



Potting Permit Byelaw

A Three-Year Review of the Permit Conditions



Final Phase Consultation - Development Report, Focussed Consultation Items and Permit Condition Proposals

2nd edition – 15th January 2018

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Version Control

Author	Date	Comment	Edition
Neil Townsend, et al	August 2017	Basic guide developed to introduce and explain the three-year review of potting permit conditions for phase one “open” consultation	1
Neil Townsend, et al	15 th January 2018	Developed for consultation following discussions by the D&S IFCA Byelaw & Permitting Sub-Committee on November 13 th 2017. Replaces the mini guide used in phase 1.	2

Executive Summary

Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA) manages all potting activity in the District via the Potting Permit Byelaw. The permit conditions for the Byelaw must be reviewed at least every three years.

The three-year review of permit conditions began in 2017, with a six-week period of “open” consultation conducted between 11th September and 23rd October 2017. The responses from the first phase have been collated and presented to members of the D&S IFCA Byelaw and Permitting Sub-Committee on the 13th November 2017. Following these discussions, a selection of items has been identified that are appropriate for further consultation which, in this phase, will also include the proposed permit conditions needed to implement these potential changes.

Although potting permit conditions are also used to manage the Live Wrasse Pot Fishery, D&S IFCA has taken the decision to conduct a separate consultation devoted to the more specialised management of the Live Wrasse Pot Fishery.

Consultation

This report does contain consultation items (detailed in part 3) and in summary the consultation items relate to the following:

- **The use permit conditions to replace a reliance on a deeming clause (page 8)**
- **Protection of spiny lobsters – Recently cast its shell (page 10)**
- **Prohibition on the removal of spiny lobster from Marine Conservation Zones (MCZ) areas (page 11)**
- **Gear restrictions to protect populations of otters in estuaries (page 15)**
- **Including the South Devon Inshore Fishing Grounds (also known locally as the Inshore Potting Agreement Areas (IPA), as a mobile fishing permit condition (page 27)**
- **Potential changes to permits, specific to the whelk fishery (page 35)**
- **Introducing the Lundy Island – No Take Zone as a potting permit condition (page 37)**
- **Changes to Category Two Gear Restrictions (page 39)**

All stakeholders, regardless of interest or fishing sector have the opportunity to respond to the consultation. Some items such as the managing gear conflict apply to other fishing sectors. The consultation will begin on 31st January 2018 and end on 14th March 2018.

Part 1 – Introduction

Aim of this Report

The primary aim of this report is to provide all stakeholders with key information so they can effectively engage in the consultation process and assist decision making. Throughout the process this report will be expanded and further editions of this report will be created.

Different stakeholders will be more or less familiar with what D&S IFCA does, why it manages this fishing activity and importantly how it achieves this. Stakeholders may not be familiar with the process or the developments to date and therefore additional information has been incorporated into this report.

The report and subsequent editions has other aims as follows:

- **Demonstrate the measures that have already been taken to manage potting activity**
- **Document the findings of the consultations and the evidence base used for decision making**
- **Demonstrate how, when and why decisions have been taken**
- **Provide background information to all stakeholders about D&S IFCA and how the organisation functions**

This report incorporates the information documented in previous D&S IFCA publications¹ and supersedes that information. On completion of all phases of consultation, this report will document the complete process and outcomes of the three-year review of the Potting Permit Byelaw permit conditions and will act as the overarching reference document.

All stakeholders, regardless of interest or fishing sector have the opportunity to respond to the consultation. Some items such as the managing gear conflict apply to other fishing sectors.

This is a relatively large document and therefore the following is strongly recommended:

- **That the contents page in this report is used to navigate to the sections of the report which they find most relevant.**

All relevant evidence and information² that has been used for deliberations by the D&S IFCA Byelaw & Permitting Sub-Committee is contained in this single document which will be further expanded following the response/s submitted during the “focussed” consultation period. This report will document all actions, deliberations and decisions taken during the process and imbedded information (hyperlinks) have been added to provide all stakeholders with additional information (finer detail). A time table of actions taken and future expectations has been established (as a guide) which will be amended with more detail during the process.

¹ Potting Permit Byelaw – A basic guide to explain the three-year review of the permit conditions

² Within the scope of the D&S IFCA Data Protection Policy

Table 1 – Estimated Timetable of Events

Date	Action/event	Comments
2014	D&S IFCA makes the Potting Permit Byelaw	Permit conditions introduced to manage potting activity for both commercial and recreational fishers
2015	Consultation undertaken on permit conditions	The size of female brown hen crab increased to 150mm
2017 (Sept – Oct)	Start of the mandatory three-year review of potting permit conditions	Phase 1 “open” consultation conducted
2017 (November)	Meeting of the Byelaw and Permitting Sub-Committee	All summarised responses from the phase 1 consultation considered and “focussed” items for additional consultation formulated.
2017 (Nov - Dec)	Consultation preparation	Consultation documents prepared
January 2018	Focussed consultation	6-week consultation to be conducted on the “focussed” items & proposed permit condition changes
March 2018	Meeting of the Byelaw and Permitting Sub-Committee	All summarised responses from the 2 nd phase “focussed” consultation considered and decision taken how to proceed

Communication

D&S IFCA is developing a new communication strategy³. Another wide-ranging consultation will be conducted using different communication methods, including the D&S IFCA website. D&S IFCA has created a consultee list for conducting consultation work. This consultee list is displayed on the D&S IFCA website and has scope to be expanded. All contacts (which includes all permit holders) will be contacted and notified about the consultation.

A designated consultation email address will be used in all consultation phases and other response formats are being developed for stakeholders engaging via social media.

All stakeholders, regardless of their interest or fishing activity conducted, have the opportunity to engage in the consultations. The email contact addresses provided by permit holders are of significant benefit for consultation work and will be utilised.

³ Available upon request from D&S IFCA

Publication Policy and Responding to the Consultation

D&S IFCA has a publications policy. Options for the circulation of consultation reports are as follows:

- Consultation reports can be sent upon request to stakeholders who supply a current and functioning email address
- Hard copies of the consultation reports can be circulated to stakeholders but a charge will be levied for the cost of postage. Stakeholders should contact the office of D&S IFCA so the charges can be clarified and then send a stamped addressed envelope of the correct size as specified
- Hard copies of the consultation reports are available for collection at the D&S IFCA main office in Brixham.

This is not a detailed questionnaire or a multi-choice consultation. Stakeholders have freedom to respond to all of the identified items as they wish. It is useful if stakeholders identify their interest or fishing sector and add detail and reasoning in their responses.

Although a designated email is available to be used, stakeholders have other options to respond. Written responses (letters) will be collated. In addition, stakeholders can contact the office of D&S IFCA and arrange an appointment⁴ to discuss the consultation items.

Contact details



Brixham Laboratory
Freshwater Quarry
Brixham
Devon
TQ5 8BA
Tel: 01803 854648
Email:
consultation@devonandsevernifca.gov.uk

You can choose to respond using the email below or on the on-line survey form on social media

consultation@devonandsevernifca.gov.uk

⁴ Telephone session, or personal interview with an officer

Part 2 - Current Management of Potting Activity

The outcome of this consultation process may lead to changes in the current potting permit conditions. This section of the consultation report enables all stakeholders to view and understand the current restrictions that D&S IFCA has introduced to manage generalised potting activity.

The information on this page is available by clicking on the imbedded information (hyperlinks) or visiting the D&S IFCA website where this information is displayed. Permit conditions are also directly circulated to fishers who apply for and are subsequently issued with a potting permit.

Additional restrictions⁵ apply to those engaged in the Live Wrasse Pot Fishery. A separate consultation is being conducted in regard to the Live Wrasse Pot Fishery and a separate consultation report has been prepared for all stakeholders to view the relevant information.

Imbedded information (hyperlinks to the D&S IFCA website)

- [The Potting Permit Byelaw](#)
- [The current permit conditions for potting](#)
- [Annexes for the potting permit conditions](#)
- [Policy and clarification for permit applicants to provide sufficient contact details](#)
- [Policy and clarification on the use of multiple Category Two permits on a single vessel](#)
- [Policy and clarification on the use of pots by a named representative](#)

Licence Condition (Schedule)

- 2018 [IPA Chart](#)

⁵ Application process and guidance and policy relating to a fully documented fishery

Part 3 - Items & Proposed Permit Conditions for the Continuing Consultation

On November 13th 2017, members of the D&S IFCA Byelaw and Permitting Sub-Committee identified all but one of the following items for a focussed six-week consultation that begins on 31st January 2018. This is your opportunity to consider the focussed items as set out (which includes the proposed permit conditions that would be introduced) and respond accordingly. This is not a detailed questionnaire or a multi-choice consultation. Stakeholders have freedom to respond to all of the identified items as they wish. It is useful if stakeholders identify their interest or fishing sector and add detail and reasoning in their responses.

A designated consultation email address will be used in all consultation phases and other response formats are being developed for stakeholders engaging via social media.

Written responses (letters) will be collated. In addition, stakeholders can contact the office of D&S IFCA and arrange an appointment⁶ to discuss the consultation items.

Stakeholders may wish to know why these consultation items have been selected for additional consultation? Part 4 of this report explains how and why these items have been selected.

The Consultation Items

In order to introduce changes in the proposed management of more generalised potting activity, the current potting permits have been subjected to re-drafting. As a consequence of this re-drafting process and the legal advice taken during this exercise, the formatting of the permits has altered along with some of the wording and paragraph numbering. To help stakeholders appreciate what the changes consist of and all the implications that they have, explanations (*in bold blue italics*) has been provided for each of the items.

Permit Conditions Replacing a Reliance on the Deeming Clause

In order to replace the reliance on the deeming clause, the layout of the current permit conditions would need to be adjusted. As good practice, D&S IFCA has taken the view that it is appropriate wherever possible to improve and harmonise the format used in all of the permits that D&S IFCA issues. D&S IFCA has taken account of legal advice in the drafting process and in addition, the new format would be largely based on the newly developed Netting Permit Byelaw⁷ permit conditions.

A new catch restriction would be introduced that would link to the list of species that appears in the potting permits. The list of species would be amended slightly and it is anticipated that the amended relevant proposed potting permit conditions would take the following form:

Catch Restrictions

As provided by paragraph 24(a) of the Devon and Severn IFCA Potting Permit Byelaw 2014, the following permit conditions apply:

⁶ Telephone session, or personal interview with an officer

⁷ Awaiting confirmation

- 1.1 A permit holder or named representative is not authorised to fish under this Permit if the permit holder or named representative has retained on board or has in their possession any catch that does not comply with any of the catch restrictions set out in paragraphs 1.2 to 1.5.4 inclusive.**
- 1.2 A permit holder or named representative is not authorised under this permit to remove from a fishery within the District:**
- a) any 'V'-notched or mutilated lobster;**
 - b) any berried lobster or berried edible crab;**
 - c) any part of an edible crab or lobster or spiny lobster which is detached from the carapace of the crab or lobster;**
 - d) any edible crab or lobster or spiny lobster that has recently cast its shell;**
- 1.3 A permit holder or named representative is not authorised under this permit to remove from a fishery within the District:**
- a) a female edible crab less than 150mm measured across the broadest part of the carapace;**
 - b) a male edible crab less than 160mm measured across the broadest part of the carapace;**
 - c) a scallop less than 100mm measured across the broadest part of the flat shell;**
 - d) a whelk less than 65mm measured along the length of the shell, except where paragraph 4.3 applies;**
 - e) a lobster less than 90mm measured as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace;**
 - f) a spider crab less than 130mm measured as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace;**
 - g) a spiny lobster less than 110mm measured as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace;**
 - h) a velvet swimming crab less than 65mm measured across the broadest part of the carapace;**
 - i) a bass less than 42cm measured from the tip of the snout to the end of the tail fin;**
- 1.3.1 All such species falling within the above prohibitions in paragraphs 1.2 and 1.3 must be returned immediately to the sea without further injury.**

- 1.3.2** *The measurement of the size of a marine organism will take place in accordance with the provisions laid down in Annex XIII Article 18(1) of Council Regulation (EC) 850/98.*

Explanation

The re-drafting of potting permit conditions includes the addition of Paragraph 1.1. which links to the species list and catch restrictions set out in the permit conditions. This does have some implications for fishers.

When a vessel is fishing within the District, the catch must conform to the sizes (or provisions in 1.2 and 1.3) as set out in the permit which are in some cases more restrictive than National or EU size restrictions. For example, a potting vessel cannot fish within the District with a lobster of less than 90mm on board and remain compliant with the permit conditions.

A vessel issued with a potting permit does have the option to transit through the District with species caught outside of the District that do not comply with the sizes/provisions as set out in the permit, providing that the catch complies with National or EU legislation.

Another key alteration above is the inclusion of paragraph 1.3.2. This permit condition does not place a new burden on fishers, rather it clarifies what the restrictions already are in regard to how different species should be measured to conform with minimum conservation reference sizes.

The revised formatting of the permit conditions will mean that the Authority does not need to rely on the deeming clause that is already inserted in the Potting Permit Byelaw. Background information relating to the deeming clause is included in Part 4 of this report.

Protection of Spiny Lobster that has Recently Cast its Shell

This proposal involves a minor change to paragraph 1.2 and the species listed (a to d) in this section. It is anticipated that the amended relevant proposed potting permit conditions would take the following form:

- 1.1** *A permit holder or named representative is not authorised to fish under this permit if the permit holder or named representative has retained on board or has in their possession any catch that does not comply with any of the catch restrictions set out in paragraphs 1.2 to 1.5.4 inclusive.*
- 1.2** *A permit holder or named representative is not authorised under this permit to remove from a fishery within the District:*
- a) *any 'V'-notched or mutilated lobster;*
 - b) *any berried lobster or berried edible crab;*
 - c) *any part of an edible crab or lobster or spiny lobster which is detached from the carapace of the crab or lobster;*
 - d) *any edible crab or lobster or spiny lobster that has recently cast its shell;*

1.3.1 All such species falling within the above prohibitions in paragraphs 1.2 and 1.3 must be returned immediately to the sea without further injury.

Explanation

The words spiny lobster has been added to 1.2 (d) which has provided additional protection to spiny lobster that has recently cast its shell.

Stakeholders should also be aware that in regard to the protection of berried lobster or edible crab, the term lobster (as set out in interpretations – not shown) also includes spiny lobster and therefore berried spiny lobster remain protected.

Prohibition on the Removal of Spiny Lobster from MCZ Areas

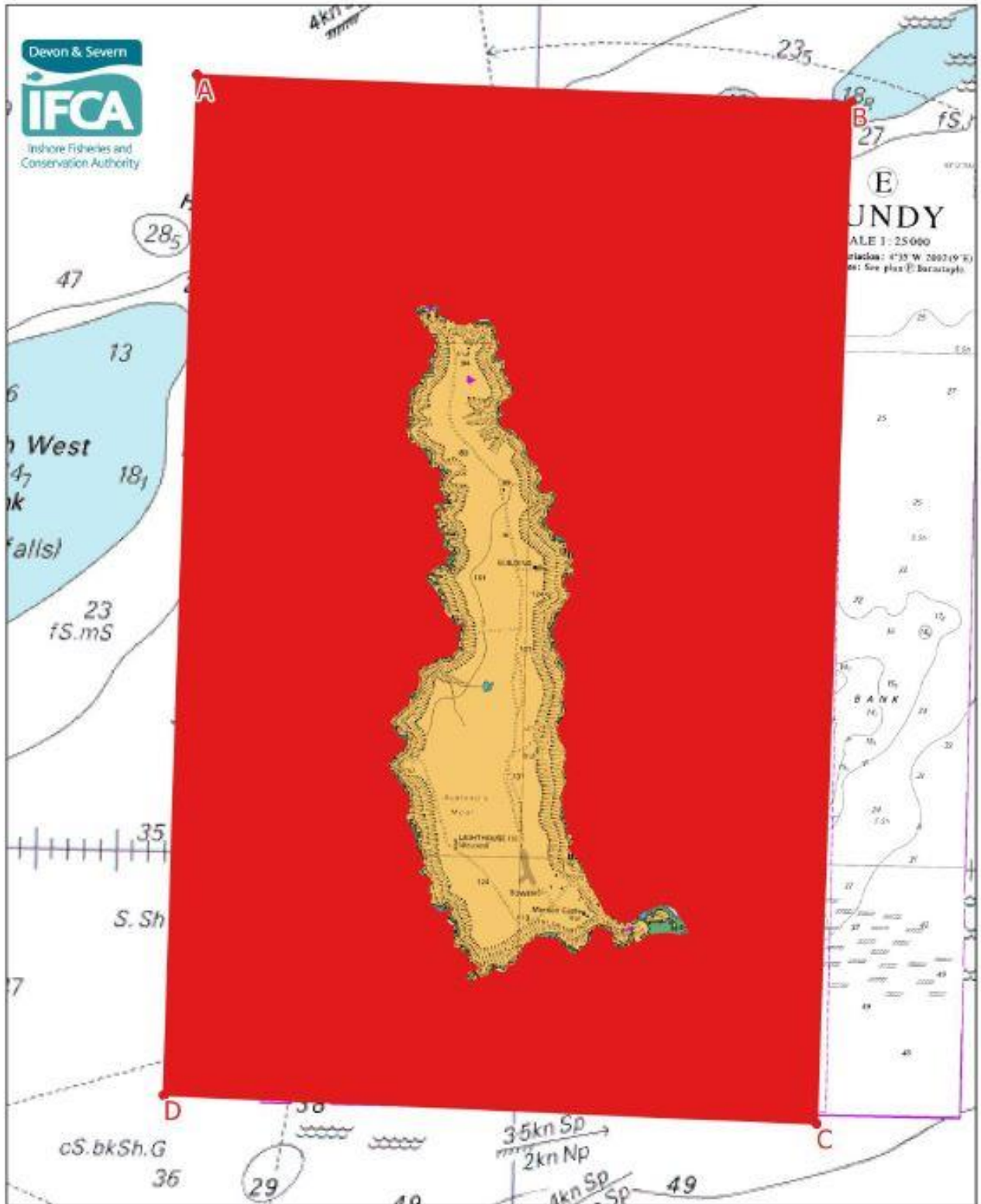
The current potting permit catch conditions already prohibit the removal of spiny lobster from both the Skerries Bank and Surrounds Marine Conservation Zone (MCZ) and also Lundy MCZ. The proposal is to apply this restriction to the Bideford to Foreland Point MCZ as spiny lobsters have been identified as a protected species. In addition (for the purposes of formatting only) all three MCZ areas will be combined into a single annex (chart) with the restrictions listed in section 3 (spatial conditions). It is anticipated that the amended relevant proposed potting permit conditions would take the following form:

3.2 In the areas as defined by the coordinates set out in the attached Annex 2 of this permit (Lundy, Skerries Bank and Surrounds, and Bideford to Foreland Point Marine Conservation Zones), a permit holder or named representative is not authorised to remove any spiny lobster.

Explanation

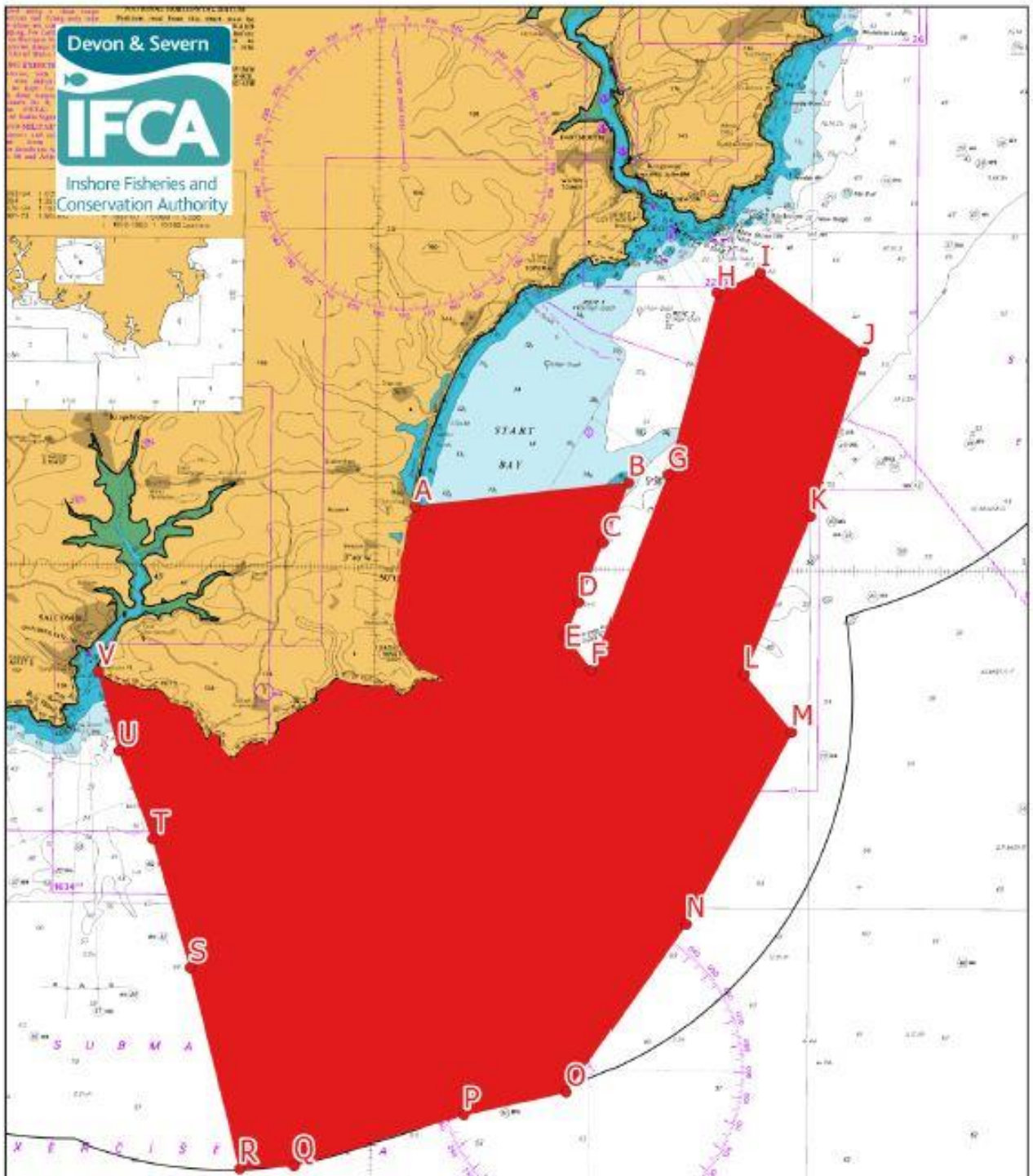
The use of Annexes (charts) to accompany the permit conditions that D&S IFCA issues is intended to help fishers fully understand where boundaries or closing lines are. An example of the MCZ Annex 2 charts are shown below. Larger scale charts would accompany any permits that are issued with coordinates defining specific sites, boundaries or closing lines.


Annex 2 Chart of Lundy MCZ - Prohibition of removal of Spiny Lobster

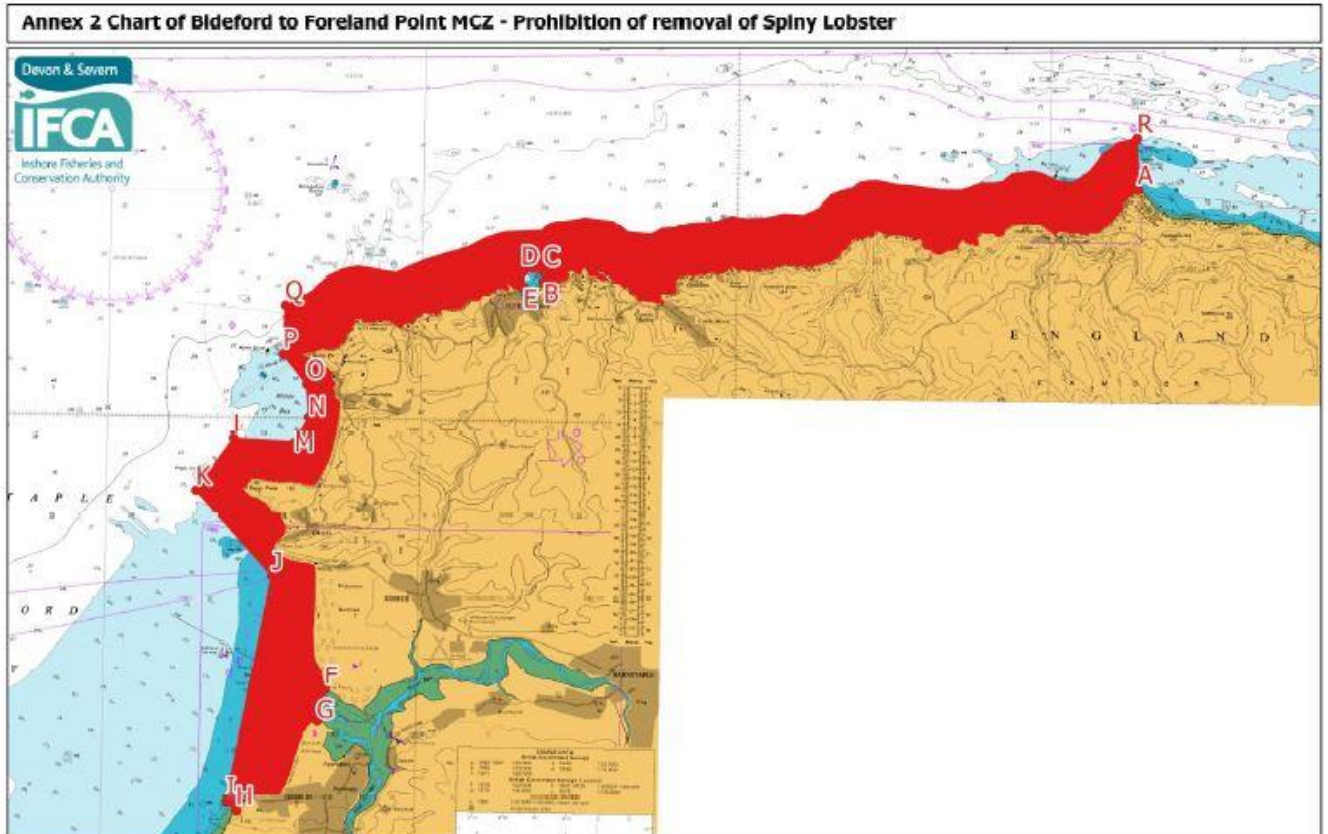



Prohibition of removal of Spiny Lobster

Annex 2 Chart of Skerries Bank and Surrounds MCZ- Prohibition of removal of Spiny Lobster



 Prohibition of removal of Spiny Lobster



 Prohibition of removal of Spiny Lobster

The Annex 2 chart (Bideford to Foreland Point MCZ) is a new restriction and displays the area where it is prohibited to remove spiny lobster.

The co-ordinates of this area are as follows:

Point Latitude Longitude

<i>A</i>	<i>51° 14.764' N</i>	<i>003° 47.203' W</i>	<i>B</i>	<i>51° 12.792' N</i>	<i>004° 06.128' W</i>
<i>C</i>	<i>51° 12.980' N</i>	<i>004° 06.125' W</i>	<i>D</i>	<i>51° 12.983' N</i>	<i>004° 06.777' W</i>
<i>E</i>	<i>51° 12.683' N</i>	<i>004° 06.777' W</i>	<i>F</i>	<i>51° 04.525' N</i>	<i>004° 12.923' W</i>
<i>G</i>	<i>51° 03.902' N</i>	<i>004° 13.150' W</i>	<i>H</i>	<i>51° 02.098' N</i>	<i>004° 15.684' W</i>
<i>I</i>	<i>51° 02.281' N</i>	<i>004° 15.999' W</i>	<i>J</i>	<i>51° 06.816' N</i>	<i>004° 14.666' W</i>
<i>K</i>	<i>51° 08.505' N</i>	<i>004° 17.134' W</i>	<i>L</i>	<i>51° 09.563' N</i>	<i>004° 15.965' W</i>
<i>M</i>	<i>51° 09.500' N</i>	<i>004° 14.013' W</i>	<i>N</i>	<i>51° 10.011' N</i>	<i>004° 13.569' W</i>
<i>O</i>	<i>51° 10.677' N</i>	<i>004° 13.653' W</i>	<i>P</i>	<i>51° 11.274' N</i>	<i>004° 14.425' W</i>
<i>Q</i>	<i>51° 12.250' N</i>	<i>004° 14.384' W</i>	<i>R</i>	<i>51° 15.825' N</i>	<i>003° 47.243' W</i>

The landward boundary between points A and B, E and F, G and H, follows Ordnance Survey Mastermap Mean High Water and is therefore liable to change. Between point Q and point R the seaward boundary is 1 nautical mile seaward of Ordnance Survey Mastermap Mean High Water.

Gear Restrictions to Protect Populations of Otters in Estuaries

In order to protect populations of otters, the gear restrictions (section 2) of the potting permits would be amended with a new section inserted as shown. The new paragraph would link to the areas (estuary areas) labelled as an Annex to show where the restrictions would apply. The estuary areas would be enclosed by defined estuary closing lines. It is anticipated that the amended relevant proposed potting permit conditions would take the following form:

- 2.2** *Within the estuaries to the landward of the coordinates set out in the attached Annex 3 of this permit, a permit holder or named representative, is not authorised under the permit for the purposes of fishing, to use any pot with an entrance at its narrowest point of 85mm or less in width unless;*
- a) the entrance to the pot at its narrowest point is fitted with a ring constructed of a rigid material and;*
 - b) the ring is fitted across the narrowest part of the entrance to the pot and is the same width as the narrowest part of the entrance to the pot.*

Explanation

The use of Annexes (charts) to accompany the permit conditions that D&S IFCA issues is intended to help fishers fully understand where boundaries or closing lines are. Examples of the estuary Annex 3 charts are shown below. Larger scale charts would accompany any permits that are issued with coordinates defining specific sites, boundaries or closing lines.

For formatting (in this report) the charts and positions displayed below are not necessarily shown in exactly the order that they will appear in the finalised permit condition Annexes if this restriction is introduced.

Annex 3 Chart of River Axe closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions



— Estuary Closing Line

River Axe closing line latitude and longitude positions:

Point	Latitude	Longitude
A	50° 42.135'N	003° 3.354'W
B	50° 42.135'N	003° 3.274'W

Annex 3 Chart of River Sid closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions

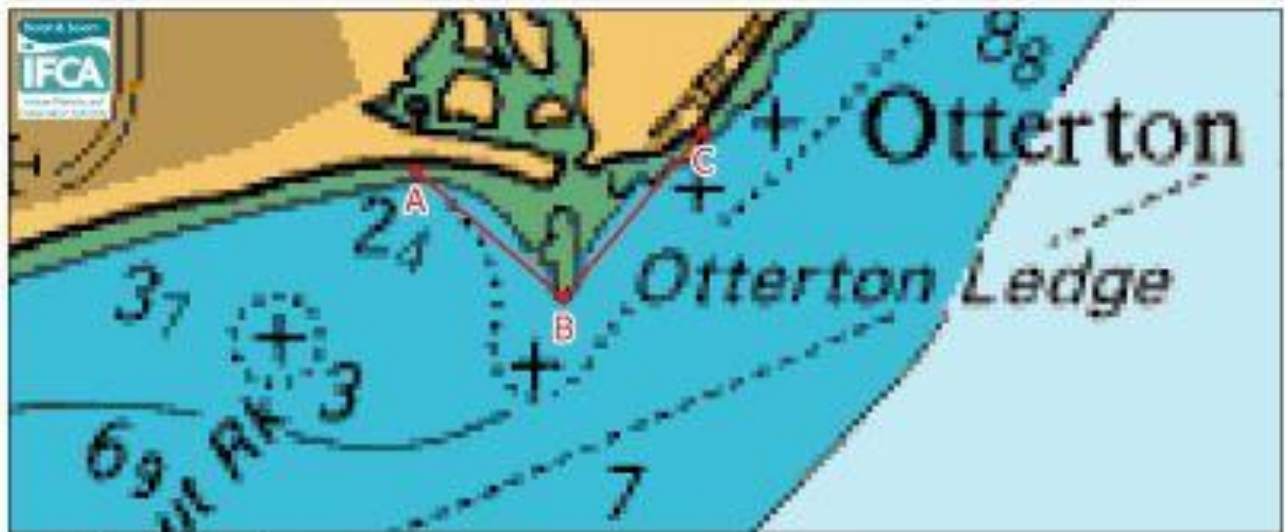


— Estuary Closing Line

River Sid closing line latitude and longitude positions:

Point	Latitude	Longitude
A	50° 40.726'N	003° 14.054'W
B	50° 40.735'N	003° 14.005'W

Annex 3 Chart of River Otter closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions

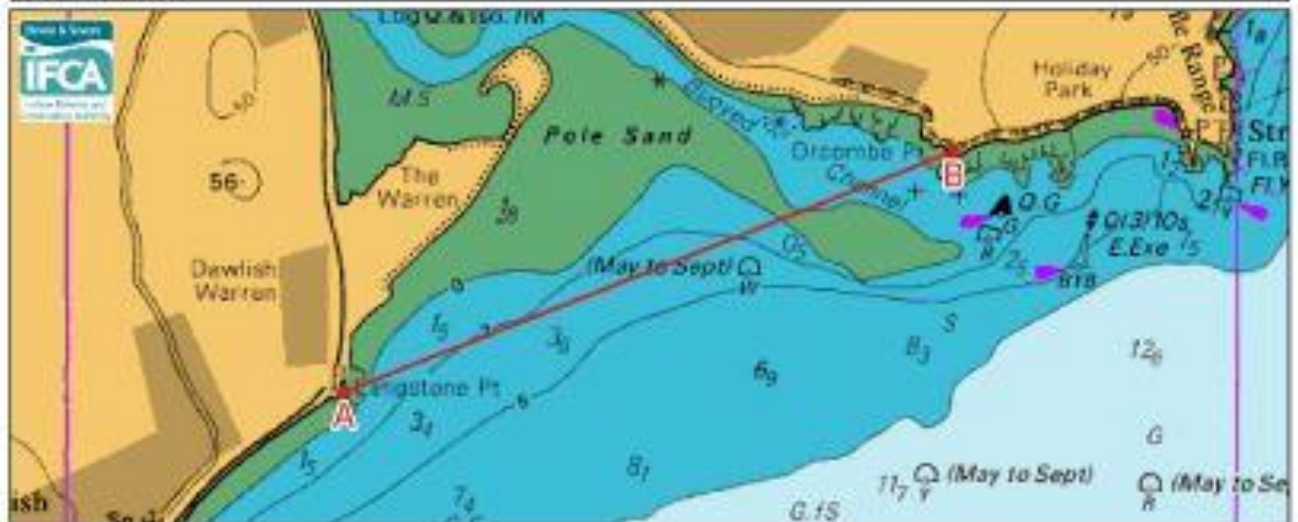


— Estuary Closing Line

River Otter closing line latitude and longitude positions:

Point	Latitude	Longitude
A	50° 37.791'N	003° 18.676'W
B (Otterton Ledge)	50° 37.626'N	003° 18.399'W
C (Otterton Point)	50° 37.821'N	003° 18.143'W

Annex 3 Chart of River Exe closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions



— Estuary Closing Line

River Exe closing line latitude and longitude positions:

Point	Latitude	Longitude
A (Langstone Point)	50° 35.518'N	003° 26.629'W
B (Orcombe Point)	50° 36.421'N	003° 23.108'W

Annex 3 Chart of River Teign closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions



— Estuary Closing Line
 River Teign closing line latitude and longitude positions:

Point	Latitude	Longitude
A (The Ness)	50° 32.272'N	003° 29.743'W
B (Harbour Light)	50° 32.513'N	003° 29.743'W

Annex 3 Chart of River Dart closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions



— Estuary Closing Line
 River Dart closing line latitude and longitude positions:

Point	Latitude	Longitude
A (Combe Point)	50° 19.634'N	003° 34.266'W
B (Inner Froward Point)	50° 20.141'N	003° 32.583'W

Annex 3 Chart of Salcombe Harbour closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions



— Estuary Closing Line

Salcombe Harbour closing line latitude and longitude positions:

Point	Latitude	Longitude
A (Splatcove Point)	50° 13.444'N	003° 46.915'W
B (Limebury Point)	50° 13.444'N	003° 46.402'W

Annex 3 Chart of River Avon closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions



— Estuary Closing Line

River Avon closing line latitude and longitude positions:

Point	Latitude	Longitude
A (Warren Point)	50° 17.077'N	003° 53.884'W
B (Herringcove Point)	50° 16.876'N	003° 54.049'W
C (Burgh Point)	50° 16.684'N	003° 54.018'W
D (Bantham Sand)	50° 16.684'N	003° 52.676'W

Annex 3 Chart of River Erme closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions



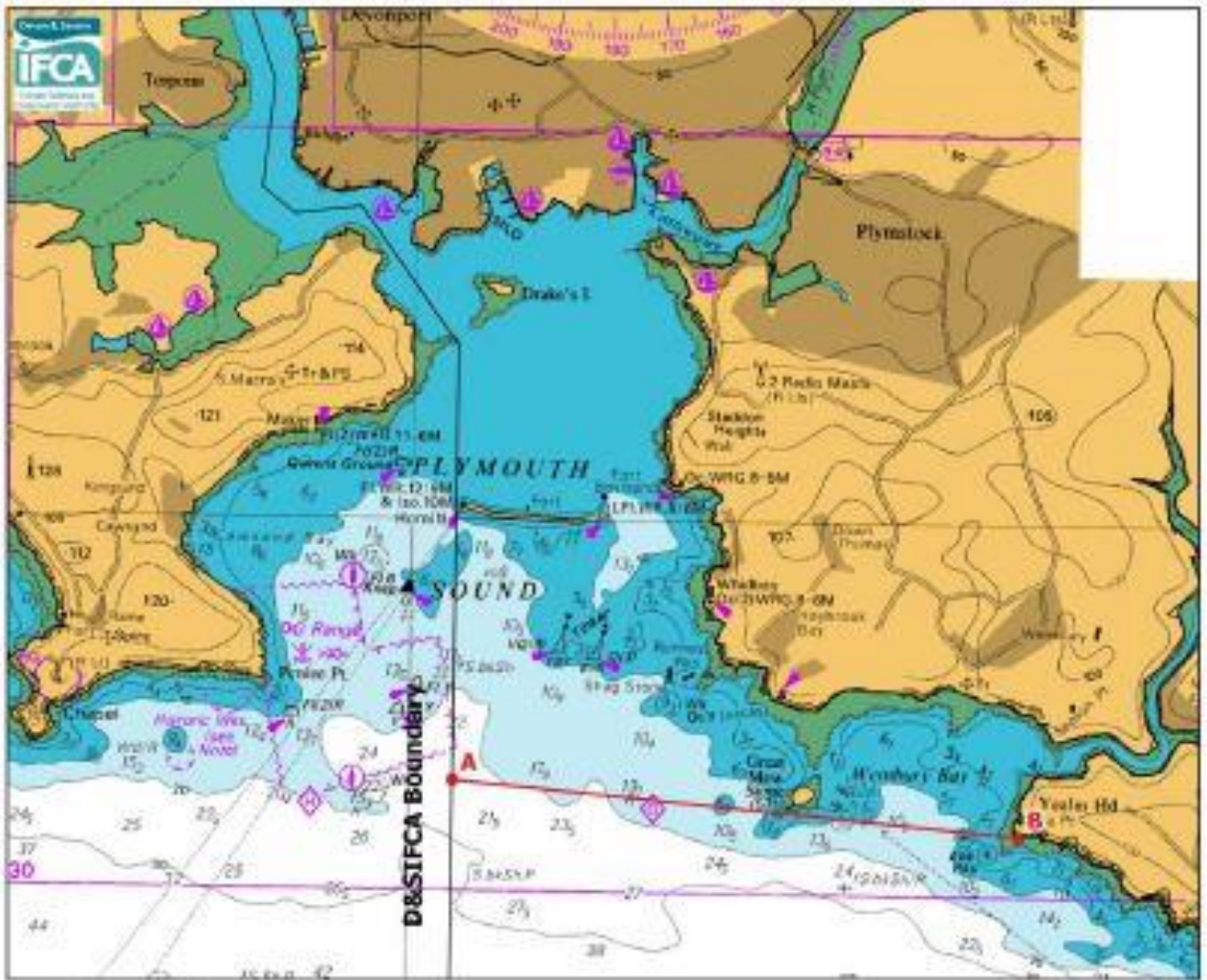
River Erme closing line latitude and longitude positions:

Point	Latitude	Longitude
A (Battisborough Island)	50° 18.243'N	003° 57.834'W
B (Beacon Point)	50° 17.750'N	003° 56.657'W

River Lyn closing line latitude and longitude positions:

Point	Latitude	Longitude
A (Landward end of Pier)	51° 13.900'N	003° 49.918'W
B	51° 13.900'N	003° 49.758'W

Annex 3 Chart of Plymouth Sound closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions



— Estuary Closing Line

Plymouth Sound closing line latitude and longitude positions:

Point	Latitude	Longitude
A (D&SIFCA Boundary)	50° 18.484'N	004° 09.600'W
B (Yealm Head)	50° 18.192'N	004° 04.458'W

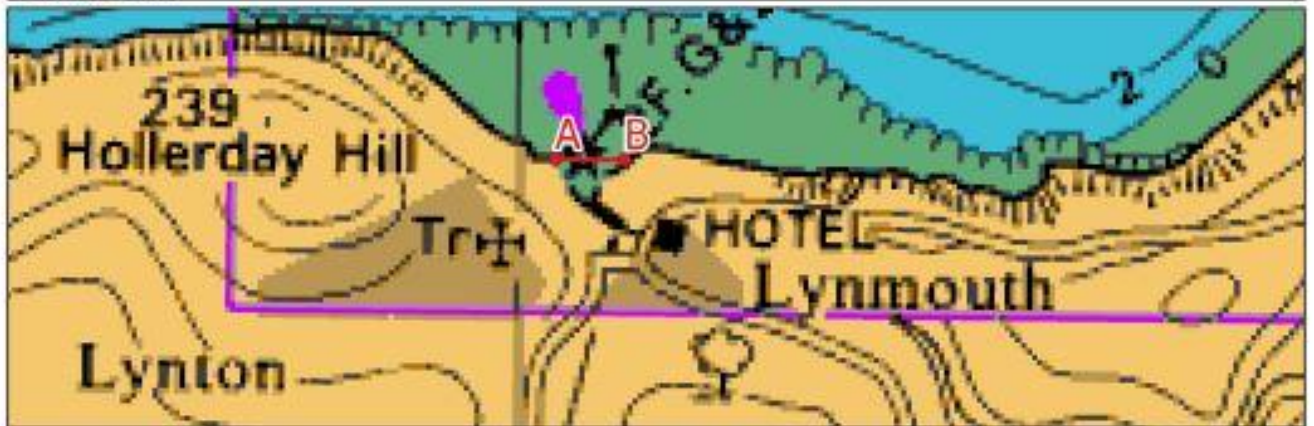
Annex 3 Chart of River Taw and River Torridge closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions



— Estuary Closing Line
 River Taw and River Torridge closing line latitude and longitude positions:

Point	Latitude	Longitude
A (Rock Nose)	51° 02.298'N	004° 15.396'W
B (Down End)	51° 07.331'N	004° 14.619'W

Annex 3 Chart of River Lyn closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions

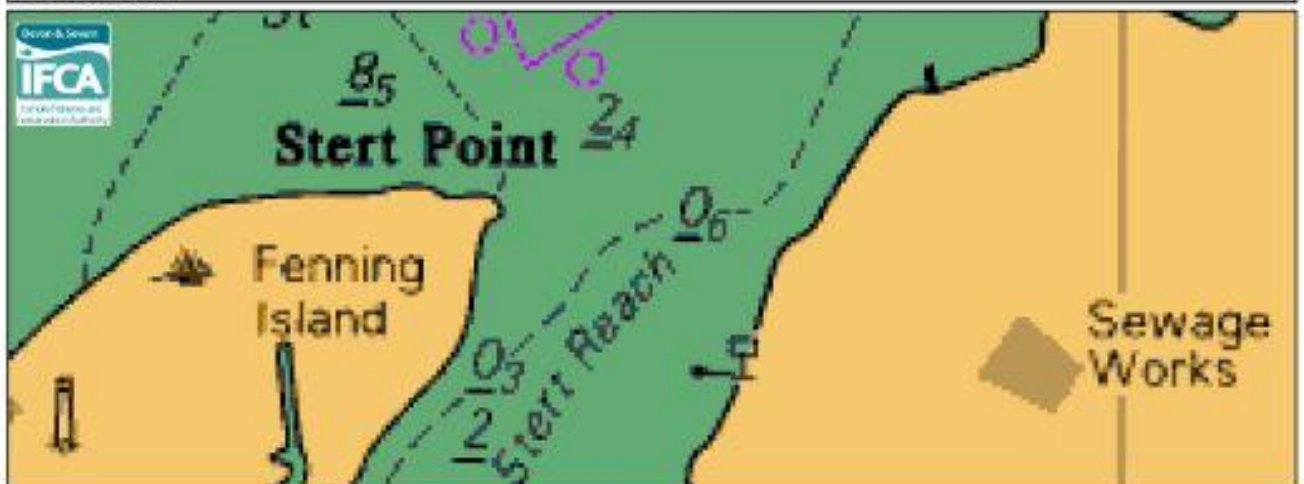


— Estuary Closing Line

River Lyn closing line latitude and longitude positions:

Point	Latitude	Longitude
A (Landward end of Pier)	51° 13.900'N	003° 49.918'W
B	51° 13.900'N	003° 49.758'W

Annex 3 Chart of River Parrett closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions

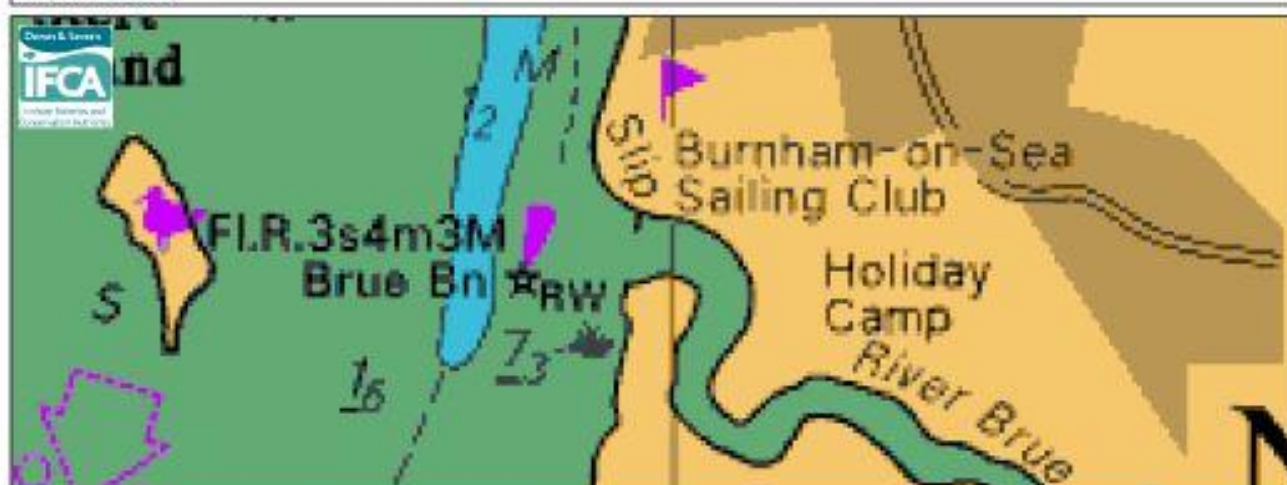


— Estuary Closing Line

River Parrett closing line latitude and longitude positions:

Point	Latitude	Longitude
A (Stert Point)	51° 13.106'N	003° 01.177'W
B (Beacon)	51° 13.061'N	003° 00.642'W

Annex 3 Chart of River Brue closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions



— Estuary Closing Line

River Brue closing line latitude and longitude positions:

Point	Latitude	Longitude
A	51° 13.528'N	003° 00.091'W
B (West of slipway)	51° 13.618'N	003° 00.091'W

Annex 3 Chart of River Axe (Somerset) closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions

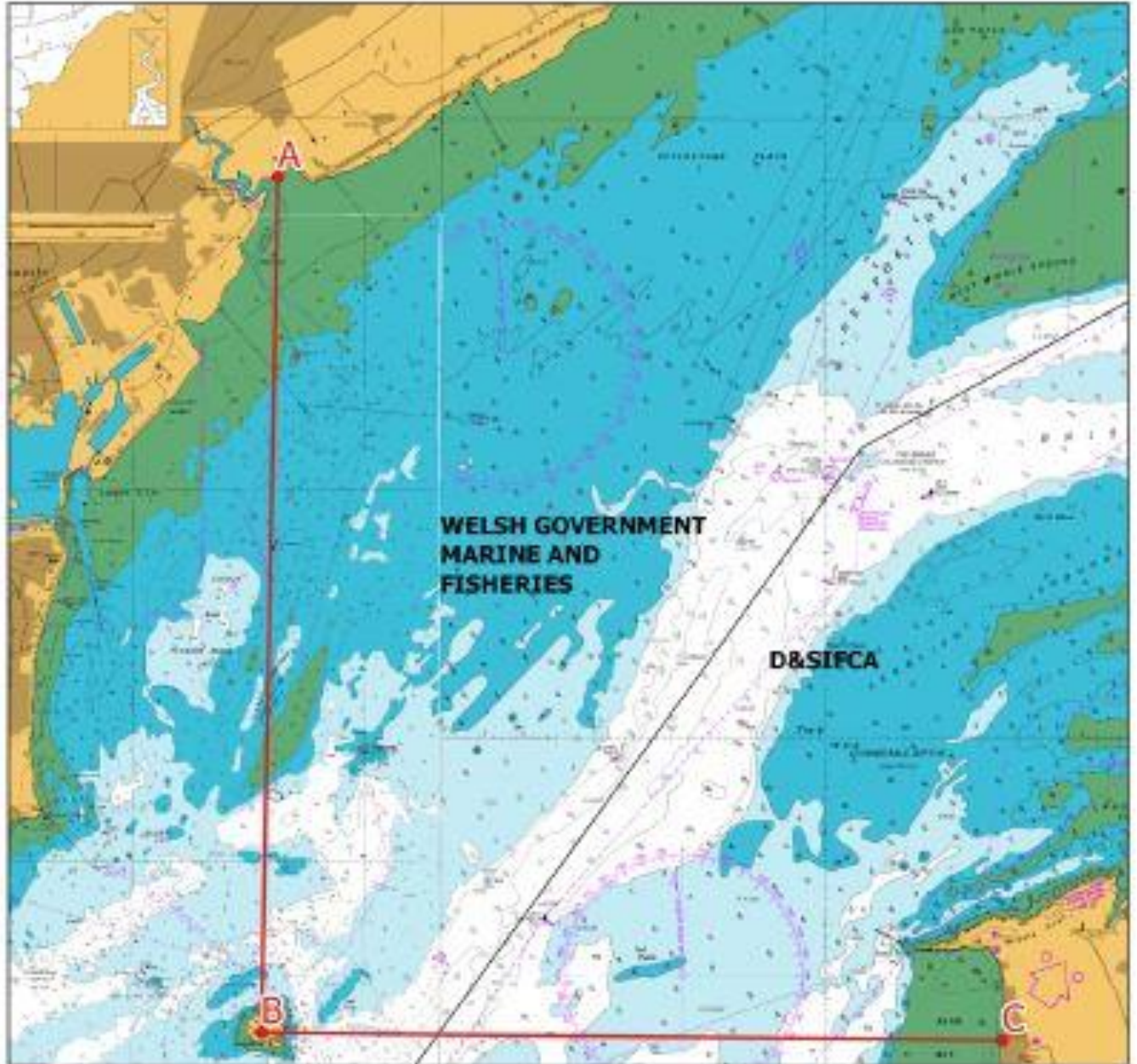


— Estuary Closing Line

River Axe (Somerset) closing line latitude and longitude positions:

Point	Latitude	Longitude
A	51° 19.450'N	003° 00.108'W
B	51° 19.417'N	002° 59.418'W

Annex 3 Chart of Severn Estuary closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions



— Estuary closing line
 Severn Estuary closing line latitude and longitude positions:

Point	Latitude	Longitude
A (East of Rhymney River mouth)	51° 29.533'N	003° 07.118'W
B (Flat Holm Lighthouse)	51° 22.617'N	003° 07.317'W
C (South of Beach Rd/ Sand Rd junction)	51° 22.552'N	002° 57.724'W

Explanation

This proposed permit condition is intended to protect populations of otters in estuaries.

It has been identified by the Environment Agency that Otters can force their way into pots (with an expandable entrance), get trapped and drown. The proposed management reflects similar measures already imposed by the Environment Agency to manage access to the freshwater crayfish fisheries

The ring can be made from any rigid material, but the important point is that it cannot expand. Evidence would suggest that traps placed in estuary areas present a higher risk to otters; however, it should be noted that whole of Plymouth Sound and the coastal area towards the River Yealm, would in this case be included as an “estuary”.

The use of Annexes (charts) to accompany the permit conditions that D&S IFCA issues are intended to help fishers fully understand where boundaries or closing lines are. Examples of the potting permit conditions Annex 3 charts (Estuary closing lines) are shown above. A collection of larger scale charts would accompany any potting permits that are issued and these would include coordinates defining specific sites, boundaries or closing lines.

This restriction will effect the use of some types of pot, normally set to target prawns or small fish but is not intended to restrict the use of common types of pots including parlours or inkwells targeting crab and lobster.

The Inshore Potting Agreement Areas (IPA)

The Inshore Potting Agreement Areas (IPA) have been managed under licence variation by the Marine Management Organisation (MMO). Under this management the IPA areas are referred to as the South Devon Inshore Fishing Grounds.

It is proposed that the management of the IPA would be achieved by the use of mobile fishing permit conditions working in tandem with the current fishing vessel licences (schedules) that are issued by the MMO. The IPA is relevant to both the static gear and the mobile fishing sectors, although the potting permits will not contain any conditions of use relevant to these areas. The mobile fishing permit conditions (gear, spatial and time) would need to be combined to manage access to the IPA areas. Access areas for the IPA (charts/annexes) would be combined with Marine Protected Areas (MPA).

The established and recognised IPA chart would remain; however, the replication of the IPA restrictions set out in the mobile fishing permit Annexes (for the purposes of D&S IFCA management) would be set out differently and areas labelled in a different way. The IPA will be divided into separate charts with current Area 3 (near Berry Head), combined with the spatial restriction Annex (Chart) for the MPA in Torbay.

To manage access in the portion of the IPA (near Torbay) it is anticipated that the proposed relevant amended mobile fishing permits would take the following form:

3.3 *In the areas as defined by the coordinates set out in the attached Annex 3 of this permit (which includes the Torbay section of the Lyme Bay and Torbay Site of Community Importance, the Torbay Marine Conservation Zone, and part of the South Devon Inshore Fishing Grounds known as the Inshore Potting Agreement Areas), a permit holder or named representative is not authorised to use demersal mobile fishing gear except where;*

a) *access is authorised for demersal trawl gear within Areas 1, 2, 3 and 4 as defined by the coordinates set out in the attached Annex 3a of this permit and the demersal trawl gear is used in accordance with paragraph 2.8 and 4.3.*

b) *access is authorised for scallop gear within Area 4 as defined by the coordinates set out in the attached Annex 3b of this permit and the scallop gear is used in accordance with paragraph 2.8.*

This mobile fishing permit condition is linked to the gear restriction 2.8 shown below:

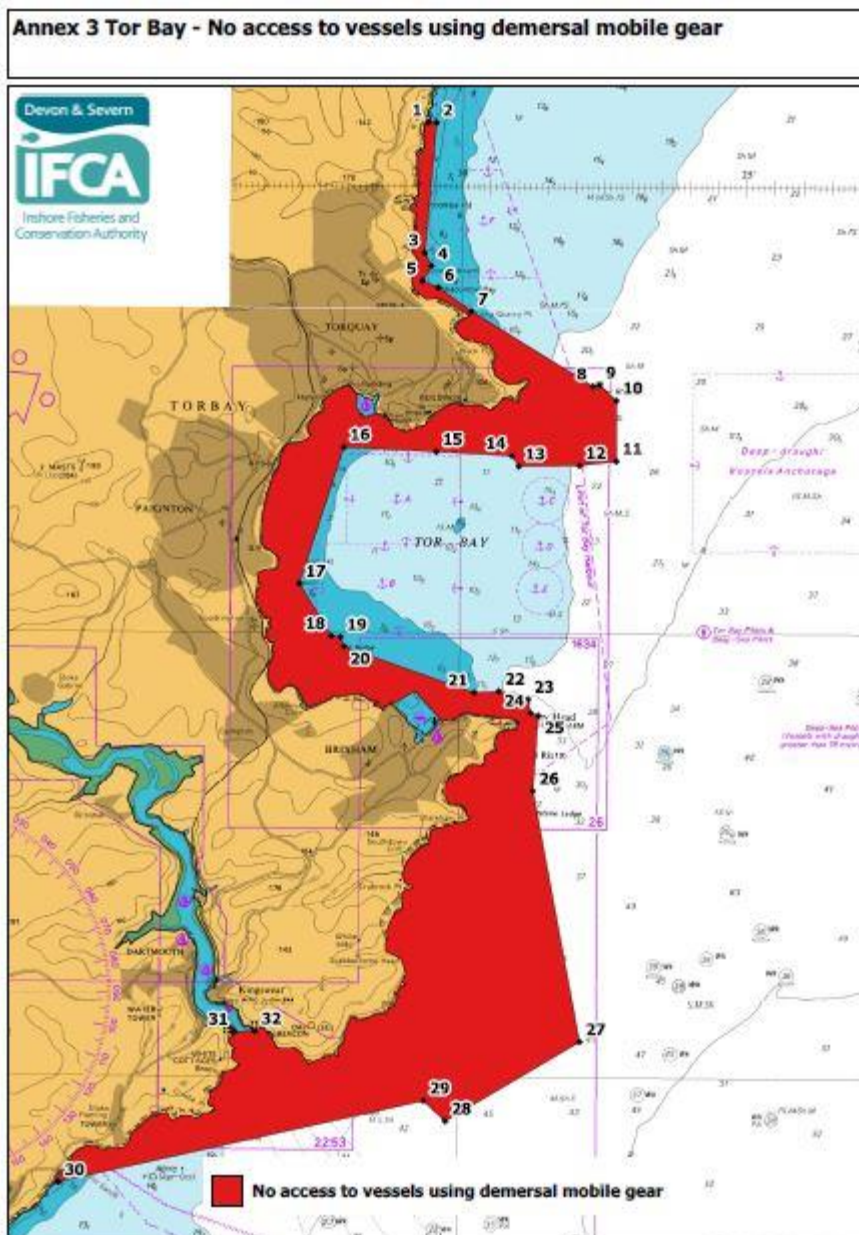
2.8 *Within the access Area 4 as defined by the coordinates set out in Annex 3a and 3b (part of the South Devon Inshore Fishing Grounds known as Inshore Potting Agreement Areas), a permit holder or named representative is not authorised under the permit to use demersal mobile fishing gear unless;*

a) *the vessel is rated at 100KW or less and;*

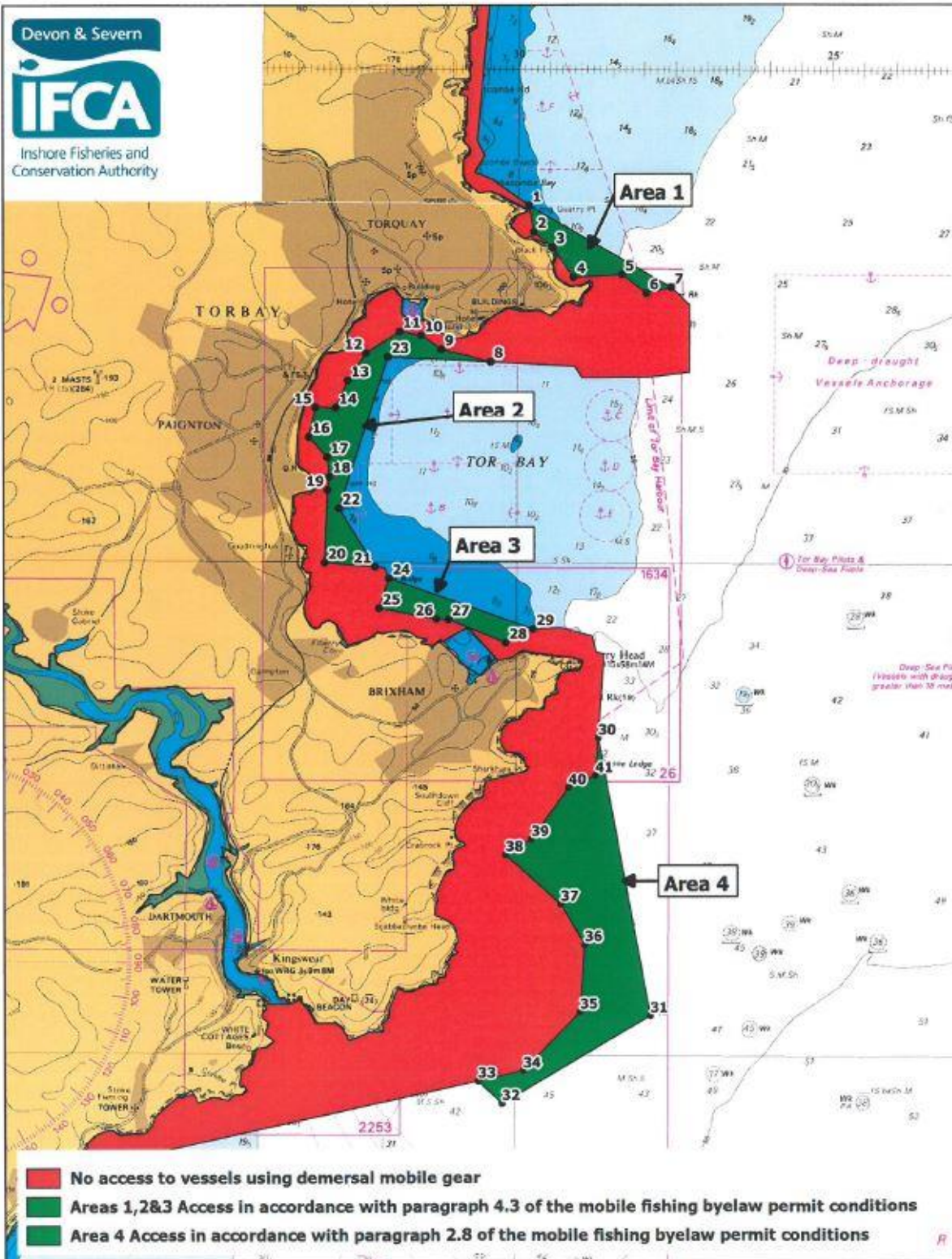
- b) when using scallop dredges, the vessel uses no more than two tow bars, each tow bar does not exceed 2.6 metres in total length and there are no more than three dredges attached to each tow bar.

Paragraph 3.3 (a) of the [mobile fishing permit condition](#) is linked to the time restriction 4.3 shown below:

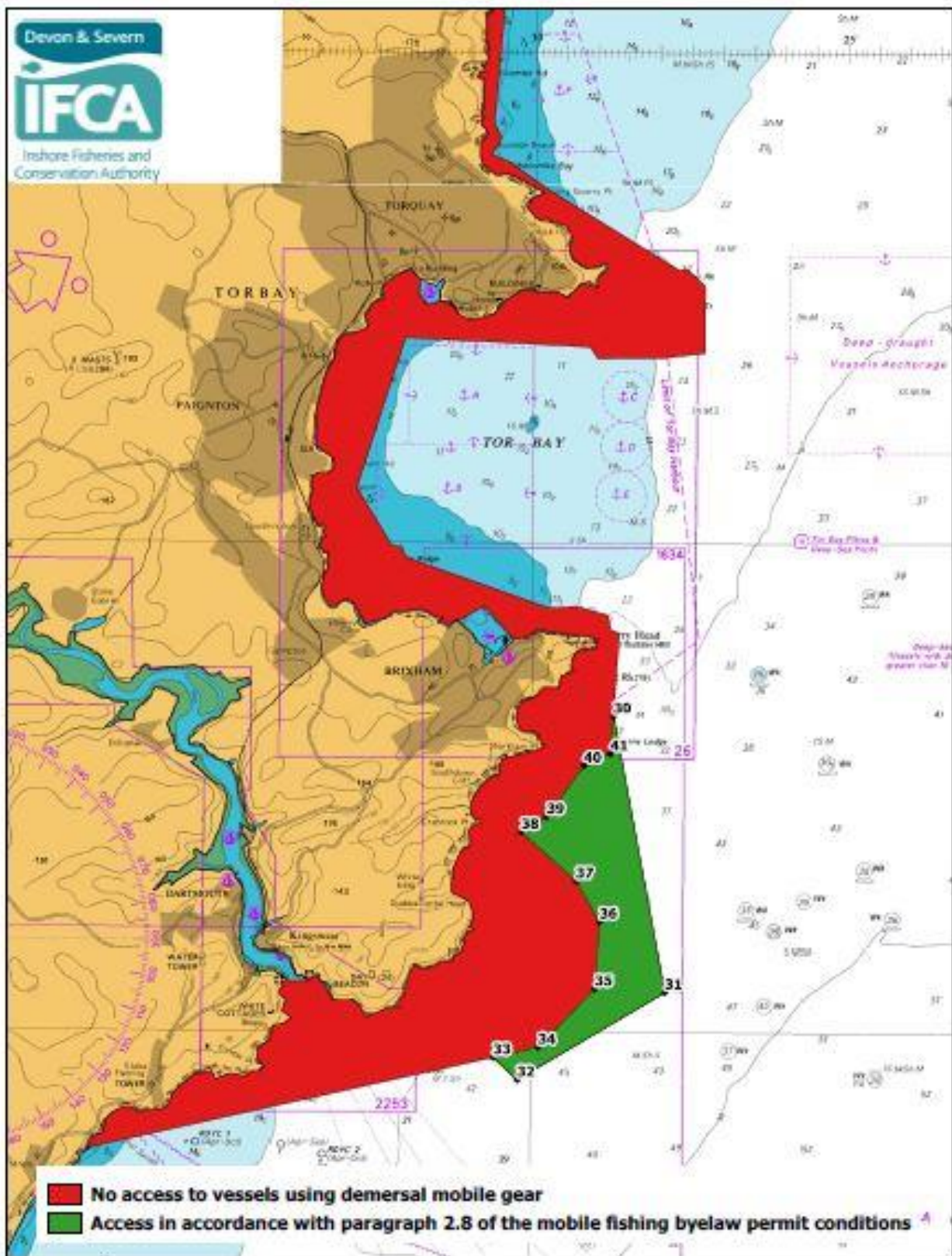
- 4.3 A permit holder or named representative is only authorised to use demersal trawl gear within the Areas 1, 2 and 3 as defined by the coordinates set out in the attached Annex 3a between 1st April and 30th June (inclusive).



Annex 3a Tor Bay - Access areas for vessels using demersal trawl gear in accordance with paragraphs 2.8 and 4.3 of the mobile fishing byelaw permit conditions



Annex 3b Tor Bay - Access areas for vessels using scallop gear in accordance with paragraph 2.8 of the mobile fishing byelaw permit conditions



Explanation

There are no new areas that will be closed to mobile fishing activity as part of this proposed change in the permit conditions.

Although closed to most demersal mobile fishing activities, limited access is provided in the permit conditions subject to certain restrictions. Annex 3a and 3b identifies which areas have limited access to mobile gear fishing vessels subject to gear, (for example 100 KW engine power) and the time restrictions (the dates for demersal trawl access in the Torbay MPA areas). Access is different for vessels engaged in demersal trawling and vessels engaged in scallop dredging as shown in Annex 3a and 3b. This change does not present any new restrictions that are not already in place at this time.

The use of Annexes (charts) to accompany the permit conditions that D&S IFCA issues are intended to help fishers fully understand where boundaries or closing lines are. A collection of larger scale charts will accompany any permits that are issued with coordinates defining specific sites, boundaries or closing lines. D&S IFCA is committed to an initiative to place all coordinates for the mobile fishing permit Annexes on electronic data memory sticks that will be compatible with three types of electronic chart plotters. (Olex, MaxSea & Sodena)

For the purposes of this consultation, stakeholders can contact D&S IFCA and request exact co-ordinates for all areas illustrated in the Annexes.

This proposal, if implemented, would present D&S IFCA with the opportunity to directly enforce the same restrictions (mobile fishing restrictions) in regard to the licence condition for the IPA in this area of the District.

The Remainder of the IPA

To manage access in the remaining portion of the IPA (Dartmouth to Plymouth) it is anticipated that the proposed relevant amended mobile fishing permits would take the following form:

- 3.5 In the areas as defined by the coordinates set out in the attached Annex 5 of this permit (part of Start Bay, Start Point to Plymouth Sound and Eddystone Site of Community Importance, part of the Skerries Bank and Surrounds Marine Conservation Zone and part of the South Devon Inshore Fishing Grounds known as the Inshore Potting Agreement Areas), a permit holder or named representative is not authorised to use demersal mobile fishing gear except where;**
- a) **the demersal gear used within Area A as defined by the coordinates set out in the attached Annex 5a of this permit is used in accordance with paragraph 4.5, table 2.**

- b) *the demersal gear used within Area B as defined by the coordinates set out in the attached Annex 5a of this permit is used in accordance with paragraph 4.5, table 2.*
- c) *the demersal gear used within Area C as defined by the coordinates set out in the attached Annex 5a of this permit is used in accordance with paragraph 4.5, table 2.*
- d) *the demersal gear used within Area D as defined by the coordinates set out in the attached Annex 5a of this permit is used in accordance with paragraph 4.5, table 2.*

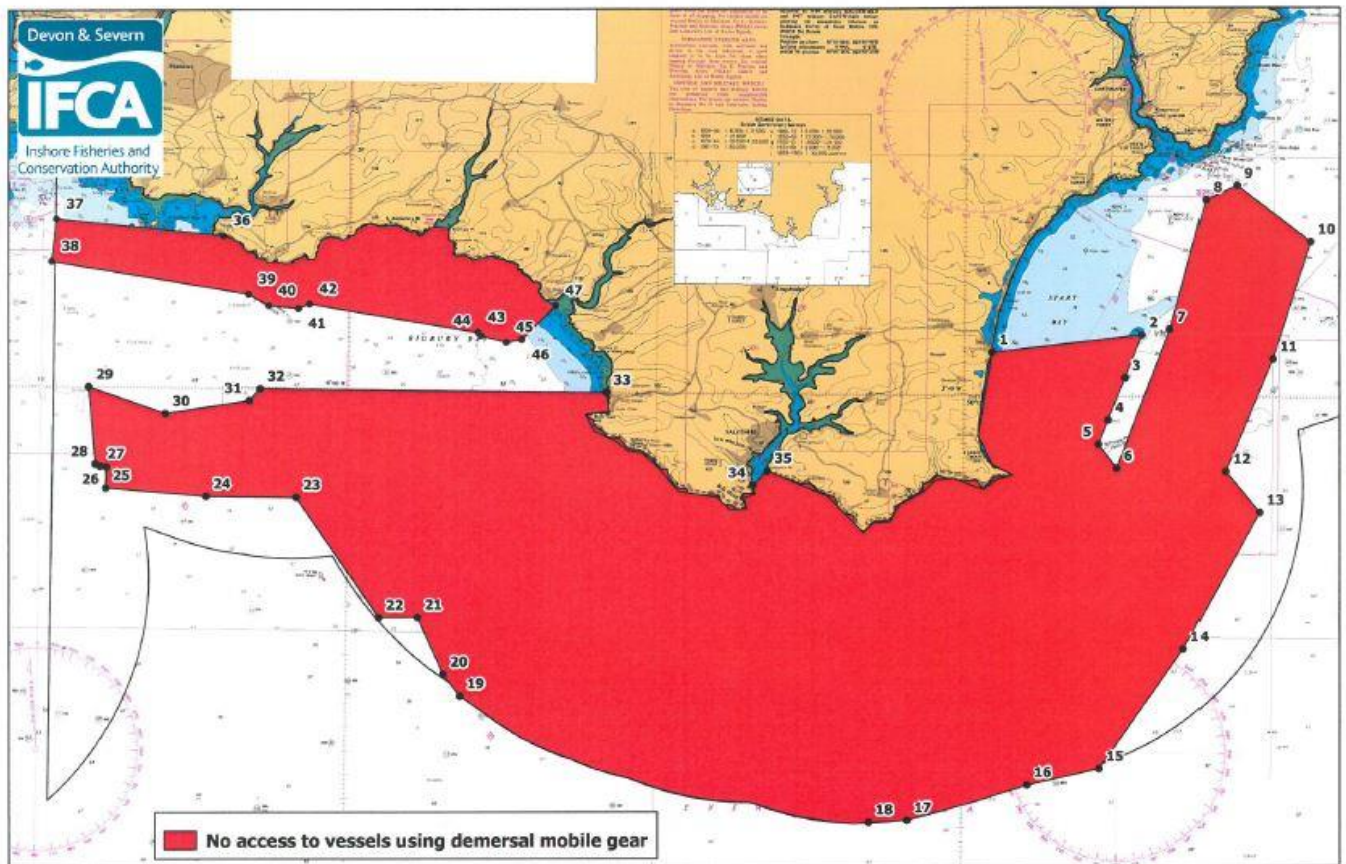
Paragraph 3.5 of the [mobile fishing permit condition](#) is linked to the time restriction 4.5 shown below which includes the Table 2 (dates):

4.5 *A permit holder or named representative is only authorised to use demersal mobile fishing gear within the Areas A, B, C and D as defined by the coordinates set out in the attached Annex 5a of this permit in accordance with the dates set out in Table 2 below:*

Table 2

Annex	Sub Area of Annex 5a	Access Dates
5a	Area A	1 st Jan to 31 st May inclusive
5a	Area B	1 st Jan to 31 st March inclusive
5a	Area C	1 st March to 31 st March inclusive
5a	Area D	1 st Feb to 31 st Aug inclusive

Annex 5 South of Salcombe - No access to vessels using demersal mobile gear



Explanation

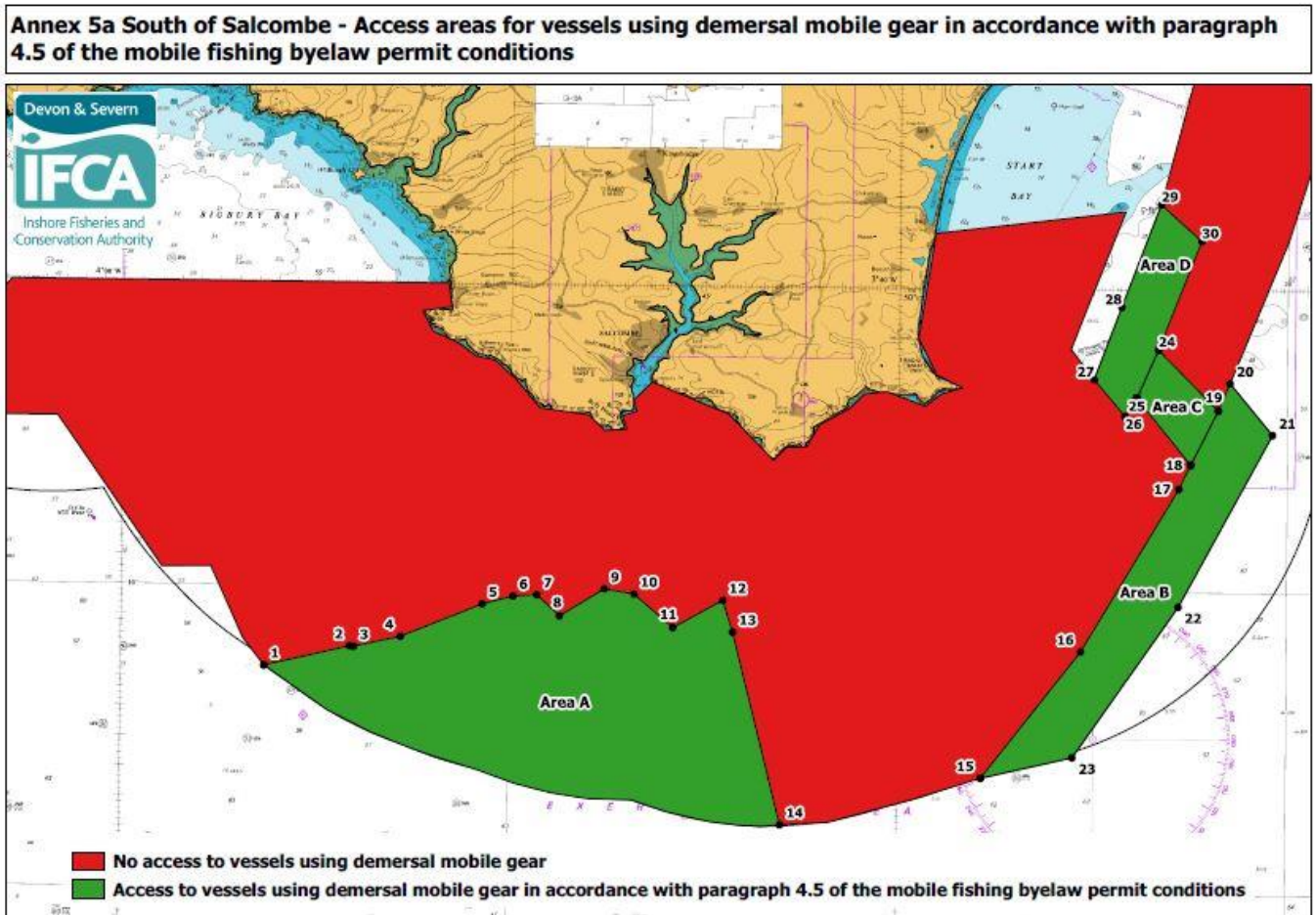
There are no new areas that will be closed to mobile fishing activity as part of this proposed change in the permit conditions. Once again, the mobile permit conditions set out above can appear complicated as written; however, the charts that are issued with the mobile fishing permits simplify the issue. In this case, although closed to most demersal mobile fishing activities, limited access is provided in the permit conditions. Annex 5 (above) includes current closed areas (Start Bay, Start Point to Plymouth Sound and Eddystone Site of Community Importance, part of the Skerries Bank and Surrounds Marine Conservation Zone and part of the IPA).

Annex 5a demonstrates the areas that have limited access subject to the dates that appear as part of the present IPA conditions, which have been replicated in the permit conditions set out in paragraph 4.5 (table 2).

Stakeholders should be aware that the extent of the closure in regard to the D&S IFCA mobile fishing permit conditions only includes areas within the 6-mile limit. Restricted access for areas of the IPA outside of 6 nautical miles is still regulated via licence conditions (variations) issued by the Marine Management Organisation.

This proposal, if implemented, would present D&S IFCA with the opportunity to directly enforce the same restrictions in regard to the licence condition for the IPA in this area of the District. A collection of larger scale charts would accompany any mobile fishing permits that are issued with coordinates defining specific sites, boundaries or closing lines.

For the purposes of this consultation, stakeholders can contact D&S IFCA and request exact co-ordinates for all areas illustrated in the Annexes.



Managing the Whelk Fishery

a) Increase in size to 65mm (length)

The proposal would be to increase the size of a whelk from 45mm to 65mm. In recognition of the impact that this may have on fishers, a phased increase is being considered. The current species list (paragraph 1.2) of the current potting permit specifies a whelk size of 45mm. The paragraph numbering in the proposed permit conditions would alter and also specify 65mm, but importantly link this increased size to a time restriction (a table) within a separate section of the permit conditions. It is anticipated that the amended relevant proposed potting permit conditions would take the following form:

- 1.1 A permit holder or named representative is not authorised to fish under this permit if the permit holder or named representative has retained on board or has in their possession any catch that does not comply with any of the catch restrictions set out in paragraphs 1.2 to 1.5.4 inclusive.**
- 1.3 A permit holder or named representative is not authorised under this permit to remove from a fishery within the District:**
- d) a whelk less than 65mm measured along the length of the shell, except where paragraph 4.3 applies;**

This permit condition is linked to the time restriction 4.3 shown below:

- 4.3 A permit holder or named representative is only authorised to remove from a fishery within the District, whelk of a size specified in Table 1 below as measured along the length of the shell.**

Table 1

Option 1

Date	Size
May 2018	55mm
May 2020	65mm

Option 2

Date	Size
May 2018	50mm
May 2019	55mm
May 2020	60mm
May 2021	65mm

Explanation

The intention is to increase the minimum size of whelk to 65mm. Paragraph 1.3 indicates this and specifies a size of 65mm. The fact that this permit condition is linked to paragraph 4.3, enables this increase to be phased in over time. For consultation purposes, the tables shown provide two options:

- *5mm increase per year over a longer period or;*
- *10mm increase per two-year period.*

Stakeholders can respond and indicate which option (if any) they would prefer to be introduced.

b) Height and width of a shell

D&S IFCA has taken the view that the introduction of a whelk width size (riddle) and an escape hole size for whelk pots, was not deemed suitable at this time for inclusion in permit conditions; however, it is recognised that further studies and consultation may help to formulate guidance to the industry to help promote compliance with the minimum conservation reference size.

Explanation

A riddle is basically a grid with evenly spaced gaps used to sort out undersized whelks from the catch. Studies to date indicate that there is a correlation between the width of a whelk and the length of a whelk. Whelks can be placed on a riddle and smaller (narrower) whelks will pass through the riddle and can then be returned to the sea. A riddle (used correctly) can help fishers sort their catch, although it is the length that remains as the permit restriction at this time. Continuing studies can help determine the most appropriate spacing for different sizes of whelks.

- *Would guidance be of benefit to you as a fisher?*
- *Would you prefer permit conditions to be utilised?*
- *Would you like to see a riddle size added to the permit conditions?*
- *If, so, when would it be suitable to become a permit condition?*

Escape gaps in whelk pots are also of potential benefit to fishers. Holes of specific sizes can allow smaller whelks to escape from pots before they are hauled.

- *Would guidance be of benefit to you as a fisher?*
- *Would you prefer permit conditions to be utilised?*
- *Would you like to see an escape hole size added as a permit condition?*
- *If, so, when would it be suitable to become a permit condition?*
- *How many holes would be appropriate and how should they be distributed on the pots?*

Further studies and the development of a Fully Documented Fishery

Although not a permit condition, Paragraph 17 of the Potting Permit Byelaw provides the Authority with a formal route for the collection of required data to inform its decision making. Data collection is vital to build the existing evidence base to manage the whelk fishery in the longer term. D&S IFCA has the intention to implement a Fully Documented Fishery. This approach has already been taken in regard to the Live Wrasse Pot Fishery. On-board whelk survey work, conducted by D&S IFCA Environment Officers, will be undertaken in due course. Fishers will be informed of their requirements at a later date.

Lundy Island - No Take Zone

The restrictions in this legacy Byelaw can be incorporated into the potting permit conditions. It is anticipated that the amended relevant proposed potting permit conditions would take the following form:

- 3.4** *In the areas as defined by the coordinates set out in the attached Annex 4 of this permit (Lundy Island No Take Zone), a permit holder or named representative is not authorised to remove any sea fisheries resources.*

Explanation

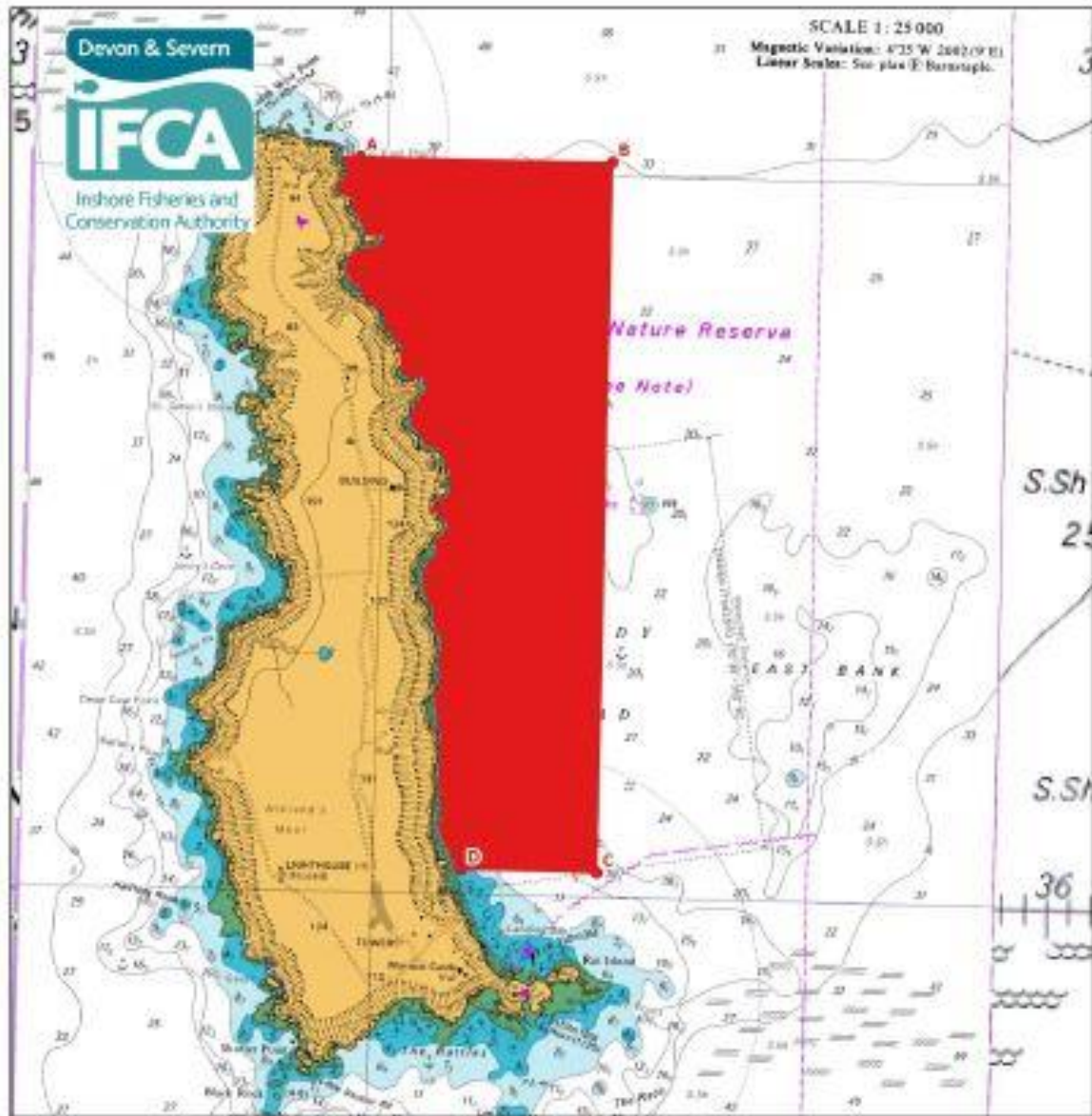
The coordinates and the Annex 4 chart are shown below.

Annex 4 Lundy No Take Zone – Prohibition of removal of all sea fisheries resources

Latitude and Longitude positions

Point	Latitude	Longitude
A	51 ^o 12.040'N	004 ^o 40.120'W
B	51 ^o 12.040'N	004 ^o 39.000'W
C	51 ^o 10.070'N	004 ^o 39.000'W
D	51 ^o 10.070'N	004 ^o 36.600'W

Annex 4 Chart of Lundy No Take Zone - Prohibition of removal of all sea fisheries resources



 Prohibition of removal of all sea fisheries resources

Explanation

This addition to the potting permit conditions would not add an additional restriction to fishers as there is a legacy measure (Byelaw) still in place. The intention is purely to simplify restrictions for fishers by placing as much of the regulation in one place (the permit). The use of Annexes (charts) to accompany the permit conditions that D&S IFCA issue are intended to help fishers fully understand where boundaries or closing lines are. An example of the Annex 4 chart (Lundy No Take Zone) is shown below. Any Annexes that are issued will specify coordinates defining specific sites, boundaries or closing lines.

Category Two Restrictions

The first phase “open” consultation highlighted that additional clarity would be welcomed by some stakeholders in regard to some of the current Category Two permit conditions. The redrafting of permit condition process, has presented an opportunity to consider different wording in several of the paragraphs used. Category Two permit holders (recreational fishers) already have specific restrictions including those relating to gear. In addition, the current gear restriction 2.2 (gear marking) is applicable to all permit holders. No new restrictions are being proposed relevant to this section of the consultation, however revised wording in certain paragraphs has been introduced to clarify restrictions that are already in place. In regard to Category Two gear restrictions, it is anticipated that the amended relevant proposed potting permit conditions would take the following form:

- 2.6.3** *A Category Two permit holder or named representative is only authorised to use a named vessel within the District to haul pots with tags issued to the permit holder.*
- 2.6.4** *A Category Two permit holder is not authorised under this permit to use more than five pots at any one time within the District.*

Explanation

The above changes do not add new restrictions. Category Two permit holders must mark their gear with their own permit numbers and are already only permitted to use a maximum of 5 pots per permit holder, which must be fitted with tags. The intention of current permit conditions (now drafted as 2.3) has been to prohibit all permit holders hauling other fishers gear.

The purpose of 2.6.3 above is to help clarify the responsibilities of Category Two permit holders that may not have readily identified the restrictions as set out in 2.3.

Part 4 – The Completed First Phase “Open” Consultation

How and why the “focused” consultation items been selected?

The information in this section represents the information that was collated as part of the first phase “open” consultation that was conducted between 11th September and 23rd October 2017. Information was prepared and documented in a supplementary report and presented to members of the D&S IFCA Byelaw and Permitting Sub-committee in advance of their meeting on 13th November 2017. Information that was received by stakeholders after the closing date of 23rd October 2017 was not documented in the supplementary report.

- **The first phase “open” consultation provided all stakeholders with the opportunity to consider the current permit conditions and respond accordingly.**

This section of this consultation document demonstrates:

- **The information supplied by stakeholders in the phase 1 consultation**
- **The extent of the information considered by members**
- **The officer comments relating to the responses**
- **Additional items identified by D&S IFCA**
- **How the information was considered by members and specific items identified for this continuing consultation including the proposed permit condition changes**

Minutes are taken of all D&S IFCA Byelaw and Permitting Sub-Committee meetings and posted⁸ on the D&S IFCA website.

Permit holders directly notified:

- | | | | |
|----------------------|-----|--------------------------|-----|
| • Potting commercial | 192 | • Potting recreational | 313 |
| • Diving commercial | 18 | • Diving recreational | 189 |
| • Mobile Fishing Sea | 151 | • Mobile Fishing Estuary | 5 |

The Consultation Response

Although both of the recent D&S IFCA consultations were open to all stakeholders, very few responses were received for either. It is possible that officers will have to review how consultations are conducted to better explain who can respond and to what? Some feedback has been received which has suggested that better explanation is needed on the initial notification letter/email in relation to specific and non-specific consultation items. A total of nine responses were received that relate to the potting consultation. Three of these responses were submitted by organisations which were the Environment Agency, the Royal Yachting Association and South Devon and Channel Shellfishermen Ltd.

⁸ When approved at the following meeting

Members may draw the conclusion that the limited response indicates that stakeholders have no strong views at this time on many of the current permit conditions. Only one response was received from a Category Two potting permit holder.

The detail and content of the responses was varied but key themes were identified as follows:

- Inshore Potting Agreement Area (IPA)
- Other gear conflict management
- Gear marking
- Issues associated with Category Two permit holders
- Otter mortalities within fixed traps in Devon

Members may conclude that some or all of the above themes, drawn from the limited response, can potentially be subjected to “focussed” consultation as the three-year review of potting permit conditions enters its second phase.

The Inshore Potting Agreement Areas (IPA)

The potential for D&S IFCA to manage the IPA has been subjected to recent consultation and was one of five focussed items within the Mobile Fishing Permit Byelaw – ***Development report for additional changes to permit conditions***. These areas and the management of them are of relevance to both the potting and mobile fishing sectors. IPA responses submitted in regard to the “focussed” mobile fishing consultation have been duplicated in this supplement, as there has not yet been any direct consultation with the Potting Permit holders on the potential for D&S IFCA to manage the IPA.

Three responses were received in regard to the IPA. Two responses were from individual stakeholders and one from South Devon and Channel Shellfishermen Ltd. The individual responses were from fishermen in the commercial potting sector.

The responses from the individual stakeholders do not object in principle to D&S IFCA managing the IPA; however, the importance of retaining protection for the area of the IPA that is beyond the six-mile limit was clearly stressed. These two stakeholders explained how this small area is populated with their pots, with one stakeholder reporting that he works 150 pots in this location. The failure of voluntary measures prior to the implementation of a licence condition in 2008 was also highlighted. The benefits that the IPA provides for conservation was highlighted with particular reference made to Marine Conservation Zones. The responses indicate that any loss of regulatory control (licence condition) for areas beyond six miles would be unacceptable to these stakeholders, significant numbers of other commercial potters and also their associations. Failure to maintain full regulatory controls would most likely raise objection to a change in this management.

Response from South Devon and Channel Shellfishermen Ltd

A response was submitted from this organisation to the mobile fishing consultation. The content of the submission also relates to potting activity and therefore the response is relevant for summary within this supplement.

The response was critical of the consultations as this particular item has only been a focussed item documented (at the time) within the Mobile Fishing consultation. In addition, it has been suggested that any potential changes to the IPA should firstly be discussed at the annual IPA Management Committee meeting on 23rd October 2017.

In regard to the response content, South Devon Shellfishermen Ltd provided background information on how the IPA was developed and how the annual discussions between different industry sectors are used to refine the IPA chart which is used as a fishing vessel licence schedule. The response also highlighted the importance of this management structure in regard to the Marine Protected Area (MPA) network⁹ which extends beyond the six-mile limit.

South Devon and Channel Shellfishermen Ltd have stated that a response from the Marine Management Organisation is a vital addition to provide clarity for discussions on this issue. Objection would be raised at this time if any changes are considered that compromise the geography and risks associated with protection via different regulation of the IPA. Other key points from this response have been summarised as follows:

- The Management of the IPA is suggested to be outside the scope of the IFCA mobile fishing consultation
- Local management may not be as well known to visiting vessels and risks of non-compliance may increase as a result of any potential change
- The MMO should remain involved in future management of the IPA
- Cross warranting, asset sharing can be further explored so the IPA can continue to be managed in its entirety
- Further advice would be welcomed on how the management of the IPA and MCZ¹⁰ areas would interact
- The response (at this time) is compromised due to uncertainty in regard to the lack of a documented response by the MMO.

Officer Comments

The consultation process has possibly not been fully understood. The mobile fishing response is in its second phase and has “focused” items; however, the potting consultation is at an earlier “open” stage. Attempts have been made to explain process and provide an estimated time table for the process in both the mobile fishing and potting consultation presentations. Another focussed period of consultation will follow for potting. It is possible that officers may have to review how consultations are conducted to try and better explain who can respond and to what? All stakeholders and organisations are welcome to respond to any D&S IFCA consultation regardless of its content; however highlighting measures to be consulted on more broadly would be beneficial, making all sectors aware of potential changes in management. Any change in the IPA management would most certainly require input from the static gear sector and direct consultation with the IPA Committee.

The IPA evolved for gear conflict resolution rather than conservation initiatives; however as highlighted in the responses, the closure of spatial areas to mobile fishing has obviously provide conservation benefits. The existence of the IPA (both regulatory and voluntary) over

⁹ Skerries Bank and Surrounds Marine Conservation Zone

¹⁰ Skerries Bank and Surrounds Marine Conservation Zone

many decades has meant that the rock and reef habitats have been protected from the impact of bottom towed gear in a majority of the area. This has led to most of the IPA being designed as Marine Protected Areas. The Skerries Bank and Surrounds MCZ co-locates with the eastern part from Salcombe to Start Bay and circalittoral rock is one of the main features of the site. The Start Point to Plymouth Sound and Eddystone SCI co-locates with western part of the IPA from Start Point to Plymouth Sound and the northern part of the IPA lies within the Torbay part of the Lyme Bay to Torbay SCI. Both these European Marine Sites are designated for reef habitats. The current management of the IPA (both inside the 6nm and outside) helps allow the conservation objectives of the Marine Protected Areas that co-locate with the IPA to be met or furthered. The IPA chart forms a regulatory layer above D&S IFCA Mobile Fishing Byelaw permit (annexes) which were introduced to support conservation and protect habitat and features. The complex IPA management arrangement does close areas of ground to Mobile fishing methods either all year or part of the year. Conversely, the IPA also provides access to Mobile fishing vessels for part of the year or in regard to Zone 5 (Start Bay area) – all year.

With regard to the IPA, D&S IFCA currently co-chairs the IPA committee. The committee, which is made up of mobile gear and potting sector representatives, meets annually to discuss any potential changes in management. A potential change in the management (via the introduction of permit conditions) of the IPA would retain industry participation.

Response from the Marine Management Organisation

Basic written clarity relating to the management of the IPA was received on 3rd November 2017. This response indicates that further consultation would not be to focus on “replacing the IPA with permit conditions”, rather using both a licence condition and permit conditions in tandem. D&S IFCA are able to utilize the catch, gear, spatial and time categories within each permitting byelaw to manage the IPA. Legal Counsel (to the MMO) have suggested that providing there is a clear differential between the two regulatory approaches then the risks of duplication are lowered; however, they have suggested that it may be prudent to seek further legal Counsel if and when amended permit conditions are drafted.

Permit conditions for different sectors?

The flexibility needed to manage the IPA is not confined to the Mobile Fishing Permit Byelaw. The same scope in regard to gear, catch, spatial and time restrictions forms the basis of all D&S IFCA permit based Byelaws. If the Mobile Fishing Permit Byelaw was potentially used to manage the IPA, an additional permit annex would be produced for fishers and issued to permit holders. The wording on the current permits would be amended and these alterations would be subject to additional consultation. A similar approach could be taken in regard to the potting permits, with the placement of pots prohibited within areas open to mobile fishing methods. As the IPA also manages other static gear (nets) the same approach can be taken with the permits for the Netting Permit Byelaw¹¹ in the future.

In due course, members may take the view that greater use of permit conditions for different sectors would demonstrate appropriate management of inshore fisheries in line with the main duties specified in section 153 of MaCAA; in particular seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

¹¹ Awaiting confirmation

Consideration by the Byelaw and Permitting Sub-Committee

Members acknowledged that due to the response offered by the MMO, the management of IPA areas via permit conditions would not be a replacement of the current MMO licence condition (schedule) for mobile fishing vessels, rather the permit conditions would support the current MMO restrictions. Members acknowledged that this item is relevant to different fishing sectors and recommended that this item be subjected to further consultation (and placed in both the mobile fishing and potting consultation reports).

Due to the complex nature of the gear, spatial and time restrictions required to manage access to the IPA areas, the mobile permit conditions would require re-drafting with changes to the current annexes (charts) that are issued. No permit conditions relating to this item would be included in the proposed potting permit conditions but section 3 of this report does show the proposed permit conditions for the mobile fishing sector.

Officers were actioned to prepare suitable wording in mobile fishing permit conditions to manage access in the Inshore Potting Agreement Areas and consult with stakeholders.

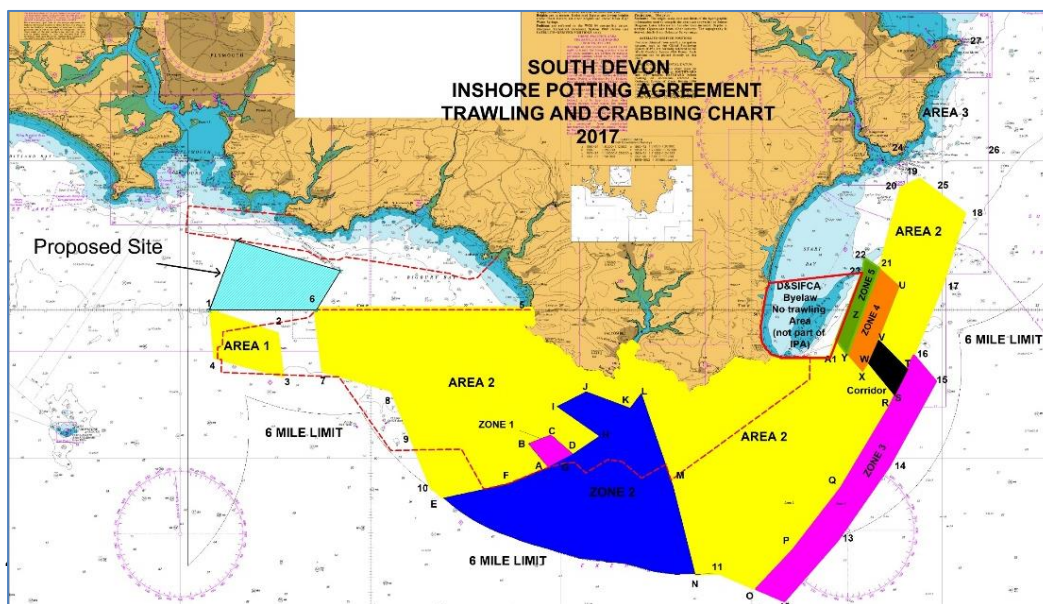
Other Gear Conflict Management

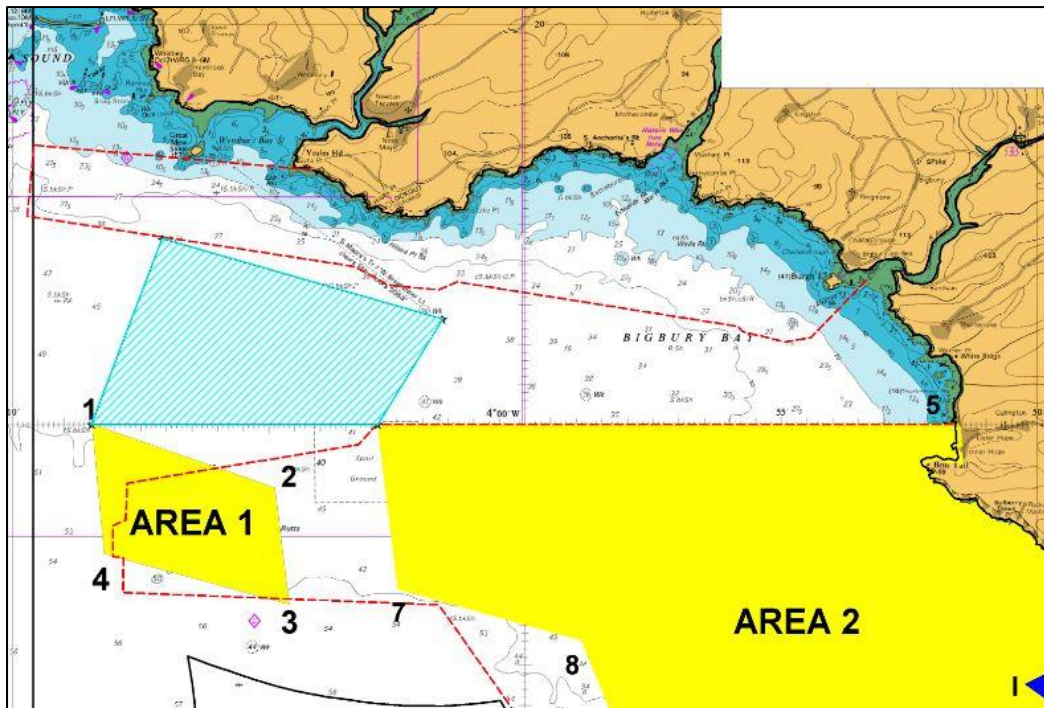
A response was submitted for the consultation on mobile fishing; however, the content also relates to potting and has therefore been duplicated and added to this supplement. The response was in regard to reducing gear conflict in coastal areas near Plymouth. This response was submitted by a stakeholder from the commercial potting sector. An area to the North of IPA area 1 has been suggested as an additional zone for shared access with mobile vessels having no access between 1st June and 31st December each year.

It has been concluded that as the proposed area is outside of the current IPA areas, it is not suitable for discussions by the IPA Committee. The stakeholder provided the following positions to define the proposed site:

- 50° 15.00 N 004° 08.45 W
- 50° 17.31 N 004° 07.05 W
- 50° 15.00 N 004° 02 .90 W
- 50° 16.31 N 004 01.64 W

Proposed site





Officer Comments

This proposed site is located on the western side of an area of seabed that is currently accessible to mobile fishing vessels. It is situated between IPA areas (potting all year) and the areas closed via Annex 5 (permit) of the Mobile Fishing Permit Byelaw. It should be noted that these areas of seabed were subjected to consultation in 2010¹². Devon Sea Fisheries Committee (DSFC) [responded](#) to the Natural England consultation on designating new Special Areas of Conservation which included a site from Start Point to Plymouth Sound and the Eddystone rocks. From the evidence gathered by previous acoustic monitoring and underwater filming surveys DSFC was able to suggest which areas could remain open to demersal fishing gear and which areas could be closed to protect the reef habitat recorded from these surveys. The evidence submitted by Devon Sea Fisheries Committee was used to influence the extremity and boundary of the Start Point to Plymouth Sound and Eddystone SAC. Evidence was also provided in the DSFC response on the social and economic impact of closing an area between Hillsea Rock Point, Bigbury Bay, Bantham and Bolt Head to the mobile fishing sector and the jobs onshore that would be impacted. The recently proposed site sits in the area that was consulted on in 2010 and was kept open to mobile gear and not included in the Start Point to Plymouth Sound and Eddystone SCI, as there was little evidence of reef features in this area. This historic survey work and the consultation response offered by Devon Sea Fisheries are available from D&S IFCA.

The permits for both potting and mobile fishing do have scope to help manage gear conflict. Spatial, gear and time control are all elements of the flexible permit conditions that can be utilised. Although managing gear conflict has questionable links to conservation objectives, the duties for D&S IFCA do include seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district. In this case, the needs of both static gear and mobile are a discussion point.

¹² Consultation on Marine Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in English, Welsh and inshore waters around the UK.

Regulation is not the only option for management. As with the process to create a new byelaw, members have the opportunity to consider the merits of voluntary measures.

The response indicated that a petition has begun to demonstrate support for the proposed site that includes signatures from both the potting and mobile fishing sectors; however, this petition has not yet been submitted. Additional consultation would present an opportunity for those who may have signed a petition to respond individually to this stakeholder's proposal.

Consideration by the Byelaw and Permitting Sub-Committee

Members concluded that more information should be submitted to trigger a review of management in regard to gear conflict. No decision was taken to continue consultation at this time.

Gear Marking

Issues related to gear marking was raises by one commercial potter and also the Royal Yachting Association (RYA). The RYA submitted a response on behalf of over 108,000 personal members and an estimated 350,000 boat owners who are members of RYA affiliated clubs and other organisations. The concern raised by the RYA was in relation to safety and the dangers associated with becoming entangled with static fishing gear. The RYA have recognised the current permit conditions that state that all individual pots or string of pots is clearly marked by at least one floating marker and have concluded that this provision was developed to promote safety. The RYA have stated that in their view this provision does not provide sufficient guidance to the fisher and in addition more detailed provisions with minimum specifications are needed for collision avoidance.

The RYA have suggested the following be inserted into the current permit wording:

- Each buoy or dahn shall be a highly visible colour (red, yellow, pink or orange)
- Must be a minimum circumference of 60cm
- Or be fitted with a flag of a highly visible colour on a staff of at least 60cm inches high

Officer Comments

The RYA has mistaken the aims of D&S IFCA in regard to gear marking. Whilst D&S IFCA recognises the importance of safety at sea, the duties of D&S IFCA as set out in the Marine and Coastal Access Act do not extend to safety and collision avoidance. The inclusion of a specific size of floating marker, the use of flags and bright colours have all been discussed during the formation of the Potting Permit Byelaw (and the permit conditions); however, the provision to mark gear has only been inserted into the permits for the effective enforcement of the Byelaw. D&S IFCA cannot regulate to promote health and safety which includes collision avoidance. Finer requirement for the marking of pots has been used for the management of the "Live Wrasse Pot Fishery"; however, at this time there is little evidence to suggest that more detailed gear marking such as bright colours or sizes of buoys and or flags are needed for the effective enforcement of other potting activities managed by the Potting Permit Byelaw. It is possible that industry or stakeholder led voluntary measures may be developed in the longer term which will improve safety for all sea users.

Consideration by the Byelaw and Permitting Sub-Committee

Whilst recognising the benefits that specific gear marking can provide, members also had regard to the officer comments as set out in the supplement. No decision was taken by members to continue consultation on this item.

Issues Associated with Category 2 Permit Holders & Officer Comments

Three responses submitted from commercial potters, were generally focussed on the current permit restrictions that apply to the recreational potting sector issued with Category Two permits. Two of the commercial responses explained that in their view, they suspect that not all the fishers that have Category Two permits either fully understand their own current restrictions or are choosing to ignore them. Suggestions have been made for D&S IFCA to improve stakeholder awareness of the potting permit conditions and possibly make better use of notice boards in different key locations within the district.

Officer's Comments

D&S IFCA is continually developing its communication strategy. The current website is populated with information and a new site is being developed. In regard to the use of well-placed notice boards, D&S IFCA has attempted to make greater use of these in the past. Unfortunately, some local Authorities are resistant to the placement of information on notice boards they own, unless they receive a payment from D&S IFCA.

Consideration by the Byelaw and Permitting Sub-Committee

Members evaluated the summary of response and the officer comments. No decision was taken by members to continue consultation on this item.

Safety Requirements

Commercial operators have expressed concern that safety requirements imposed on them by the Marine and Coastguard Agency such as certification and the carriage of safety equipment is not required for category two permit holders.

Officer's Comments

The differences between sectors and the investment needed to comply with safety standards and regulations is clearly an issue for some commercial operators. The duties of the D&S IFCA in the Marine and Coastal Access Act do not extend to health and safety issues. The D&S IFCA is just not able to use permit conditions to address safety concerns or apply this type of regulation to Category Two permit holders.

Consideration by the Byelaw and Permitting Sub-Committee

Members evaluated the summary of response and the officer comments. No decision was taken by members to continue consultation on this item.

Submission of Landing Data

The responses have highlighted that they (commercial operators) are required to submit monthly shellfish returns and comply with RBS¹³; however, no such requirement is demanded from the recreational sector.

Officer's Comments

The requirement for the submission of landing data & RBS is not imposed by the potting permit conditions. D&S IFCA does not collect data that it doesn't need. D&S IFCA can utilize section 17 of the Potting Permit Byelaw and request any relevant fisheries data from permit holders. This provision has been used in regard to the "Live Wrasse Fishery" where catch data has been required as part of the implementation of a fully documented fishery. Category Two permit holders have not as yet been required to submit catch data for shellfish. Assuming compliance with the daily catch limits, an estimate of the maximum recreational "take" can be made, however section 17 may be utilised if more detailed information is needed.

Consideration by the Byelaw and Permitting Sub-Committee

Members evaluated the summary of response and the officer comments. No decision was taken by members to continue consultation on this item.

Multiple Permit Holders working on a Single Vessel

Although one commercial response acknowledged that this is not a flexible permit condition, the Byelaw should be reviewed to address this issue. The stakeholder indicated that the acceptance for multiple Category Two permit holders to operate from a single vessel is not enforceable and needs to be reviewed.

Officer's Comments

A selection of policy documents was recently circulated to try and clarify this and other issues. The content of some responses would indicate that all the information may not have been fully understood. When the Potting Permit Byelaw was created there were difficulties establishing a mechanism to assign all permits to the owners of vessels. The ownership of commercial fishing vessels are divided into 64 shares as documented on the certificate of registry. Recreational vessels present a different scenario.

Multiple Category Two permit holders are entitled to operate from a single vessel, but they must all be attendance when working a combined total of pots. Non-compliance has been reported and acted on by enforcement officers. Investigations by D&S IFCA have led to the issue of fixed administrative penalties to offenders. Members may conclude that in the short-term D&S IFCA can continue to advise all stakeholders to report potential illegal fishing activity as it continues with its intelligence led enforcement strategy.

¹³ Marine Management Organisation - Registered buyers and sellers requirements

Consideration by the Byelaw and Permitting Sub-Committee

Members evaluated the summary of response and the officer comments. No decision was taken by members to continue consultation on this item.

Category Two Permit Holders Hauling Pots that belong to Others

This issue was raised in one of the responses. A commercial potter stated that berried, soft, v-notched, undersize and mutilated lobsters are being taken by fishers using equipment that they don't own. In addition, theft of pots and the content was also highlighted by commercial potters and this is presenting an additional financial burden on them. In the view of one stakeholder, the current wording in the Byelaw and permits is not clear enough to demonstrate that the hauling of other people's pots is an offence.

Officer's Comments

The theft of fishing equipment is not an issue that can be addressed by D&S IFCA; however, the tampering or un-authorized use of fishing equipment can. Firstly, it is prohibited for a person to fish with pots in the district without a permit. Anyone who wants to fish with pots in the district must get a permit. Paragraph 2 of the Potting Permit Byelaw currently states the following:

It is prohibited for a person to use pots for fishing¹⁴ within the District otherwise in accordance with a permit.

Paragraph 2.2 in the potting permit conditions is also intended to address this issue and currently reads:

A permit holder or named representative is not authorised under this permit to use any pots unless all individual pots or each string or shank of pots is clearly marked by at least one floating marker (buoy or dahn). Each of these buoys or dahns shall be clearly marked with either the relevant fishing vessels registration (port, letters and numbers) of the vessel named on the permit or the permit number.

In regard to Category Two permit holders, they can currently nominate a named representative to haul the pots of the permit holder which (for some) possibly adds confusion. The named representative is not authorised to continue working the pots (fish with them) in the absence of the Category Two Permit holder, but can (with approval of D&S IFCA) retrieve pots that otherwise can't be removed and brought ashore. This has been clarified in a policy document circulated to all permit holders.

The consultation response indicates that the provisions in the Byelaw and the permit conditions are potentially confusing and possibly lack clarity in regard to this issue. It is possible for the permit conditions (gear restrictions) to be amended and strengthened to clarify this issue. A new permit restriction is not needed; however, members may consider that Paragraph 2.2 of the present permit conditions be amended. Further "focussed"

¹⁴ Fishing is defined in the Potting Permit Byelaw as searching for sea fisheries resources, shooting, setting, hauling of a fishing gear and taking sea fisheries resources on board.

consultation can be actioned and the specific amended wording used would also be subject to consultation.

Consideration by the Byelaw and Permitting Sub-Committee

Members evaluated the summary of response and the officer comments. No decision was taken by members to continue consultation (as a focussed item).

Additional information

In the subsequent process of formulating the proposed potting permit conditions, the provisions relating to gear restrictions (including 2.2) have been amended and potentially provide additional clarity on this item.

Catch Limit for Category Two Permits

One commercial operator questioned the current catch restrictions for Category Two permit holders. This stakeholder suggested that one lobster and 2 crabs per day would be more appropriate for personal consumption. This stakeholder raised the point that retail outlets such as public houses often demand a “brace” of lobsters and don’t want to purchase single lobsters.

Officer’s Comments

Category Two Permit holders are already prohibited to sell their catch. The stakeholder has identified rationale that a reduction in the bag limit would in his view help to reduce the temptation to illegally sell the catch by potentially restricting the number of outlets prepared to take single lobsters that were captured each day. No other responses were received in either consultation to suggest that the current catch restrictions for Category Two permit holders present an issue. It should also be noted that although it is illegal for Category Two Permit holders to sell their catch, a larger number of shellfish could be collected over time (at home) and then taken to an outlet for illegal sale. Members may conclude that in the short-term D&S IFCA continues its intelligence led enforcement planning and investigate allegations of illegal sale of shellfish reported by concerned stakeholders.

Consideration by the Byelaw and Permitting Sub-Committee

Members evaluated the summary of response and the officer comments. No decision was taken by members to continue consultation on this item.

Number of Pots and working them in Strings

A single response was received from a commercial operator that suggested a reduction from five pots per Category Two permit holder to three would reduce the overall daily catch and reduce alleged illegal sale of shellfish.

One commercial operator questioned the current gear restrictions that don’t prohibit Category Two permit holders from working strings of pots. The stakeholder has inferred that working strings of pots is a commercial venture. Others from the limited responses have questioned the policy documents that have been recently circulated and have inferred that D&S IFCA is giving permission for Category Two permit holders to work strings of pots.

Officer's Comments

Only one response indicated that the current pot limitation for Category Two permit holders was too high. Members may draw the conclusion that the limited response indicates that the majority of stakeholders are satisfied with the current gear limitation.

In regard to working strings of pots, a policy document was recently circulated in an attempt to clarify this issue. The policy document is not a "permission" for strings of pots to be used; instead it clarifies that working a string (or combined string) is possible under the current permit conditions. All Category Two permit holders must be present and adhere to marking requirements to work a combined string. It is acknowledged that commercial operators do generally work strings of pots. Commercial strings can and often do contain many pots, far higher than the current five pots per permit holder catch restriction for Category Two permit holders. Mechanical assistance would often be needed to haul strings of pots; however, this is dependent on several factors. In relatively shallow water it is quite possible to haul a string of pots by hand that are well spaced on the ground rope.

Consideration by the Byelaw and Permitting Sub-Committee

Members evaluated the summary of response and the officer comments. No decision was taken by members to continue consultation on this item.

Otter Mortalities within fixed traps in Devon

The Environment Agency submitted a response in regard to otter mortalities within fixed traps in Devon. The report provides a detailed account of the subject matter and the full report is hyperlinked in the final chapter of this supplement. In summary the report defines the following:

- The interactions with otters that are illegal
- The types of pots/traps that present the highest risk to otter populations
- A record of where and when otters have been entangled in pots/traps and died as a result

Officer Comments and Summary

The evidence for Devon has highlighted the rivers Yealm, Tamar, Plym and also Plymouth Sound as problem areas. The report has a summary and offers a potential solution as follows:

"Prawn" traps do not have a sufficiently restricted aperture to prevent otters entering, becoming trapped and subsequently drowning underwater. The wire loop entrance to these traps can expand allowing the otter to manoeuvre into the trap, but from which there is no escape and they will then drown. From the evidence available adult female otters and sub-adults of both sexes are the most likely otters to be able to enter these traps. Where adult female otters are killed there is a high risk of the associated deaths of any dependent cubs that are reliant on their mother for food. Young otters spend between 12 months to 15 months (some longer) with their mothers before becoming sufficiently accomplished hunters to survive independently.

Within freshwater all traps for eels (such as fyke nets) or crayfish traps are authorised by the Environment Agency in England and Natural Resources Wales in Wales. These freshwater traps with a larger entrance all are required to have robust otter guards fitted. As described above traps set in estuarine and coastal areas (such as “prawn” traps) can and do capture and drown otters as their entrances are too large. Such otter deaths are preventable otter mortalities.

A solution would be that all such “prawn” traps or other fixed traps with an entrance that can open to more than 85mm should have an otter guard fitted in a similar manner to that required for eel fyke nets. Such otter guards, whether made of hard plastic or metal, would be most unlikely to alter the efficiency of these “prawn” traps to catch marine target species such as prawns that would still easily enter through the otter guard. Such a measure would be commensurate with the measures taken on freshwaters to reduce the scale of non-natural mortality of otters as a result of incidental but avoidable drowning incidents.

Consideration by the Byelaw and Permitting Sub-Committee

Members evaluated the information that had been provided.

- [Environment Agency – Otter mortalities within fixed traps in Devon by Robert Hurrell](#)

Members accepted that regardless of the target species of the traps (prawn traps), it is the combination of the construction and placement that increases risk to otters rather than what the pots are designed to catch. In addition, members concluded that the recently developed estuary boundaries (for the Netting Permit Byelaw¹⁵) would be an adequate starting point for spatial restrictions and importantly a consultation period would help raise awareness of this otter mortality issue to all stakeholders. Members actioned officers to consult with all stakeholders and prepare suitable wording in potting permit conditions to control the use of fixed traps with a view to protecting otters.

Other Identified Items Introduced by D&S IFCA

In addition to the themes highlighted by stakeholders (and other consultees), the review process as specified in the Potting Permit Byelaw allows D&S IFCA to consider the introduction of additional management. Items considered appropriate for discussion and potential additional consultation include the following:

To Use Permit Conditions to Replace a Reliance on the Deeming Clause

The implementation of the Potting Permit Byelaw was a significant change from the more traditional byelaw model. As with many new initiatives, development was challenging and produced mixed legal opinions about elements of the framework, content and review of conditions process.

¹⁵ Awaiting confirmation

Why was a deeming clause introduced?

A deeming clause was introduced to support the effective enforcement of some of the management measures that were introduced in the Byelaw and permit conditions. Byelaws only apply within the district, normally six nautical miles from the coast or, in places on the north coast of the D&S IFCA district, the median line with Wales. Proving where vessels have been fishing and what was caught where is an inherent and significant challenge and a potential enforcement weakness for any byelaws, especially without the implementation of I-VMS. Measures that apply within the byelaws such as minimum conservation reference sizes can be different (more restrictive) than domestic or EU legislation. The absence of a deeming clause can reduce the ability to enforce the legislation and consequently the effectiveness of the management measures.

What are the alternatives to deeming clauses and how can this be achieved?

In 2016, the Department for Environment & Rural Affairs (Defra) issued advice to D&S IFCA. It was explained that deeming clauses are rarely used in the UK justice system. D&S IFCA's prosecuting solicitor was in agreement with the issued advice, and as an alternative, recommended that permit conditions should be fully utilised instead.

The Potting Permit Byelaw is due for a complete review in 2019. However, in the shorter term, the permit conditions can be amended to produce equivalent effectiveness as a deeming clause in a more legally acceptable manner. This has already been demonstrated in the development of the Netting Permit Byelaw¹⁶ where permit conditions (catch restrictions) have been created as follows:

“A Permit holder or named representative is not authorised to fish under this Permit if he has retained on board or has in his possession any catch that does not comply with any of the catch restrictions set out in paragraphs X to X inclusive.”

The fisher has the option to apply for a permit and be bound by the restrictions or not apply for a permit and not fish within the D&S IFCA's district. Although a similar result is achieved, this presents a different legal solution that is more acceptable.

If members agree in principle to changes to permit conditions as specified in the consultation, the actual provisions would require additional consultation.

Consideration by the Byelaw and Permitting Sub-Committee

Members recognised that this potential permit change would be applied to different permits that D&S IFCA issue, with both the potting permits and mobile fishing permits relevant at this time. Members concluded that this item should be subjected to further consultation with the inclusion of draft permit conditions in the consultation report.

¹⁶ Awaiting confirmation

Management of the Removal of Spiny Lobster by Pots from Tranche 2 Marine Conservation Zones (MCZ)

Devon & Severn IFCA officers have undertaken assessments in order to document and determine whether management measures are required to achieve the conservation objectives of all the Marine Conservation Zones (MCZs) in its district. The IFCA's responsibilities in relation to management of MCZs are laid out in Sections 124 to 126, & 154 to 157 Marine and Coastal Access Act 2009.

The spiny lobster, also known as crawfish and *Palinurus elephas*, is a feature of two Tranche 1 and one Tranche 2 MCZs designated in the D&S IFCA district and at each of these sites, this species has a recover to favourable condition conservation objective. Favourable condition with respect to spiny lobster means that the quality and quantity of its habitat and the composition of its population in terms of number, age and sex ratio are such as to ensure that the population is maintained in numbers, which enable it to thrive. Current permit conditions prohibit the removal of spiny lobster from within the Skerries Bank and Surrounds MCZ and also Lundy MCZ as set out in Annex 1 and Annex 2 of the potting permits.

For the Tranche 2 MCZ site, Bideford to Foreland Point MCZ, spiny lobster is a feature of conservation importance with a 'recover to favourable conservation' objective and therefore will need protecting from the gear types operating in the site. The three-year review of permit conditions for the Potting Permit Byelaw provides the opportunity to bring in a prohibition on the removal of spiny lobsters in these sites by fishers using pots. MCZ assessments for this site are currently being prepared. Changes to the permit conditions to afford protection to the spiny lobster in the designated MCZ is being highlighted within the assessments, to show that the IFCA is able to introduce management to protect the feature, prevent deterioration of spiny lobster populations and ensure the conservation objective is furthered.

It is the IFCA's statutory responsibility to seek to further the conservation objectives of the sites. When the MCZ was designated there had been sightings of spiny lobster in the site. However more recently there have been very few reports of spiny lobsters being caught by fishing vessels using pots that have access to the Tranche 2 MCZ site, Bideford to Foreland Point. In order to ensure that the spiny lobster feature is protected from this gear type, the permit conditions of the Potting Permit Byelaw will need to be adapted to prohibit the removal of spiny lobster from this MCZ site. An additional permit Annex can be created to mirror the restrictions already imposed by permit (Annex 1 and Annex 2) which already prohibit the removal of spiny lobster from the Skerries Bank and Surrounds MCZ and Lundy MCZ.

Consideration by the Byelaw and Permitting Sub-Committee

Members evaluated the information provided and the officers were actioned to prepare suitable wording in potting permit conditions to prohibit the removal of spiny lobster by pots from Tranche 2 Marine Conservation Zones (MCZ).

Protection of Spiny Lobsters That Have Recently Cast Their Shell

Each permit contains a list of catch restrictions. Due to the original wording used, the potting permits (catch restriction 1.1 iv) currently provides no protection for spiny lobsters that have recently cast their shell. This oversight has been addressed in the creation of the Netting Permit Byelaw¹⁷, where the findings from the formal consultation period prompted members of the Byelaw and Permitting Sub-Committee to amend the original netting permit conditions to include the wording “spiny lobster” to the list of protected species which also include edible crab and lobster.

If members agree in principle to changes to permit conditions, the actual provisions would require additional consultation.

Consideration by the Byelaw and Permitting Sub-Committee

Members evaluated the information provided and officers were actioned to prepare suitable wording in potting permit conditions to protect spiny lobster that have recently cast their shell and consult with all stakeholders.

¹⁷ Awaiting confirmation

Managing the whelk fishery

Over the past decade fishing effort for whelks (*Buccinum undatum*) in the UK has been increasing relatively quickly. In 2002 UK whelk landings were worth just over £4million, for 8,687 tonnes. Whelk landings in the UK totalled 16,000 tonnes in 2012, valued at £10.8million. Of this, the landings in Ilfracombe were 661 tonnes valued at £479,000, while the Exmouth landings were valued at £170,599 for 241.8 tonnes (MMO Annual Statistics¹⁸), making whelk fishing a significant sector within these two ports in the D&S IFCA District. In 2014, 301 tonnes of whelks worth £238,605 were landed into Exmouth and 716 tonnes were landed into Ilfracombe worth £564,646. In 2015 there was an increase in the landings with 315 tonnes landed into Exmouth the value of which was £282,674 and 874 tonnes were landed into Ilfracombe with a value of £818,401. The landings by UK vessels into UK port for 2015 were 20,855 tonnes worth £18.60million. MMO statistics for 2016 have just been issued and these show the value of the whelk fishery to Ilfracombe was £640,877 for 533 tonnes.

Table 1: Annual Landings and Value of Whelks

Whelk Landings per year for Exmouth and Ilfracombe 2012-2016				
	Ilfracombe		Exmouth	
Year	Landings tonnes	Value £	Landings tonnes	Value £
2012	671.98	£487,953.65	241.83	£170,599.01
2013	2014.23	£432,043.08	401.83	£300,646.84
2014	716.93	£564,646.25	301.63	£238,605.85
2015	874.45	£818,401.56	315.05	£282,674.30
2016	533.39	£640,877.70	302.22	£328,075.82

Figures 1 & 2 show graphically the monthly landings into these two main ports in Devon and the value of these landings in 2015. In the UK Ilfracombe is in the top ten landing ports for whelks in both weight and value.

¹⁸ UK Sea Fisheries Annual Statistics Report 2016 – MMO. Gov.uk website

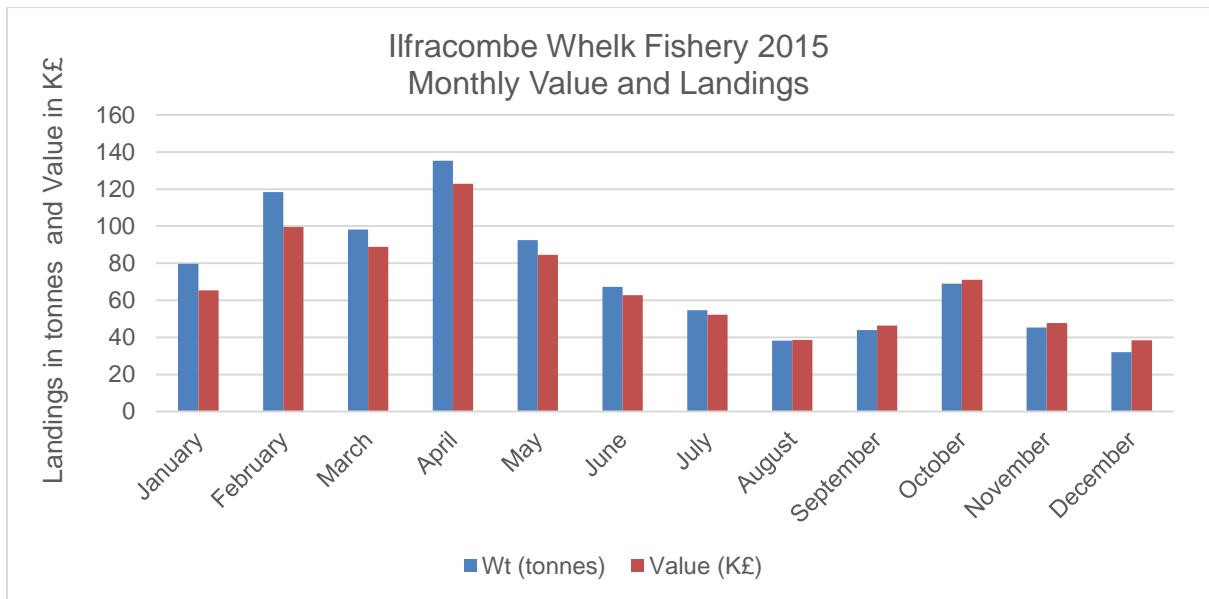


Figure 1 Ilfracombe Whelk Fishery 2015

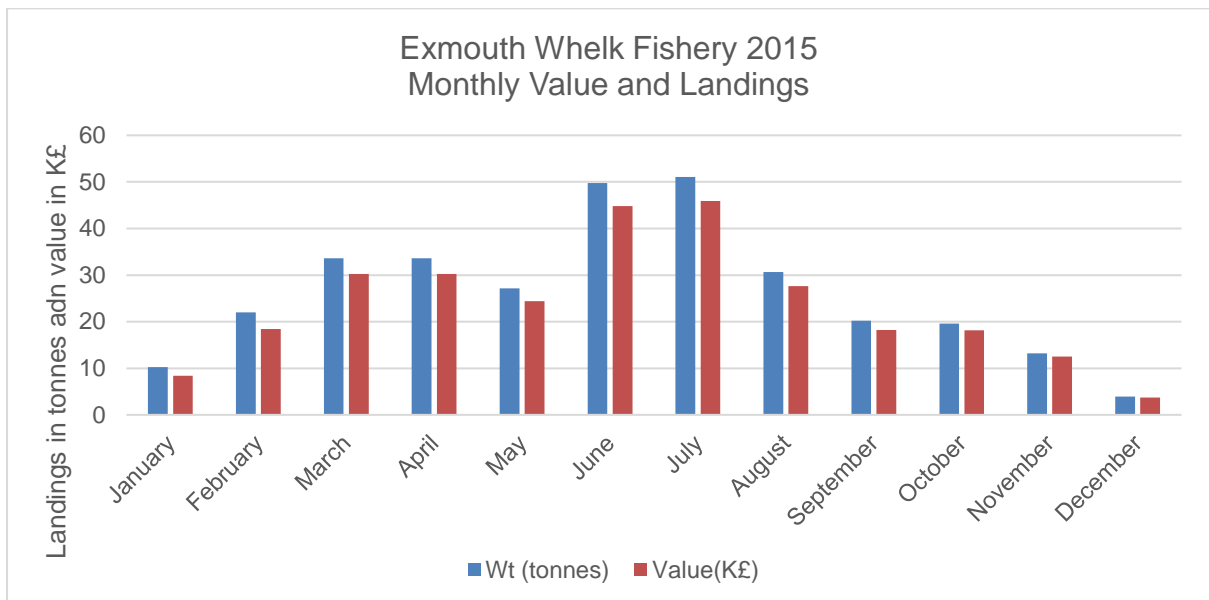


Figure 2 Exmouth Whelk Fishery 2015

Whelk Research

Between 2014 and 2016 D&S IFCA Environment Officer Katherine Stephenson undertook extensive research to determine the size of sexual maturity of the whelk, *Buccinum undatum* within the Devon and Severn IFCA district (Stephenson, 2015 & 2016).

[D&S IFCA Whelk Report 2015](#)

[D&S IFCA Whelk Report 2016](#)

The 2015 report looked at the size of sexual maturity and spawning period of whelks sampled over a year from Ilfracombe in North Devon and Exmouth in South Devon. The D&S IFCA 2016 report focussed on additional research undertaken on whelks taken from Start Bay in South Devon. The size of maturity (SOM) is defined as the size at which 50% of

the population is sexually mature. A previous study, conducted by Andy Lawler of Cefas (Lawler, 2013¹⁹), estimated the SOM for both sexes of whelk in the main fisheries around the country. Only one sample at each of 10 sites was used to estimate the SOM in this study. He found that in most areas the whelk SOM is greater than the EU Minimum Conservation Reference Size (MCRS) of 45mm, including areas within D&S IFCA district, suggesting that the spawning stocks are not receiving adequate protection. This raises concern as there has been a rapid increase in fishing effort over the last decade largely attributed to a boom in demand from the Far East. The two IFCA studies also found that in the D&S IFCA district the SOM for whelks is greater than the current MCRS. The table 1 below highlights these findings:

Table 2: Size of sexual maturity of whelks sampled from three sites in the D&S IFCA district

Site	Sex	IFCA Research SOM (shell height mm)	Cefas Research SOM (shell height mm)
Start Bay	Female	57.8	-
	Male	64.4	
Exmouth	Female	69.3	72.4
	Male	70.9	69.2
Ilfracombe	Female	76.5	75.5
	Male	76.4	75.5

Conclusions from this Research:

- The current *Buccinum undatum* EU Minimum Conservation Reference Size (MCRS) of 45mm is too low to protect the spawning stock, and recruitment over-fishing is likely to be occurring
- SOM estimates based on shell height were calculated as:
 - 69.3mm (female) and 70.9mm (male) from Exmouth,
 - 76.5mm (female) and 76.4mm (male) from Ilfracombe,
 - 57.8mm (female) and 64.4mm (male) from Start Bay
- SOM estimates could be used as a basis from which to review the current MCRS.
- If a district wide increase in MCRS was implemented then stocks in some areas will have more stringent management compared to others. From the data in table 2 a mean of 70.79mm and a median of between 70.9 and 72.4mm can be calculated. If a mid-point of the SOM estimates was used this would afford greater protection of the stock will be provided than the current EU MCRS affords. However, there are differences in SOM in the different parts of the district and if a single MCRS is to be used as an effective management measure a more pragmatic approach may need to be taken.
- Table 3 below indicates the percentage of the population sampled being mature at five different shell heights. Increasing the MCRS to 65mm will give greater protection to the stock in all areas sampled. Introduction of an increase in MCRS over a period

¹⁹ Determination of the Size of Maturity of the Whelk *Buccinum undatum* in English Waters – A Defra Project MF0231. Andy Lawler, Cefas 2013.

of time, in a phased approach, would allow the fishers to adapt gear, reduce the direct impact on landings and income, spreading it over years rather than a big hit initially, and will allow IFCA officers to monitor the impact of the management measures.

Figure 3: Percentage of whelks sampled that were sexually mature at each of the given shell height

		% mature at each shell height				
		45mm	50mm	55mm	60mm	65mm
Exmouth	Female	0.3	0.7	3	8	27
	Male	0.006	0.4	2	6	19
Ilfracombe	Female	0.09	0.5	1.6	4	10
	Male	0.002	0.2	0.5	2	6
Start Bay	Female	0.2	0.9	15	78	98
	Male	0.6	2	7.5	23.5	54

- A strong positive linear relationship between shell height and both shell minimum width and shell maximum width has been determined from the analysis. This relationship was tested statically with the Person Correlation Coefficient. Table 4 shows the results of this analysis. The closer to 1 the coefficient values are the stronger the relationship, meaning that as the shell height increases, the shell width increases and vice versa. There are enough data to be able to estimate the shell width at a given height.

Table 4: Pearson's correlation Coefficient values for shell height and width

Site	Sex	Pearson's correlation coefficient height v min width	Pearson's correlation coefficient height v max width
Exmouth	Female	0.925	0.963
	Male	0.939	0.968
Ilfracombe	Female	0.957	0.958
	Male	0.926	0.955

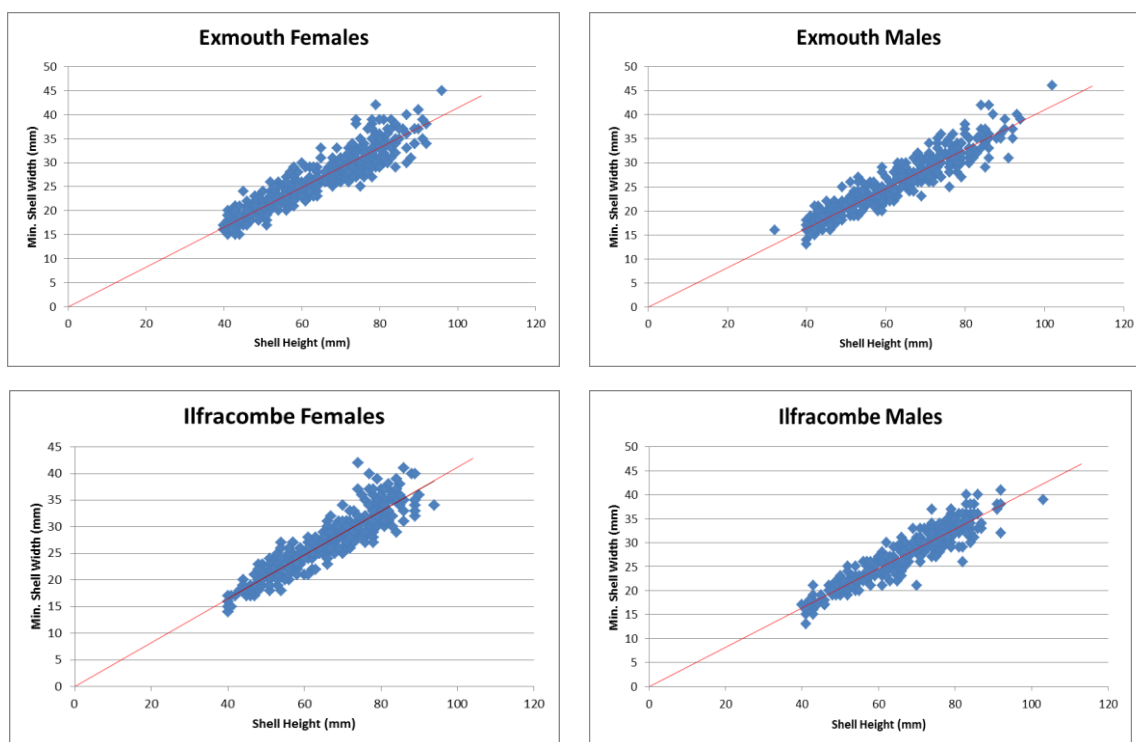


Figure 3: Relationship between Shell Height and Shell Width at Ilfracombe and Exmouth

- This means that there is the opportunity to have a width based MCRS, which may make sorting the large volumes of catch with a riddle more effective. However, there are two width measurements that can be taken (minimum and maximum) which may be less practical for easy MCRS compliance monitoring. A decision may have to be made as to which measurement would be most effective i.e. height, max width or min width. If height was to remain the MCRS measurement then D&S IFCA could issue guidance on the relative width at a given MCRS to aid configuration of the riddle and riddle bar spacing.

Table 3 SOM by shell width

Site	Sex	SOM estimate using min shell width (mm)
Exmouth	Female	28.6
	Male	29.1
Ilfracombe	Female	31.7
	Male	31.5

- At both Ilfracombe and Exmouth, it appears that mating and spawning take place during the winter. Whilst samples were missing for both sites in January, there is a decrease in gonad indices, which suggests breeding and spawning have taken place. Peak breeding activity appeared to have occurred between December and January.

In Exmouth females' gonad sizes increased towards December with a fall in size in January / February suggesting eggs are maturing until December, copulation follows and then spawning takes place thereafter. Males show a similar pattern. The Ilfracombe sample analysis was less clear due to smaller samples size for females, although it appears copulation may take place between November and January. Therefore, a closed season during these months could potentially be considered to protect the spawning whelks, however more data is needed to verify and reinforce these results. The impact of any seasonal closure will need to be evaluated. Figures 1 & 2 show the landing and values over the winter period at both ports.

Whelk Management Measures

The only current management in the D&S IFCA district is the EU MCRS of 45mm. Other IFCAs and regulatory authorities are considering or have introduced management measures for the whelk fisheries they have jurisdiction over.

Sussex IFCA Whelk Management Measures

Research was undertaken by Sussex IFCA together with Cefas as part of the 2009 Whelk Fisheries Science Partnership project. The survey estimated the size of sexual maturity for whelks within the Sussex IFCA district between 55.8mm and 60.7mm. Peak spawning activity occurred at the end of November/ early December. Research into the effectiveness of different riddle sizes for sorting catch has been carried out and Sussex IFCA have since introduced management measures based on the use of riddles within its Districts and also on escape holes in whelk pots. Current management measures in the Sussex IFCA district are:

- Introduction of a Shellfish Permit Byelaw in 2015 which include some management measures for whelks
- Whelk pots must be fitted with escape holes which must
 - (a) be positioned at least 150 millimetres from the inside base of the pot or no more than 50 millimetres from the top of the pot;
 - (b) be of a size that a cylindrical bar of the specified diameter will pass freely through the hole;
- The permit holder must pass all whelks removed from the fishery over or through a riddle which has sufficient space between bars so that a gauge of a specified size will pass through; and a whelk which passes through the bars of the riddle, or which is of a size below the minimum size for whelks as contained in provisions within European or national legislation must be returned immediately to the sea.
- MCRS is 45mm shell height

Kent & Essex IFCA Whelk Measures

Kent & Essex IFCA has introduced management measure for its whelk fishery. These include:

- Introduction of Whelk Fishery Permit Byelaw in 2013
- Commercial whelk fishermen are restricted to 300 pots

- Recreational whelk fishermen are restricted to 10 pots
- Pots must be tagged
- Pots must contain at least 10 escape holes of no less than 22cm, in diameter and positioned at least 150mm from the base and no less than 50 mm from the top of the pot.
- MCRS remains at 45mm shell height
- Strings must be marked with buoy or dahn
- Dahns must be 30cm diameter or more and marked with whelk permit number

Eastern IFCA Whelk Management Measures

Eastern IFCA introduced a Whelk Permit Byelaw in 2016 to replace the Whelk Fisheries Permit Emergency Byelaw.

- Whelk pots must be tagged
- Strings must be marked clearly
- Fishers must not be used edible crab for bait
- Returns forms must be completed
- Pot limitation
 - Commercial – 500 pots
 - Recreational – 5 pots
- Pot size limited to 30 litres internal volume
- Minimum of 2 escape holes of at least 24mm diameter per pot
- MCRS 55mm – shell height
- Catch must be sorted over a screen with bar spacing of 24mm

Welsh Government Proposed Whelk Management Measures

Welsh Government issued a consultation on Sustainable Management Measures for the Welsh Whelk Fishery. There were many consultation points and the responses are available [here](#).

Some of the key measures consulted on and responses are included in:

Table 6: Welsh Government Consultation Responses to Potential Management Measures

Measure	Response
Increase MCRS from 45mm to 65mm	81% in favour
Should increase in MCRS be phased over 2/3 years?	74% in favour
Permit scheme for whelk vessels	94% in favour
Flexible permit conditions	67% in favour
Limit the number of permits	35% in favour
Should effort control be introduced	76% in favour

Cap on weight of whelks that can be landed	76% in favour
Cap on number of pots fished	85% in favour
Data collection requirements	85% in favour
Closed spawning season (Oct to Dec/Jan)	77% in favour
Use of escape holes	80% in favour
Whelks landed in fish boxes or net sacks should weigh no more than 40kg	33% in favour

Jersey Government Whelk Management Measures

There are currently new proposed management measures around Jersey which will apply differently to different catch boats.

- Small catch boats will only be permitted to land 30kgs per day – 30 permits to this category will be issued. They will be able to set gear anywhere in the 0-3miles limit.
- Large catch boats will require pots to be tagged; certain areas will be only open for 5 months of the year (October to January); 1800 tags will be issued in total to this category with no boat having more than 300 pots.
- For all categories in the catch per pots reduced to below 1.5kg in a specific area then this area will be closed to allow recovery.

Jersey 0 – 3	Jersey 3 - 12	France
MLS 50mm	MLS 50 Jersey boats MLS 45 French boats	MLS 45mm
Pot allocation on track record to 5 boats	40 permits	Fixed number of permits
Pot tagging (2683 pot cap)	900 pots per vessel	240 pots per person
12m Max, vessel length	12m max. vessel length	720 pots per boat
Minimum grader bar spacing of 22mm	Minimum grader bar spacing of 22mm	Minimum grader bar spacing of 22mm
Landing limit of 30kg for boats without a permit		300kg daily quota / person
		900kg daily quota / boat
		Weekend closures
		January closure

Table 7 Current Whelk Management Measures in Jersey Waters

Lyme Bay Fishermen’s Voluntary Code of Conduct

- Fishermen will not fish more than 500 whelk pots
- Strings of whelk pots will not exceed a max of 30 in each

Officer Comments/ Suggestions for Managing the D&S IFCA Whelk Fishery:

A. Size Increase:

1. Increase in MCRS is needed to protect whelk stocks in the D&S IFCA district and allow 50% of the population to reproduce at least once. The current EU MCRS of 45mm is not sufficient and this should be increased to 65mm which will afford greater protection.
2. If an increase in MCRS is introduced this should be undertaken under a phased approach – 5mm per year or 10 mm every 2 years to reach a maximum of 65mm.
3. Width could be used instead of height as the MCRS as analysis of the data has indicated a very strong linear relationship between width and height.

Consideration by the Byelaw and Permitting Sub-Committee

Members evaluated the information provided and the officer comments. Members concluded that the 2nd phase “focussed” consultation provides an opportunity for amended potting permit conditions to be highlighted with options included relating to increase in whelk size over a choice of time period. Members took the view that the introduction of a whelk width size (riddle) was not deemed suitable at this time for inclusion in permit conditions; however, members acknowledged that further studies and consultation may help to formulate guidance to the industry to help promote compliance. Officers were actioned to prepare suitable wording in potting permit conditions to introduce an increase minimum conservation reference size for whelk to 65mm, and within the consultation to all stakeholders, provide a choice of 5mm or 10mm increase each year or every two years. Officers were also actioned to consult with all stakeholders in regard to establishing guidance for the industry on the appropriate width size of a whelk that corresponds with increased length of a whelk.

B. Seasonal Measures

4. Closed spawning season could be introduced between December and January but more data should be completed to verify the seasonality and the impact of such measures investigated.

Consideration by the Byelaw and Permitting Sub-Committee

Members encouraged the D&S IFCA environment team to continue with research in the short term and report back in due course.

C. Gear Restrictions

5. All pots should have escape holes fitted that allow the escape of smaller undersize whelks.

Consideration by the Byelaw and Permitting Sub-Committee

Members concluded that fishers should have the opportunity to provide feedback on gear restrictions (escape holes) in regard to immediate implementation via permit conditions or delay this potential regulation until a larger whelk size has been established. Officers were actioned to prepare suitable wording in potting permit conditions to introduce escape holes in

whelk pots, and in the consultation to all stakeholders, collect feedback in regard to immediate or delayed implementation.

In the permit redrafting process, it was determined that full consultation on this issue should be deferred until the proposed increase in whelk size has been fully evaluated.

D. Data Collection

6. Vessels involved in the whelk fishery could submit monthly landings data together with number of strings and pots used to calculate LPUE. Areas works could also be identified to inform spatial distribution of effort and LPUE.
7. D&S IFCA officers will collect additional data as required and monitor the impact and benefit of the management measures introduced.

Consideration by the Byelaw and Permitting Sub-Committee

Members concluded that the collection of information such as monthly landings, numbers of pots and their locations would all be of value for future decision making. In addition, it would be advantageous for the Environmental officers to be able to collect data (as required) to monitor the impact and benefit of any management measures that are introduced in the short term. Members concluded that D&S IFCA officers must be afforded with the ability to collect whatever relevant data is required to establish a fully documented fishery. Officers were actioned to inform all fishers engaged in the whelk fishery that under the requirements of the Potting Permit Byelaw, relevant data must be submitted to develop a fully documented fishery.

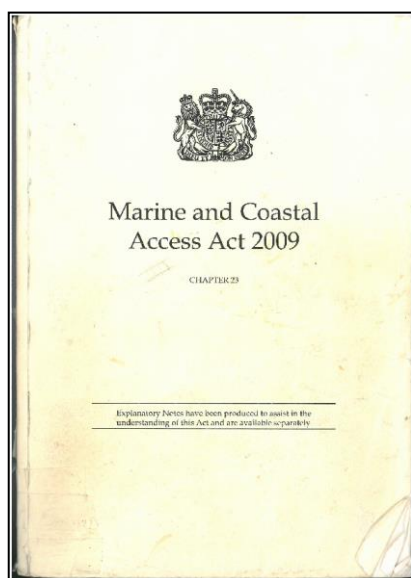
Lundy island - No take zone

The restrictions in legacy Byelaws have often been used to establish the current potting permit conditions implemented via the Potting Permit Byelaw. One legacy measure that still remains and is relevant for potential inclusion in the potting permit conditions relates to a no take zone located at Lundy Island. On 15th December 2017 members of the Full Authority concluded that the inclusion of this area would be suitable for inclusion and should be subjected to consultation. Members accepted that the re-drafting process may produce changes that have implications to permit holders, and these should be explained in the consultation documentation.

Part 5 – Background information about D&S IFCA

The information in this section of this consultation report helps all stakeholders improve their understanding of D&S IFCA.

What is the D&S IFCA and what does it do?



The Marine and Coastal Access Act 2009 (MaCAA) introduced a new framework for managing the marine environment and providing greater access to it. This Act of Parliament replaced Sea Fisheries Committees with Inshore Fisheries and Conservation Authorities (IFCA's) and is fundamental to the work of D&S IFCA.

The D&S IFCA is the largest of the ten separate IFCA districts and has two separate coastlines. The area of the district is 4522km² and is defined in the Statutory Instrument (2010 No. 2212)²⁰. The D&S IFCA District includes the areas of Devon, Somerset, Gloucestershire County Councils; Bristol City and Plymouth City Councils; North Somerset and South Gloucestershire Councils and

all adjacent waters out to six nautical miles offshore or the median line with Wales.

“D&S IFCA will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry”²¹

The Full Authority is comprised of 30 members drawn from relevant Local Authorities (Councillors), General Members (appointed to the Authority by the Marine Management Organisation (MMO) and Statutory Appointees representing the MMO, the Environment Agency (EA) and Natural England (NE). D&S IFCA is funded via several different funding Authorities (councils) with an additional contribution from central government. Officers are employed by D&S IFCA to conduct work on behalf of the Full Authority. D&S IFCA has ten full time officers and one part-time Office manager. The main office is situated in Brixham with one officer located in the Severn area of the district.

Core work undertaken

In meeting the main duties specified in MaCAA, the work of D&S IFCA is basically divided into different areas as follows:

²⁰ The Devon and Severn Inshore Fisheries and Conservation Authority Order 2010

²¹ Mission statement for D&S IFCA

Enforcement

These duties include enforcing the byelaws implemented by D&S IFCA and also the enforcement of EU and domestic legislation. D&S IFCA currently has one 6.4 metre rigid inflatable boat to conduct enforcement work at sea. D&S IFCA works closely with other organisations such as other IFCAs, the MMO, the EA and the Border Force (BF) with which it shares assets. D&S IFCA is committed to the use of new technologies for enforcement purposes, particularly remote technology.

Research

Research and survey work conducted by D&S IFCA informs evidence bases subsequently used to manage fishing activities via the introduction of local management measures that can include legislation in the form of Byelaws. D&S IFCA currently has an 8-metre survey vessel used for independent survey work at sea. D&S IFCA works in co-operation with other organisations to conduct research work and takes environmental advice from NE. D&S IFCA research and survey work (and external research and advice) also informs longer term management that can be achieved via the permitting byelaws that contain flexible permit conditions.

Byelaw work

The Byelaw work is often a lengthy and complex process. It requires specialised skills and background knowledge. This Authority has created a Sub-Committee to conduct the byelaw work. The Byelaw and Permitting Sub-Committee is formed by a number of Full Authority members, each offering a different set of skills or background knowledge that is utilised to complete the required work. Officers prepare the material used by the Sub-Committee for their deliberations (meetings) and the Sub-committee's recommendations are then presented to the Full Authority at key stages. It is the Full Authority members that make the final decisions²².

There are a number of legacy byelaws in place that were inherited from Devon Sea Fisheries. All legacy byelaws must be reviewed. In addition to reviewing legacy measures, members of the Sub-Committee are also tasked with reviewing flexible permit conditions and providing recommendations to the Full Authority for potential changes to the permits.

All of the separate elements of the byelaw work are a team effort. Although the officers prepare the majority of the material (reports) required for the process, the officers do not take decisions at any time.

Why does D&S IFCA manage potting activity?

D&S IFCA must manage this fishing activity. MaCAA sets out how the management of inshore fisheries must be conducted and by whom. D&S IFCA is the responsible body to manage inshore fisheries within this district and therefore must manage the exploitation of sea fisheries resources in the district.

MaCAA details the responsibilities of the D&S IFCA which includes important mandatory duties as follows:

²² Delegated powers can be granted to the Sub-Committee for decision making

Section 153 (2)

- a) **Seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way,**
- b) **Seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation,**
- c) **Take any other steps which in the authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development, and**
- d) **Seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.**

In addition, D&S IFCA has a duty for the protection of marine conservation zones (MCZ). This is specified within the Act as follows:

Section 154

- 1) **The authority for an IFC district must seek to ensure that the conservation objectives of any MCZ in the district are furthered.**
- 2) **Nothing in section 153 (2) is to affect the performance of the duty imposed by this section.**

D&S IFCA would be failing in its duties if it did not manage fishing activities conducted within the district. Potting is conducted in the district and therefore must be managed appropriately.

How does D&S IFCA manage potting activity?

The D&S IFCA inherited legacy byelaws from its predecessor organisation the Devon Sea Fisheries Committee. Byelaws are local legislation used to manage different activities which include potting. There were several legacy byelaws that related to potting and D&S IFCA has had to consider its statutory duties and examine and review these legacy measures to see if they are fit for purpose. There is a separate guide²³ to explain how D&S IFCA is conducting the required review of these inherited byelaws.

Byelaws are not the only control measures used to manage fishing activities and in this case potting activity and the species taken. Other EU and domestic legislation also places restrictions on fishers. Byelaws are local measures which support this other legislation. Byelaws can impose greater restrictions to suit local circumstances but they cannot remove any restrictions imposed by UK or EU regulations.

In 2014 D&S IFCA introduced the Potting Permit Byelaw to manage potting activity. The introduction of the Potting Permit Byelaw (or any byelaw) is not necessarily to prevent fishing activity, but rather to manage the activity sustainably. Many of the current restrictions were based on the older legacy measures set out in individual byelaws. The introduction of the Potting Permit Byelaw enabled some of the legacy byelaws to be revoked.

²³ Displayed on the D&S IFCA website or available upon request.

Permits

The Potting Permit Byelaw differs from the older byelaw model. The Potting Permit Byelaw provides the D&S IFCA with the ability to issue permits which contain conditions of use for fishers and also enable different groups of fishers to be separated based on their specific needs. This is why permits are issued for commercial fishers (Category 1 permits) and recreational fishers (Category 2 permits). Different categories of permits can and do contain different conditions.

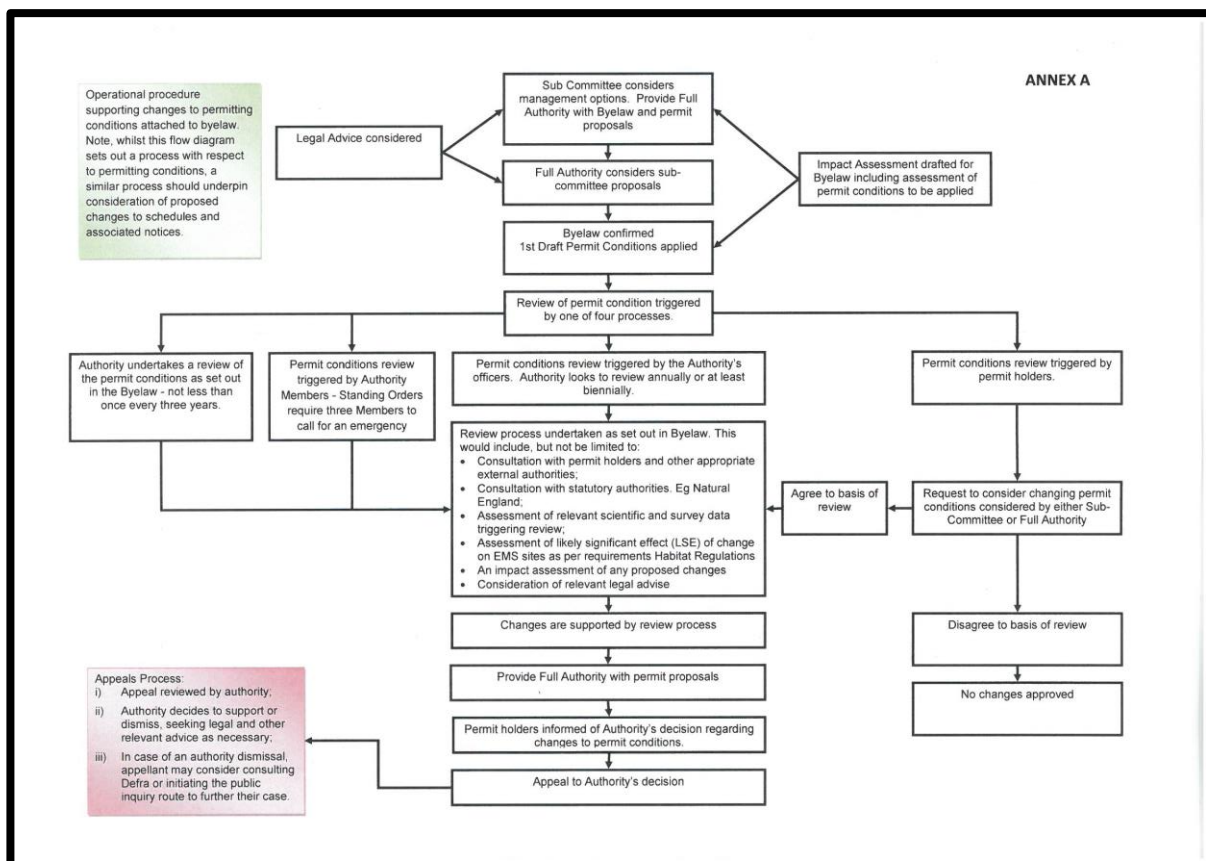
The permits that are issued include flexible conditions, which can be altered when there is a good reason for doing so. This flexibility enables D&S IFCA to react to changing circumstances far quicker than revoking a traditional style byelaw or introducing emergency measures via an emergency byelaw.

How are flexible permit conditions changed?

Changes are not considered or made just for the sake of change. There has to be good reason to change any of the flexible permit conditions and although there are occasions where D&S IFCA must take a pre-cautionary stance, it is quality evidence (rather than quantity) that strongly influences potential changes.

Section 27 to 29 of the Potting Permit Byelaw explains the review procedure to make any changes to the flexible permit conditions. There are several ways in which a review of permit conditions can be triggered, although a review of the flexible permit conditions must be conducted not less than once every three years.

Annex A table – Flowchart of review process



How is the review of flexible permit condition conducted?

Section 28 of the Potting Permit Byelaw details how the review of flexible permit conditions must be conducted. This is a thorough and robust process which includes consultation with permit holders. Information (evidence) is collected during consultation as detailed in Section 29 of the Potting Permit Byelaw. The evidence collected then informs the decision-making process.

The evidence that you provide is collated and will be presented to members of the Byelaw and Permitting Sub-Committee. There are four scheduled meetings of the Byelaw and Permitting Sub-Committee each year and additional meetings can be arranged when required. This three-year review will involve two separate phases of consultation. The first phase will be an “open” consultation where any stakeholder can respond with any issue relating to the Potting Permit Byelaw flexible permit conditions. The information provided in the consultation will be collated and discussed by the Byelaw and Permitting Sub-Committee. A second period of consultation will also take place but will be focussed on key issues relating to potential permit changes, if any.

Part 6 - Further Information & Hyperlinks

D&S IFCA communication strategy (available upon request)

Imbedded Information (Hyperlinks to the D&S IFCA website)

Current restrictions and policy:

- [The Potting Permit Byelaw](#)
- [The current permit conditions for potting](#)
- [Policy and clarification for permit applicants to provide sufficient contact details](#)
- [Policy and clarification on the use of multiple Category Two permits on a single vessel](#)
- [Policy and clarification on the use of pots by a named representative](#)

Evidence base (imbedded information available on the D&S IFCA website)

- [D&S IFCA Whelk Reports for 2015 & 2016](#)
- [Sustainable Management Measures for the Welsh Whelk Fishery \(Oct 2017\)](#)
- [Environment Agency – Otter mortalities within fixed traps in Devon by Robert Hurrell](#)

Data Protection - how we use your information?

D&S IFCA has a privacy policy.

The information you provide for this consultation will be used to assist the Authority in decision making. All personal data submitted will be held securely at all times, and, as part of this review of permit conditions, used only by the Authority. All personal data will be anonymised and summarised for insertion into this development report. Personal data will not be held for longer than necessary. We may disclose your information if required by law.

End of report.