

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

Minutes of the Byelaw and Permitting Sub Committee Meeting
held on 16th February 2017 at Larkbeare House, Topsham Road, Exeter

Present: David Rowe (Chair) James Marsden
 Mike Williams Stephen Gledhill
 John May John Butterwith
 Richard White Jim Portus
 Rachel Irish

Also Present: Mat Mander and Neil Townsend and Sarah Clark

Apologies: David Cuthbert, David Morgan, Cllr Chris Clarence, Simon Toms

Introduction

The Chair began by clarifying that some members had not offered apologies and therefore were expected to arrive shortly. Members expected to arrive shortly were announced as John May, Jim Portus and Stephen Gledhill. Although not able to attend, the Chair informed members that David Cuthbert had prepared a statement relevant to agenda item 3 (wrasse pot fishery) and this statement would be addressed within those discussions.

1. Minutes of the last meeting held on 25th January 2017

The Chair invited members to share their comments. Although generally satisfied with the previous minutes, James Marsden suggested some additional information be added regarding the Salcombe scallop fishery. Wording was refined to better clarify the status of Natural England as the regulating body responsible for issuing consents to fishers wishing to carryout activities within SSSI. Some spelling and grammar errors were also highlighted. An electronic copy of the draft minutes was amended during the discussions and displayed on a projector screen.

That the minutes (amended) provide a true and accurate record

Proposed: Mike Williams Seconded: James Marsden

All agreed (5)

2. Business Arising

The Chair welcomed Stephen Gledhill to the meeting. Focus of discussions centred on the proposed Netting Permit Byelaw. Members discussed the development of the “Access for netting within estuaries & the decision-making process” report that had been approved for modification (at the previous meeting) prior to final circulation. Officers explained that suggestions raised by members at the previous meeting (January 25th) had been recognised by officers and acted on with significant alterations made to the original report. Officers explained that the revised version did not lose any detail but now included clearer

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explanations of process and clearly demonstrated how the management objectives of the Netting Permit Byelaw (the key drivers) link to section 153 of MaCAA. Officers thanked members for their assistance and in particular Mike Williams and David Rowe who had had a significant input into the re-modelled version. Officers explained that the modified report would soon be circulated to all members.

The Chair re-assured members that as per previous requests, he would soon meet with the Chief Officer to discuss the preparation and circulation of a letter to the full Authority members to be sent along with the report, prior to the other papers required for the next full Authority meeting in March 2017. The Chair explained that he would work with the Chief Officer to ensure the letter would highlight how important the report was for the consideration of the specific proposals, and also that the report must be read and fully understood prior to any voting at the next full Authority meeting.

Discussions switched to the second element of the presentation/providing information initiative, which was the creation and delivery of a power point slide show for the elected members of the full Authority. Stephen Gledhill explained that he had offered officers some of his expert advice on how to potentially construct the additional material for the presentation and was thanked by officers. The benefits and weaknesses that different types of slide shows offered were explained. Advice was offered to members that they consider approval of two separate slide show presentations to deliver the key messages that have not yet been fully understood by all members and stakeholders. In recognition that the process is not officer led, members considered options of who would be best placed to present the different slide show presentations. It was suggested that officers should look to arrange appointments with the elected members, in advance of the next full Authority meeting, and present on the responsibilities of the full Authority members and their role within the Netting Permit Byelaw decision making process. As part of their presentation the officers would be able to demonstrate the relevance of background reports in regard to the recommendations that still remain. An additional slide show (conducted at the full Authority meeting) would focus on the remaining recommendations of the Sub-Committee and what these recommendations mean in practice. After discussions, the Chair (David Rowe) offered to give the presentation. A proposal was formulated as follows:

Two separately focussed slide shows be prepared and conducted as follows:

- A) Process and responsibility presentation - delivered by D&SIFCA Officers***
- B) Recommendation presentation at the full Authority meeting - delivered by David Rowe***

Proposed: Mike Williams Seconded: Stephen Gledhill

All agreed (6)

John May now arrived at the meeting. As some members were still not present, the Chair requested that agenda item 3 be delayed, and discussions begin on item 4. (Members agreed).

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(Item 4) **To consider the officers' report on the three year review of the permit conditions for the Mobile Fishing Permit Byelaw**

The Chair asked DCO Mander to provide a verbal update. DCO Mander apologized that this item had not been circulated correctly due to computer issues. As an alternative, the draft report was displayed on a projector screen. DCO Mander explained that much of the content has been replicated from the multiple single reports that have been produced for the meeting. The concept of this report was to group together relevant information in regard to the three year Mobile Fishing Permit Byelaw condition review in a single report format and further develop a recognisable branding for D&SIFCA consultation and publication material. Simplification for stakeholders wishing to find, explore and understand material was cited as a key benefit. DCO Mander explained that the single report format that sets out the recommendations and rationale can also be added to over time via consultation and would ultimately include the impact assessments required for any potential permit change. In order to fully recognise these potential benefits (or weaknesses) James Marsden suggested that each member consider the report over a two week period and provide comments to Officers via e-mail correspondence. Other members including the Chair agreed to this action point.

3 **To consider the officers' report on the "Live" Wrasse pot fishery in the district and to consider whether to consult on the management measures set out in the report**

The Chair asked DCO Clark to give a verbal presentation on the many papers that had been previously circulated to members. The content of the "Emerging Wrasse Fishery" report was examined along with the embedded annexes which were displayed on a projector screen. Due to the large volume and complexity of material to discuss James Marsden suggested that the discussions be organised into different topics as follows:

- Population ecology of all five species (but in particular Ballan & Cuckoo)
- Ecology/habitat
- Potential impact on features (MPA)
- Process and timeline of required assessments
- Consideration of management measures and their implementation

Mike Williams suggested that discussions relating to the use of a pre-cautionary stance would also be appropriate if the material discussed established significant gaps in the evidence that was available at this time.

Jim Portus arrived at the meeting, was welcomed by the Chair and provided with an update on proceedings.

Before discussing the issues in order, Richard White raised concern over the transfer of parasites/bio security and John Butterwith suggested that the value of the fishery be explored

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in as much detail as possible. Following the suggested order of discussions, and with the agreement of the Chair, DCO Clark continued with the presentation highlighting the known evidence and where evidence gaps exist. Cefas' reports and existing catch data were referred to during the discussions and Jim Portus questioned the relevance of some landing data in regard to the "Live Wrasse Fishery" which was the focus of these discussions, rather than discussions of total wrasse landings from other methods. DCO Clark explained that the gaps in evidence provided strong rationale for the development of a fully documented fishery to run in conjunction with other proposed management measures. Criteria such as documenting daily landings, the numbers of pots deployed, frequency of hauling were all explained to be vital to strengthen the existing evidence base and provide Landings Per Unit Effort (LPUE) data. In addition, although wrasse pots have been established (as part of internal D&SIFCA survey work to date) as being lighter than other pots targeting crustacean and cephalopods, formal assessments on the potential impact on specific features in MPA sites would need to be undertaken and were already being planned. The location of "Live" wrasse pots would therefore be critical for these assessments. The importance for D&SIFCA research officers to board vessels was explained to the members as this would allow log books to be verified and additional data to be collected on the whole catch rather than just the landed "live" fish. The combination of data sets (Catch Per Unit effort & LPUE) and transport documentation will establish much needed data on stock abundance and mortality rates within this new fishery.

The Chair informed members that David Cuthbert had prepared a statement to be read out in his absence and DCO Mander relayed this information to the group. The unknown factors, missing evidence, risks of significant up-scaling of effort but also the potential for diversification were among the issues raised via the statement.

Conversations continued with the focus on spawning periods, uncertainty over nest guarding periods and complications establishing appropriate slot sizes for a range of species. Members also raised concern that this had potential to become a national issue, and was certainly an issue for the South West. Members concluded that after the initial overview provided by DCO Clark, and their discussions so far, that doing nothing was not an option and as such this should be formally recorded before more in depth discussions continued.

Taking no action is not an option for the Byelaw Sub-Committee.

Proposed: Mike Williams Seconded: James Marsden

All agreed (8)

Members raised concern and questioned DCO Clark and Mander over what action other IFCA's have taken or may be taking. Members concluded that close working with both CIFCA and SIFCA was imperative, but major concerns over unknown impacts from the activity (expected to begin in March and extend into the spawning period) did exist and were of immediate concern. Members concluded that there should be a limited and documented fishery. Richard White stated that the fishery must comply with HRA and MCZ assessment approval and Jim

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Portus stated that any management must be clearly set out so it is clear that it is for the “live” wrasse fishery only.

There should be a managed “live” wrasse fishery compliant with the revised approach.

Proposed: Mike Williams Seconded: James Marsden

All agreed

The exploitation of live wrasse via other methods such as rod and line during spawning periods was raised by Stephen Gledhill. DCO Clark explained that the proposals were focussed on wrasse potting but acknowledged that there were suggestions that fishers using rod and line were possibly supplementing fishers using pots due to the financial rewards available. DCO Mander explained that the potting permit conditions could be drafted to prohibit transshipping and that if members considered an emergency byelaw to be the most appropriate solution then all methods could be initially included within this immediate temporary legislation.

Jim Portus asked for clarity of the emergency byelaw time limit, before longer term replacement measures would be implemented. DCO Mander confirmed that an emergency byelaw could remain in force for a period of twelve months with a possible six months extension subject to conditions set out in Defra guidance. Both Jim Portus and James Marsden commented that the spawning period for all wrasse species should be the primary concern and should form the foundation for any immediate action if this was deemed necessary. Discussions focused once again on the details relating to spawning seasons and the implementation of proportionate closed seasons. It was the view of Jim Portus that there is current evidence to justify a three month closure; however a significantly longer closed period may be harder to justify. DCO Mander explained that if the closed season was the only management measure being considered then a pre-cautionary stance and longer closed season would perhaps be more appropriate. In regard to consultation on a potential change to the potting permit conditions, a proposal was formulated:

A closed season period of April 1st to July 31st is used for permit condition consultation

Proposed: Mike Williams Seconded: John May

All agreed (8)

Members now deliberated pot limits as part of future management and DCO Clark provided information in regard to the numbers of pots used in different areas and the numbers of pots expected to be used within the D&SIFCA district. Members closely examined the data provided in regard to the effort limitation summary within the “Emerging wrasse fishery within the D&SIFCA District” report. In addition to providing information on the numbers of pots, DCO Clark was able to provide an estimate of the potential landings and potential earnings derived from differing levels of pot numbers being operated. James Marsden commented that the data suggested that operators using less than 100 pots are able to

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generate additional income of approximately £15,000. DCO Clark explained that pots have been provided to several operators free of charge and as such the financial impact from a pot limitation would be low in regard to the initial investment on equipment made by some individual fishers. In respect to policy, DCO Clark explained that the surplus pots from a single fisher could be dispersed among several vessels and therefore reducing the private fishery concept in line with overarching byelaw review strategy principles. DCO Clark explained that some operators have invested in their own private equipment with one operator reported to have purchased 500 new pots. DCO Clark further explained that D&SIFCA advised operators in November 2016 that pot limits were likely to form future management. Members recognised that some operators would face financial impact if limits were imposed. Members concluded that options would exist for operators to sell excessive gear and on balance the business decisions made by individuals (possibly poor financial business decisions) were of lower priority compared to implementing measures to sustain a fishery which is expected to grow significantly in relation to increased demand from the salmon farms. Mike Williams commented that setting a level for consultation will provide fishers the opportunity to present feedback which can then be used to assess impact and influence decisions at a later date. Members highlighted concern over combination impacts of pots on the ground. Richard White expressed the need for a total weight of wrasse gear to be calculated in regards to the potential damage of features within MCZ and SAC areas. Having considered the options members formulated the following proposal:

That a limit of 60 pots per vessel be used for consultation.

***Proposed: Mike Williams Seconded: James Marsden
All agreed (8)***

Members were able to quickly discuss the requirement for pots targeting “live” wrasse to be fitted with tags. DCO Clark explained that the Potting Permit Byelaw contains the suitable provisions to allow this measure to be implemented as a permit condition. A simple, low cost tag can be provided to fishers with minimal initial expense to the Authority. A proposal was formulated for members to vote on.

That the consultation explains that pots used for capture of “live” wrasse must be tagged in accordance with permit conditions

***Proposed: John Butterwith Seconded: John May
All agreed (8)***

The implementation of slot sizes was the next topic deliberated by members. DCO Clark continued her presentation and referred members to the existing evidence put before them. James Marsden and Jim Portus commented that additional evidence should be collected on the biology of all species but recognised that stronger evidence was currently available in regard to Ballan and Cuckoo wrasse. DCO Clark also informed members that unlike minimum conservation reference sizes, slot sizes also protect the larger individuals in a stock. The officer prepared material, including graphs which were analysed by members and difficulties

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applying generalised restrictions were fully recognised. DCO Mander was able to clarify that a 230mm (maximum size limit) for the five wrasse species is currently supported by the salmon farm industry. Jim Portus felt it was imperative that suggested slot limits were endorsed by Cefas and DCO Clark was able to reassure members that a report has already been sent to Cefas in order for them to quality assure the suggested measures. A proposal was formulated:

That two differing slot sizes are set out for the consultation on future management.

A) 150mm to 230mm (Cuckoo & Ballan)

B) 120mm to 230mm (Rock Cook, Corkwing & Goldsinny)

Proposed: James Marsden Seconded: John Butterwith

All agreed (8)

The Chair opened the floor for members to add other discussion points. Mike Williams repeated his earlier observation that this issue has the potential to become a national issue and it was already clear that it was an issue for the South West region. Mike Williams suggested that the burden for additional research should not be confined to the D&SIFCA. Collaboration with other IFCA's was of high importance along with efforts to seek funding, possibly industry generated funding for the implementation of a comprehensive research program. DCO Clark explained that SIFCA are considering a PhD led research program and regional liaison will help merge together evidence from differing sources. Members suggested that officers also consider EMFF as another source of funding. Both Mike Williams and James Marsden identified potential for the D&SIFCA to host workshop(s) with stakeholders given opportunity to review existing evidence and add to it. To strengthen this suggested approach a proposal for officer action was formulated as follows:

The D&SIFCA initiates discussions with other potential research partners (including universities and Cefas) on a comprehensive research program, seeks to source funding and considers hosting a one day workshop to explore the potential scope and content of future work

Proposed: Mike Williams Seconded: Richard White

All agreed (8)

(Lunch break)

Members returned to conclude discussions on the live wrasse fishery. Mike Williams suggested that the D&SIFCA boundaries be considered by members as it has clear relevance to the harmonization of potential management, in particular the Plymouth area of the district. Although recognising Mike Williams' request in relation to a section 167 agreement, the Chair requested that this discussion point be continued in any other business and this was accepted.

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How to proceed with management of the live wrasse fishery

The Chair requested that members consider how best to proceed with the management of the live wrasse fishery. Members raised concern over the officers' workload and requested clarity in relation to a realistic time line to complete and summarise a live wrasse consultation. Members felt that consideration of an emergency byelaw would be appropriate considering the risks of a significant delay in management.

DCO Mander reminded members that the flexible permit mechanism had been developed as part of the D&SIFCA activity based byelaw approach to provide an adaptive management approach and this allowed unforeseen events to be addressed via changes to permit conditions. Members were able to recall this innovation and the change from the traditional byelaw approach had been well documented within several Impact Assessments and used to strengthen rationale for the new permit based byelaws that have been created to date. Whilst fully recognising, the change of the permit conditions option, it was apparent to members that (due in some part to sub-delegation issues) the flexible permit change mechanism does not contain a provision for an emergency permit condition change. Members recognised that a time delay would exist if changes were recommended via the permit review process as set out in section 28 & 29 of the Potting Permit Byelaw. DCO Mander confirmed that a consultation period would have to be conducted over a six week period to meet demands of best practice and this would expose the fishery to some element of risk which would extend into part of the spawning season.

Mike Williams added that if members agreed that an emergency byelaw would address the immediate issues it could be implemented and then revoked when more evidence has been collected. Jim Portus explained that he had some reservations concerning the use of an emergency byelaw, in regard to what qualifies as unforeseen events and added that if the risks associated with the "live" wrasse fishery were deemed to be unacceptable then possibly Defra would have already acted. Jim Portus also commented that the emergency byelaw option would only protect the "live" wrasse stock. Jim Portus also added that this would potentially be a disproportionate approach and possibly not a position the D&SIFCA could comfortably defend. Mike Williams offered a different view and added that with the season about to begin and the existing evidence of spawning seasons now made available to members, a pre-cautionary stance would in his view be appropriate. DCO Clark reminded members that a closed fishery would limit more immediate data collection and therefore likely to hamper future discussions on longer term solutions.

Members questioned DCO Mander in regard to the scheduling of meetings for both the Sub-Committee and the full Authority and raised concerns over the potential delay in decision making if emergency byelaw action was not taken in preference for consultation only. DCO Mander explained that an emergency byelaw could be implemented relatively quickly. DCO Mander also explained that emergency meetings of both the full Authority and Sub-Committee could potentially be arranged but acknowledged members concerns relating to

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decision making and the delegation of powers to make decisions. DCO Mander explained that a potential emergency byelaw making recommendation from the Sub-Committee would be explored by the Chief Officer at the soonest possible opportunity. The impact that a D&SIFCA emergency byelaw would have on adjoining IFCA's was recognised during discussions and members considered that the lack of a documented harmonised approach at this time added difficulties for them forming immediate recommendations.

Based on the evidence at hand, time pressures for the implementation of suitable protective measures, acknowledgment of officers' working limitations and concerns relating to the decision making protocol, several members concluded that an emergency byelaw approach could be put to the vote as the appropriate form of immediate action. James Marsden suggested that the emergency byelaw measures be kept simple with focus purely on the immediate concern which had been identified as a closed fishing period. Mike Williams built on James Marsden's observations and formulated the first proposal, which was refined several times by different members:

An emergency byelaw be introduced to close the live wrasse fishery

Proposed: Mike Williams Seconded: Stephen Gledhill

All in favour, however Jim Portus suggested an amendment to this single proposal by including dates into the proposal as follows:

An emergency byelaw is introduced to close the live wrasse fishery from the 1st of April to the 31st July

Proposed: Jim Portus Seconded: James Marsden

To support a potential view of members taking an increased pre-cautionary stance Mike Williams offered an amendment as follows:

An emergency byelaw is introduced to close the live wrasse fishery from the 1st of April to the 30th September

Proposed: Mike Williams Seconded: John May

Before a vote was cast, another re-fined amendment was immediately offered by Stephen Gledhill. As an emergency byelaw was to be used, Stephen Gledhill suggested that the close season begin with immediate effect (as per the implementation date of the emergency byelaw)

An emergency byelaw is introduced to close the live wrasse fishery from the implementation date of the byelaw until the 31st of July

Proposed: Stephen Gledhill Seconded: Richard White

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For 6

Against 2

Abstentions 0

This recommendation stands

4. (a) To consider whether to consult on the measures set out in the report regarding the management of demersal towed gear in Torbay MCZ

The Chair asked DCO Clark to introduce this item and verbally presented the circulated report. DCO Clark displayed a chart of the Torbay MCZ boundary lines which included the areas of the sub-tidal mud features. DCO Clark provided members with the rationale behind this officers' proposal that had been formulated as a direct result of the D&SIFCA statutory requirements within MaCAA and the associated MCZ Assessment work undertaken by D&SIFCA environmental staff. The objectives for the feature of "recovering to a favourable condition" were explained and also the risks that both demersal trawling and scallop dredging activity presented to the feature. Both John Butterwith and Jim Portus asked for some clarity in regard to pelagic methods within these relatively small areas and access to small areas not identified as containing subtidal mud. DCO Clark was able to explain that the relatively shallow water in these sites in combination with the size of mid water nets used locally would in reality also potentially impact the feature and as such this had been accounted for in the officers' paper. Members were also informed that even with developments in VMS technology; access in very small areas does not present a realistic option in the officers' view. DCO Clark explained that the consultation period would better inform officers of any potential impacts on fishers which can then be documented within the required Impact Assessment. Members agreed to vote on the officer proposal as follows:

Dredges: D&S IFCA proposes to prohibit scallop dredging within the Torbay MCZ.

***Trawls: D&S IFCA proposes to prohibit demersal trawling within the Torbay MCZ.
D&S IFCA proposes to prohibit pelagic trawling within the Torbay MCZ,
where the foot rope comes into contact with the sea bed.***

Recommendation:

The Byelaw and Permitting sub-committee agree that a consultation is undertaken to review the conditions of the Mobile Fishing Permit to introduce further management of the demersal towed gear in Torbay MCZ, as described above. The consultation would aim to gather information on the impact of the management proposals to the fishing industry, as part of an Impact Assessment.

Proposed: Mike Williams Seconded: James Marsden

All agreed (8)

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One of the members had to leave the meeting at this point.

4. (b) To consider whether to consult on the measures set out in the report regarding the management of demersal trawl gear in Lundy SAC

DCO Clark continued with her presentation. James Marsden and Richard White offered initial comments that the advice summary from Natural England was confusing but agreed to return to this point after DCO Clark's presentation. DCO Clark displayed a chart of the Lundy SAC site on a projector screen and gave background information on the findings of the HRA assessment work to ensure the existing and potential commercial fishing activities are managed in accordance with Article 6 of the Habitats Directive. DCO Clark informed members on the location and frequency of demersal trawl gear in the immediate area and the level of potential disturbance caused to subtidal coarse sediment and subtidal sand sub-features.

Discussions focussed on squid fishing operations that are limited, but permitted within the North East section of the Lundy SAC. John Butterwith was able to draw on his own knowledge of the North Devon squid fishery and added relevant information. He was able to explain the importance of the squid to a declining North Devon fishing Industry and in addition explained how weather conditions such as periods of fine sunny weather drive squid stocks towards the seabed. DCO Clark explained that Natural England questioned some elements of the D&SIFCA HRA work relating to the potential damage to the sand and coarse sediment features within the SAC. In conclusion, although D&SIFCA had concluded that the site is not likely to be significantly impacted, Natural England has stated that a high level of uncertainty exists in relation to the exposure of the features to trawling. DCO Clark explained that time pressure existed due to a 2016 deadline for management and as such a monitoring and control plan has been recommended by NE. Richard White raised concerns over the D&SIFCA's use of monitoring and control plans within the six mile limit and agreement with Natural England for such an approach.

DCO Mander explained that the Sub-Committee can recommend that the officers draft a formal letter to Natural England. As part of such a letter both James Marsden and Richard White suggested more clarity is requested, in particular to specific paragraphs of the initial advice where double negatives were evident. Richard White recognised the value in a monitoring and control plan but continued to highlight his concerns relating to potential damage to features within the SAC. A proposal was formulated as follows:

Recommendations:

The Byelaw and Permitting sub-committee agree a consultation is undertaken to review the condition of the Mobile Fishing Permit to allow for the development of a Monitoring and Control Plan and gather data from the fishing industry to inform this plan.

(D&S IFCA and NE will work together to develop this plan and the IFCA will implement it, working with the members of the fishing industry involved in the squid fishery)

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Proposed: Mike Williams Seconded: John Butterwith

For 6

Against 1

Abstentions 0

4. (c) To consider whether to consult on the measures set out in the report regarding the management of scallop dredge gear in Lundy SAC

With approval of the Chair, DCO Clark continued her presentation relating to the formal advice received by Natural England with reference to the HRA (D&SIFCA Assessments). Access is currently permitted via the permit conditions in an area in the North East section of the Lundy SAC. The HRA process has concluded that although the activity could produce a negative impact on subtidal coarse sediment and to a much lesser degree to the subtidal sand, the activity is not currently being undertaken in the site. DCO Clark reported that Natural England have taken a more pre-cautionary stance in relation to the evidence with a view taken that the area currently open has the potential to be targeted by scallop vessels. NE greatest concern was the impact of scallop dredges on the coarse sediment sub-feature of the SAC. NE recognised that the area currently open to access does contain some communities within highly mobile and unstable sediment, which are generally accepted to be less sensitive. Taking into account advice from Natural England, DCO Clark described the two possible management options to be discussed by the sub-committee. The first was to prohibit scallop dredging on the more sensitive coarse sediment sub feature but allow access in the most northern part of the SAC where the mobile sand sub-feature is located. The second proposal was to prohibit scallop dredging in the whole site. It was suggested that the first proposal was dependent on the use of inshore vessel monitoring systems (IVMS) to maintain access to only the subtidal sand. John Butterwith explained that although the evidence suggests no scalloping activity, he is aware that visiting scallop vessels from Padstow do fish near the area. In recognition of maintaining access, Jim Portus suggested that IVMS units need to be reliable to reduce risks to the highlighted features. The Sub-committee considered these options and concluded that, the proposal for consultation would be to remove the dredging activity on the coarse sediment sub feature but maintain access on the highly mobile sand sub feature. Members concluded that more information (including information gained via engagement with NE) may be established during the consultation period which can then be discussed further at future meetings. A vote was cast.

Recommendation:

The Byelaw and Permitting sub-committee agree that a consultation is undertaken to review the conditions of Mobile Fishing Permit to introduce further management of the demersal towed gear in Lundy SAC, as described within the report. The consultation would aim to gather information on the impact of the management proposals to the fishing industry, as part of an impact assessment.

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Proposed: Mike Williams Seconded: James Marsden

All agreed (7)

4. (d) **To consider whether to consult on the measures set out in the report regarding the management of the removal of spiny lobsters from Tranche 1 and Tranche 2 MCZ by demersal towed gear**

DCO Clark provided members with a verbal account of the circulated information. In summary DCO Clark explained that original EMS assessments (HRA) were conducted prior to 2014 and these were used in the development of the Mobile Fishing Permit Byelaw. Since implementation of the Byelaw, Tranche 1 and Tranche 2 MCZ sites have been designated. Spiny lobsters (also known as crawfish) were not included as features within the SAC designations and therefore the HRA assessment work required in accordance with Article 6 of the Habitats Directive. Spiny lobsters do form part of the MCZ network and therefore are required to be considered through the MCZ assessment work. Conservation objectives identified for this species are to “recover to a favourable condition”. To address an error in the officer’s report, DCO Clark explained that this species is not a feature of the Hartland Point to Tintagel MCZ as stated in the documentation. In recognition of the conservation status of spiny lobsters, officers have prepared a recommendation for consultation with the outcome expected to be that this species is further protected via a change to the permit conditions. The Chair thanked DCO Clark for the information. Members agreed that this item was straight forward and no additional discussions were required. Hartland Point to Tintagel MCZ would be removed from the consultation document. Members accepted the officers’ recommendations.

Recommendations:

The Byelaw and Permitting sub-committee agree that a consultation is undertaken to review the conditions of the Mobile Fishing Permit, to introduce further management of the demersal towed gear in Lundy MCZ, Skerries Bank & Surrounds MCZ and Bideford to Foreland Point MCZ to prohibit the removal of spiny lobsters. The consultation would aim to gather information on the impact of the management proposals to the fishing industry, as part of an impact assessment

Proposed: John Butterwith Seconded: Richard White

All agreed (7)

5. **Any other business**

The Chair reminded members that Mike Williams had earlier highlighted a discussion point for this agenda item. Mike Williams then addressed members and highlighted a lack of harmonisation with the management approaches offered by adjoining IFCA's with particular focus on the differences that were apparent between D&SIFCA and CIFCA in regard to the

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Plymouth area. Mike Williams concluded that the differences that exist in the development of local legislation provides both some confusion for fishers but can also potentially damage the reputation of both Authorities. To address this issue Mike Williams recommended that formal discussions be held between both Authorities with a view to establish a 167 agreement as set out in MaCAA. Mike Williams enquired how to action this request. DCO Mander explained that although attempts had been made to achieve improved harmonisation (via regional meetings) and some elements of control measures had now been unified, he recognised that difficulties do still exist. James Marsden explained that he had similar concerns to Mike Williams and felt that the discussions should be both carefully considered and also include the Chief Officer of SIFCA. DCO Mander explained to members that the Chief Officer could be contacted and requested to enter such discussions and potential negotiations. The Chair explained that he would soon meet with the Chief Officer of D&SIFCA in person and formally request that this issue is addressed.

6. Date of next meeting

15th May 2017

END.