



Public Consultation on a Review of Management Measures in the Solent Bivalve Fisheries

16th March – 13th April 2018

Summary Table

Topic of this consultation	This consultation sets out proposals to (1) introduce a permit byelaw as a new governance template for the Solent bivalve fisheries, (2) consider the introduction of specific technical measures (minimum bar spacing on box dredge), (3) consider a review of the existing temporal control measure under the Solent Dredge Byelaw 2016, and (4) consider a review of the Temporary Closure of Shellfish Beds Legacy Byelaw.
Intended Audience	This is a Public Consultation and anyone with an interest in the proposals is welcome to respond.
Timescale	The Southern IFCA are undertaking a phased approach to the Solent bivalve fisheries review. As per Phase 1 objectives, Southern IFCA are seeking to introduce and review appropriate management measures facilitated via the introduction of a Permit Byelaw by the November 2018.
Body responsible	The Southern Inshore Fisheries and Conservation Authority
Purpose	This Public Consultation seeks views on Phase 1 of the Solent bivalve fisheries review. This consultation is aimed at supporting the development and appraisal of options for the management of the fisheries. The consultation is 'informal' and will be used to evaluate the need for intervention. The data gathered may be used to inform an Impact Assessment in accordance with our confidentiality policy.
Duration	Consultation start: 16th March 2018 Consultation end: 13 th April 2018.
Enquiries	During the consultation: enquiries@southern-ifca.gov.uk or telephone 01202 721373 After consultation a summary of responses will be placed on our website at www.southern-ifca.gov.uk
How to respond	Responses must be submitted by 13th April 2018 . You can respond via email to: enquiries@southern-ifca.gov.uk Written responses can be submitted to: Southern Inshore Fisheries and Conservation Authority 64 Ashley Road, Parkstone, Poole, BH14 9BN
Previous Engagement	Pre Consultation Document: January 2018 Summary of Responses Document: 5 th March 2018 Southern IFCA Solent Clam Management Plan Southern IFCA Solent Oyster Management Plan All documents are available at www.southern-ifca.gov.uk

Contents

Section 1: Introduction	4
Scope of management.....	4
What is the purpose of this consultation?	5
Your role in the consultation	5
Section 2: Questions	7
Section 3: Next steps	8
Schedule	8
Annex A: Areas which do not fall under the current remit of the Solent Bivalve Management plan	9
Annex B: Areas of on-going work which are running in parallel with the development of a Solent bivalve fishery management plan.....	9

Tables

Table 1: The phased approach to the management of the Solent bivalve fisheries	5
Table 2: Schedule for Phase I	8

Section 1: Introduction

The Solent bivalve fishery is an important and valuable fishery. Stock assessments for oysters (*Ostrea edulis*) spanning the last five years have indicated that this fishery has been in decline, as such it has been subject to a series of closures via implementation of the Temporary Closure of Shellfish Beds Legacy Byelaw, to protect the stock. More recently landing trends for manila clams (*Ruditapes philippinarum/Venerupis philippinarum*) suggest that within Solent waters there has been a decline.

In order to ensure that these fisheries recover (oysters) and remain viable (clams and other bivalve fisheries) in years to come, Southern IFCA held a pre-consultation in January 2018 to seek views on the sustainable exploration of stocks and measures that could be introduced to enhance the sustainability of the Solent bivalve fisheries.

The objectives of the pre consultation were to:

1. Explore potential ways to harmonise and amalgamate existing management measures in the Solent bivalve fisheries,
2. Seek views on the proposal to introduce a permit byelaw to enable Southern IFCA as regulators and the fishing industry as direct stakeholders to achieve bespoke and tailored governance of the Solent bivalve fisheries
3. Seek views on the sustainable exploration of stocks and measures, which could be introduced to enhance the sustainability of the Solent bivalve fisheries.

In response to the Pre-Consultation¹ the majority of respondents supported the need to review existing management measures that currently govern the Solent bivalve fisheries and additionally, supported the need for an introduction of a permit byelaw within these fisheries. As such, Southern IFCA are now in a position to progress with the development of a permit byelaw within these fisheries.

Scope of management

A number of key concerns were raised during the January 2018 pre-consultation. In response to these, this document sets out an intended phased approach to governance, which aims to provide a template to facilitate the delivery of holistic management plan within the Solent bivalve fisheries. Further details can be found in Table 1.

There were a number of concerns raised during the pre-consultation that fall outside the current scope of the Solent bivalve fisheries review. Annex A provides clarification of the scope and remit of Southern IFCA with regard to the Solent bivalve fisheries review. Annex B seeks to provide detail of wider management initiatives and on-going partnership work, which seeks to complement the wider management objectives of the Solent bivalve fisheries.

¹ Summary of Responses document, available at www.southern-ifca.gov.uk

Table 1: The phased approach to the management of the Solent bivalve fisheries

	Scope/Objectives	Timeframe
Phase I	(1) Introduce a permit byelaw (2) Introduce a minimum bar spacing to box dredge (3) Review existing temporal restrictions in Solent Dredge fishery (4) Review the existing <i>Temporary Closure of Shellfish Beds</i> legacy byelaw	January - November 2018
Phase II	(1) To seek revocation of Statutory Instrument No. 2696, The Solent European Marine Site [Prohibition of Method of Dredging] Order, 2004. ²	January 2018 - unknown
Phase III	On-going legacy byelaw review. The gradual review of existing management measures on a needs basis. As legislation is updated, older legislation can be revoked with appropriate conditions brought in under the proposed permit byelaw.	January 2018 - unknown

What is the purpose of this consultation?

Feedback from this consultation will underpin the development of Phase 1 of the Solent bivalve fisheries review. The scope of Phase I includes the:

- (1) The introduction of a permit byelaw: with specific regard to eligibility and costs.
- (2) The proposed introduction of new management measures within the Solent dredge fishery, with specific regard to the development of a minimum bar spacing on a box dredge.
- (3) The proposed review of existing measures with specific regard to:
 - a) The temporal measures listed under Section 2(a) of the Solent Dredge Fishing Byelaw 2016, ‘...in that a person must not use a dredge within Southampton water, Portsmouth harbour or Langstone Harbour between 17:00 hours and ending at 07:00 hours on the following day...’
 - b) The provisions laid out under the Temporary Closure of Shellfish Beds Legacy Byelaw: ‘...Where in the opinion of the Committee, in any fishery, any bed or part of a bed of shellfish is so severely depleted as to require temporary closure in order to ensure recovery, or any bed or part of a bed contains mainly immature or undersized shellfish which in the interests of the protection and development of the fishery ought not to be fished for the time being, or any bed of transplanted shellfish ought not to be fished until it has become established, and where the bed or part thereof has been clearly defined in notices displayed in the vicinity prohibiting the removal of the shellfish, or where the display of notices is not practicable notice has been given by publishing a notice in a weekly newspaper circulating in the District in which that shellfish bed or part of bed is situated. No person shall, while the bed or part thereof is so defined, take away any shellfish without the consent of the Committee...’

² To enable this (*non exhaustive list*) (a) Defra must have a willingness to revoke the SI (b) there will be a need to review existing regulatory provisions in the Solent to ensure that adequate protection is provided to the Solent European Marine Site through the introduction of the recent 2016 Southern IFCA Byelaws, as well as the proposed permit byelaw currently under consultation (c) potential implementation of a pump scoop trial within the Solent waters prior to revocation (d) an impact Assessment with specific regard to the pump scoop fishery (e) the development of management measures specific to the pump scoop fishery. Given the scope, accurate timelines cannot be considered at this point.

Your role in the consultation

There are seven questions provided in Section 2 of this document. These questions seek to gain insight, direction and seek further clarity from stakeholders with specific regard to the development and review of management initiatives as per Phase 1 of the Solent bivalve fisheries review.

It is important that you provide evidence to support your answers where possible.

A number of points for consideration are provided alongside the questions where necessary to provide a rationale to the question.

Please respond to these questions by **13th April 2018**.

Any responses you send will be seen in full by IFCA staff and members of the Authority dealing with the issues covered by this consultation. In addition, the Marine Management Organisation may also see responses.

When this consultation ends, we will summarise all responses and place this summary online on the IFCA website. The summary will include a list of names of organisations that responded but not people's personal names, addresses or other contact details.

If you require a paper copy of the summary, or have any other enquiries, please contact us by email at: enquiries@southern-ifca.gov.uk or postal address: Southern Inshore Fisheries and Conservation Authority, 64 Ashley Road, Parkstone, Poole. BH14 9BN.

Southern IFCA will store copies of the responses received for at least 6 months from the date that the consultation summary response is published. This is so that the public can see them. Copies of responses will be made available to the public on request. This will also enable us to respond to freedom of information legislation requests.

If you do not want your response – including your name, contact details and any other personal information to be made publically available, please say so clearly when you send your response to the consultation. Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. However, because of the law, we cannot guarantee that we will always be able to keep these details confidential. Please note, if your computer automatically includes a confidentiality disclaimer, this will not count as a confidentiality request.

Thank you in advance for taking the time to consider and respond to this consultation.

Section 2: Questions

Question 1: Please provide your name and interest in the Solent bivalve fisheries

Question 2: Who should be eligible for the permit

Points for consideration when responding:

- Geographic considerations (e.g. mooring in relevant area).
- Economic consideration (track record within fishery and the associated length of reference period).
- Consideration of a New Entrant Policy.
- Should there be a restriction on number of permits available?

Question 3: What is an appropriate cost for the permit byelaw

Points for consideration when responding:

- It is proposed (in line with the Poole Harbour Dredge Permit) that a maximum threshold of cost would be capped under the Byelaw.
- It is suggested that the cost should (1) reflect the administrative costs associated with the permit byelaw (2) reflect the expenditures directly related to the management of the Solent Bivalve Fishery to include considerations of evidence gathering to include the bi-annual stock assessments for the bivalve fisheries (which are used to directly to inform and underpin management which will enable flexible and adaptive management of the fisheries.

Question 4: What is an appropriate minimum bar size for a box dredge?

Points for consideration when responding:

- The overwhelming majority of respondents to the pre-consultation (70%) requested an introduction of minimum size bar spacing on clam dredges to limit the number of undersize organisms being caught.
- It is proposed for conservation objectives to introduce a minimum bar spacing to restrict the occurrence of undersize clams being removed from the sea.
- It is hoped that the introduction of a minimum bar spacing will help fishermen to be more efficient when sorting catch through a reduced likelihood of catching clams below the Minimum Conservation Reference Size³ (MCRS).
- Do fishers feel a need to introduce a bar spacing requirement on the riddle in addition to the box dredge?

Question 5: Are there any other box dredge gear specifications, which need to be considered a part of this consultation?

- Please provide rationale

Question 6: What changes would you like to see with regard to the current temporal restrictions (07:00-17:00) under the Solent Dredge Byelaw 2016?

- Please provide rationale

Question 7: How would you like to see shellfish beds managed in future, with regard to threshold management⁴?

Points for consideration when responding:

- Consideration of Catch per Unit Effort⁵ (CPUE)
- Bag limits/quota

³ *Ruditapes Phillippinarum*: 35 mm

⁴ The closure or opening of shellfish beds to reflect the density of target species within a specified area

⁵ CPUE is an indirect measure of the abundance of target species.

Section 3: Next steps

The closing date for this consultation is 13th April 2018. All responses received by this date will be analysed and taken into account by Southern IFCA in their consideration of the proposals for implementing a permit byelaw in the Solent Bivalve Fisheries. The Summary of Responses for this consultation will be published on the Southern IFCA website.

Schedule

The following provides a brief overview of the timescales associated with Phase 1 of the Solent bivalve fisheries review. For reference Phase 2 (to formally approach Defra with the view to discuss the potential revocation of Statutory Instrument No. 2696, The Solent European Marine Site [Prohibition of Method of Dredging] Order, 2004.) will run concurrently with Phase 1.

Table 2: Schedule for Phase I

When	What
April 2018	To review the responses to Phase I of the Public Consultation and disseminate a Summary of Responses on the Southern IFCA Website.
April 2018	To set up a Byelaw Working group to consider the Summary of Responses and begin formulating a draft byelaw and permit conditions.
May 2018	To present the Southern IFCA Technical Advisory Committee (TAC) with the Summary of Responses and draft byelaw and permit conditions.
June 2018	To present the Southern IFCA Authority with second draft byelaw and permit conditions, and to seek a decision on the intention to make the byelaw.
June- November 2018	To formally seek MMO quality assurance of proposed byelaw
November 2018	To achieve byelaw sign off by the Security of State.

Annex A: Areas which do not fall under the current remit of the Solent Bivalve Management plan

Matters raised during Pre-Consultation	Detail
To reconsider the current 4 month dredge season as per the Solent Dredge Fishing Byelaw 2016)	With regard to a box dredge fishery, the Southern IFCA are not currently in a position to consider the extension of the current dredge season in the Solent Harbours, as the season length is based on current fishing levels and methods (box dredge) identified in the HRA. In the event that a new fishery is introduced (e.g. pump scoop), appropriate assessments will be undertaken and control measures (to include consideration of season length) will be suggested based on this specific method of fishing.
To make provisions for adaptations of oyster dredges to harvest the scallop fishery	We are unable to supersede EC 2283/2012 The Scallop Fishing Order. As such this matter falls outside the current remit of the Solent bivalve management plan.

Annex B: Areas of on-going work which are running in parallel with the development of a Solent bivalve fishery management plan

Although Southern IFCA have no direct legislative direction with regard to the points raised below, we recognise the need to work with other agencies and organisations to promote a healthy marine environment. Below provides information on any relevant and on going areas of work, which Southern IFCA are currently undertaking.

Matters raised during Pre-Consultation	Detail	On-going work
Turning of oyster beds in the Solent oyster fishery	All of those who expressed an opinion regarding the oyster fishery (18/40) feel that in closed areas the seabed should be turned to encourage the uptake of spat and to limit the settling of silt.	Despite Southern IFCA not being currently in a position to explore the matter of turning grounds in unclassified areas to support potential fisheries, we do recognise that this methodology is widely believed to be of benefit to the fishery. However, currently there is little scientific evidence to underpin proposals. Southern IFCA are aware of plans by BLUE MARINE to undertake experiments which will look at the turning of ground and its relationship with the uptake of spat and will await the outcomes of these trials. As such, Southern IFCA recognise the need to make provisions under the permit byelaw to enable flexibility for the potential introduction of dispensations within the permit conditions relevant to matter raised above.

<p>Other variables</p>	<p>The majority of commercial fishers (83%), representatives from the fish processing and retail sector (86%) and one marine science representatives believe that there are a number of variables which are contributing to the compromised sustainability of the Solent bivalve fisheries. These are water quality (pollution), closed areas (unclassified shellfish beds, MPAs), capital dredging (silt) and the impact of tangles, slipper limpets and starfish.</p> <p>Water Quality: There are a number of European Union (EU) and national regulatory drivers, which seek to improve the health of the marine environment⁶. Although Southern IFCA have no direct legislative direction with regard to water quality, we recognise the need to work with other agencies and organisations to promote a healthy marine environment. As such, Southern IFCA are currently working with the Environment Agency to provide a robust evidence base to enable an evaluation and valuation of the socioeconomic and environmental benefits of improving water quality in Solent waters using an ecosystem services framework. In presenting a narrative of the wider value and ecosystem services that shellfish beds provide and modelling the benefits of water quality improvements, the aim of this project is to demonstrate that investment in better water quality and shellfish productivity can obtain wider social benefits.</p> <p>Shellfish Bed classifications: Despite falling outside of the SIFCA legislative remit, in line with SIFCA Vision Statement and as a competent authority we recognise a need to encourage and coordinate management strategies across all partner agencies to support the fishing industry. As such, we are currently working with The Centre for Environment, Fisheries and Aquaculture Science (Cefas) and Local Authorities, which represent the Solent waters, in order to assess and review the current status of shellfish bed classifications in the Solent.</p>
<p>Other projects and strategies</p>	<p>There are a number of on-going strategies, which are invested in enhancing the status of the Solent bivalve fisheries. These include the Solent Oyster Restoration Project, The Southern IFCA Solent Manila Clam Management Plan and the Southern IFCA Solent Oyster Management Plan. These documents provide general frameworks and specific guidance for implementing a strategic, coordinated and multi partner management approach that seeks to ensures healthy seas, sustainable fisheries and a viable industry moving forward. It is hoped that the proposed new governance strategy will further complement these areas of work and support the fisheries over the years to come.</p>

⁶ These include: EC Directive 56/2008 Marine Strategy Framework Directive, EC Directive 60/2000 Water Framework Directive, EC Directive 92/43 Habitats Directive, EC 147/2009 Birds Directives