



# Mobile Fishing Permit Byelaw

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## Development Report for Additional Changes to Permit Conditions



**Final phase consultation –**

**Extract from the Development Report, Focussed Consultation Items  
and Permit Condition Proposals**

**3<sup>rd</sup> edition – 15<sup>th</sup> January 2018**

## Introduction

This information focusses on the “identified” consultation items only. This information is an extract from the overarching report – Mobile Fishing Permit Byelaw – Development Report, Focussed Consultation Items and Permit Condition Proposals (3<sup>rd</sup> edition 15<sup>th</sup> 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 mobile fishing activity**
- **Sets out the focussed consultation items for the 2<sup>nd</sup> phase consultation**
- **Documents the findings of the consultations and the evidence used for decision making**
- **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?**

- **Managing the South Devon Inshore Fishing Grounds (known locally as the Inshore Potting Agreement Areas (IPA))**
- **The proposed permit conditions for the use of Inshore Vessel Monitoring Systems (I-VMS)**
- **Permit conditions to replace a reliance on the Deeming Clause**
- **The introduction of the size of a scallop (and other species) as a permit condition**
- **Managing access in the District for ring netting activity**

*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 31<sup>st</sup> JANUARY 2018 AND END ON 14<sup>th</sup> 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 appointment<sup>1</sup> to discuss the consultation items.

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<sup>1</sup> Telephone session, or personal interview with an officer

## The Consultation items

In order to introduce changes in the proposed management of mobile fishing activity, the current mobile fishing 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 the implications that they have, explanations (*in bold blue italics*) has been provided for each of the items.

### 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 Marine Management Organisation (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:***

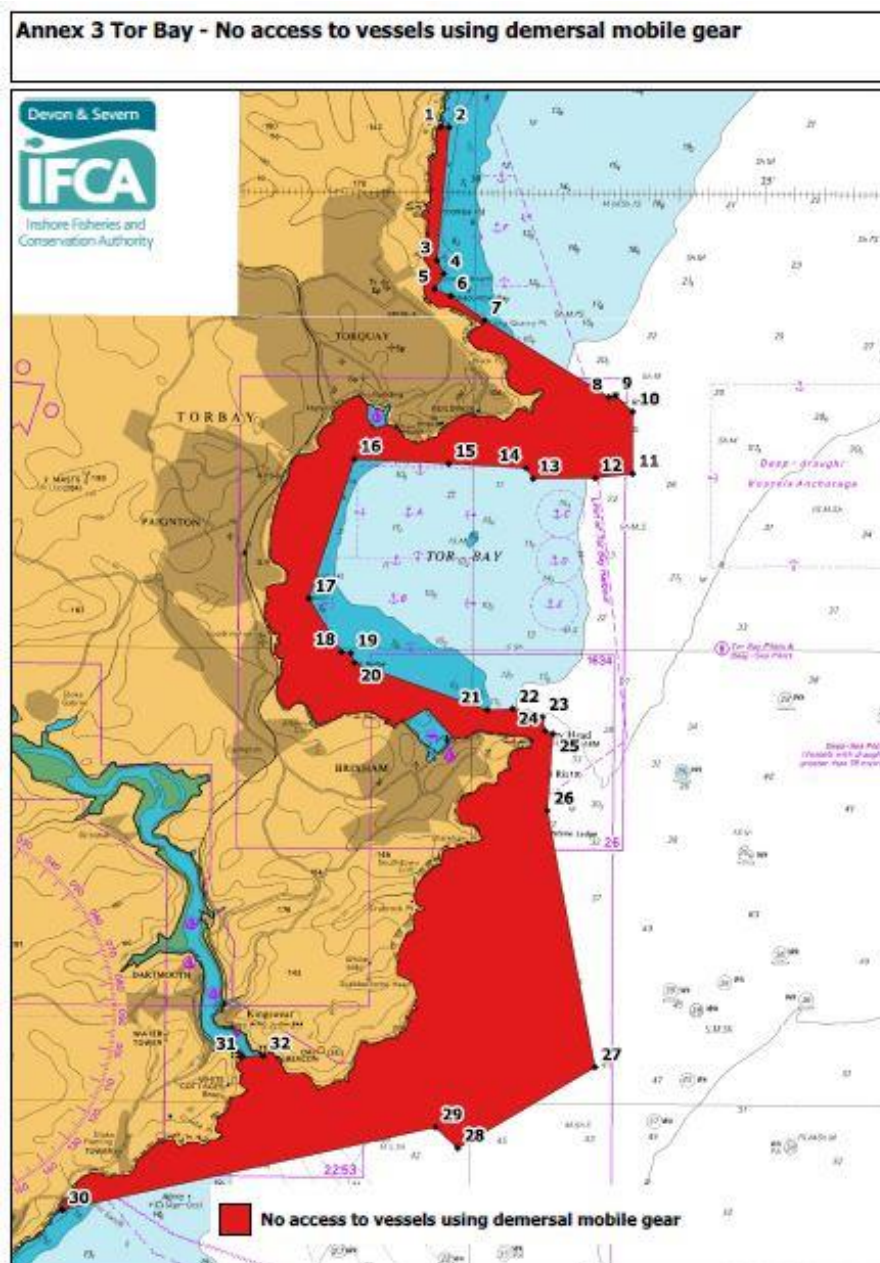
- 2.8 *Within the access Area 4 as defined by the coordinates set out in Annex 3a and 3b (part of the South Devon Inshore Fishing Grounds known as Inshore Potting***

**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 1<sup>st</sup> April and 30<sup>th</sup> June (inclusive).**

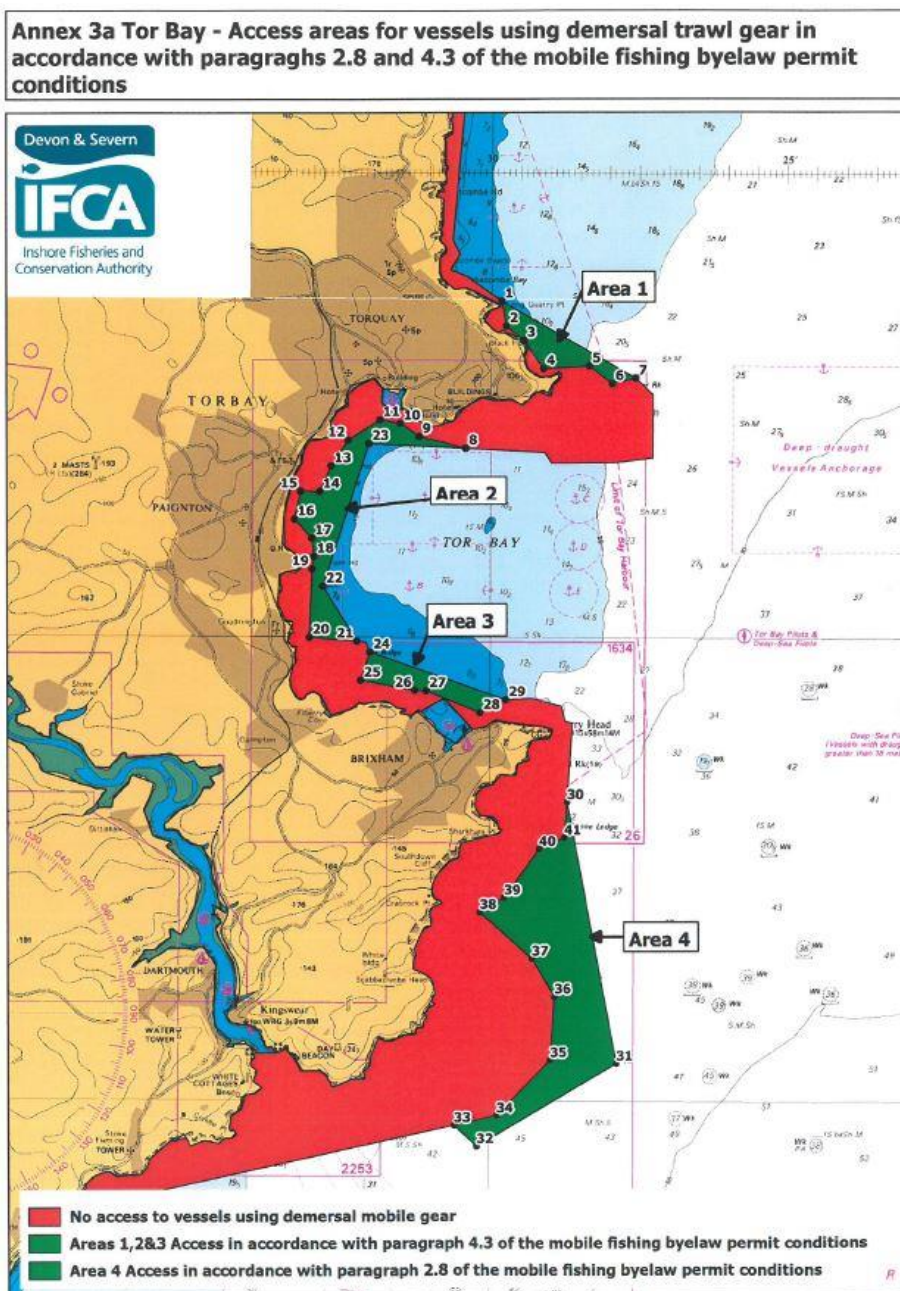




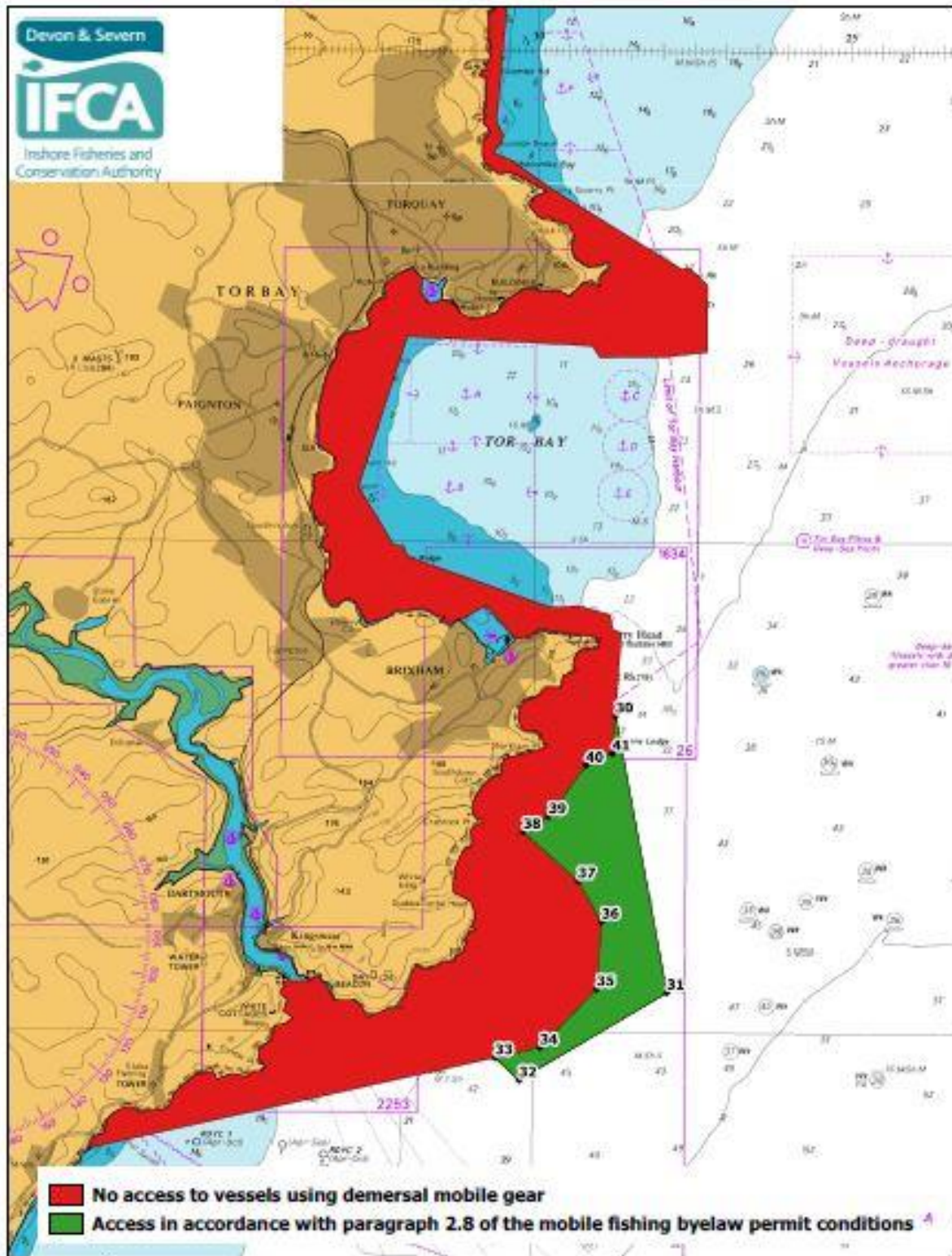
## Explanation

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.



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





*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.*

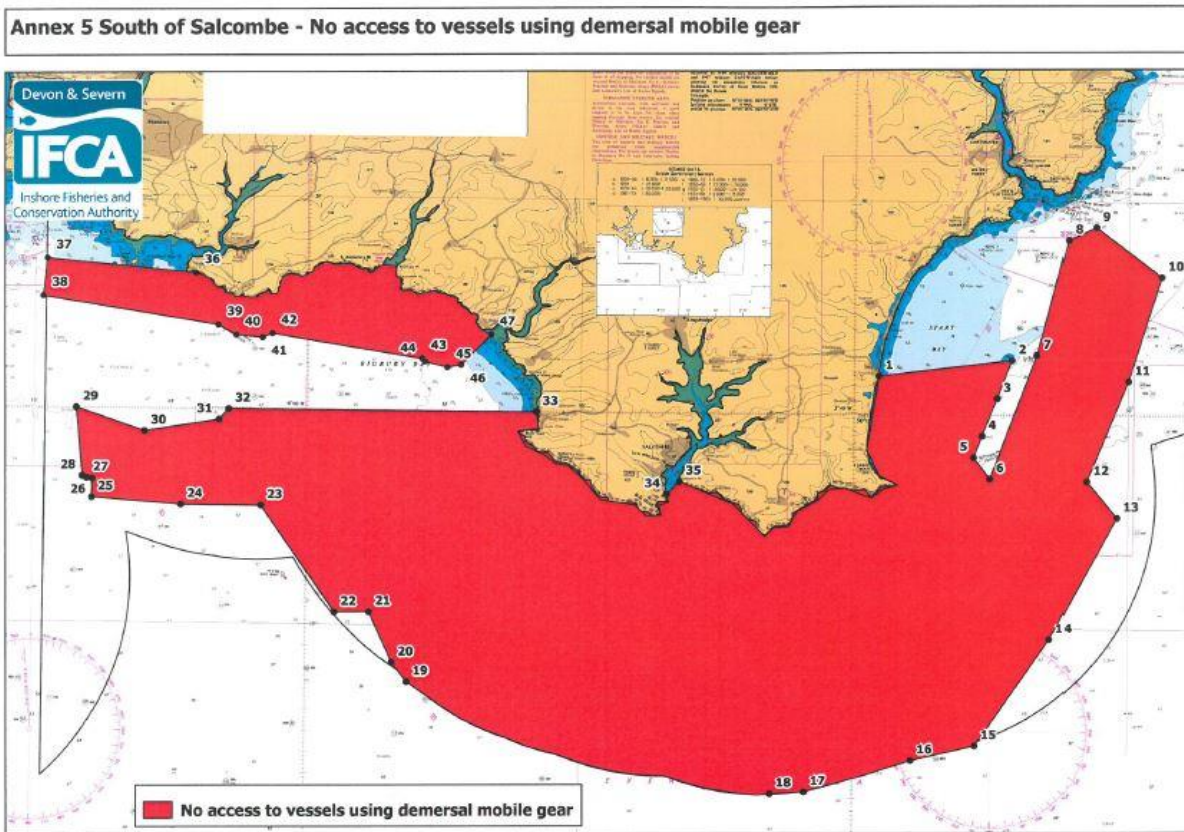
*Paragraph 3.5 of the mobile fishing permit conditions is linked to the time restriction 4.5 shown below which includes Table 2 (dates):*

**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 <sup>st</sup> Jan to 31 <sup>st</sup> May inclusive
5a	Area B	1 <sup>st</sup> Jan to 31 <sup>st</sup> March inclusive
5a	Area C	1 <sup>st</sup> March to 31 <sup>st</sup> March inclusive
5a	Area D	1 <sup>st</sup> Feb to 31 <sup>st</sup> Aug inclusive



**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).*

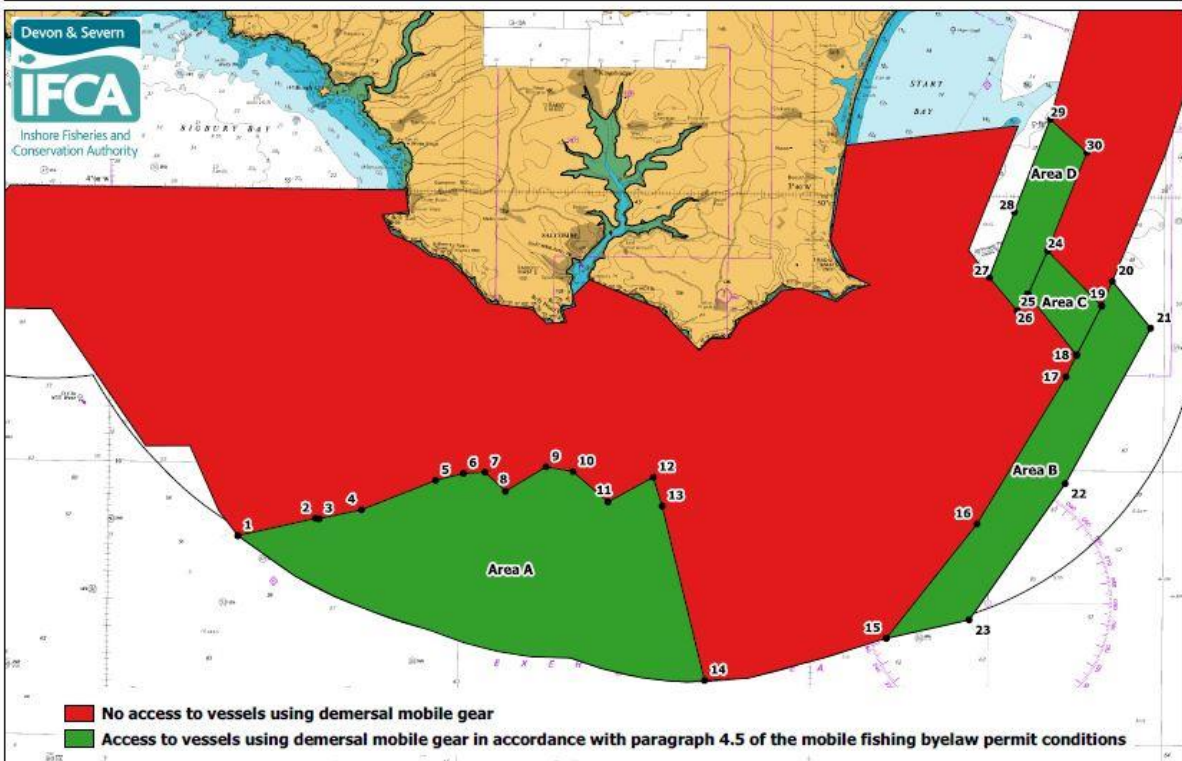


Annex 5a demonstrates the areas that have limited access subject to the dates that appear as part of the present IPA conditions, which have been replicated in the permit conditions set out in paragraph 4.5 (table 2).

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.

Annex 5a South of Salcombe - Access areas for vessels using demersal mobile gear in accordance with paragraph 4.5 of the mobile fishing byelaw permit conditions



## Permit Conditions for the Introduction of Inshore Vessel Monitoring Systems (I-VMS)

As explained in the previous consultation (11<sup>th</sup> September to 23<sup>rd</sup> October 2017), D&S IFCA has supported the development and introduction of I-VMS since 2011. Fishers have already been notified that all mobile fishing vessels are required to have I-VMS units fitted. Part 4 of this report documents more detail in regard to the rationale behind this initiative. The mobile fishing permits need to be used to set out the requirements in regard to which units are suitable to be used, how these units must function, the required reporting rates and what must happen if units fail and need repair or replacement.

### Explanation

*Firstly, the equipment and the required information needs to be defined. This is achieved by setting out the detail in the interpretations as follows:*

***“remotely accessed electronic reporting device” means one of the following devices that transmits the required information;***

- a) ***Blue Tracker I-VMS manufactured by AST Marine Services***
- b) ***SC2 manufactured by Succorfish***
- c) ***Watching Man Pro manufactured by Marine Instruments S.A.***
- d) ***VMS + manufactured by AST Marine Services***

***“required information is”;***

- a) ***a report flag to indicate that the report is the result of the Authority’s permit condition requirements and is not made under EU regulations;***
- b) ***the most recent geographical position of the fishing vessel to 5 decimal places (in WGS84);***
- c) ***date and time (in UTC) of the fixing of the most recent position;***
- d) ***the instant speed and course of the vessel (equivalent to 0.1 knots and course expressed in degrees (true not magnetic) to 0.1 degree) at the time of the report;***
- e) ***the unique serial number of transmitting device;***
- f) ***a status code;***
- g) ***a Geofence reference number***

*Four units are suitable for fitting on mobile fishing vessels (listed as a to d), and mobile fishing vessels between 12 and 15 metres will already have a VMS+ unit fitted. Having specified which units are suitable to be fitted, the restrictions for the use of the device have to be set out in the permit conditions. It is anticipated that the relevant proposed mobile fishing permit conditions would take the following form:*

### Vessel Monitoring System

- 2.5** ***A permit holder or named representative is not authorised to use a vessel between 6.99 metres and 15.25 metres within the District unless a fully functioning, remotely accessed electronic reporting device is on board the vessel at all times and where the required information is;***

- a) *transmitted at least every three minutes whilst the vessel is inside a restricted access area as defined by the coordinates set out in the attached Annexes 1 to 7 (inclusive);*
- b) *transmitted at least every ten minutes when the vessel is not within the areas as defined by the coordinates set out in the attached Annexes 1 to 8 (inclusive).*

#### **Vessel Monitoring System - Failure of device**

**2.6** *If the remotely accessed electronic reporting device installed pursuant to paragraph 2.5 above, has failed to transmit the required information, for whatever reason, a permit holder or named representative must;*

- a) *if at sea, immediately cease fishing and return to one of the areas as defined by the coordinates set out in the attached Annex 8 or leave the District;*
- b) *if in an area as defined by the coordinates set out in the attached Annex 8, remain there.*

**2.7** *If as a result of a failure to transmit the required information and in compliance with paragraph 2.6, the vessel is in one of the areas as defined by the coordinates set out in the attached Annex 8 or has left the district, the vessel is not authorised to leave these areas or sail in the district unless;*

- a) *the remotely accessed electronic reporting device has been repaired or replaced by the remotely accessed electronic device manufacturer's approved engineer to meet the requirements specified in paragraph 2.5.*

**2.7.1** *Where a vessel has returned to one of the areas as defined by the coordinates set out in the attached Annex 8 a written permission may be issued by the Authority to proceed to a place in order for a repair to the remotely accessed electronic reporting device to be effected.*

**2.7.2** *Where a remotely accessed electronic reporting device has been repaired or replaced as required by the permit, the permit holder or named representative must provide a copy of the engineer's report to the Authority confirming that the equipment is fully operational before proceeding to sea or re-entering the District.*

#### **Further Explanation on I-VMS**

*The permit conditions refer to Annexes. These Annexes are effectively charts or a list of positions which show areas where reporting rates are different. Some areas within the District are more sensitive than others to demersal mobile fishing gear and will include all Marine Protected Areas. It is proposed that the more sensitive sites will require a position report to be transmitted every 3 minutes. The more sensitive areas will all be defined by co-ordinates and displayed in chart form as Annex numbers 1 to*



*7. Whilst at sea and within the District, the default transmission period will be every 10 minutes. Some areas within the District have been designated as areas (harbours) where there is no requirement for the unit to transmit, however the unit will still report at a much lower transmission rate to the manufacturer if a power supply is connected. These (harbour) areas have been labelled as Annex 8 and are the places within the D&S IFCA District where repairs or replacement of devices can take place. Charts have not been used to demonstrate Annex 8 areas, however all of these areas are defined by the coordinates listed in Annex 8. A key question would be - are there any additional areas that should be added to the list of coordinates defining Annex 8 (harbour) areas that are set out in this consultation report?*

**Brixham** – Landward of the boundary line between points

A) 50°24.21N 003° 31.20W

B) 50° 24.34N 003° 30.78W

**Torquay** - Landward of the boundary line between points

A) 50° 27.45N 003° 31.75W

B) 50° 27.42N 003° 31.72W

**Teignmouth**- Landward of the boundary line between points

A) 50° 32.27N 003° 29.73W Ness

B) 50° 32.50N 003° 29.77W Southern leading light

**Exmouth** - Landward of the boundary line between points

A) 50° 35.518N 003° 26.629W Langstone point

B) 50° 36.421N 003° 23.108W Orcombe point

**Axemouth** - Landward of the boundary line between points

A) 50° 42.135N 003° 03.354W

B) 50° 42.135N 003° 03.274W

**Dartmouth** – Landward of the boundary line between points

A) 50° 19.634N 003° 34.266W Coombe Point

B) 50° 20.141N 003° 32.583 Inner Froward point

**Salcombe** – Landward of the boundary line between points

A) 50° 13.444N 003° 46.915W Splatcove point

B) 50° 13.444N 003° 46.402W Limebury point

**Yealm** – Landward of the boundary line between points

A) 50° 18.749N 004° 04.139W Season point

B) 50° 18.560N 004° 04.268W Mouth Stone

**Sutton Harbour** – Landward of the boundary line between points

- A) 50° 21.58N 004° 09.82W
- B) 50° 21.85N 004° 07.49W

**Tamar** – Landward of the boundary line between points

- A) 50° 21.76N 004° 10.12W
- B) 50° 21.58N 004° 10.04W

**Taw Torridge** – Landward of the boundary line between points

- A) 51° 02.62N 004° 14.27W
- B) 51° 07.04N 004° 13.47W

**Ilfracombe** – Landward of the boundary line between points

- A) 51° 12.64N 004° 06.68W
- B) 51° 12.58N 004° 06.50W

**Watchet** – Landward of the boundary line between points

- A) 51° 11.04N 003° 19.75W
- B) 51° 11.00N 003° 19.68W

*It is expected that the units will be robust and not subject to regular failure as all units have been tested as part of the National type approval process. Owners of the device will have to arrange their own maintenance contracts with suppliers. If a unit does fail when at sea the vessel must either return to a port within the District to arrange repair or leave the District.*

*For vessels that have a home port in the District, it is envisaged that the only option is for that vessel to return to a port within the District. This is because once notified of a failed unit, the vessel is not permitted to sail in the District until the unit is fully functioning again.*

*Vessels that do choose to leave the District because of a unit failure and then re-enter the District (even to return home) would be sailing in the District without a fully functioning unit and therefore would not comply with the permit conditions.*

*Repairs to the device must be conducted by the manufacturers' approved engineers either in one of the areas (harbours) set out in Annex 8 of the permit conditions or in a place that is not within the District. It is expected that manufacturers will use a wide range of local engineers, following the initial installation of units to deal with any necessary repairs.*

*Permission may be granted by the Authority for a vessel to sail within the District without a fully functioning, remotely accessed electronic reporting device to another place for the sole purpose of allowing a repair or replacement to take place.*

*When repairs are complete a copy of the engineer's report must be received before the vessel will be able to fish again in the District. A photograph of the engineer's report taken with a digital camera or smartphone would be evidence of a suitable repair. This photograph could either be e-mailed to the Authority or sent to the Out of Office Duty Phone Number. The vessel would then be able to sail in the District.*

*Data transmitted by the units would not be routinely stored by D&S IFCA. This information would be held with the manufacturer or the National Vessel Monitoring system hub, managed by the MMO. However, D&S IFCA will require permit holders to allow the Authority and other regulators to have access to the vessel monitoring data. D&S IFCA will enter into a contract with the manufacturer to have access to this data.*

*D&S IFCA will use paragraph 16 (all permit holders shall provide any relevant fisheries information) of the Mobile Fishing Permit Byelaw, as a means to formally obtain the vessel monitoring data. Permit holders will be required to demonstrate their consent to this requirement by agreeing to the relevant conditions as set out in the Mobile Fishing application form. There will be a requirement for the modified application forms to be completed at the time of installation. Current permit holders operating vessels 12 metres and over who wish to continue to fish in the D&S IFCA District will be sent the necessary forms.*



## **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 have 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 the new format would be largely based on the newly developed Netting Permit Byelaw<sup>2</sup> permit conditions.

A new catch restriction would be introduced that would link to the list of species that would now appear in the mobile fishing permits. It is anticipated that the amended relevant proposed mobile fishing permit conditions would take the following form:

### **1. Catch Restrictions**

***As provided by paragraph 22 (a) of the Devon and Severn IFCA Mobile Fishing Permit Byelaw 2013, 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 1.3 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, lobster or spiny lobster which is detached from the carapace of the crab or lobster;***
  - d) any edible crab, 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 4.4 applies;***

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<sup>2</sup> Awaiting confirmation

- 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 mobile fishing permit conditions introduces a species list and the paragraphs that link to this species list. 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 mobile fishing vessel cannot fish within the District with a lobster of less than 90mm on board or a collection of crab claws and remain compliant with the permit conditions.*

*A vessel issued with a mobile fishing 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 Mobile Fishing Permit Byelaw. Background information relating to the deeming clause is included in Part 4 of this report.*

## **Introducing the Size of a Scallop (*Pecten maximus*) as a Permit Condition**

In order to introduce the size of a scallop as a permit condition, the layout of the current permit conditions would need to be adjusted. As good practice, D&S IFCA have 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 the new format would be largely based on the newly developed Netting Permit Byelaw<sup>3</sup> permit conditions.

A new catch restriction would be introduced that would link to the list of species that would now appear in the mobile fishing permits. It is anticipated that the amended relevant proposed mobile fishing 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 1.3 inclusive.*
- 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 4.4 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.*

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<sup>3</sup> Awaiting confirmation



**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 100mm size for a scallop is not a new restriction. This is already the minimum size of scallop that can be taken in the District. The introduction of this (and other species) in the mobile fishing permit conditions harmonises with other D&S IFCA permits issued for other fishing methods.*

*Minimum conservation reference sizes set out in a Byelaw (or permit conditions) cannot be less restrictive than National or EU sizes. They can be more restrictive to help manage or protect inshore stock.*

*This proposal to amend permit conditions to introduce the size of a scallop has the effect of including several other species at the same time.*

*A vessel issued with a mobile fishing 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.*

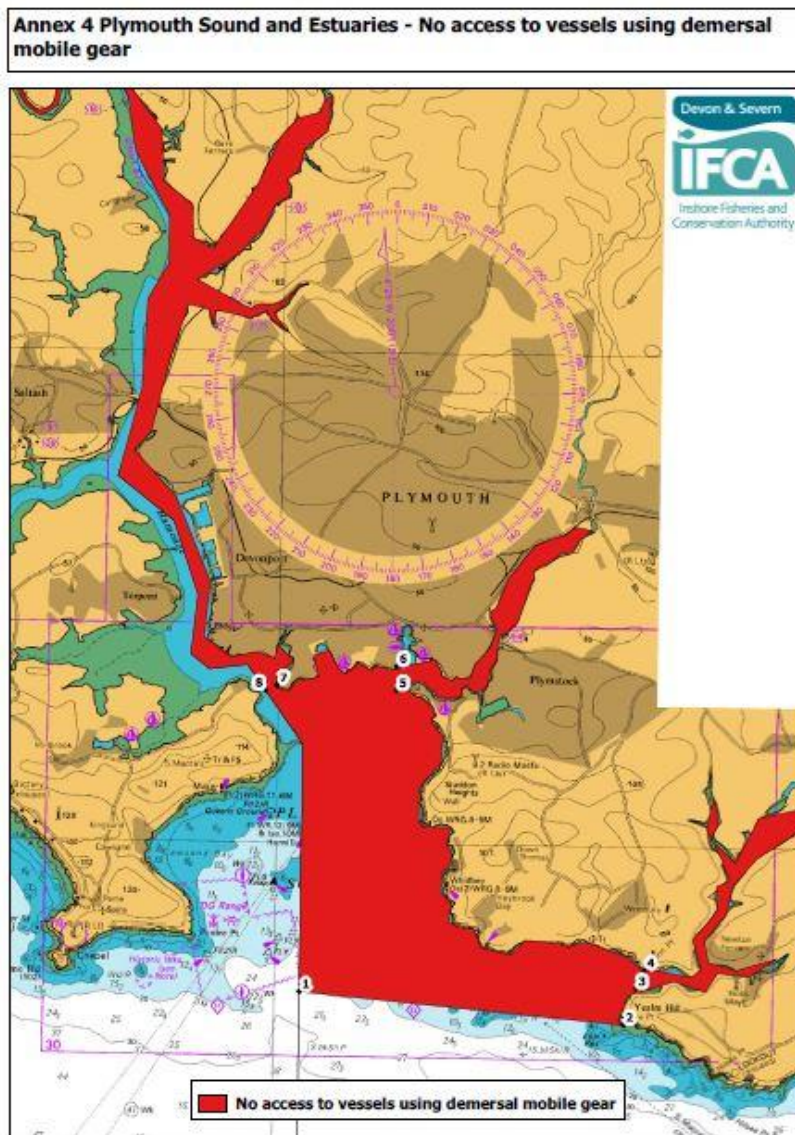
*Another key alteration above is the inclusion of paragraph 1.3.2. This permit condition does not place a new burden on fishers, rather it clarifies what the restrictions already are in regard to how different species should be measured to conform with minimum conservation reference sizes.*

## Managing Access for Ring Netting Activity within Plymouth Sound

Ring netting activity is a method that falls under the definition of mobile fishing. Plymouth Sound is closed to demersal mobile fishing methods; however, access is possible for vessels conducting ring netting activity. To help clarify what the restrictions are for this method, the proposal is to alter the mobile fishing permit conditions. It is anticipated that the amended relevant proposed mobile fishing permit conditions would take the following form:

**3.3 In the areas as defined by the coordinates set out in the attached Annex 4 of this permit (Plymouth Sound and Estuaries Special Area of Conservation), a permit holder or named representative is not authorised to use demersal mobile fishing gear except where;**

- a) **access is authorised for an encircling net where the footrope may be in contact with the seabed to be used in the area as defined by the coordinates set out in the attached Annex 4a of this permit.**

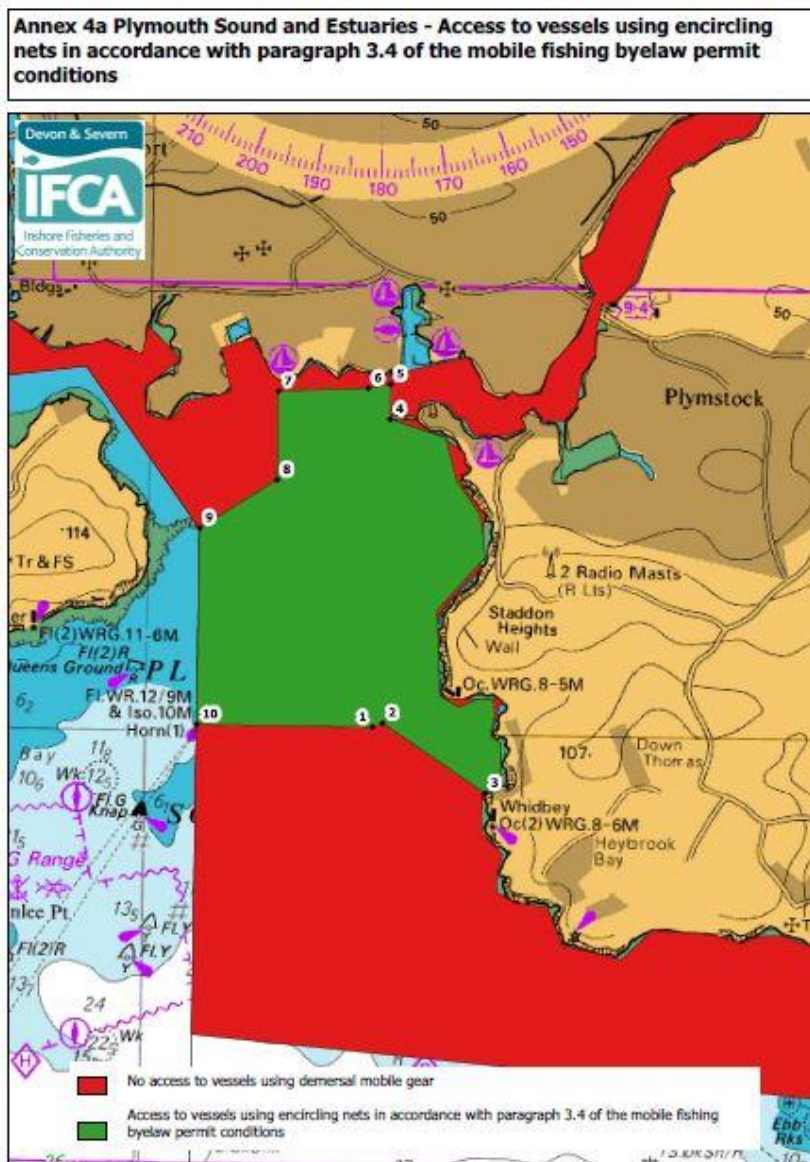


## Explanation

Annex 4 of the mobile fishing permit conditions defines where demersal mobile fishing activity is prohibited. Ring netting can be conducted in this area as demonstrated by Annex 4a, providing that an encircling net is used.

The redrafting process has identified the need to protect the designated features (reef) of the Plymouth Sound and Estuaries Special Area of Conservation from all demersal mobile fishing gears which includes encircling nets and pelagic trawls where the footrope may be in contact with the seabed.

The initial consultation did not fully define the areas where encircling nets would be prohibited due to the reef features. Annex 4a now provides addition clarity where vessels using encircling nets where the footrope maybe in contact with the seabed can operate. Exact coordinates for all Annexes are available by contacting D&S IFCA.





## 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 31<sup>st</sup> January 2018 and end on 14<sup>th</sup> 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 appointment<sup>4</sup> to discuss the consultation items.

### Contact details



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Tel: 01803 854648  
Email:  
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**You can choose to respond using the email below or on the on-line survey form on social media**

- [consultation@devonandsevernifca.gov.uk](mailto: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.

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<sup>4</sup> Telephone session, or personal interview with an officer