

A form of zonal management would be required to introduce restrictions on the use of vivier vessels or size of vessel restrictions. Zonal management could also be used to manage areas according to the specific characteristics of the fishery. It could provide the opportunity to refine the balance according to the needs of the recreational and commercial sectors in the near shore strip and reduce conflict. However without better, high resolution data attempting to understand how the respective fleets work will be very challenging.

## Seasonal Closure

The effectiveness of seasonal closures to reduce effort and support stock level will depend on when and for how long the closure was in place for. The presentation shows that the larger inshore vessels operate throughout the year, although reduced over the winter months due to weather and the feeding and movement of behaviour of crustacea species. These vessels can continue supplying markets to a lesser degree over these months and ensure gear is turned over and not lost or hung up. A seasonal closure effectively already exists in the coastal margins as the small operators remove the gear from the sea in fear that it will be lost in the winter gales. Conversely the larger potters struggle to find secure space ashore to store their gear and if left at sea unbaited will mean that the cost of maintaining the gear at sea is not offset by some catches.

## Days at sea and or curfew

The use of days at sea or implementation of a time curfew are not suitable measures to restrict potting effort within the District. Pots continue to fish (passive gear) when the vessels are in port or further offshore. A curfew is applied to the scallop dredge (active gear) fisheries. The presentation shows that the larger monohull vessels are already limited in the number of days that they can fish and limiting access through a reduction in days at sea would have limited benefits. It would also be possible to limit the time spent operating in the District but again this would reduce the flexibility of the fleet and have limited benefits in reducing effort compared with pot capping if this was applied.

## 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 considered 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.

## 7. 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. 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 principal 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.

Over half the operators of vivier boats that operate in D&S IFCA’s District have their base ports outside the District. The pot capping proposals do not deny the operators of 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.

## Officers’ Recommendation

Officers recommend to formally consult on capping the number 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 deployed in the water by any vessel in the District to 2,100 pots.**

2,100 pots would therefore be a vessel's total effort in the water 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 deployed in the water by a vessel in the south of the District should be 1,800.**

**It is proposed that the maximum number of pots (inkwell, creel and parlour) to be deployed in the water by a vessel in the north of the District should be 1,050.**

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 deployed in the water by a vessel in the south of the District should be 1,200.**

**It is proposed that the maximum number of pots (whelk) to be deployed in the water by a vessel in the north of the District should be 1,000.**

The strengths and weaknesses are set out in the presentation and other than minor impact associated with the use of tags, **it avoids impact on existing fishing activity and businesses.**

**Importantly, cap limits can be introduced through the current Potting Permit Byelaw and permit conditions.**

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 Pre-Consultation Report](#) (Presented in December 2024)

[Analysis of Pot Numbers – D&S IFCA Potting Permit Holders](#) (Presented December 2024)

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

End.