



Potting Permit Byelaw

A Three-Year Review of the Potting Permit Conditions



Final Phase Consultation – Potting Permit Byelaw Permit Conditions

Extract from the Development Report & Focussed Consultation items

2nd edition – 15th January 2018

Introduction

This information focusses on the “identified” consultation items only. This information is an extract from the overarching report – Potting Permit Byelaw – A Three-Year Review of the Potting Permit Conditions - Development report, focussed consultation items and permit condition proposals (2nd edition 1st January 2018). The full report (displayed on the D&S IFCA website) contains far more detail as follows:

- **Demonstrates measures already been taken to manage potting activity**
- **Sets out the focussed consultation items for the 2nd phase consultation**
- **Documents the findings of the first phase consultation, the evidence base used for decision making and why these items have been chosen for additional consultation**
- **Demonstrates how, when and why decisions have been taken**
- **Provides background information to all stakeholders about D&S IFCA and how the organisation functions**

What topics are included in the D&S IFCA consultation?

- **Permit conditions to replace a reliance on the Deeming Clause**
- **Protection of spiny lobsters**
- **Gear restrictions to protect populations of otters in estuaries**
- **Managing the South Devon Inshore Fishing Grounds (known locally as the Inshore Potting Agreement Areas (IPA))**
- **Managing the whelk fishery**
- **Lundy Island – No Take Zone**
- **Changes to Category Two Gear Restrictions**

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. 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.

THE CONSULTATION WILL BEGIN ON 31st JANUARY 2018 AND END ON 14th MARCH 2018.

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 appointment¹ to discuss the consultation items.

¹ Telephone session, or personal interview with an officer

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 Byelaw² 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:

- 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:***

² Awaiting confirmation

- 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 the main 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.

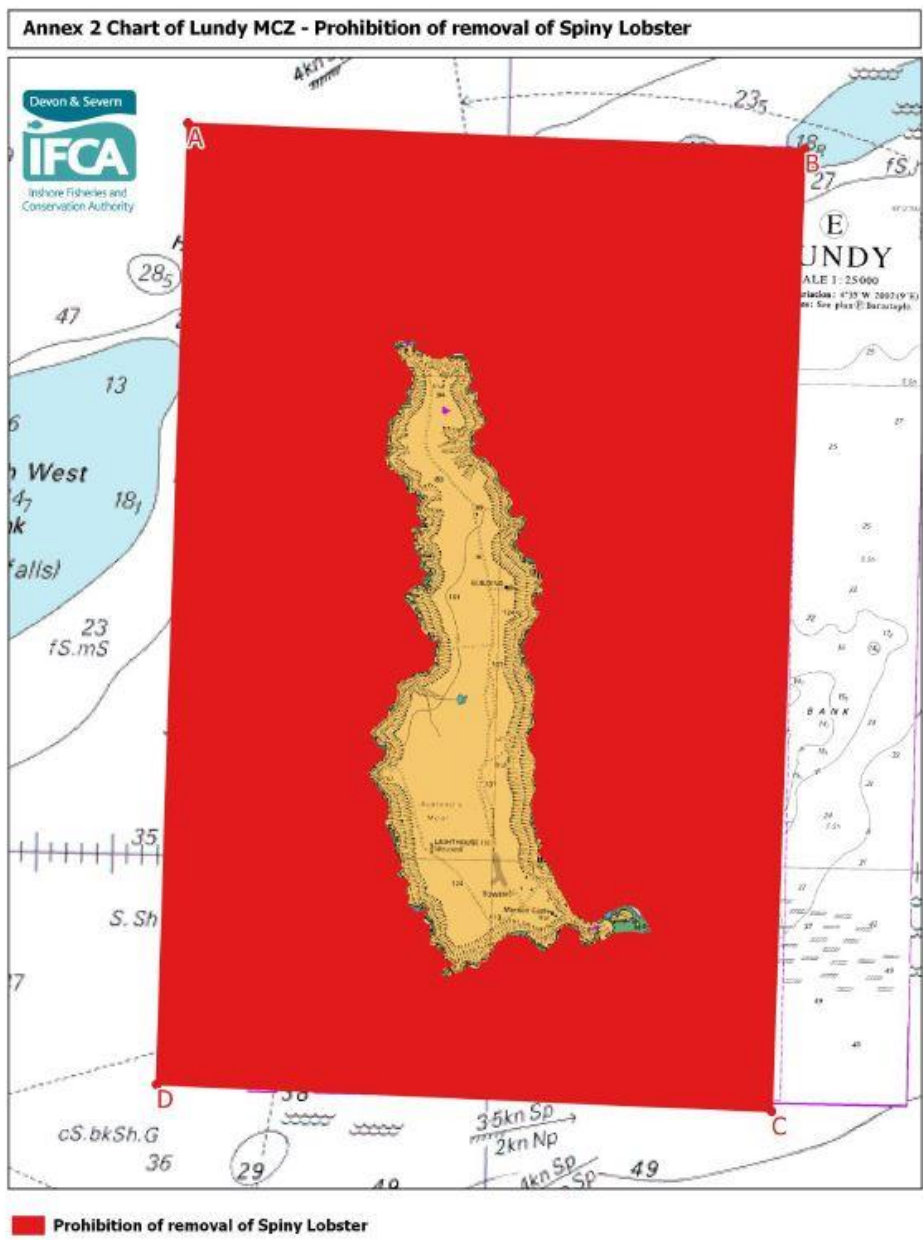
Prohibition on the Removal of Spiny Lobster from MCZ Areas

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:

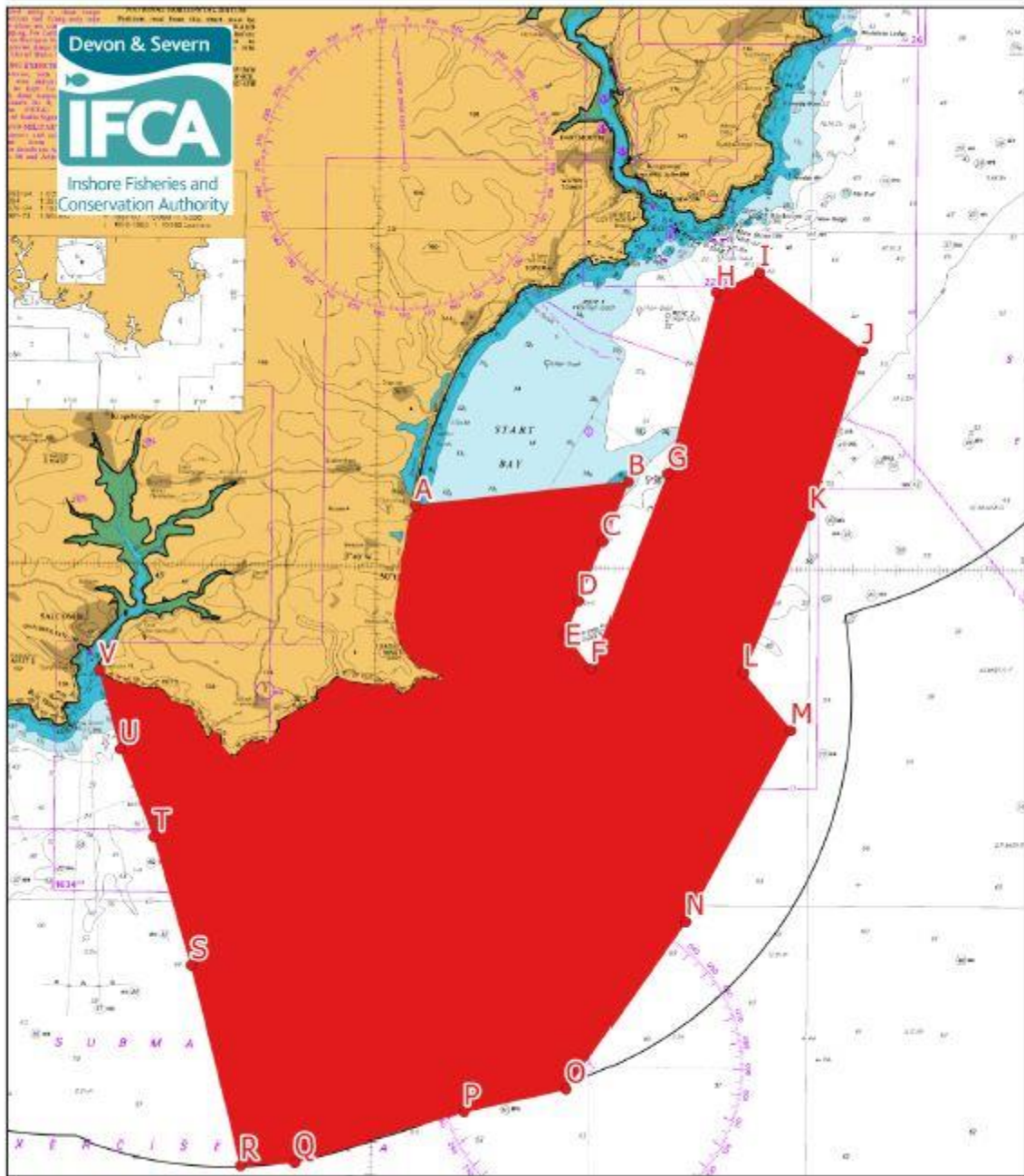
3.2 In the areas as defined by the coordinates set out in the attached Annex 2 of this permit (Lundy, Skerries Bank and Surrounds, and Bideford to Foreland Point Marine Conservation Zones), a permit holder or named representative is not authorised to remove any spiny lobster.

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.

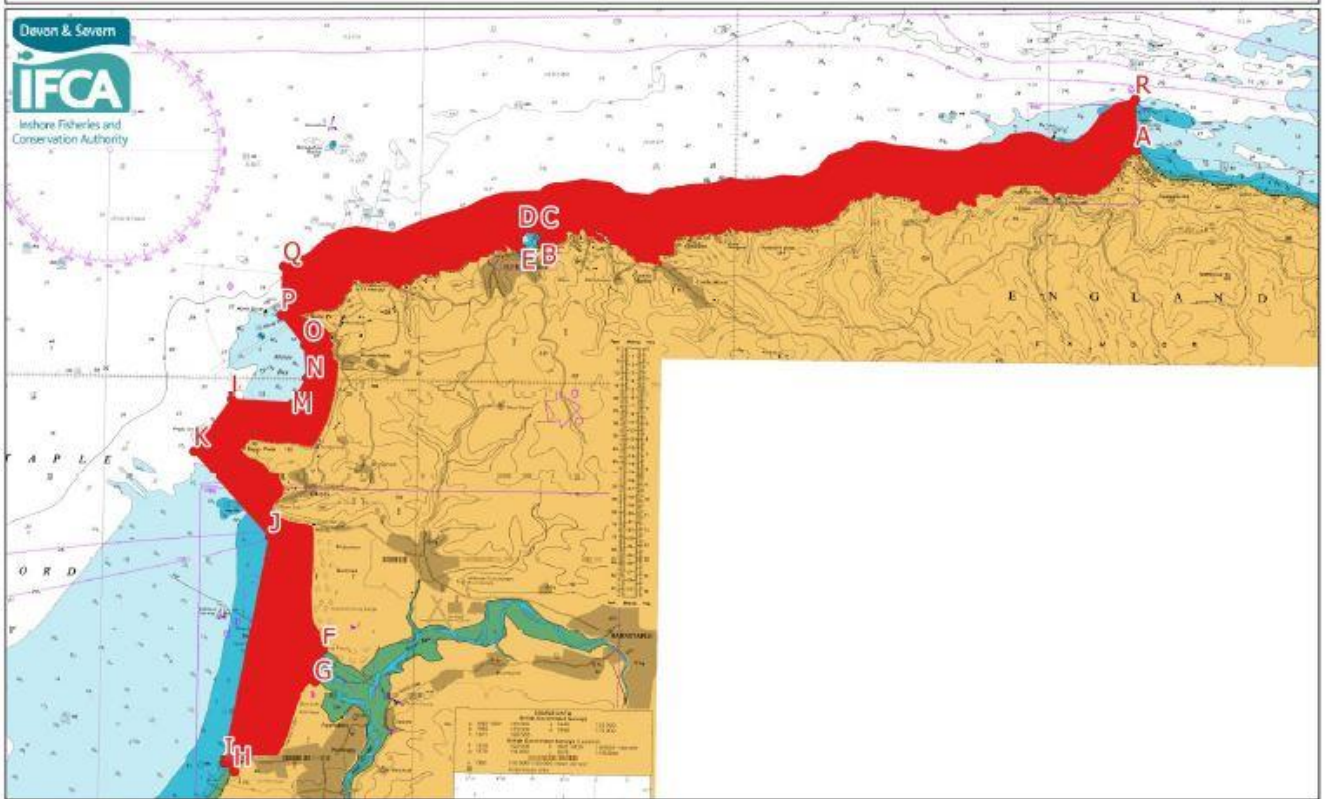


Annex 2 Chart of Skerries Bank and Surrounds MCZ- Prohibition of removal of Spiny Lobster



■ Prohibition of removal of Spiny Lobster

Annex 2 Chart of Bideford to Foreland Point MCZ - 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

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

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° 42.133'N	003° 3.354'W
B	50° 42.133'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

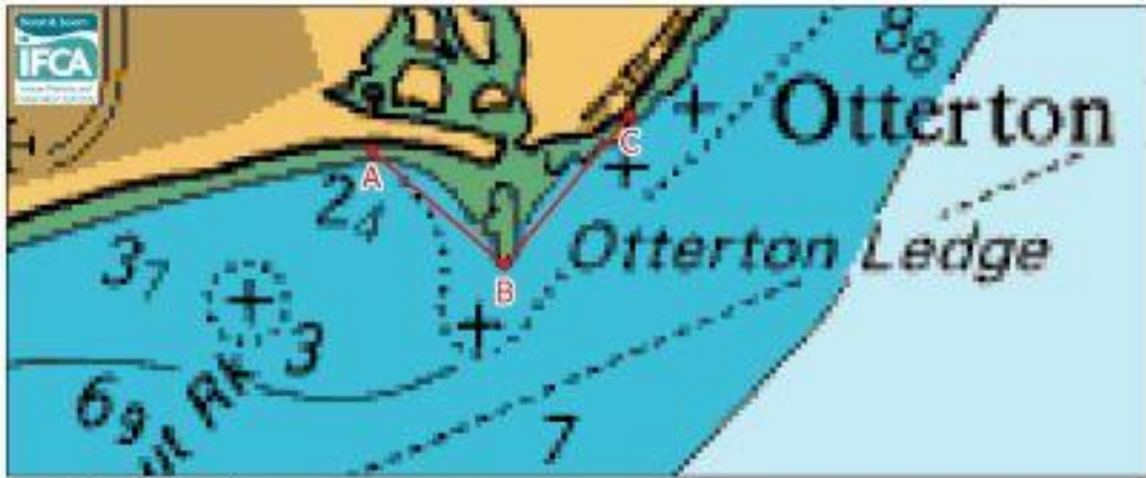


— Estuary Closing Line

River Sid closing line latitude and longitude positions:

Point	Latitude	Longitude
A	50° 40.726'N	003° 14.054'W
B	50° 40.733'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



— Estuary Closing Line

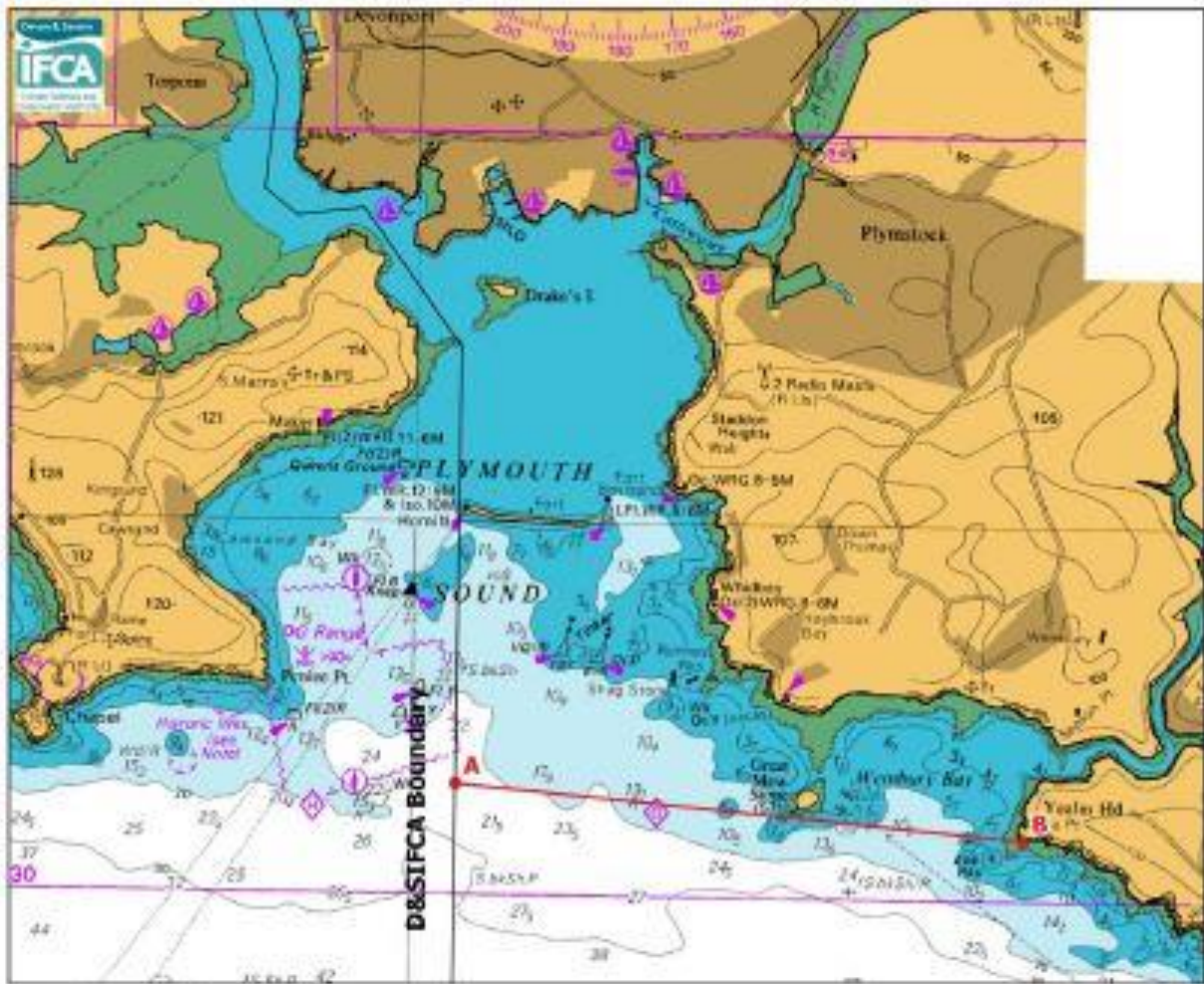
River Erme closing line latitude and longitude positions:

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° 49.738'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 (DSIFCA Boundary)	50° 18.484'N	004° 09.600'W
B (Yealm Head)	50° 18.192'N	004° 04.458'W

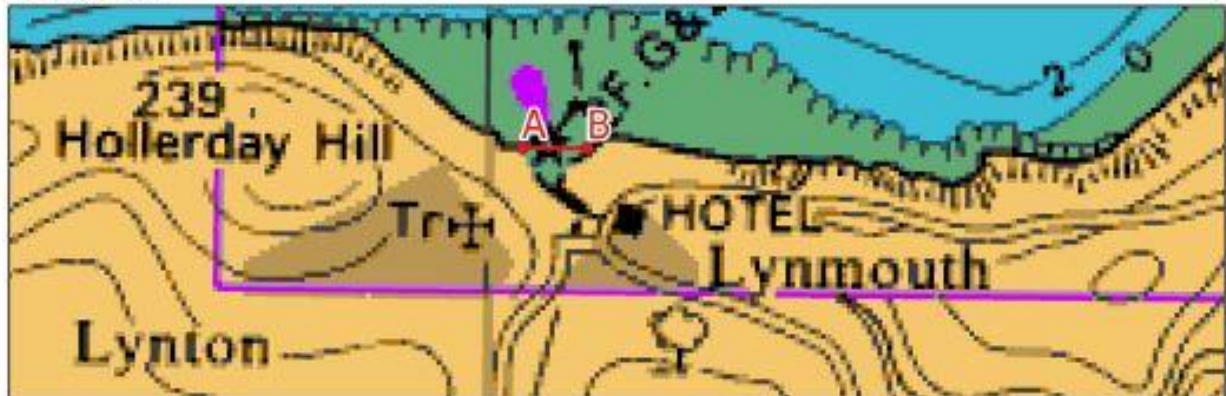
Annex 3 Chart of River Taw and River Torridge closing line - No access to the use of pots with an opening of less than 85mm otherwise in accordance with paragraph 2.2 a & b of the Potting Permit Conditions



— 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

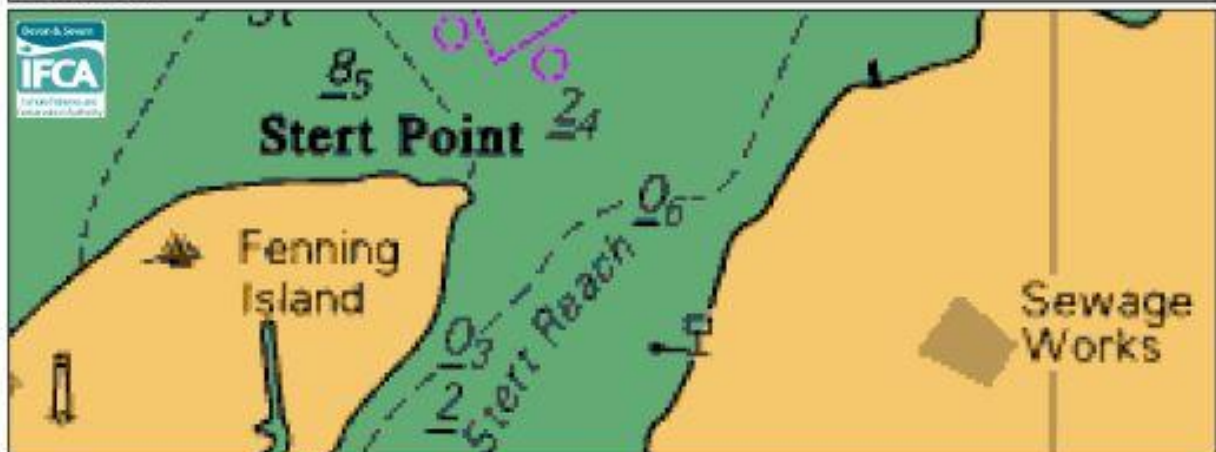


— Estuary Closing Line

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

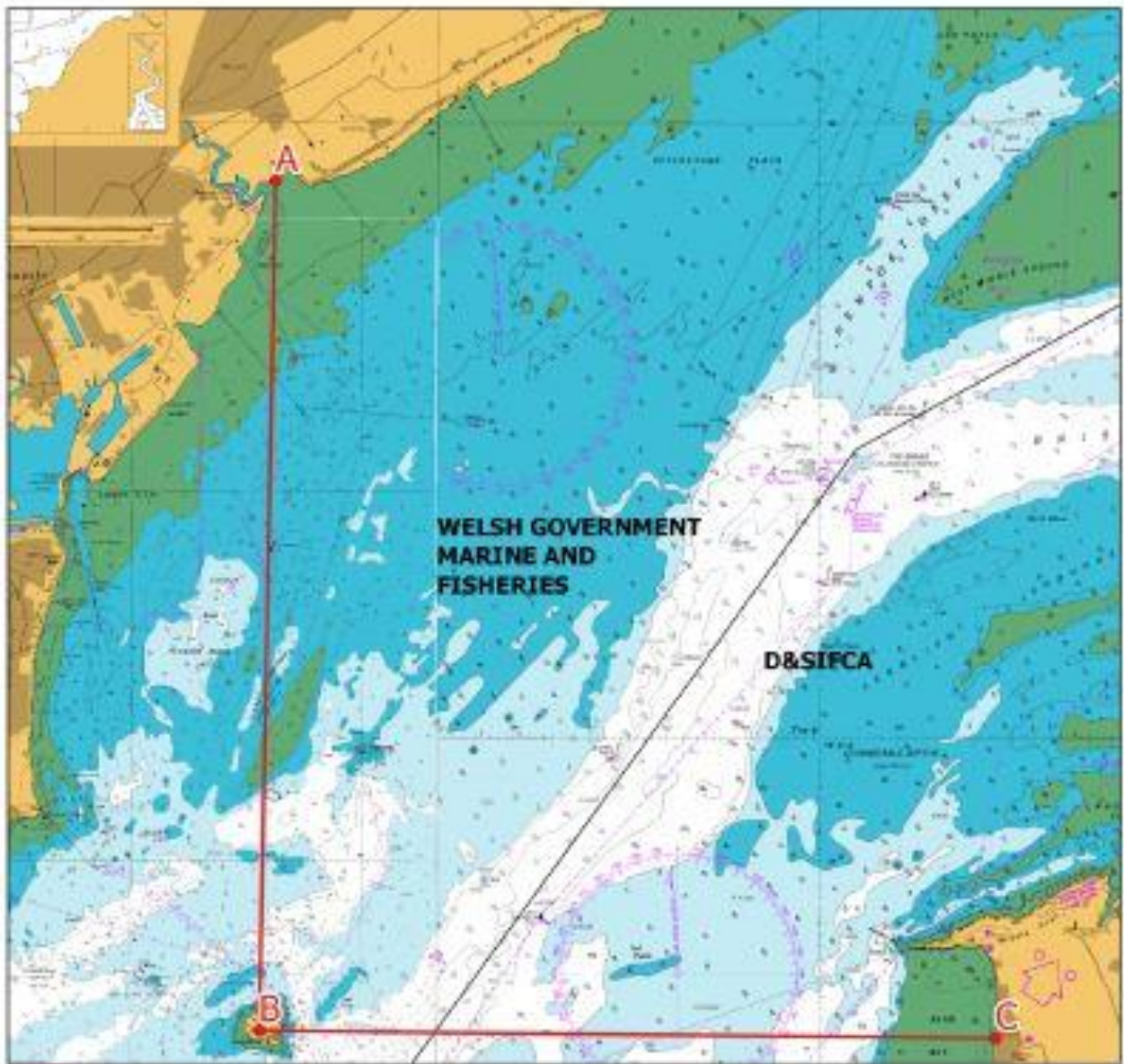


— Estuary Closing Line

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° 29.333'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° 22.352'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:

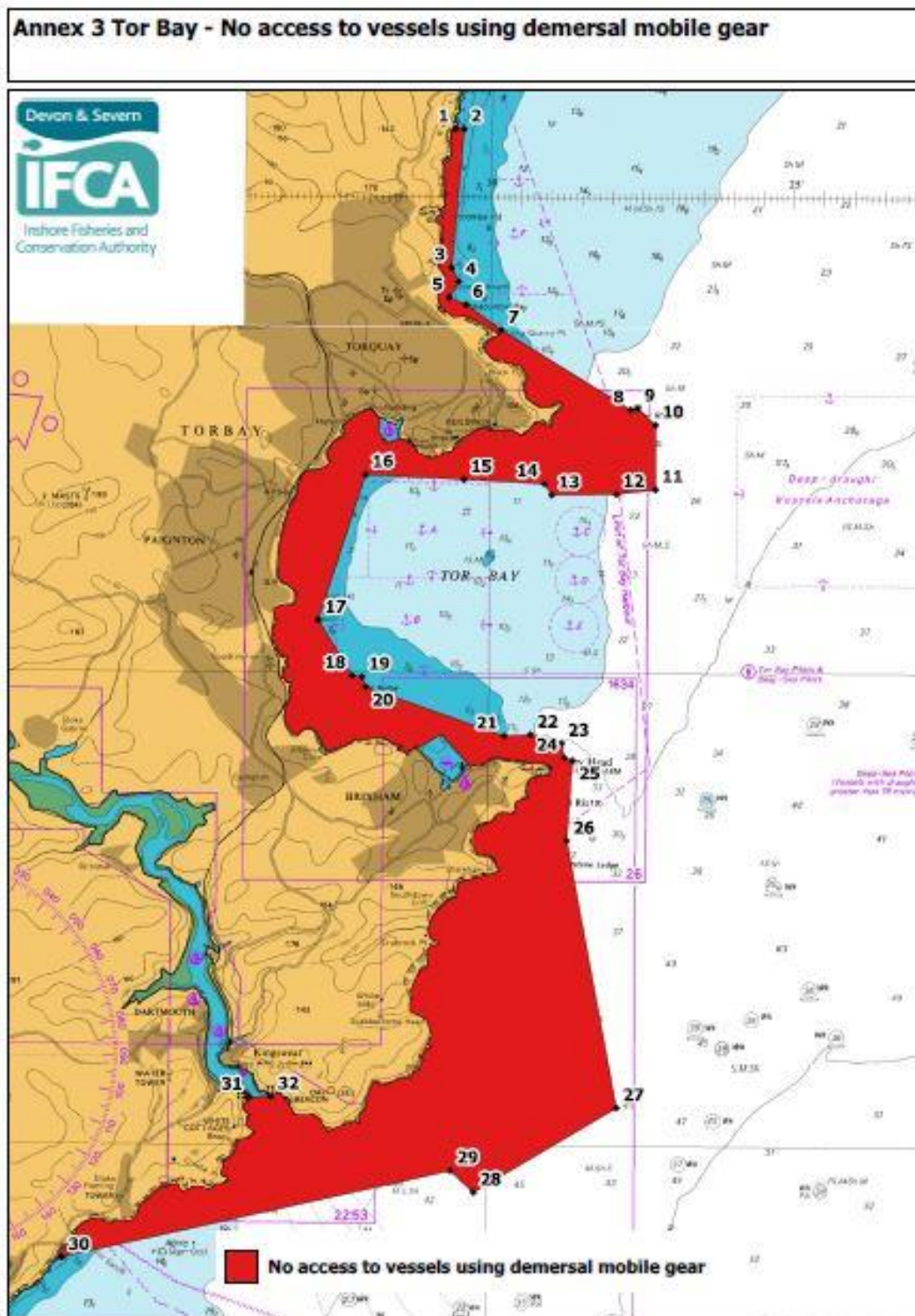
- 3.3** *In the areas as defined by the coordinates set out in the attached Annex 3 of this permit (which includes the Torbay section of the Lyme Bay and Torbay Site of Community Importance, the Torbay Marine Conservation Zone, and part of the South Devon Inshore Fishing Grounds known as the Inshore 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:

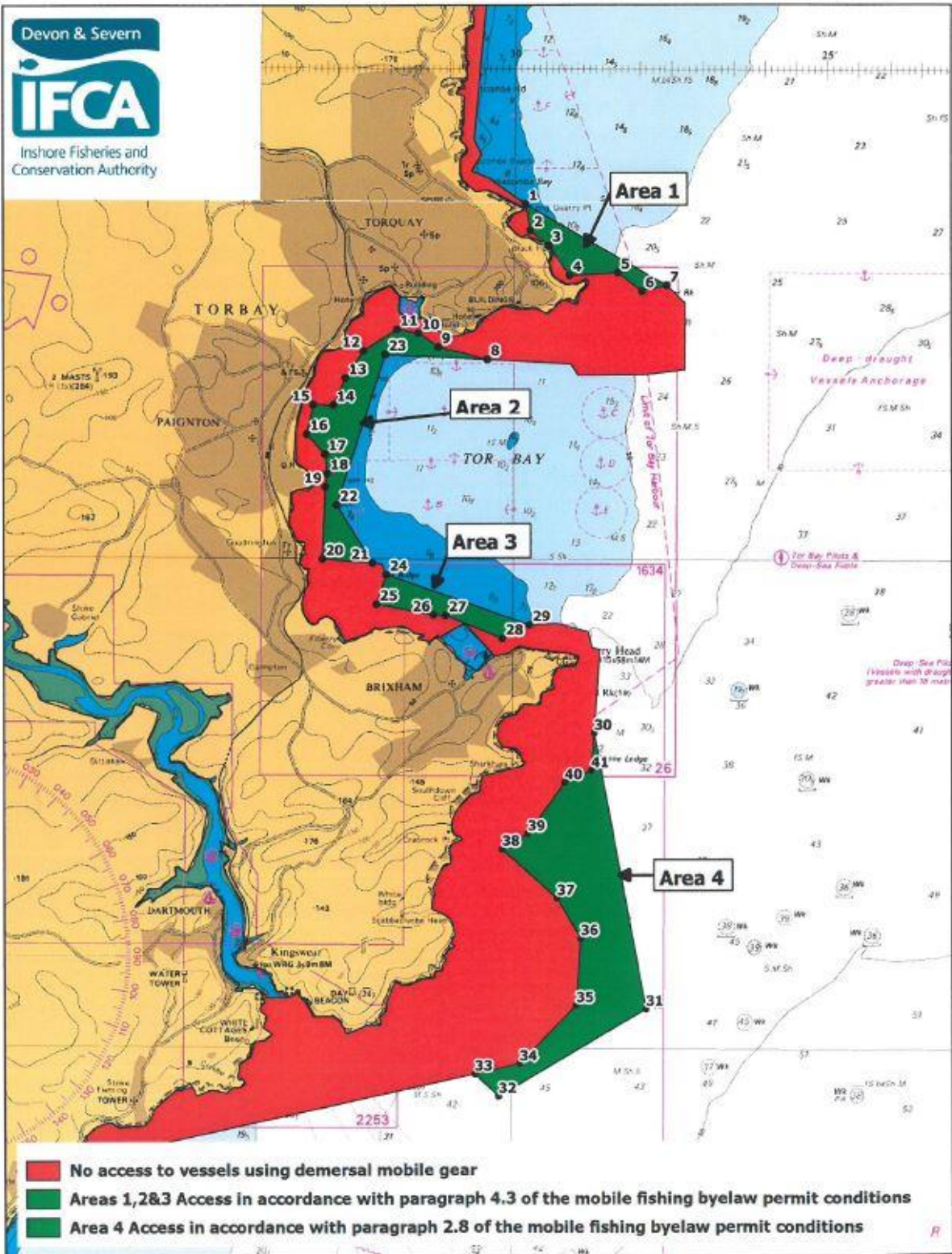
- 2.8** *Within the access Area 4 as defined by the coordinates set out in Annex 3a and 3b (part of the South Devon Inshore Fishing Grounds known as Inshore Potting Agreement Areas), a permit holder or named representative is not authorised under the permit to use demersal mobile fishing gear unless;*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

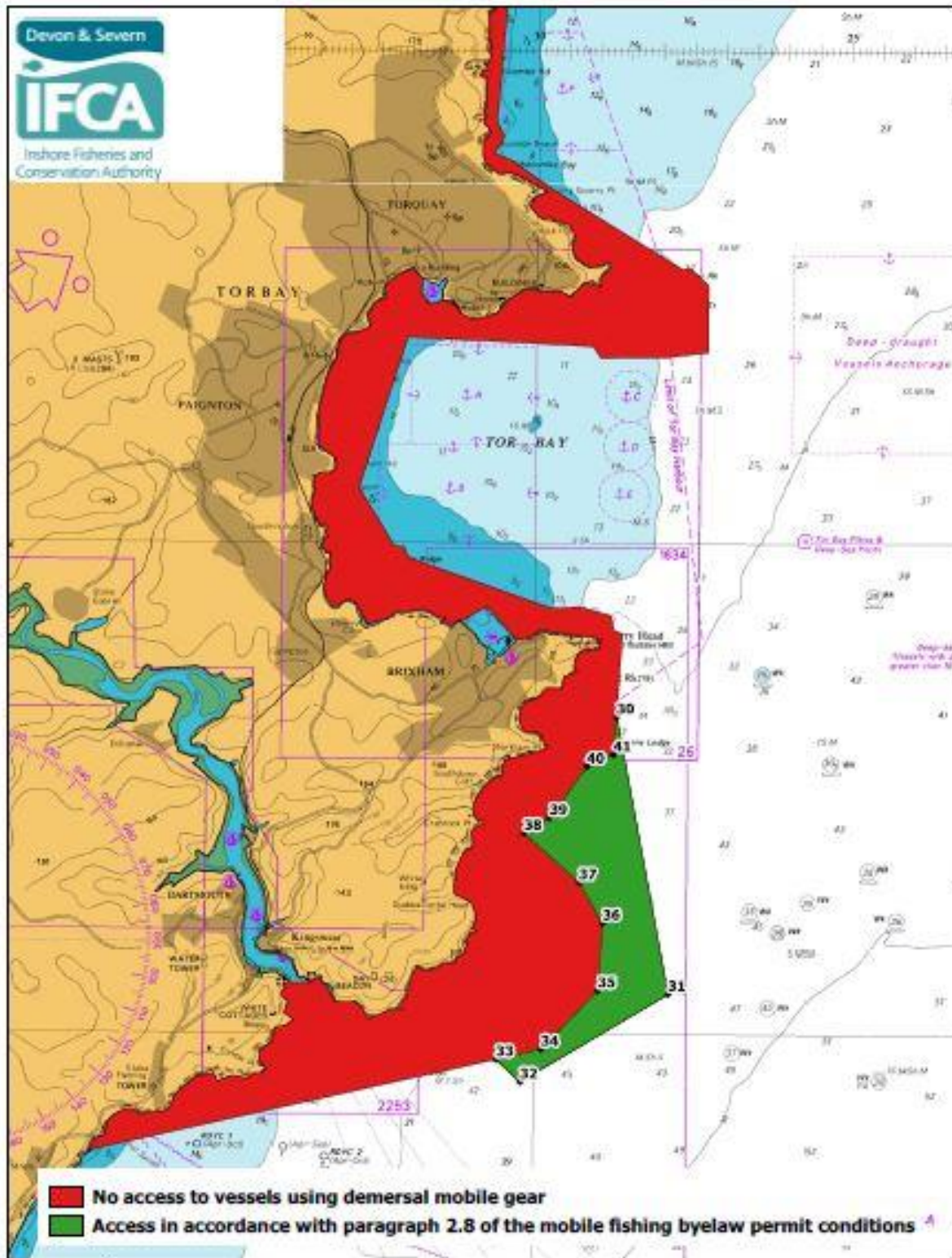
- 4.3 A permit holder or named representative is only authorised to use demersal trawl gear within the Areas 1, 2 and 3 as defined by the coordinates set out in the attached Annex 3a between 1st April and 30th June (inclusive).



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.*

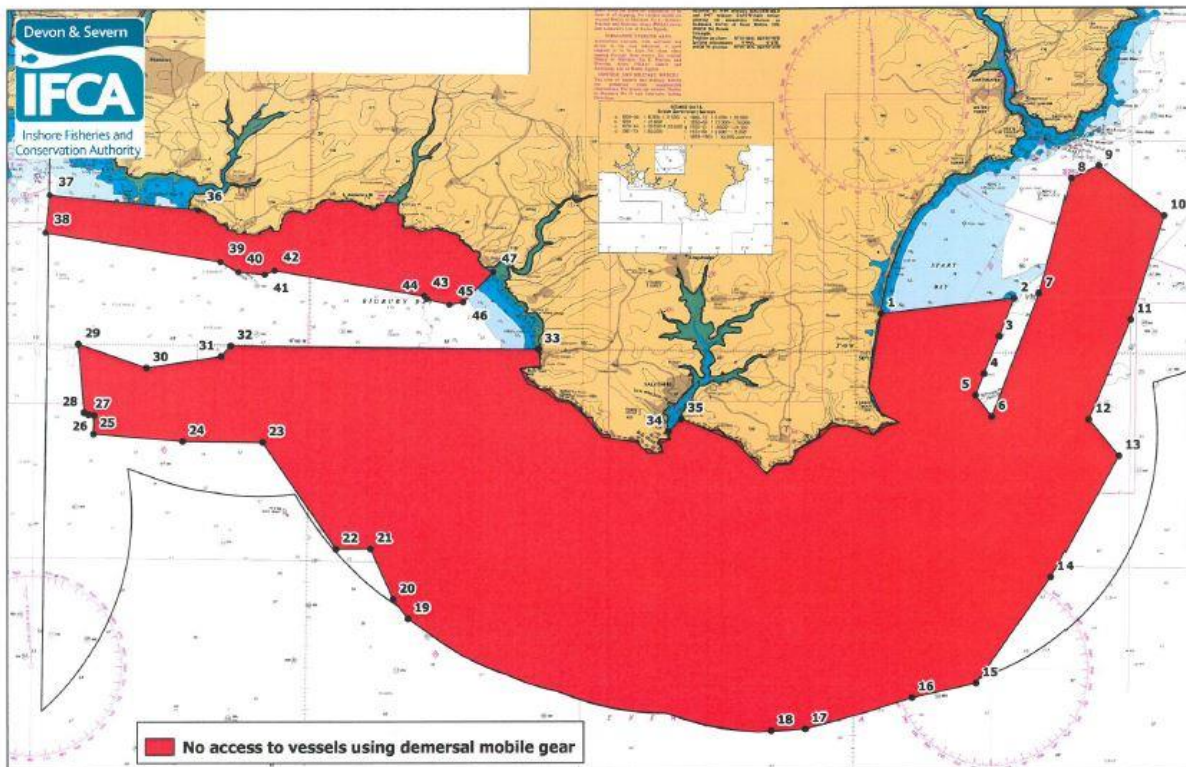
Paragraph 3.5 of the mobile fishing permit condition is linked to the time restriction 4.5 shown below which includes the Table 2 (dates):

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).

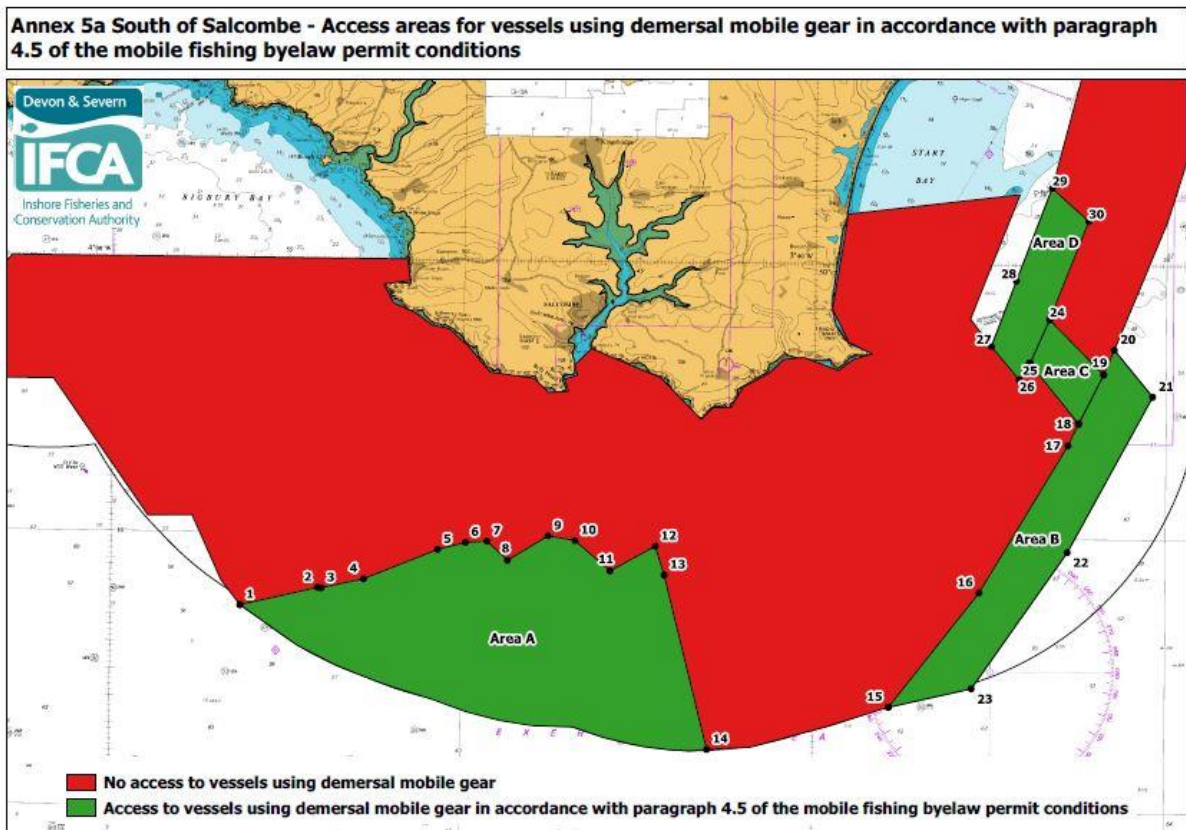
Annex 5a demonstrates the areas that have limited access subject to the dates that appear as part of the present IPA conditions, which have been replicated in the permit conditions set out in paragraph 4.5 (table 2).

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

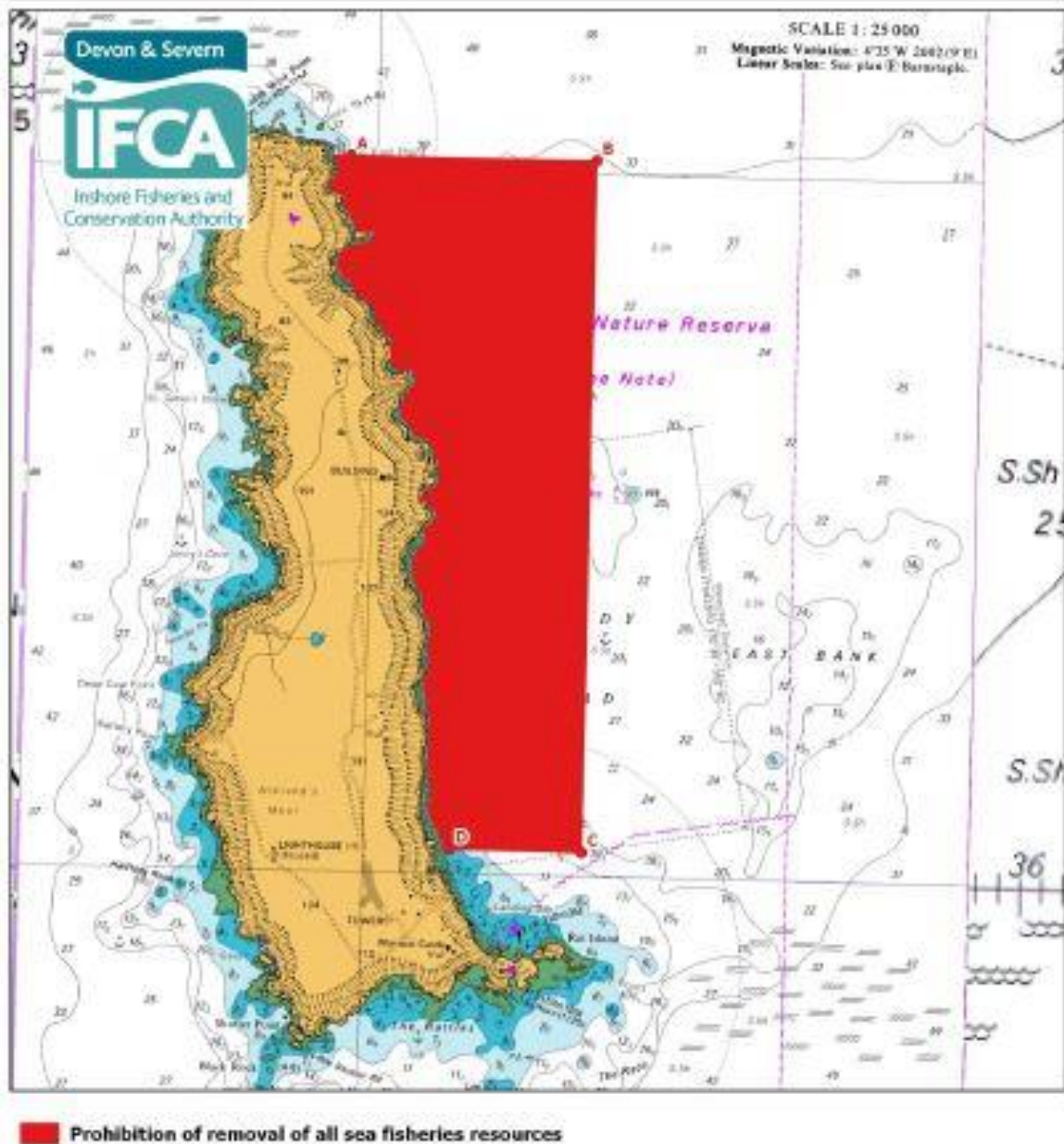
The coordinates and the Annex 4 chart are shown below.

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

Latitude and Longitude positions

Point	Latitude	Longitude
A	51 ⁰ 12.040'N	004 ⁰ 40.120'W
B	51 ⁰ 12.040'N	004 ⁰ 39.000'W
C	51 ⁰ 10.070'N	004 ⁰ 39.000'W
D	51 ⁰ 10.070'N	004 ⁰ 36.600'W

Annex 4 Chart of Lundy No Take Zone - 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.

Your Response

As explained, all stakeholders, regardless of interest or fishing sector have the opportunity to respond to the consultation. The consultation will begin on 31st January 2018 and end on 14th March 2018.

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 appointment³ to discuss the consultation items.

³ Telephone session, or personal interview with an officer

Contact details



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Brixham
Devon
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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

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 the overarching development report. Personal data will not be held for longer than necessary. We may disclose your information if required by law.

End of report extract.