

DEVON & SEVERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY

Minutes of the Byelaw and Permitting Sub Committee Meeting
held on 3rd November 2016 at Exeter Racecourse

Present: David Rowe (Chair) Simon Toms
 Mike Williams David Morgan
 John May John Butterwith
 Richard White Jim Portus
 Rachel Irish

Also Present: Mat Mander and Neil Townsend and Laura Bullock

Apologies: Stephen Gledhill, Cllr Chris Clarence, James Marsden, David Cuthbert

Introduction

The Chair began by clarifying the purpose of the meeting and the expected outcome in terms of process. The purpose of the meeting was to review the responses from the Public Consultation and to consider whether any amendments to the draft Bye Law should be recommended to the Authority as a result of those responses. It was explained that the decision making would be led by members with officers able to assist members with additional information or by providing clarity to assist their decision making. The meeting would be split between a morning and afternoon session with the afternoon session open to the general public to observe but not to speak or otherwise participate with proceedings. David Rowe sought assurance from members that they had received all the papers relevant to the meeting including summary of response reports. Members confirmed receipt of papers in good time for the meeting and thanked officers for the preparation work. As part of the introduction DCO Mander explained that a projector linked to a lap top computer was available to view both the sensitive material (individual responses) and other documents to aid the decision making process.

John May commented on the four apologies received for the meeting and raised concern over the potential impact that this may present on the groups' ability in its decision making. John Butterwith asked for re-assurance that the public would be made aware that the role of the Sub Committee was to make recommendations to the full Authority. David Rowe confirmed that the general public would be briefed at the beginning of the afternoon session and also repeated that the expectation would be that decisions taken at this meeting would form recommendations for a subsequent meeting of the full Authority in December. Members remained confident that although a full complement of members were not present at this meeting this would not significantly impact on the process and requirements.

**DEVON & SEVERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

1. **Minutes of the last meeting held on May 23rd 2016**

The minutes were read page by page to determine accuracy. It was noted that Simon Tom's name appeared twice in the attendees list but no other inaccuracies were highlighted by the members.

That the minutes provide a true and accurate record

Proposed: Mike Williams Seconded: John Butterwith

All Agreed

2. **Business Arising**

DCO Mander addressed members and confirmed that he had reviewed the Terms of Reference for this sub-committee and circulated this along with all the relevant papers required for this meeting.

John May referred back to the minutes of 23rd May and highlighted the recorded members' support for potential preservation of traditional fishing practices, in the Somerset and Severn area of the District. DCO Mander explained that key discussion points that have already been identified, could be expanded and David Rowe explained that this subject and others would be explored further in the relevant agenda items.

Simon Toms raised an issue relating to the Impact Assessment associated with the proposed netting byelaw and inquired if a specific report (submitted as part of the Environment Agency (EA) response) that related to the Taw Torridge Estuary had been added to the assessment. DCO Mander explained that the Impact Assessment (IA) would be expanded where new evidence is of significance but the EA attachment document had not yet been summarised in the main text of the IA nor did it appear as an annex attachment in the evidence base.

An electronic copy of this report was provided by Simon Toms at the meeting and Simon Toms provided a verbal summary of the report while the report was displayed on the projector screen.

It was explained that the report focussed on the importance of Salmon and Sea Trout in the Taw Torridge area and included information relating to EA Officer monitoring of these species being caught in nets and being returned to the water. Discussions then expanded around this subject. Simon Toms was able to explain that although salmonids being returned to the water achieves compliance in a legal sense, potential negative impacts associated with distress to the captured fish, scale damage (abrasion from nets and handling) and on occasions the onset of fungal diseases are all factors to be considered. DCO Mander explained that this report would have the effect of strengthening the evidence base rather than reflecting a dramatic change to the

**DEVON & SEVERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

existing evidence base. After viewing the conclusions and photographic evidence contained in this report, members then requested this be added to the Impact Assessment, possibly as an additional annex.

Discussions extended into the potential stress to bass that is caused by capture in nets and release in the Taw Torridge estuary and other estuaries within the district. It was questioned by Mike Williams if bass were less susceptible to damage and disease in comparison to freshwater species. Simon Toms remarked that bass are considered to be more robust but damage can still be caused by gill covers being ripped in attempts to remove them from gill nets. DCO Mander reminded members that the D&SIFCA is also funding a PhD in an attempt to gain more specific information relating to bass behaviour. Discussions were on going with the student and the Centre for Environment Fisheries and Aquaculture Science (Cefas) on how the PhD could further address this issue.

David Rowe suggested that although the discussions regarding these topics were of use to the process, members should return at this stage to the set agenda and resolve that under Section 100 (A)(4) of the Local Government Act 1972 that the public be excluded from the meeting for agenda item 3.

Proposed: Mike Williams Seconded: John Butterwith

All Agreed

3. To review each response to the formal consultation on the Netting Permit Byelaw

DCO Mander explained to members that the officers' summary reports and spreadsheets (previously circulated with electronic copies of all responses) were created to assist members own endeavours in identifying key themes of both the numerous objection and support responses received.

DCO Mander explained that it would be advantageous at this stage to explore any specific evidence that members have identified within the responses that represent significant change from the existing evidence base as set out in the Impact Assessment.

DCO Mander referred to the D&SIFCA Decision Making & Administrative Law document to remind members of the need to evidence and explain why changes at this stage should be made to the proposed management measures as set out in the public consultation.

DCO Mander provided an overview of how the officers' summary reports were prepared and how officers had categorised the 329 responses that were analysed.

DEVON & SEVERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

DCO Mander asked members how they wished to proceed with reviewing the individual responses in the limited time available. David Rowe suggested that the immediate focus should be placed on the main 66 objection based responses rather than responses that were generally in favour of the Byelaw but with criticism that the proposed measures did not go far enough.

DCO Mander reminded members that the 66 identified objection responses varied in content and provided differing amounts of evidence but key themes had been identified by officers and that it was not an exhaustive list. Richard White suggested that all members now consider the pre-established list of discussion points and highlight additional discussion points based on new evidence in the responses or seek clarity on the key points already identified.

Richard White, John May, Simon Toms and Mike Williams were able to immediately identify additional discussion points as follows:

- ***The potential loss of historic fishing (Somerset and Severn)***
- ***Concerns associated with the removal of legacy Byelaw 17***
- ***The validity of data used within the process***
- ***Alternative management measures suggested by stakeholders***

David Rowe suggested that members begin with the original discussion list and at first focus on amendments to the byelaw in reference to Section 25 (Review Procedure). Simon Toms explained the request from the EA to be formally named within a list of statutory bodies that the IFCA must consult with as part of any review of conditions. Both Mike Williams and Richard White remarked that within the Section 25 provision it is clear that the IFCA will seek to consult with other bodies, organisations, other persons, but conceded that only Cefas and Natural England are actually named in the body of the byelaw. It was suggested that a list of named statutory bodies provides more clarity to other stakeholders examining the review process. Suggestions were also made that more detail could be added in the explanatory notes section of the byelaw to clarify the relevance and importance of the Environment Agency in this regard. DCO Mander advised members that this discussion could continue in the afternoon session of the meeting.

Headline Restrictions

Members switched discussions to coastal netting measures, in particular to the proposed retention of the three metre headline restriction rather than an extension to a five metre headline clearance as requested by some of the official responders. John Butterwith referred back to previous evidence obtained and documented in the Impact Assessment. John Butterwith reminded members of the significant impact that an extension of the headline restriction would pose to fishermen (especially those in North Devon) with particular reference made concerning strong tides, large tidal

DEVON & SEVERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

ranges and a loss of fishing grounds in association with potential gear conflict with fishing vessels conducting mobile fishing operations with towed gear.

Simon Toms was able to advise members that the EA have considered evidence to date and have concluded at this time there is not enough evidence to seek an immediate increase. Simon Toms reminded members that the EA will continue to proceed with a research program in relation to this flexible permit condition but at present the three metre restriction (in combination with all the proposed additional estuary protection measures) is deemed adequate for the immediate conservation objectives of salmon and sea trout.

DCO Mander enquired if members had identified any new information from the Consultation in relation to this management measure. No new evidence was identified and subsequently David Rowe moved the discussion on to the subject of the proposed estuary boundaries.

Estuary Boundaries

Members identified objection responses in relation to this topic and highlighted the alternative suggestions that were made in some of the responses. Themes already identified in relation to boundary included safety concerns, in particular fishers crossing the bar at both Salcombe and the Taw Torridge area to access the open sea.

John Butterwith explained to members that fixed visual points, rather than points on sand banks are required for fishers to identify more clearly the boundaries and those boundaries will not be subject to natural movement.

Richard White remarked that some of the objection responses wrongly assumed that the proposed boundary lines in the byelaw represented new bass nursery area boundaries. Simon Toms added that access to commercial and recreational rod and line fishing for bass would not be impacted by this Byelaw alone and DCO Mander informed members that bass nursery area boundaries would most likely be discussed by Defra as part of a bass meeting on 14th November.

DCO Mander was able to display charts of various estuaries on the projector screen for members to better visualise the various estuaries in terms of geographical points and the physical characteristics of different sites. Members were also able to view alternative suggestions made in the Consultation responses (such as an amended boundary line between Crow Point and Appledore Quay) and better visualise these in terms of the difference they would present to the proposals as set out.

In conjunction with viewing the charts of the estuaries members were able to examine the financial and catch data supplied by two individual objectors to better assess the impact an estuary closure would potentially present.

DEVON & SEVERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Recreational netting

David Rowe invited members for comments regarding recreational netting objections to the proposed maximum length of 25 metres or highlight other information that could add to or present significant change to the Impact Assessment (or annexes). Richard White highlighted several responses focussing on the difficulty of purchasing nets of this length and the difficulties or impractical nature of using nets of this length. DCO Mander offered some clarity to members with evidence that nets of this length can be purchased, but would be more expensive to be made up by manufacturers. David Morgan explained to members that a length of 100 metres is more of a standard purchase length but is not the only length that can be acquired. In terms of gill nets, David Morgan explained that a shorter length presents less catching potential but can still be used; however members did accept that recreational netting on different coastlines was identified as offering different challenges for fishers targeting differing fisheries and seasonality was another factor identified in the responses. DCO Mander explained that the original proposal of 25 metres was set to reflect a key difference between commercial and recreational pursuits in that the latter was undertaken for enjoyment and personal consumption only, but explained that several responses were not opposed to this concept, just the suggested length. Jim Portus raised concern that an increase in length of recreational nets may be seen by commercial operators as favouritism by the IFCA to this sector. David Morgan requested some clarity on recreational net permits and provisions for aggregation which he felt was a potential concern. DCO Mander referred to the D&SIFCA Potting Permit Byelaw to compare fishers using multiple permits on a single vessel but explained that the netting permit does not have to be constructed in exactly the same way.

Other themes

Members came forward at this point with discussion themes that they felt needed closer examination prior to final decision making in the afternoon session. In discussing the additional themes, members were able to focus on the individual responses to which they pertained. Additional themes were added to the initial themes already identified by officers.

- ***The potential loss of historic fishing (Somerset and Severn)***
- ***The provision for 30kg of crab claws to be taken in nets***
- ***Additional protection for Spiny Lobsters***
- ***The size of commercial sand eel seine nets***
- ***Concerns associated with the removal of legacy Byelaw 17***
- ***The validity of data used within the process***
- ***Fees***
- ***The use of flags to mark fixed nets***
- ***Harmonisation with CIFCA in regard to Plymouth Sound***
- ***Alternative management measures suggested by stakeholders***

DEVON & SEVERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

The continuation of historical fishing, in particular in the Somerset and Severn area, was raised by John May, and David Rowe encouraged members to identify any new additional evidence to add to the Impact Assessment (Annex) that already details this subject matter.

In regards to the crab claw allowance it was confirmed to members that a larger national allowance is already in place and the 30 kg allowance was also an attempt to harmonise with CIFCA. The single objection to this provision was recognised by members, however members felt that damage to crab caused during their removal from nets was likely to be un-avoidable whatever decision was finally made during the afternoon session. Members used the same objection response to focus on additional protection of spiny lobster and Mike Williams reminded members to consider the potential impact of seine netting on sea grass and how the IFCA will assess this.

David Morgan highlighted the single objection to the length of a seine net used to capture sand eels. It was noted that the objector stated that the proposed net length is smaller than the net he already uses and, in the view of the objector, would possibly not be practicable to use.

Simon Toms concentrated on risks associated with Byelaw revocation in particular legacy Byelaw 17. Simon Toms explained to the group that this legacy measure included some control over long lines. DCO Mander responded by re-assuring members that revocation will be done with care once all relevant control measures are in place via a range of activity based Byelaws. In regards to “cage” devices such as fish traps, these are now managed via the D&SIFCA Potting Permit Byelaw and the flexible conditions can be used to manage these fishing activities.

Members felt that some of the new identified themes raised by members could be resolved in the afternoon agenda with relatively less background discussion at this stage; however David Rowe now suggested more depth discussions on the proposed management measures relative to estuaries within the district. Members highlighted the alternative suggestions made by some stakeholders. David Morgan suggested Salcombe as one estuary suitable for individual focussed discussion due mainly to the fact that it is a ria and does not hold salmon. David Morgan also highlighted two relatively detailed responses received from one stakeholder and one organisation. Financial data and catch details relevant to both Salcombe and also one response from the Taw Torridge area were considered. Estuary related responses were studied and the merits of alternative suggestions, including seasonal access initiatives for mullet, were discussed and compared to the other supportive responses and evidence already documented in the Impact Assessment (and associated annexes), especially the large evidence base relating to the perilous state of bass stocks.

In regards to proposed boundaries the Taw Torridge and Salcombe were highlighted as requiring consideration due to various issues including safety concerns. Mike Williams

DEVON & SEVERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

raised an issue relating to the proposed Plymouth Sound boundary due to harmonisation complications with Cornwall IFCA who are also in the process of creating a new estuarine netting byelaw.

In preparation for the afternoon agenda items, members began to discuss the protocol for the attendance of the general public and clarify what interaction the public could play in proceedings. Suggestions were made by members to see what scope (if any) there was for the public to ask direct questions. Jim Portus highlighted that questions to the panel (by the public) during the afternoon session was not appropriate, but felt that the public should be made aware that the process of this meeting was to provide recommendations to the full D&SIFCA Authority at the quarterly meeting on the 9th December. In addition Jim Portus confirmed that the proposed Byelaw will still need to be submitted to the Secretary of State and a period of time still exists for objectors to raise issues directly with Defra. DCO Mander confirmed to members that he would attempt to guide the general public through the proceedings in the afternoon session, and when requested by the chairman would verbally summarise each discussion point and the relevant background information.

At that point, the members ceased discussions for a short break following which they were joined by members of the public for the Afternoon Session

4. To consider changes to the Netting Permit Byelaw

The Chair, welcomed members of the public, asked attendees to sign the attendance record and also explained the mandatory fire drill and escape requirements. DCO Mander explained to the public that he would verbally present a selection of discussion points and include some background information to help the audience better understand each topic and lead members into their deliberations. David Rowe informed the public that there were no planned fire drills.

DCO Mander began by giving the public a brief summary of the morning session of the meeting and displayed the officers' summary text document on the projector screen that would be referred to during the afternoon discussions. During this introductory period DCO Mander explained that the discussions relating to agenda item 4 and 5 would be centred on pre-identified discussion points highlighted in this summary report. DCO Mander also explained that members had added to the discussion list having examined both individual objection and supportive responses, comparing them to additional summary spreadsheets and also the Impact Assessment and associated annexes.

In delivering the introductory presentation DCO Mander stated that 329 responses had been taken into account and 66 responses had been identified as having clear objection themes. At the request of the members DCO Mander explained that the purpose of the Byelaw & Permitting Sub Committee was to decide on a range of issues and ultimately provide recommendations to the full D&SIFCA Authority who would

**DEVON & SEVERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

meet on December 9th 2016, before any byelaw would be sent to the Secretary of State for final approval and confirmation.

At this point David Rowe explained to the public that the members would first discuss the structure of the byelaw with the management measures relating to the permit to be discussed in agenda item 5. David Rowe then invited members to discuss and resolve the Environment Agency's (EA) inclusion as a listed statutory body within section 25 of the byelaw. Simon Toms repeated his earlier request that the EA be formally named within a list of statutory bodies that the IFCA must consult with as part of any review of conditions. Several members including Mike Williams, Jim Portus, David Morgan and John Butterwith engaged into the discussion. Members could see value in naming the EA as a consultative statutory body, however due to the expectation that the IFCA would endeavour to engage with a wide range of stakeholders and organisations an overly detailed list was not considered to be the preferred option. As an alternative members preferred that the Byelaw be amended so all relevant statutory consultees would be recognised for their importance. Instead of naming individual organisations the following was proposed:

That section 25 of the byelaw be amended to include "Relevant Statutory Bodies"

Proposed: Mike Williams Seconded: Richard White

All agreed

Discussion point 2 Revocation of legacy Byelaw 17

DCO Mander presented a brief re-cap of earlier morning discussions relating to this topic. DCO Mander explained that care will be taken in the process of revoking this and other Byelaws so the IFCA is not exposed to a lack of management control (in particular long lines) in the absence of Byelaw number 17 and (at present) an incomplete suite of activity based permitting byelaws. Richard White added that extra information could be communicated or a policy developed to fully explain that the D&SIFCA is not intending to weaken its management measures and will deliberately delay revocation of legacy byelaws when this is necessary. In addition Richard White suggested that officers compile a risk assessment of all current Byelaws to identify any potential weakness of lost management and thereby minimising revocation errors.

That D&SIFCA officer's undertake a risk assessment associated with revocation

Proposed: Jim Portus Seconded: Mike Williams

All agreed

Discussion point 3 Permit fees

DCO Mander provided a verbal summary and explained that a £20 administration fee has been used in all D&SIFCA permitting Byelaws to date. In creating each Byelaw the

DEVON & SEVERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

£20 fee is a fixed cost with no scope for alteration during the life of the Byelaw. DCO Mander was able to summarise objection themes relating to fees as follows:

- Why have fees at all?
- Why have separate fees for each type of permit ? (different activities)

David Morgan explained to members that it is apparent that many stakeholders will want to conduct multiple fishing activities and therefore will be forced to pay multiple permit fees. David Morgan expressed his view that although £20 (over two years) is probably a realistic price for administration, would there be scope for a single fee to cover the cost of more than one permit? David Morgan considered that the administration burden may become less when more permits are issued to the same people. DCO Mander reminded members that the original cost of £20 (as with all permits) was set to reflect a best estimate of anticipated costs to the IFCA. On line payment has now been developed and its introduction may reduce longer term costs but as yet detailed cost analysis of processing existing and future permits, coupled with more extensive stakeholder engagement has not been calculated. DCO Mander went on to explain that each Byelaw has a maximum life of five years before being formally reviewed and this fee issue could be explored more thoroughly in the future when better data is available to determine the true administration costs to the Authority. In the shorter term removing costs for this proposed byelaw would present complications and additional permit based byelaws for other fishing methods have yet to be developed and instigated.

Richard White explained to the audience (who were calling out) that DCO Mander is answering questions but not making decisions on behalf of the members. Richard White stated that the issue of administration fees has been discussed and documented (Impact Assessments) over a long period as previous permit Byelaws were developed and implemented. Richard White stated that in his view the cost of individual permits could be explored once the D&SIFCA has completed its objective of introducing a complete suite of permit based Byelaws. A proposal was then put to the members.

That the £20 administration fee (for each permit) be reviewed when all permit byelaws are reviewed

Proposed: Richard White Seconded: Jim Portus

For 7

Against 0

Abstentions 1

For the benefit of the public DCO Mander explained how the IFCA must review each byelaw after a set period of time and this is detailed within each Byelaw. In addition D&SIFCA have a flexible element in regards to permit conditions which may be activated by request of stakeholders. DCO Mander re-assured members that review

DEVON & SEVERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY

procedures for the main Byelaw(s) and permit conditions will be explained to official objectors when officers respond to them.

5. To consider changes to the management proposals set out in the Permit Conditions to the Netting Permit Byelaw

DCO Mander began a verbal presentation referring back to the officers' text summary report. It was explained that there were a significant quantity of supportive responses including a large number of responses from the Bass Anglers Sportfish Society. DCO Mander explained how difficult it was for officers to identify the clearest objections to the Byelaw in respect of major aspects of the management proposals but stated that 48 responses offered the clearest points of objection. In delivering his verbal presentation DCO Mander stated that generally the responses had lacked sufficient detail in terms of evidence or financial data that would provide any significant differences to information already documented in the Impact Assessment. This was a source of disappointment to the IFCA Permitting and Byelaw Committee.

Discussion point 4 Accuracy of data used to assess impact

For the benefit of the public, DCO Mander explained that submitted data within the objection responses was limited to two separate individual responses. Both of these responses had been viewed and discussed by members in the morning session and one of these responses provided data over a very short period of time. An additional response had focussed on challenging the accuracy of data used by D&SIFCA to help estimate potential financial impact by removing netting access within the estuaries.

DCO Mander had explained how information and assumptions had been used within the Impact assessment and also explained that the Marine Management Organisation (MMO) was the primary source of the data used to date. DCO Mander assured members that the MMO data did indeed capture landings data from the under ten metre sector, with data from buyers and sellers databases also used within the statistics. Rachel Irish informed members that she could add more clarity to how the MMO data has been compiled which could then be explained more fully within the Impact Assessment. During these discussions members recognised that all private sales would not have been captured within the statistics to date; however members maintained their view that stakeholders had been encouraged and had sufficient opportunities to add more detailed information within both the pre-consultation and formal consultation phases of this Byelaw's development.

Discussion point 5 Estuary netting

David Rowe invited members to discuss this topic and Richard White reminded members that they should attempt to do this estuary by estuary (as had been decided in the morning session). David Rowe invited members to begin with the river Teign.

DEVON & SEVERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

DCO Mander provided a verbal reminder of the officers' summary in regards to this estuary with six responses identified as significant in relation to the Teign. David Rowe asked members to expand on earlier discussions. Simon Toms reported that there are currently three commercial salmon licences being used within the river Teign that would not be impacted by this Byelaw but are instead managed by the EA. Mike Williams highlighted concern from one objector about what scientific evidence has been used to justify estuary closure. DCO Mander reported to members and the general public that the scientific data used by the D&SIFCA is detailed within the Impact Assessment. Discussions continued in relation to scientific data, in particular bass stocks and the reported low stock levels that are currently considered to be below maximum sustainable yield. Mike Williams clarified the discussion by commenting that bass stocks are reported to be below safe biological limits and therefore at significant risk at non-recovery, even based on natural mortality alone. Mike Williams also reminded members that EU scientific advice for 2017 was that there should be no netting to target this species.

David Rowe asked members if they had identified any other discussion points relating to the Teign. Members didn't raise any issues solely related to the Teign but instead, expanded the discussion points to multiple estuaries. David Morgan suggested that members consider other fish stocks such as mullet. Rachel Irish enquired to the value of mullet caught in the district. DCO Mander reported that the value of the mullet fishery has been recorded within the Impact Assessment. Members again requested some re-assurance relating to the accuracy of data. Rachel Irish was able to confirm once again that all under ten metre data would have been included in data sets requested by the IFCA. Rachel Irish was also able to report that MMO staff validate landing data, make efforts to link multiple data to improve accuracy but did acknowledge that some inaccuracies will inevitably exist in relation to exact locations at which individual species are caught.

DCO Mander explained that the D&SIFCA has had to make some assumptions when examining supplied data and this includes the assumption that all mullet have been taken from estuaries. DCO Mander once again reminded members that only two individual responses supplied any form of landing data and one of these was for a two month period and related only to the Taw Torridge estuary. Mike Williams commented that it is possible that some fish are being caught, possibly illegally and also were not being recorded at all. Simon Toms reported to members that evidence in the past has shown that some fishers have targeted mullet as a cover for the illegal take of bass.

John May enquired if it would be possible for fishers to target mullet with nets within estuaries but not catch bass? David Morgan responded that in his opinion this would not be possible. Simon Toms added that in the EA's opinion a combination of allowing access to mullet stock but achieving adequate protection for bass and migratory fish would be impossible.

DEVON & SEVERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Rachel Irish once again enquired over the value of the mullet stocks as recorded by the D&SIFCA. DCO Mander consulted the Impact Assessment and reported an average figure for the whole district of £53K over a five year period (2011 to 2015), with £46K in 2015 from netting activities.

David Rowe suggested that members continue discussions but now consider other estuaries within the district. DCO Mander explained that one stakeholder requested netting access within the river Exe, which has been closed via legacy Byelaw 17 for many years. Considering the number of objection and supportive responses focussed on the Taw Torridge estuary, David Rowe suggested members prioritise this area first.

Taw Torridge Estuary

DCO Mander reminded members of the alternative suggestions to estuary closure offered by some objecting stakeholders and explained that many of these objections suggest that estuary closure represents a lost opportunity for fishermen and would be the “*final nail in the coffin for the North Devon fishing industry*”. Richard White suggested examination of the Taw Torridge objection points, any new financial information and the alternatives to closure that were suggested. Simon Toms stated his view that no new financial information of significance had been received by the D&SIFCA. John Butterwith agreed that no additional quality data was available to help members better understand the potential impact of estuary closure and assist the decision making process. John Butterwith referenced the received scientific data on bass and added that the increase in the minimum conservation reference size to 42cm would inevitably reduce availability of legal size bass within the estuary even without additional measures. John Butterwith also stated that allowing continued access to estuary netting for mullet will promote discarding of bass, as mullet and bass stocks are impossible to target separately within the confines of an estuary.

DCO Mander reminded members that a specific report focussed on the Taw Torridge Estuary and re-submitted by Simon Toms that morning will be added to the Impact Assessment and although focussed on migratory fish, DCO Mander reminded members of D&SIFCA’s duties in relation to section 153 of the Marine and Coastal Access Act including seeking to balance the social and economic benefits of exploiting the sea fisheries resources in the district with the need to protect the marine environment (including salmon and sea trout) from, or promote the recovery from, the effects of such exploitation. Recent Counsel’s opinion had clarified that D&SIFCA’s duties related to seeking to balance the conservation importance of salmon and seatrout with management of sea fisheries resources and not directly concerned with the economic benefit derived from the rod and line fishery. Simon Toms also made reference to section 153¹ and reminded members that the IFCA is not removing rod

¹ 153 (2) (d) seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district

DEVON & SEVERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

and line opportunities within the estuary and this method of capture (and release) is far less stressful to individual fish.

Richard White once again attempted to investigate any merit within the alternative suggestions offered by stakeholders. Simon Toms reported that he could see no options other than removal of netting from the estuary and also referred back to the large quantity of supportive responses for this proposal. Mike Williams referred once more to scientific information on bass stock and while recognising that there would be economic impact for some fishers, expressed his view that these conservation considerations, coupled with expected implementation of EU measures for bass protection, were of higher importance and better evidenced for this decision making process. John Butterwith sympathised that the proposals would mean the loss of a “historic” fishing practice but he agreed that stakeholders have not supplied sufficient quantity nor quality evidence to displace the existing proposals and agreed with other members that other factors already discussed are of high importance for conservation.

In making his deliberations, Jim Portus highlighted that submitted evidence from stakeholders did not detail how much the value of landings from the Taw Torridge estuary adds to the worth to the North Devon fishing industry as a whole. In conclusion, based on the submitted evidence, he felt that alterations to the estuary closure proposals were not appropriate.

At this stage the other members were not able to raise any more evidence based rationale to alter the closure proposals in the Taw Torridge and David Rowe switched the focus of the discussions to the Salcombe estuary.

Salcombe/Kingsbridge Estuary

DCO Mander reported to the public and reminded members (after morning investigations of responses) that a total of four objections (including one from an organisation) had been received in the formal consultation period. All four responses focussed on this estuary alone, rather than other estuaries within the district and the fact that Salcombe is a ria adds a different context to deliberations. DCO Mander continued his verbal presentation and outlined the content of one individual response which he explained did include some landing/value data for the period 2000 to 2010, although he also added that this submitted data could not be validated and therefore could not be considered completely beyond dispute. In this verbal summary DCO Mander mentioned the “traditional” importance of estuary netting within this estuary that was raised by this individual stakeholder. DCO Mander also presented other information to help explain why this stakeholder had not fished the area so frequently in recent times. The Stakeholder had reported that one of the local netters received a formal caution for netting using a traditional method that the Authority had determined was illegal under the current definitions of fixed nets. DCO Mander also added that this stakeholder was diverse in his fishing operations. DCO Mander concluded his opening presentation by stating that due to diverse fishing operations

DEVON & SEVERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

this stakeholder was not considered by officers to be financially depended on estuary netting for the majority of his income.

Mike Williams quickly added that one of these Salcombe based objectors had raised concerns about the accuracy of data used by D&SIFCA within the Impact Assessment. DCO Mander was able to re-assure members once again about the quality of data used and confirm again that under ten metre vessels were included within the data sets.

David Morgan addressed members and explained that he is the Chairman of the South Devon & Channel Shellfishermen's Association. He explained that he had no direct interest in netting within Salcombe estuary but as Chairman he had to support at least some of their issues, in particular the fact that Salcombe is a ria and therefore offers different considerations in relation to the conservation of migratory species. Mike Williams recognised that Salcombe is a ria but commented that this potentially only removes salmon and sea trout as a key consideration.

Simon Toms also agreed that Salcombe is a ria and commented that in comparison to other estuaries, netting within Salcombe estuary presented less risk to Salmon, and explained that sea trout may be present but in significantly less quantities.

David Morgan added that bass protection, via regulation, would most likely be addressed principally, but not entirely, by the EU but felt that access to other species such as grey mullet and gilt head bream should be discussed further.

Simon Toms responded by urging members to also focus on the key objectives of the Byelaw which included seeking to balance the different needs of fishers and reminded members to not overlook the significant quantity of supportive responses received throughout the process.

DCO Mander explained that the D&SIFCA has identified several drivers in the development of this Byelaw. D&SIFCA has had to focus on meeting its statutory duties² and has documented the rationale for this Byelaw work within the Impact Assessment. DCO Mander went on to explain that developing other sectors such as recreational sea angling is part of this process along with other factors such as the conservation of sea fish, protection of migratory species and also taking responsibility for the public resource by seeking to balance the needs of different sectors.

Simon Toms added that although catch data for a ten year period has been submitted, the increased minimum conservation reference size for bass of 42cm would reduce earnings due to a more limited available stock of fish at or above this length. He also added that estuary closure has, in his view, the potential to simplify and improve enforcement significantly. DCO Mander explained that the Impact Assessment explains

² Section 153 of the Marine and Coastal Access Act 2009

**DEVON & SEVERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

that the D&SIFCA is supportive of other conservation initiatives for bass and has identified how to assist with bass conservation on a local level.

John Butterwith added to discussions by pointing out that it would be difficult to determine the stock percentage (bass and other species) within the estuary due to discarding and therefore a lack of official catch recording.

David Morgan returned the discussion to the alternative suggestions made by stakeholders to provide access to estuary netting and urged members to consider if stocks of bass and grey mullet could be targeted independently and effectively by fishers using nets. Mike Williams and Simon Toms stated that in their view this would not be possible and also raised concern and pointed out difficulties over other suggestions made including limitation of permits and limited seasonal access.

Mike Williams addressed members and explained that in his opinion Salcombe estuary does present slightly different considerations but in conclusion these are not different enough for him to recommend changes to the proposals as set out and he then made a proposal for voting.

That the prohibition of netting within the estuaries (as set out in the proposals) stands

Proposed: Mike Williams Seconded: Simon Toms

An amendment was immediately proposed by David Morgan

Amendment

That the Salcombe/Kingsbridge estuary be excluded from the estuary closure

Proposed David Morgan Seconded: Jim Portus

***For 2
Against 5
Abstentions 1***

David Rowe explained that the original proposal would stand and invited a vote by members on the original recommendation which was to prohibit netting within the estuaries (as set out in the proposals).

***For 5
Against 1
Abstentions 2***

DEVON & SEVERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

Discussion point 6 Estuary boundaries

DCO Mander began discussions by explaining that objections to proposed boundaries were dominated by stakeholders referring to the Taw Torridge Estuary. DCO Mander then displayed a chart of the Taw Torridge estuary on the projector screen to aid the discussions. DCO Mander then began a brief re-cap of the morning discussions and highlighted the objection themes which related strongly to safety concerns associated with fishers having to cross the bar to access sea areas. DCO Mander also made reference to alternative suggestions made by stakeholders.

Richard White felt it was appropriate to explain the rationale of why the D&SIFCA had chosen a new boundary in the proposals to define the Taw Torridge estuary.

DCO Mander explained that the physical shape of the estuary was a key element in the proposed placement of the boundary line. DCO Mander continued his presentation by highlighting the shape of the estuary between the sand banks and commented that a bottle neck effect is apparent at low water and when the tide is beginning to flood. DCO Mander submitted that netting takes place during the first hour of flood tide to take advantage of this occurrence. DCO Mander explained that the proposed boundary was created to reduce the risk that fish stocks would be targeted when aggregating at the mouth of the river. In addition prominent headlines had been identified to clarify the boundary line for fishers and other stakeholders.

Simon Toms added some information to the discussion by explaining that there has been some confusion in regard to this D&SIFCA proposed boundary and other boundaries used for bass nursery area legislation. The bass nursery area lines will not be altered as part of this proposal alone and therefore rod and line fishing for bass in part of the estuary is not impacted by this proposed Byelaw.

David Rowe asked members if they had identified any further evidence or information to add at this stage. The members were unable to provide additional evidence and , David Rowe in conclusion asked members to vote on the following proposal:

That the boundary line for the Taw Torridge Estuary remains the same as the proposals

Proposed Simon Toms Seconded: Richard White

All in favour

**DEVON & SEVERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

Discussion point 6b Size of commercial seine nets for the capture of sand eel within estuaries

DCO Mander highlighted the single objection response in regard to the proposed length of 20 metres for a seine net that could be used within the confines of an estuary. DCO Mander explained that the suggested proposed length of 20 metres had been derived from legacy Byelaw 29 (River Exe – prohibition of netting). DCO Mander informed members that the objecting stakeholder currently uses a 40 metre length and has suggested this length be permitted as an alternative to the proposal.

Simon Toms reported that sand eel seine nets are available in different lengths. David Morgan suggested that each estuary could be considered differently. John May enquired if there would be higher risks to other species if the length was increased.

DCO Mander informed members that risks associated with un-wanted catch will increase if longer nets are permitted. Simon Toms agreed but also commented that the small mesh associated with sand eel seine nets is less damaging to fish caught accidentally than it would be from other types of net.

To conclude this topic DCO Mander referred to another stakeholders response which highlighted concern associated with sand eel seine nets and any negative impact on beds of eel grass resulting from this fishing method. DCO Mander explained that Salcombe is a designated Site of Special Scientific Interest (SSSI) and as such any necessary assessments would be carried out in due course in relation to that SSSI status.

The following proposal was considered : That the maximum length of a seine net used for sand eels in estuaries remains the same as in the proposals

Proposed Simon Toms Seconded: John May

***For 7
Against 0
Abstentions 1***

Discussion point 6c Plymouth Sound

DCO Mander updated members in regards to Cornwall Inshore Fisheries and Conservation Authority (CIFCA) proposed estuarine netting Byelaw. As CIFCA shares a boundary with D&SIFCA in the Plymouth area, differences in management approach can cause enforcement difficulties if harmonisation is not achieved. DCO Mander explained that the content of CIFCA's estuarine netting Byelaw is different in terms of content and boundary lines. DCO Mander went on to explain that CIFCA is also in the

DEVON & SEVERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

official consultation phase with their proposed byelaw and it is impossible to predict the eventual outcome however; D&SIFCA did set out its proposal based on information and expectations that have now potentially changed – CIFCA has made its Estuarine Netting Byelaw and the proposed management set out in that Byelaw would extend to the Breakwater in Plymouth Sound . In determining the boundary proposal for Plymouth Sound D&SIFCA identified other issues apart from harmonisation and this included recognition of a winter herring fishery within Plymouth Sound.

Jim Portus added information associated with herring stock and advised members that the herring stock is considered to be part of the overall stock which is also exploited in North Devon.

Mike Williams expressed his disappointment that effective harmonisation with CIFCA is now at risk and highlighted a provision in the Marine and Coastal Access Act³ that may help to resolve the issue. Mike Williams suggested that D&SIFCA enter into discussions with CIFCA to attempt to resolve boundary and enforcement issues within the Plymouth area and made the following proposal:

Proposal: That this Byelaw Sub Committee recommends to the full D&SIFCA Authority that a Section 167 agreement be discussed with CIFCA without delay

Proposed Mike Williams Seconded: John Butterwith

***For 7
Against 0
Abstentions 1***

Discussion point 7 Coastal netting

DCO Mander once again provided a brief overview of the subject matter and David Rowe asked members to come forward with any new evidence for members to consider.

Simon Toms explained that the Environment Agency would continue to gather evidence in relation to the proposed three metre headline provision and its suitability in regards to the successful migration of fresh water species around the coast. John Butterwith added comments similar to the account he gave in the morning session which concerned the impact to coastal fishers and lost fishing grounds associated with an increase in the headline restriction to five metres. John Butterwith then made the following proposal:

³ Section 167 – Power to enter into agreements with eligible bodies

**DEVON & SEVERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

Proposed: That the headline restriction be implemented as per the proposed permit conditions

Proposed John Butterwith Seconded: David Morgan

All in favour

Discussion point 8 Recreational netting and a maximum net length of 25 metres

DCO Mander reminded members of the key points identified in the morning discussions and explained that several stakeholders had objected to the proposed length of 25 metres with some offering alternative suggestions. Members summarised key points regarding objection as follows:

- The ability to purchase nets of 25 metres from suppliers
- The practicality of fishing with a 25 metre net
- Alternative suggestions of 100 metres to 200 metres in length
- Different size nets for the capture of herring

David Morgan opened discussions by agreeing that there are differences between bottom gill nets and other forms of nets and there are differences in species targeted. David Morgan reminded members that in the early process of this Byelaw construction discussions were held in an attempt to justify what a recreational activity should be and if recreational netting should be seen as a hobby at all. David Morgan also raised his concern that care is needed in managing this activity in regards to aggregation of nets and the fact that several permit holders may attempt to work fishing equipment together from one vessel. Jim Portus also raised his concern about the D&SIFCA relaxing control measures for a recreational activity and put forward the following proposal:

That the restrictions for recreational netting be implemented as per the proposal

Proposed Jim Portus Seconded: David Morgan

At this point Mike Williams suggested a potential amendment as he wanted to gain more understanding of the issue.

David Morgan responded by suggesting that an increase to 50 metres would still be a relatively short length of net, but this is a recreational activity.

At this point John May suggested with particular reference to the Minehead, November to December herring fishery an amendment to cater for recreational netters active in the Somerset and Severn area of the District and put this to the other members as follows:

That different restrictions for netting conducted on the North Coast be introduced

**DEVON & SEVERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

Proposed John May Seconded: Mike Williams

For 4

Against 4

Casting Vote 1 (Chairman) stating that because the proposed changes were not conclusive, to the members, the status quo would remain and the proposal should be recommended as set out in the published byelaw .

Discussion point 9 Un-powered vessels qualifying for a category one permit

DCO Mander explained that due to the way the Byelaw had been created, un-powered vessels would not fulfil the criteria needed in the application process. DCO Mander explained that this has negative impacts on some traditional fishing practices including the stake nets used in the Severn and also the mud horse used at Stolford.

David Morgan commented that the current fisheries legislation, which is administered by the MMO, means that without a Byelaw in place un-powered vessels are not required to obtain (purchase) a fishing licence and this issue needs to be rectified.

DCO Mander explained to members that this issue was identified in the creation of other D&SIFCA permitting Byelaws and the rationale detailed in all the Impact Assessments. One of the key drivers was to allow the Authority to clearly separate and identify recreational and commercial users however; complications to this approach have arisen and the Stolford mud horse is one such example.

Jim Portus explained that a vessel is something that displaces water and a mud horse does not. John Butterwith commented that all commercial fishermen should be registered with the MMO but did not agree that the requirement for them to have a powered vessel is the right approach. Mike Williams enquired if the Byelaw could be effectively amended and raised some concern over the knock on effect of a change. DCO Mander explained that the Byelaw could be altered but it would make commercial and recreational fishers harder to identify.

David Morgan enquired if there is an existing database of all un-powered commercial vessels. Rachel Irish explained that at this time there is no statutory requirement for un-powered commercial vessels to provide submissions but believed the issue would possibly be explored by the MMO in the future.

Mike Williams stated that a change from the proposal may be a consideration as the issue could be reviewed if unforeseen problems in distinguishing between commercial and recreational fishers do arise. David Rowe then invited members to vote on the issue.

**DEVON & SEVERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

That the restrictions for non-powered vessels (via the current byelaw construction) remain

Proposed No one seconded: No one

In light of the first proposal an alternative was put to the members by David Rowe

That un-powered vessel should be able to qualify for a category one permit

Proposed Jim Portus seconded: David Morgan

For 7

Against 0

Abstentions 1

In light of this decision DCO Mander explained that the Impact Assessment would be amended to explain that the D&SIFCA is altering its stance on this issue on the basis of an expectation that the MMO will explore this issue in the future and the matter would be kept under active review.

Discussion point 10 30 kg provision for crab claws caught in nets

DCO Mander highlighted a single objection to this provision but also pointed out that a 75kg provision is already in place under EU regulation (outside of the D&SIFCA District) and that CIFCA have a 30 kg provision in place via a Byelaw within their District. Richard white commented that the provision does nothing to aid conservation but at the same time makes no difference to the damage caused. John Butterwith commented that the issue with crab claws and nets is unfortunately un-avoidable and to have no provision is a waste of a resource and also removes some small potential earnings for crewmen. David Rowe asked if other members had anymore to add to the discussion held in the morning session and as there were none, a proposal was considered as follows:

That the 30kg provision for crab claws is to remain as a permit condition

Proposed Mike Williams seconded: John Butterwith

All in favour

Discussion point 11 Additional protection for spiny lobsters

Members felt it was appropriate to clarify and add consistency to what is meant by the words "spiny lobster" and to avoid confusion, only one term should be used for this species in relation to the Byelaw work of D&SIFCA. In regards to protection members

**DEVON & SEVERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

were agreed that this species should be added to the other species protected via the permit conditions.

Proposal to add the protection of soft spiny lobster to the byelaw

Proposed Mike Williams seconded: Richard White

All in favour

At this point John May made his apologies and left the meeting.

Discussion point 12 Marking of gear with flags

DCO Mander explained that the permit condition on the use of flags to mark fixed nets was in part to allow different gear types to be more readily identified and David Rowe indicated his support for this provision. DCO Mander then went on to explain that a practical problem in relation to strong tidal flow is also apparent. David Morgan could see some value in being able to better identify different gear types but was not totally convinced by this proposal. David Morgan warned members that the commercial sector is likely to resist the introduction of this measure as the use of floating buoys has become much more widespread and many fishermen can't see a major problem with the current situation. DCO Mander explained that although fishing gear must be marked correctly, the finer detail of how this is best achieved could be further explored with direct assistance from the industry itself. David Rowe reminded members that other sectors such as recreational sea anglers have in the past struggled to identify different gear types and illegal activity has sometimes been reported in error. Jim Portus asked members if they had knowledge regarding other gear marking legislation. Rachel Irish and David Morgan explained that there is other gear marking provisions but it is likely to only be of relevance to certain sized fishing vessels operating outside of twelve miles from the shore. Mike Williams enquired if the commercial sector really felt this was a difficult provision to adopt or was it a general reluctance to change their approach. David Morgan commented that the answer was probably a bit of both, but changing large amounts of gear marking equipment may represent a significant cost to fishers using nets. Simon Toms stated that he had found a lack of evidence within the formal responses to justify a change from the proposals. David Morgan confessed that his knowledge of this objection theme had included information he had learned over a period of time and not solely from the official responses. DCO Mander explained to members that there were some supportive responses for the D&SIFCA to implement this provision. Mike Williams concluded this discussion by stating that the commercial sector would be able to request a review of this gear marking provision as per the review of permit conditions process if and when the Byelaw is in place. Members acknowledged that no formal objections to the proposed marking of gear had been received.

6. To receive a letter from East Devon Fishermen's and Boatmen's Association

**DEVON & SEVERN
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

DCO Mander informed members that a letter had been received from this association and a copy had been included in their papers for this meeting. DCO Mander confirmed that a response letter had been sent to the organisation which he then proceeded to read. Following the read through, the members endorsed the letter.

7. Any other Business

There was no other business to discuss.

8. Date of next meeting

Dates for the Byelaw and Permitting Sub-Committee Meetings in 2017 have already been circulated and agreed.

END.