

Byelaw & Permitting Sub-Committee Meeting

Draft Minutes from 5th December 2024

Version Control and Drafting

Date	Comments
Version 0.1	1st Draft of minutes developed by PPO Townsend for circulation to
16 th January 2025	Officer's present at the meeting for potential internal amendment and/or additions.
Version 0.2	Additions by CO Mander and DCO Clark.
27 th January 2024	
Version 0.3	Track changes accepted. Draft minutes 0.3 circulated
28th January 2024	to Members for comments.
Version 0.4	Grammatical errors highlighted by Chair and Vice Chair
12 th February 2025	of B&PSC. Grammatical errors corrected. No material
	changes.

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Minutes of the Byelaw and Permitting Sub Committee Meeting

Held at Exeter Racecourse on 5th December 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 Mark Day

Simon Toms Didi Alayli

Present (officers): Chief Officer (CO) Mat Mander, Deputy Chief Officer (DCO) Sarah Clark,

Principal Policy Officer (PPO) Neil Townsend.

Public Observing: Jason Lowther, April Kellet, Katy Brown, Scarlett Kearny (all from the University

of Plymouth)

Introduction:

The Chair welcomed everyone to the meeting, including the visitors from the University of Plymouth whom had been invited by Professor Mike Williams to observe proceedings.

Agenda Item 1

Apologies for Absence

PPO Townsend informed Members that apologies had been received from Cllr Dewhirst and Neil Smith from the Marine Management Organisation (MMO). It was not known if Caroline Acton would be attending the meeting.

Agenda Item 2

Declarations of Interest

CO Mander confirmed that three Members had contacted him prior to the meeting to decare interests, as required by the process set out within D&S IFCA's Standing Orders. CO Mander explained that he had considered the declared interests that are relevant to agenda items six and seven. CO Mander explained to Members that as the agenda items are broad in nature, it was his conclusion that all three Members could participate in the discussions for those agenda items and vote on motions arising from those discussions.

Agenda Item 3

To consider and approve the draft minutes of the B&PSC meeting held on 5th September 2024.

PPO Townsend explained that some corrections to grammatical errors had been provided by Mike Williams and would be applied to the finalised minutes. The Chair invited those who were present at the last meeting to raise any issues associated with the accuracy and substance of the draft minutes from the September 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 the minutes provide a true and accurate record.

Proposed: Mike Williams Seconded: Dave Saunders

In favour: 11
Abstain: 2

Against: 0

Agenda Item 4:

Matters requiring urgent attention.

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

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Agenda Item 5:

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 6:

Management of Pot Fisheries

The Chair asked CO Mander to introduce the agenda item.

Presentation

CO Mander explained that Agenda item six was divided in two parts (6.1 and 6.2). CO Mander highlighted that both the pre-consultation responses (18th October 2024 to 15th November 2024) and the information gathered from port meetings (as presented to the B&PSC at the September 2024 meeting) had been recognised by officers in the development of the officers' paper and recommendations set out in Agenda Item 6.2.

Presentation: Agenda Item 6.1

CO Mander said that the first part of Agenda Item 6 would be to discuss the responses received and documented from the informal consultation actioned by the B&PSC at the September meeting. CO Mander highlighted Annex 1 (*Management of Pot Fisheries – A Summary of Responses from the Have Your Say Informal Consultation*) and explained how the report had been compiled. CO Mander said that the report focussed on the responses received between 18th October and 15th November 2024 to a range of topics and potential approaches to management. CO Mander explained that the response to the informal consultation had been examined by officers with the views of those responding set out in different ways, with the use of text, graphs, tables, and quotations.

Debate, Questions & Comments - Informal Consultation Report

The Chair asked Members for comments and questions relating to the consultation report, beginning with her own question relating to three omitted responses. PPO Townsend explained that the target audience for the pre-consultation was fishers conducting potting in the District with either a commercial or recreational potting permit. Three of the responses had not provided sufficient detail to be identified as potting permit holders. In addition, PPO Townsend explained that all three responses had not answered many of the questions set out in the questionnaire and had provided little in the way of detail to accompany the answers that were provided for different topics. PPO Townsend informed Members that if the three responses had contained information of greater significance to inform the B&PSC's discussions, the content of the responses would have been added to the report, with the caveat that they could not be identified as current potting permit holders.

Pamela Buchan highlighted tables (2) and (3) in the report, commenting that numbers of response were low. Pamela Buchan asked how many vessels of each type, mono hull, multi hull, and those with vivier tanks currently work in the District. CO Mander said that the report did not include a breakdown of all vessel types operating in the District, rather it focused on the types of vessels operated by those that did respond. CO Mander agreed that as a percentage of all potting vessels working within the District (including 177 commercial permits), the response was low; however, responses had been received by operators based in many different parts of the District. Mark Day commented that Members needed to see the number of permit holders from each port rather than just the number of responses and that more detail was required.

Felicity Sylvester commented that the table of responses did not include anyone from Appledore. CO Mander confirmed that this was the case; however, some fishers from Appledore, and other areas, had attended port meetings instead of responding in the pre-consultation questionnaire. CO Mander reminded Members that phase one of engagement about managing pot fisheries had been undertaken in port meetings, with the more recent engagement (including the questionnaire) adding to information that had already been presented and noted by the B&PSC. Felicity Slyvester said that D&S IFCA's communication is poor, with many people never hearing about meetings or questionnaires. PPO Townsend said that consultation reports presented to the B&PSC typically included a section on how D&S IFCA has attempted to communicate and in this report the information of how communication was undertaken was set out on the last page, page 24. Felicity Sylvester said that as responses to consultations or attendance at meetings is so low, a potential solution would be for Members to be contacted prior to a start date of consultation work and use their own networks of contacts to promote more engagement.

Jon Dornom said that the B&PSC should avoid taking decisions based too heavily on the content of responses submitted by recreational permit holders. He was concerned that not enough consideration would be taken of the full-time potters still operating in the District and asked the Members to have regard to this. Daivd Morgan, Charlie Ziemann and Felicity Sylvester echoed his concerns. Mike Williams commented that the B&PSC should apply appropriate weighting in their decision making and that D&S IFCA has a duty to balance the needs of different users; and the views of different sectors all have value. Mike Williams explained that the Authority do consider the social and economic contributions of the fishing industry and understood that full time fishers are likely to offer more to the local community but that the recreational sector needed to be considered.

Pamela Buchan commented that she found it difficult to understand how much recreational potting contributed to the local community. She also felt that there were gaps in information in the report, and she had a lack of confidence determining potential action, based on the low number of responses and the content of the consultation report. Pamela Buchan said that the report didn't allow her to gain a clear understanding of the current potting fleet, the locations of vessels operating pots, the types of vessels working pots and other background information. PPO Townsend commented that the consultation report was not to provide the B&PSC with all available information, just the thoughts and views of those that had engaged by answering the questionnaire. PPO Townsend said that the report had attempted to summarise the responses and make best use of answers provided; however, some responses lacked detail on some of the topics. CO Mander explained that potentially officers could have included the information about the findings from port meetings that was noted by the B&PSC in September 2024; however, even using both sources of information, gaps in information would remain.

Pamela Buchan asked how D&S IFCA determines the number of pots in use. CO Mander said that officers can only give an estimate of the total pots that operators have to use, but that this is not necessarily an indication of pots used on any given day. CO Mander said that all recreational potters can use a maximum of five pots each, so the estimate would be based on that level and the total number of Category Two Potting permit holders. Regarding numbers of commercial pots, the estimate would be based on declared pot numbers based on mandatory information set out in application forms for a permit and recorded on a D&S IFCA permit database. With no other comments, the Chair said that the report was noted by Members, with no need for a formal vote.

Agenda Item 6.2 – Officers' Paper and Recommendation

CO Mander highlighted that the information assembled to date demonstrated a range of views regarding potential management measures that could be applied, and although not high in numbers, the views had been provided from people working in many different parts of the District. CO Mander explained that the reason for considering management measure was driven by commercial potting permit holders who had raised concerns about the potential increase in effort from offshore vessels moving in to the inshore area. CO Mander said that different types of management approaches had been put forward through and could be developed further later; however, some suggestions, for example coastal zones for specific management, would be challenging to develop without the introduction of the national Inshore Vessel Monitoring System devices on all commercial vessels to gain a more robust evidence base about the level of activity in different places.

CO Mander said that the port meetings and the pre-consultation responses had identified that:

- a) There is a desire for localised management to be applied, with fishers in North Devon highlighting the importance of the whelk fishery in that part of the District.
- b) 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.
- c) There is a need to consider the current levels of effort being applied to the fishery and to safeguard existing operators against increased levels of effort being applied, in particular from the vivier fleet being displaced from Cornwall and offshore grounds.

CO Mander explained that gaps in information do exist; however, in terms of work undertaken to date it is important not to lose sight of the main driver for action, which was protecting the inshore areas from increased potting effort.

CO Mander explained that in terms of effort already applied, there had been an increase in recreational potting since Covid 19; however, the commercial effort had been quite stable. CO Mander explained that there are a variety of factors that may be impacting catches of shellfish and therefore profitability, aside from effort alone and the crab and scallop increased effort in the offshore area, such as environmental changes, capital dredging. CO Mander said that management was being considered now to safeguard the inshore fleet as well as the stock. With so many variables, and gaps in evidence, the officers' recommendation represents a precautionary measure. CO Mander said that pot capping would, in the first instant, restrict the

current commercial effort to declared current levels of effort and therefore not impact on current business models. CO Mander said that this needed to be the first step, with the acceptance that other management measures could be considered in the future.

CO Mander highlighted that the D&S IFCA potting database provides officers with some information and is currently D&S IFCA's best available evidence regarding the number of pots used by the current potting fleet and the vessel details. CO Mander highlighted that most commercial vessels operating in the District are below 10 metres in length, with 18 vessels between 10 metres and 15 metres in overall length. In terms of effort applied, CO Mander explained that none of the existing fleet operates gear to the same levels as some offshore vivier vessels, with concerns raised at port meetings that these offshore vivier vessels operate well over 4,000 pots and have increased carrying capacity. CO Mander said that that the officers' paper shows the range in effort that exists commercially within the District and recreational fishers are limited to five pots per permit holder.

CO Mander explained that he was aware that Cornwall IFCA (CIFCA) are preparing a byelaw to restrict the use of vivier vessels in their District, coupled with vessel length restrictions; however, each IFCA has different circumstances to consider and can approach situations differently. CO Mander highlighted that the approach to date of D&S IFCA had not been to regulate based on design of vessel; rather it uses a range of other available management measures, for example restricting all types of scallop vessels below fifteen metres in length to the use of six dredges per side. CO Mander said that the officers' recommendation to cap potting effort, rather than to prohibit different types of vessels was consistent with this type of management approach.

CO Mander said that he was aware that stakeholders may have concerns about pot capping from different perspectives. Some may see the approach as a step towards reducing pot numbers, with concerns about the impacts on current and future business practices. Others may view initial levels of pot capping, as set out in the paper, as not going far enough to address issues they have raised; however, pot capping would achieve some safeguarding of the potting fleet in D&S IFCA's District without impacting on existing operations. CO Mander highlighted that in the view of officers, pot capping is seen as a starting point and is not the only solution in the longer term to many issues that have been raised.

Debate, Questions & Comments - Officers' Paper

Mark Day commented that the paper presented by officers was very good, but he was concerned that as a result of the informal consultation the correct weighting needed to be applied across the fleet. Using scalloping as an example, Mark Day said that all vessels can work the full number of six dredges per side all the time. In the view of Mark Day, setting levels can lead to fishers working gear to that level. Regarding potting, Mark Day said that fishers may attempt to work more gear to reach the maximum permitted levels. However, he did stress that unlike scallopers potters do not work all the pots all the time and that they work pots seasonally. CO Mander explained that the number of pots used could be decreased in the future if it became clear that not all the pots were used at once.

CO Mander explained that the suggestion of pot capping is to recognise the concerns raised by the inshore potting fleet regarding the levels of effort that may arise from vessels, currently working outside of the District, applying effort within the District. The suggested levels set out in the recommendations are based on current effort within the District. CO Mander expressed the view that he believes that capping the effort at the current level will limit an increase in effort from outside the District and protect businesses.

Pamela Buchan commented that the B&PSC do not have any economic information to help inform the discussions. CO Mander said that gaps do exist in the evidence base but once management is in place further measures could be looked at when more data, from IVMS and Catch app, are available. Pamela Buchan asked whether the number of pots declared in their permits is the correct number and also suggested that more information was needed on the demographics of the fleet. Pamela Buchan raised questions relating to the use of tags and the types of tags that could be used as the proposal wording did not specify the use of tags. CO Mander said that other IFCAs had pot limitations and use tags, and officers would consider how to use tags in both the short and longer term. It was envisaged that simple types of tags would be a first step with some acceptance that there is some weakness using these; however, over time D&S IFCA could make better use of technology with more advanced tags used in combination with IVMS. CO Mander highlighted that it was the officers' view that not all vessels would initially be required to fit tags, and it would only apply to vessels over 10 metres in length as these vessels work the most gear. As an initial requirement, the cost of purchasing the tags would be covered by D&S IFCA.

Jon Dornom said that he could not support the officers' recommendation for pot capping. Jon Dornom said that the focus should be directed towards a prohibition on vivier boats that have the capability to work more pots than the inshore day boats and if they came inshore in South Devon, it could decimate the inshore fleet. Jon Dornom said that D&S IFCA should replicate proposed management being taken by CIFCA. Regarding his own fishing operations, Jon Dornom informed Members that he works 1800 crab and lobster pots; however, some are taken out of the water during winter months. Jon Dornon said that vivier vessels work gear in a different way to himself, working for longer periods of time, conducting multi day trips, fishing longer days (24/7) and many more pots than the inshore potters.

CO Mander informed Members that the fishing activity and the make-up of the inshore fleet in Cornwall's District is different to that within D&S IFCA's District, with more space for vivier vessels to place pots on the ground. Regarding current potting activity in D&S IFCA's District, CO Mander informed Members that there are already vivier vessels working in the North Devon part of D&S IFCA's District, however, the number of pots used by some of these vivier vessels is less than those being operated by some potting vessels that have no vivier tanks. However, CO Mander did explain that the North Devon fishers were concerned about the potential for expansion of the viviers in this part of the District. CO Mander said that it would be difficult to justify removing current vivier vessels based on the possibility of them increasing their effort. CO Mander said that the suggested levels for pot capping would not impact the activity of any potting vessels, nor block new entrants; however, it would limit effort of any type of potting vessel currently working in the District or potentially working in the District in the future.

Simon Toms said that sustainability is a concern, and said that CIFCA are considering limits on vessel size and have not ruled out pot limitation as a future measure. Didi Alayli commented that the consultation report and officers' papers were detailed; however, she could not see why other suggestions, such as seasonal closures or spatial management were not considered as options by the officers in the recommendations. Didi Alayli said that the documented comments do indicate that the level of effort is seen as too high and that 2200 pots as a recommendation seemed to be very high.

CO Mander said that he was very aware of what CIFCA were proposing for their byelaw, but officers had considered pot capping to be an appropriate measure to recommend to the B&PSC. CO Mander said that officers had looked at the suggestions put forward in the engagement with fishers; however, some of the alternatives to pot capping would be challenging to introduce effectively in the shorter term. DCO Clark said,

in response to Simon Toms comments, that in terms of sustainability and reported stock decline there are many variables that could be a factor and there are differences between the CIFCA and D&S IFCA's Districts regarding space for vessels to operate. DCO Clark explained that there is not the level of mobile fishing vessels in CIFCA's District which in D&S IFCA's District restricts where potting activity can take place. Mike Williams and the Chair said that whatever is proposed by the B&PSC for formal consultation must be justified. Jon Dornom stated that vivier vessels are very different from the day vessels operating in the D&S IFCA's District. He explained that a day boat operates normally between 4am and 4pm, hauling pots for 9-10 hours a day. Jon Dornom went on to say that vivier vessels have accommodation, showers, washing machines, two sets of crew and haul 2,000 pots a day in all weathers, working 5-7 days at a time. CO Mander replied that whilst D&S IFCA could restrict vivier vessels, it is officers' opinion that the IFCA should not go down this route to manage effort. Jon Dornom explained that in terms of seasonality and gear on the ground, potters may not have all their pots in the water all the time. He clarified that he doesn't tend to have more than 1700 pots in the water at any one time and that Members should understand that pots are taken out and put in the water at different times depending on the target species.

Although officers had set out reasoning why they think 2200 pots should be the maximum number of pots to be operated in the District, CO Mander said that the B&PSC could discuss setting a lower level. CO Mander said whatever number of pots was proposed as a maximum for the formal consultation, the responses in the formal consultation may indicate that amount as being viewed as too high or too low and may provide information about the impact on those operating in the District if the measure was implemented. PPO Townsend said that it helps officers shape the formal consultation information if the B&PSC can be clear what their rationale is for anything proposed for formal consultation.

David Morgan said that he agreed with Jon Dornom, and pot capping and the use of tags is not something he would support. David Morgan said that in theory tags should aid enforcement, but in practice this may not be the case as there can be issues with growth obscuring identification numbers, issues relating to fitting of tags, time taken by fishers to fit tags, administration complications relating to the issuing of tags and replacement of tags when they are lost. David Morgan said that the main issue is to safeguard the current fleet, not over regulate current operators, and that this can be done by prohibiting more capable vessels potting in the District that work huge amounts of gear and do so around the clock. David Morgan said that that action could be taken without the need to interrupt current practices by day boats, that in his view work very well together, particularly on the South Coast of Devon as they all have their own areas to work in.

Pamela Buchan said that as there are some gaps in information it may be better to delay formal consultation and have a workshop to discuss options and the legality of any potential management options. Wayne Thomas supported the views of Jon Dornom and David Morgan and said that in his view the B&PSC could not wait for too long as in his view the stocks are at risk of crashing. Jon Dornom said that a workshop could explore a 12-hour time restriction which would be his preference compared to pot capping, with pot capping not something he could support. Jon Dornom was concerned that the B&PSC were not considering the inshore fleet.

CO Mander said that setting up a workshop for Members to discuss options reduces transparency as B&PSC meeting papers are published and the meetings are open for the public to observe. CO Mander said that a having a B&PSC meeting with more time allocated to potting discussions would be preferable as compared to a discussion workshop.

Mike Williams stated to the Members that any management proposal needs to have justification. He explained that if D&S IFCA prohibits a vessel on its design or efficiency this may lead to a legal challenge. Any management measure that was introduced needed to be proportionate and based on best evidence, and that, in his view, effort capping meets these criteria.

The Chair said that as Members had not formed a consensus on how to proceed, another B&PSC meeting, ideally a dedicated single agenda B&PSC meeting, should be arranged. CO Mander said that an options paper can be prepared by officers with the potential to include advice, if required, on the legality of those options.

Felicity Sylvester said that as it is such an urgent issue, a focussed B&PSC meeting should be arranged as soon as possible and would ideally be a single subject meeting. PPO Townsend said that the next B&PSC meeting would be expected to take place in February 2025, but the agenda had not been worked out. DCO Clark said that it would take time to prepare the papers on potting for the B&PSC and potentially March 2025 may be the best time for a dedicated B&PSC meeting. Pamela Buchan said that officers could go away and work out what was needed and plan on that basis, and that she would propose a motion on this basis.

Decision Making:

That Formal Consultation is delayed, with officers bringing forward a paper setting out the possible options for managing the District's pot fisheries and if officers think it is necessary to take specialist legal advice.

Proposed: Pamela Buchan Seconded: Jon Dornom

There were no amendments put forward.

In favour: 14 (all)
Against: 0
Abstain: 0

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Agenda Item 7:

Amendments to the Current Category One Permit Conditions - Mobile Fishing Permit Byelaw

Presentation

CO Mander explained that the recommendation did not relate to a change in management, just a change in how the management of the small-scale scallop fishery within Salcombe Harbour is applied within the Permit Conditions.

CO Mander highlighted that there was an error within the current Mobile Fishing Permit Byelaw relating to the closing line for Salcombe Harbour and therefore the area being managed would be an "at sea" area, and not as intended an "estuary area". CO Mander highlighted that legally D&S IFCA could make the change as recommended and place the management measures for the Salcombe scallop fishery in the Category One Mobile Fishing Permit Conditions, rather than the Category Two Mobile Fishing Permit Conditions.

CO Mander highlighted other detail in the officers' paper about the scale of the fishery, and why it is considered to be more restrictive, in terms of the dredges used, as compared to requirements for dredges set out in the Scallop Fishing (England) Order 2012.

CO Mander said that the Salcombe scallop fishery would begin on 15th December 2024 and that, dependent on the decision making of the B&PSC, amended Category One Mobile Fishing Permit Conditions would be issued before this date. In addition, officers would issue guidance for fishers that already engage in the Salcombe scallop fishery about the Permit Conditions.

Debate, Questions & Comments

There were no questions or comments from Members.

Decision Making:

That current Category One Mobile Fishing Permit Conditions are amended to include the agreed management measures for Salcombe Harbour scallop fishery.

Proposed: Mike Williams Seconded: Mark Day

There were no amendments put forward.

In favour: 14 (all)
Against: 0
Abstain: 0

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Agenda Item 8:

Amendments to the Current Category Two Permit Conditions - Mobile Fishing Permit Byelaw

Presentation

CO Mander explained that the recommendation was in part a reflection on the continuing delay regarding the introduction of a new Mobile Fishing Permit Byelaw, but also reflected past decision making of the B&PSC that was yet to materialise.

CO Mander explained that the proposed Byelaw and associated permit conditions had been through formal consultation between 25th November 2022 to 20th January 2023 and had included changes to the Category Two (estuary) Mobile Fishing Permit Conditions as agreed by the B&PSC. These amendments included removing the Teign and Dart Estuary as locations where a Category Two Permit would authorise specific mobile fishing activity. In addition, activity within the Exe relating to a mussel fishery would be managed with amended permit conditions that included defining an elevator harvester and amending the location where mussel can be taken from the public fishery - a change to the Annex with a different format of Annex shown in the officers' paper showing access areas, rather than prohibited areas.

CO Mander informed Members that officers intended to apply these agreed changes within the current permit conditions, rather than waiting for the new Mobile Fishing Permit Byelaw (and associated permit conditions) to be introduced. CO Mander explained that as management of mobile fishing in Salcombe Harbour (Scallop Fishery) had been agreed (as per agenda item 7) to be relocated in the Category One Permit Conditions, the Exe would be the only location applicable to a Category Two Permit.

Debate, Questions & Comments

There were no questions or comments from Members.

Decision Making:

That current Category Two Mobile Fishing Permit Conditions are amended as summarised in the officers' paper.

Proposed: Mike Williams Seconded: David Morgan

There were no amendments put forward.

In favour: 14 (all)
Against: 0
Abstain: 0

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Agenda Item 9:

Amendments to the Current Category One Permit Conditions – Mobile Fishing Permit Byelaw - Torbay Marine Conservation Zone

Presentation

CO Mander explained that, as per the officers' paper, this topic was again something that had been previously agreed by the B&PSC, but had not yet been implemented. The delay in introducing the new Mobile Fishing Permit Byelaw (with associated permit conditions) had resulted in changes to access relating to the Torbay Marine Conservation Zone (additional protection for seagrass beds) not being placed in current Category One Permit Conditions, even though no objection had been received during the formal consultation, and they had been previously agreed by the B&PSC as required management. CO Mander explained that officers would be able to make required changes to current Category One Permit Conditions, rather than wait for the introduction of the new Mobile Fishing Permit Byelaw (with associated permit conditions), with the officers' paper explaining how this would be achieved with an amended Annex (3a).

Debate, Questions & Comments

David Morgan enquired about legal protection for seagrass from other activities other than fishing. CO Mander explained that this would be the remit for the Marine Management Organisation (MMO); however, the MMO is at present content with voluntary codes, rather than the introduction of legislation. DCO Clark said that D&S IFCA will be interested in monitoring how effective voluntary measures are, as at this time there are known to be many recreational vessels that anchor within the site. Felicity Sylvester asked whether officers could publicise the work D&S IFCA has done to protect the seagrass. CO Mander explained that

officers will be developing a report that documents the work that D&S IFCA has done to protect the features of Marine Protected Areas and the management that has been introduced in all sites.

Decision Making:

That the current Category One Mobile Fishing Permit Conditions Annex 3a (Torbay MCZ) is amended to reduce the access area for demersal trawl gear, as previously agreed by the B&PSC.

Proposed: Mike Williams Seconded: Pamela Buchan

There were no amendments put forward.

In favour: 14 (all)
Against: 0
Abstain: 0

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Note: Break in meeting as the Chair (Dr Emma Bean) had to leave the meeting. Professor Mike Williams (Vice Chair of B&PSC) chaired the remainder of the meeting.

Agenda Item 10:

Formal Consultation on Changes to the Category One Permit Conditions to align with the Inshore Potting Agreement Licence Condition

Presentation

CO Mander highlighted the background information in the officers' paper, explaining the function of the IPA Committee, how it is made up from representatives of the fishing industry, and how their decision making is reflected in the MMO's Licence Conditions and access areas for mobile fishing vessels in the IPA Chart. CO Mander informed Members that the IPA Committee is a long standing and unusual example of comanagement between two commercial sectors and that any changes are agreed by both sectors under the Terms of Reference of the IPA Committee.

CO Mander explained how and why access in an area of the IPA Chart known as "the Corridor" had been suspended during 2024, and that based on compliance with the spatial management, the IPA Committee had decided to re-open the Corridor in 2025. CO Mander explained how D&S IFCA's management (Permit Conditions) and the access areas on the IPA chart typically align and why this is relevant to their decision for this agenda item.

CO Mander highlighted the section of the officers' paper that explained how the IPA Chart and D&S IFCA's management measures overlap, with D&S IFCA's management measures set out in the Mobile Fishing Permit Conditions (Annexes). CO Mander said that although D&S IFCA supports and encourages the continuation of co-management, the IPA Committee are not bound by the legal duties placed on D&S IFCA, which is why the B&PSC are required to decide on a potential change and justify that potential change before going out to formal consultation.

Regarding D&S IFCA's conservation duties, CO Mander highlighted areas in the IPA Chart (red areas) that are referenced on the IPA Chart as being D&S IFCA's management measures. CO Mander highlighted the

red triangle on the IPA Chart as an example and explained how prior to 2014 there was seasonal access, as agreed by the IPA Committee; however, it was closed after this date by D&S IFCA, using best available evidence, due to the presence of reef feature in this part of the Marine Protected Area and a need to protect the feature.

CO Mander explained to Members that the area of the Corridor lies within the Skerries Bank and Surrounds Marine Conservation Area (MCZ) and in order to support the IPA Committee's decision to reopen the area, the B&PSC has to be satisfied that the proposed change does not conflict with its S153 and S154 duties in the Marine and Coastal Access Act. CO Mander highlighted the information in the officers' paper relating to assessments of mobile fishing activity undertaken by D&S IFCA's officers, the conclusions of those assessments, the differences in views between D&S IFCA and Natural England and that there are ongoing discussions involving Natural England and Defra. CO Mander said that, as per the officers' paper, the advice of officers is for the B&PSC to action formal consultation with a view to aligning management measures and re-opening the corridor in March 2025.

Debate, Questions & Comments

The Vice Chair said that the IPA is a model of cooperation; however, it is important that the B&PSC determines an appropriate course of action independently of the IPA Committee. Jon Dornom said that the IPA arrangement helps to avoid gear conflict and that there are now very few incursions into prohibited areas by mobile fishing vessels and recommended that the B&SPC should support the IPA decision making. Based on the presented information he would support the recommendation. Mark Day stated that the IPA is highly regarded internationally and agreed with Jon Dornom and said that the Corridor had only been temporarily closed based on incursions in 2023.

Decision Making:

That officers proceed with a formal consultation with a view to align the Category One Permit Conditions with the Inshore Potting Agreement (IPA) Licence Condition

Proposed: Jon Dornom Seconded: David Morgan

There were no amendments put forward.

In favour: 12 Against: 0 Abstain: 1

Agenda Item 11:

Introduction of a Monitoring and Control Plan for Hartland Point to Tintagel MCZ

CO Mander informed Members that this agenda item was a report on action taken, rather than a need for a decision. CO Mander explained the steps taken by officers to recognise the decision making of B&PSC Members in September 2024.

Debate, Questions & Comments, & Decision Making

The Vice Chair said that unless any Members had questions, the minutes should record that the Members have noted the content of the officers' paper without the need for a formal vote.

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Date of the Next B&PSC Meeting.

PPO Townsend explained that the next B&PSC meeting would be held in late February, and an exact date would be confirmed via email correspondence.

(Following the meeting, the date of the next B&PSC was arranged for 27th February 2025)

End.

