

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

Minutes of the Byelaw and Permitting Sub Committee Meeting
held on 11th December 2015 at Exeter Racecourse, Exeter

Present:	David Rowe (Chair)	Jim Portus
	Mike Williams	Rachel Irish
	John May	Simon Toms
	John Butterwith	David Cuthbert
	Cllr Chris Clarence	James Marsden
	Richard White	Stephen Gledhill

Also Present: Mat Mander and Neil Townsend

Apologies: David Morgan

1. Minutes of the last meeting held on 24th November 2015

As some members did not have copies of the minutes or full copies of papers with them, 5 extra copies were used at the meeting.

The minutes were read through. Officers concluded that the addition of page numbers to the minutes could prove beneficial in the future.

That the minutes be approved as a true and accurate record

Proposed: James Marsden

Seconded: Mike Williams

All Agreed

2. Business Arising

Members wished to discuss if the on-going Byelaw meetings were open or closed meetings. Previous minutes may have recorded individual names in connection with some key voting and decision making issues. Members were made aware that one member had approached the Chairman over his fears that he may be pressured and receive threats if it were known how he had voted on certain issues. Members also recognised that social media threats were also now a risk. This was seen by members to be totally un-acceptable but Members felt that it was important the process remains as open as possible, but that no individual names in relation to key voting should be placed in the minutes. Members had the choice to confirm their voting action if requested.

This was agreed by the members and resolved.

DCO Mander informed the group that during the pre-consultation period, one response from the Wyvern Region of the Angling Trust had been missed from the summary. This response was circulated to members and they were asked their opinion on this response and also if it should be taken into account. DCO Mander suggested to members that it should be considered given that the purpose of the first phase of pre-consultation was to gather as much general information as possible. David Rowe explained he had a declared interest, so felt unable to comment. Other members discussed if this response should be included and examined in the same manner as all the other responses.

All members agreed to study the content of this response and take it into account during the on-going decision making process.

3. **Management of coastal netting – Officers’ proposals**

The group expressed their thanks to all the officers involved in the creation of the minutes and the background papers, as they felt they were well presented and informative.

DCO Mander began to provide some background to the discussion paper. The paper set out options for management with the 1st section (annex 1) detailing early proposals on how to potentially separate coastal areas from the estuarine areas.

DCO Mander explained that where possible, existing Bass Nursery Area closing lines had been used in the (annex 1) charts. Additional discussion was invited on the suitability of this early proposal. It was explained that the use of new closing lines and possibly the use of outer headlands was seen to have potential to define certain estuaries, with the Taw Torridge shown as one key example.

Members had some mixed views concerning proposed boundaries in particular the Taw Torridge Estuary, the Severn Estuary and the Plymouth Area. Before continuing to discuss areas in more detail the group felt that the overall management principle in relation to coastal netting should be discussed and agreed.

DCO Mander presented the officers’ view that coastal netting should be managed via a permitting byelaw with (at least) the current existing control measures absorbed within this control mechanism. Members discussed and recognised the benefit that some voluntary measures provide, but felt that this option should not be seen as a substitute for a byelaw. The flexibility that a permitting byelaw offers was recognised by the members with a generally accepted view that this mechanism provides the tool for effective management, even though all the specific detail (control measures) will need additional consideration and discussion. The Chair asked the members to vote in regards to the overall management option.

That a permitting Byelaw be used to manage coastal netting within the D&S IFCA District

Proposed: Mike Williams Seconded: Jim Portus

All Agreed

Clarification of coastal areas

DCO Mander continued to present the content of the discussion paper, again focussing on defining areas.

Discussions began with focus on the Taw/Torridge area. It was explained that in this case the previous bass closing lines had been amended with a new line created enlarging the “estuary” site. Simon Toms added his view that using new closing lines and extending areas could enhance the protection of fresh water species. This approach was seen to have some merit with potential to extend this re-defining approach to other areas. The other point of view raised was that the use of existing closing lines provides a relatively simple solution, with the added benefit that historic closing lines are relatively well understood.

Consistency with Defra was seen as a key element in the definition of areas process. The members are aware that current bass nursery areas legislation (The Bass (Specified Areas)(Prohibition of Fishing Order 1990) was being reviewed, along with the individual closing lines and any move away from this stance would need very good reasoning by the Authority.

DCO Mander also explained the proposed definition of the Severn Estuary, by referencing the chart presented in Annex 1. This proposed area has been developed from the 2010 EA byelaw. This proposed “site” would incorporate several small rivers/pills. Officer evidence at this stage suggests that commercial activity in this area is very low, but there may be some small impact on recreational activity.

The group reached an accepted view that in principle the default position at this early stage should be to adopt the bass nursery area closing lines but leave options open and continue to highlight other areas of interest in on-going consultation.

Legacy Byelaw 17 including the 3 metre headline restriction

DCO Mander moved the focus of discussion to current control measures outlined in the coastal segment of legacy Byelaw 17. This included the spatial content (Fixed surface nets areas) and also the current headline restriction (3 metres below the surface at any state of the tide). The group were reminded of the EA recommendation to potentially amend/extend the spatially controlled coastal areas and also increase the headline restriction to 5 metres.

In addition to the current restrictions, DCO Mander was able to explain the current voluntary netting restrictions within the recreational angling zones in both the North and South of the District.

Simon Toms was able to provide the other members with historical information in regards to the creation and introduction of this legacy byelaw 17 and how it’s creation interacted with the Salmon and Freshwater Act 1975 and also the Salmon Act 1986.

The members began to voice opinions on these matters with some taking the view that for completeness of process; a total coastal netting prohibition should also not be discounted at this stage, whilst also recognising the potential social and economic impact additional control measures could place on the inshore commercial sector.

Members representing the commercial fishing sector were able to draw on personal experience and provide some anecdotal evidence concerning low capture rates of Salmon with the current 3 metre headline restriction, with concerns also raised over the potential economic impact an increase to 5 metres could have.

Focus was again placed on evidence collected within the pre-consultation process. Members were in agreement that several important issues needed to be examined (including the impact on bass from on-going external review and the landing obligation legislation) in more detail, and many felt that the current evidence collected and summarised was not of the best possible quality to support key decisions at this stage.

Additional evidence and consultation

Members highlighted the need for the IFCA (whenever possible) to follow an evidence based process. The lack of detailed evidence from the commercial sector was recognised. Some members also stated that evidence should not be limited to economic data and should include other elements such as traditional practices. Members also recognised the difficulty that exists measuring the value of various types of evidence and using this to effectively balance needs and also maintain a viable industry.

Actions for officers

The members recommended that another consultation period should commence so additional evidence could be collected. The evidence collected would ideally include detail relating to the whole district, but in particular the 0-1 mile coastal areas where the impact of netting restrictions was likely to be felt most. All stakeholders would be encouraged to participate but in particular the commercial netting sector. The consultation should begin at the earliest opportunity and run for at least 28 days.

The group favoured the stance that the underlying theme of additional consultation publication material should build on highlighting current restrictions but requesting evidence to suggest why or why not additional control should be implemented via a permitting byelaw

Other key elements of the consultation/evidence collection:

- Increasing the size of current fixed net control zones
- Increasing the 3m headline restriction to a 5m headline restriction
- Limit or prohibit recreational netting
- Evidence collection relating to tradition and social importance of netting

Next phase and byelaw drafting

The members were optimistic that following a 2nd period of pre-consultation there would be more evidence of improved quality to inform the next meeting of the byelaw sub-committee.

In regards to the continuing drafting work, the Netting Permit Byelaw would be drafted by Officers with the assistance of Mike Williams and the Authority's Prosecuting solicitor. This draft would be sent to the MMO (acting in their QA role) for comment. Drafting of the management measures (Permit conditions) would be delayed until additional evidence and feedback was collected and reviewed in order for relevant content (control measures) to be included.

The chair asked members to vote on a 2nd pre-consultation approach:

That a 2nd pre-consultation period be used to collect additional evidence

1 member abstained and all other members agreed to this action

4. Any other business

Chris Clarence suggested that the IFCA has to recognise and factor in any potential difficulties in enforcing any new legislation that may be more restrictive than that currently in place.

5. Date of next meeting

It was agreed that the Members should meet prior to the next Quarterly meeting in March. The date of the next meeting was likely to be in the last week of February but will be determined by the end date of the second round of pre-consultation.