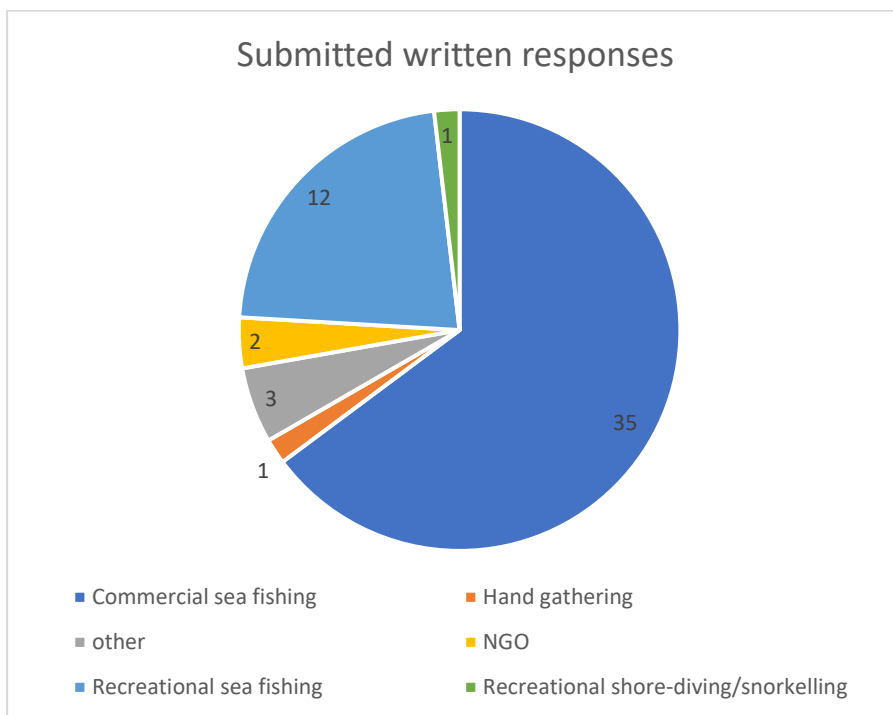




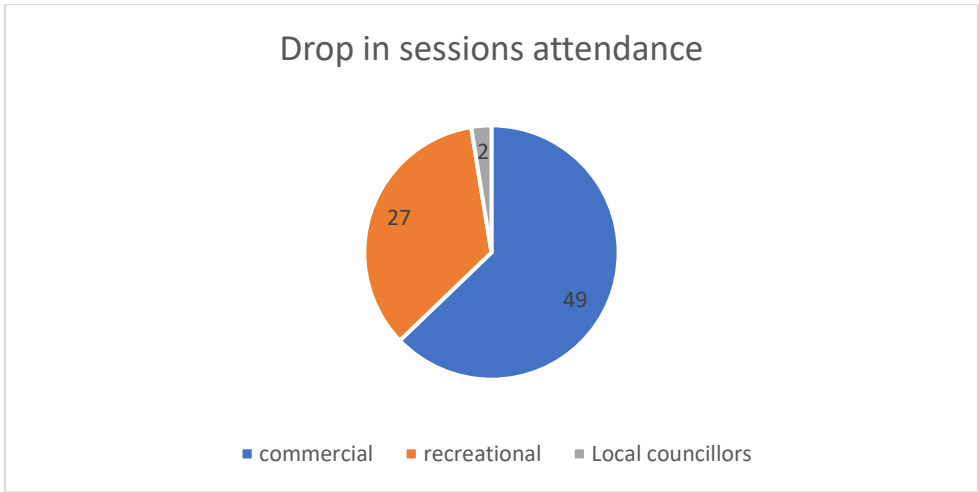
2023 Shellfish Byelaw Formal Consultation - Summary Outputs & Next Steps

Summary

A total of 60 responses were received by NEIFCA for the formal shellfish Byelaw consultation 2023 although some vessel owners submitted more than one response bring it down to 54 responses. A further 78 stakeholders attended consultation drop-in events held across the district (Hornsea, Bridlington, Scarborough, Whitby, Redcar & Hartlepool). Out of the current 221 commercial shellfish permit holders within the NEIFCA district, 15% submitted a response and 22% attended the drop-in events. All relevant feedback received during these face-to-face events were recorded and included within the consultation process. These are summarised within Annex 1.

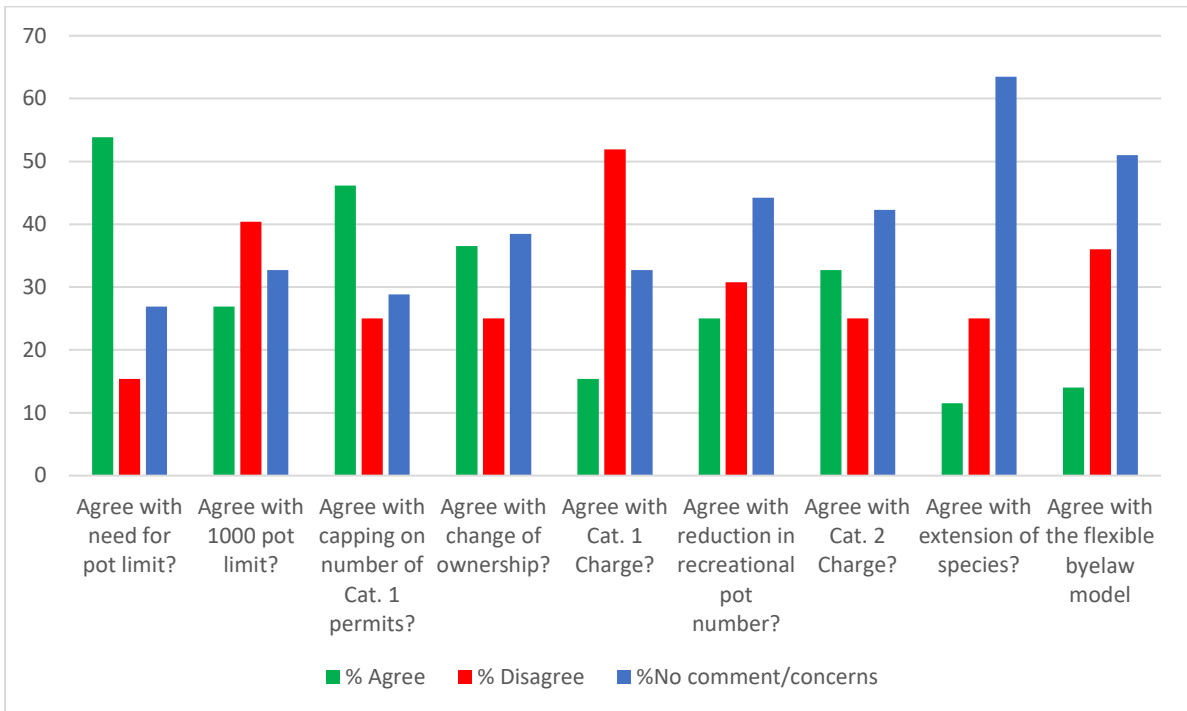


Drop in sessions attendance



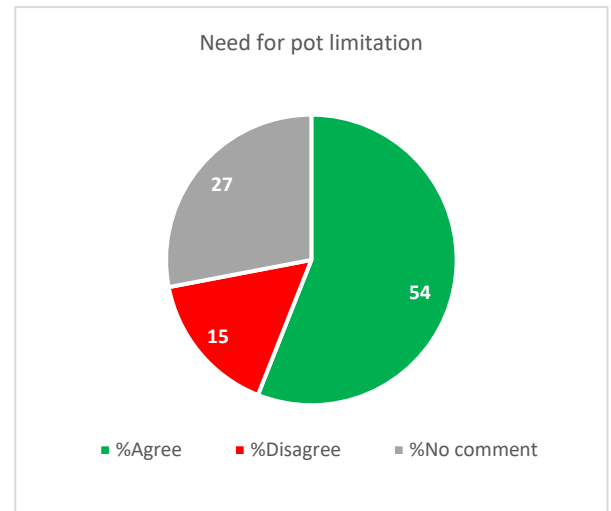
Outputs

Overall levels of response to the formal consultation process were relatively low but generally typical, although the ‘drop in’ sessions were reasonably well attended. 15 % of commercial fishermen submitted a written response and out of 2700 recreational permit holders only 0.6% responded. General consultation fatigue across the industry will also have impacted on the level of response where multiple national consultations (FMP & MCA) have been running over the last couple of years.

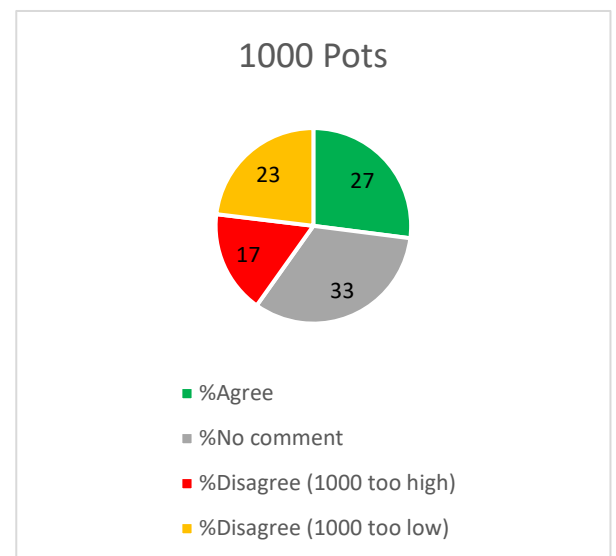


Pot limitation

Out of the 54 respondents, 81% either agreed with the principle of pot limitation or expressed no opinion either way. This was lower compared to previous consultations. In 2016 a total of 85% of respondents agreed with the need for a pot limitation and 64% agreed in 2022.



Following the completion of informal consultation during July 2022 NEIFCA increased the proposed maximum number of pots to 1000 in order to reduce potential economic impacts on those businesses fishing over 1000 pots. 60% of respondents either agreed with the proposed 1000 pot limit or expressed no opinion either way. Of the 40% of respondents that disagreed with the proposed limit 17% considered that it was too high and 23% too low and that it would have a negative economic impact on their businesses.



The Authority also received a comprehensive written response from National Federation of Fishermen’s Organisations (NFFO) at the request of the NFFO Northeast Regional Committee. Whilst there seemed to be no general consensus on pot limitation due to the extent of variation in opinions within the industry, the response did highlight a lack of an appropriate economic evaluation, evidence to support the measure, strategic aims and objectives and proposed mechanisms to assess the effectiveness of pot limitation within the supporting Regulatory Impact Assessment. The NFFO also felt that the last national stock assessment, published by CEFAS in 2019, was too dated to remain valid. This opinion was echoed by some commercial fishermen outside the NFFO as well.

NEIFCA does accept that there is a lack of a current reliable local and national assessment of the state of lobster and crab stocks and in response to that it has been working over the past 2 years on introducing a more robust data collection and analysis process. Data deficiency in crustacean stocks and the lack of reliable age data makes it generally difficult to develop a more reliable stock assessment model such as for fin fish. Until an improved stock assessment model is in place, NEIFCA can only rely on assessing the stock status, based on comparing landings, catch rates in pots and effort and size frequencies year on year. Due to deficiencies in the scale of national catch reporting NEIFCA has re-introduced its own ‘in-house’ catch return system and alongside a new online system, more reliable effort and spatial data will be collected. The frequency of general data collection from

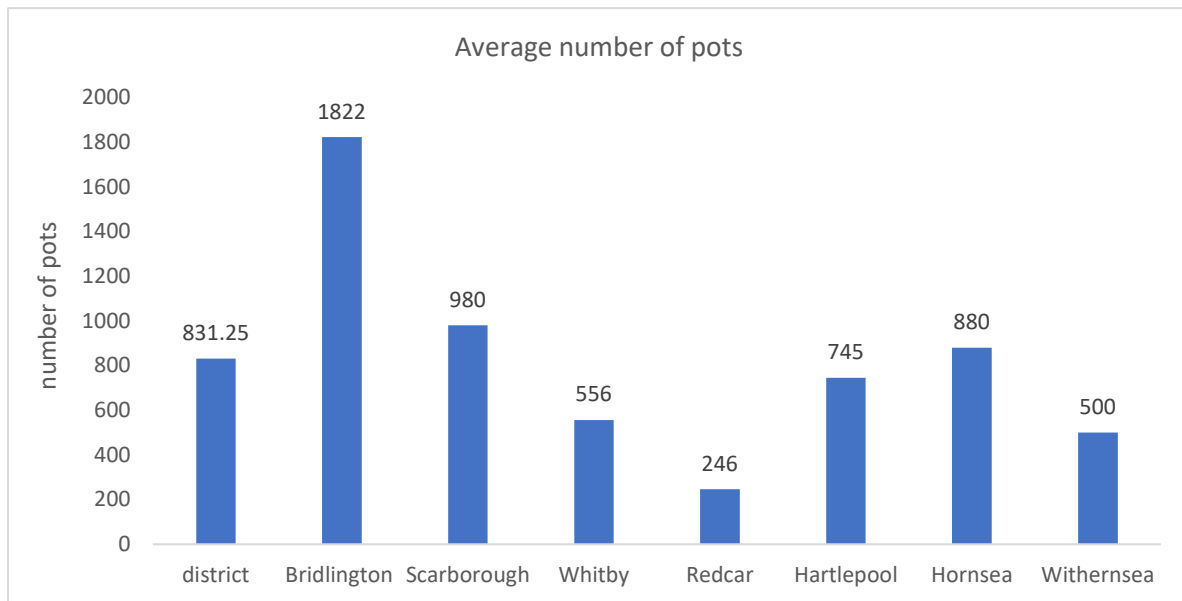
landings and offshore catches has also been increased and NEIFCA is building up a new base line to support future assessments and comparison of trends. NEIFCA considers, however, that a lack of current reliable catch and effort data cannot delay the introduction of a better management framework to support the protection of the associated stocks from over-exploitation. All available stock assessment information indicate that such stocks, including lobster and crab, are currently under pressure and at risk from over-exploitation. These include the Crab and Lobster Fisheries Management Plan (FMP) and the most recent CEFAS assessment reports.

Whilst there is a broad mandate across the NEIFCA district for the proposed 1000 pot cap (c60%) a notable minority of operators (23%) have indicated very strongly that their businesses could be placed at risk if they are restricted to working 1000 pots. As a result of feedback from the consultation and in order to mitigate any significant adverse economic impacts, NEIFCA intends to develop a transitional pot allowance scheme to support those small number of operators. This scheme would enable such businesses to apply for an additional allowance of pots, per annum, over and above the proposed maximum cap which will then be reduced year on year until the proposed maximum cap is reached. This will give those vessels time to adapt to the new management changes. It is also important to note that the proposed maximum cap of 1000 pots only applies within the 6 nautical mile limit of the NEIFCA district and additional pots over and above that allocation can be worked outside that limit without restriction. The Fisheries Act 2020 and the proposed Fisheries management Plans state that management decisions should be evidence based but they also endorse precautionary principles and moving forward with the proposed measures to manage potting effort more effectively, alongside the inclusion of a transitional scheme, provides for a balanced approach moving forward. NEIFCA will immediately commence the development of the proposed transitional scheme, in consultation with affected businesses as the byelaw continues to progress through due process.

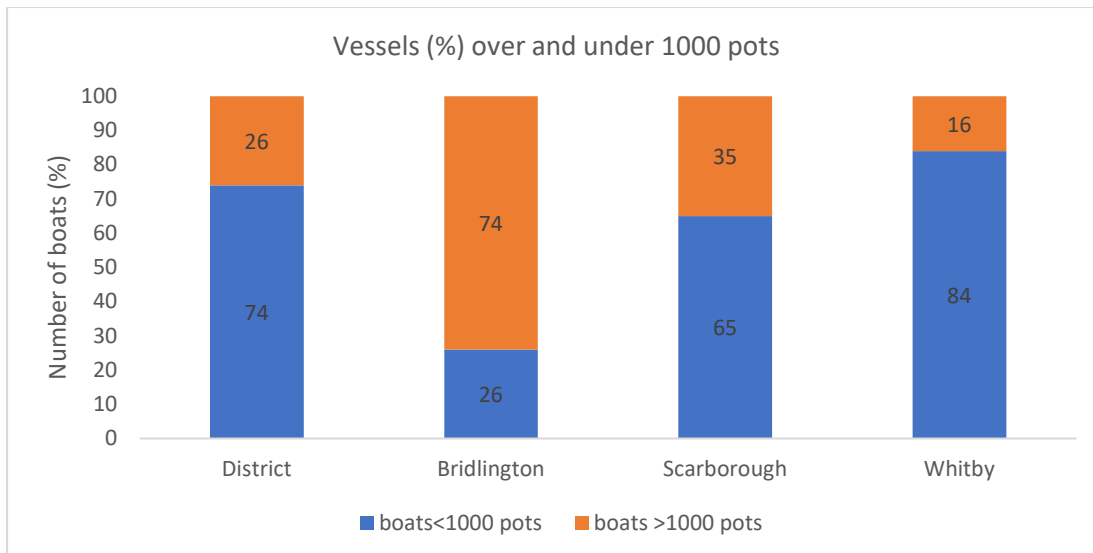
Further consideration must also be given to the ageing demographics in the fishing industry. It is much more likely that permit numbers and therefore number of pots, will decline naturally in the medium term which will further support the accommodation of a limited transitional scheme. This will be closely monitored on an annual basis.

Pot number estimations and potential reductions

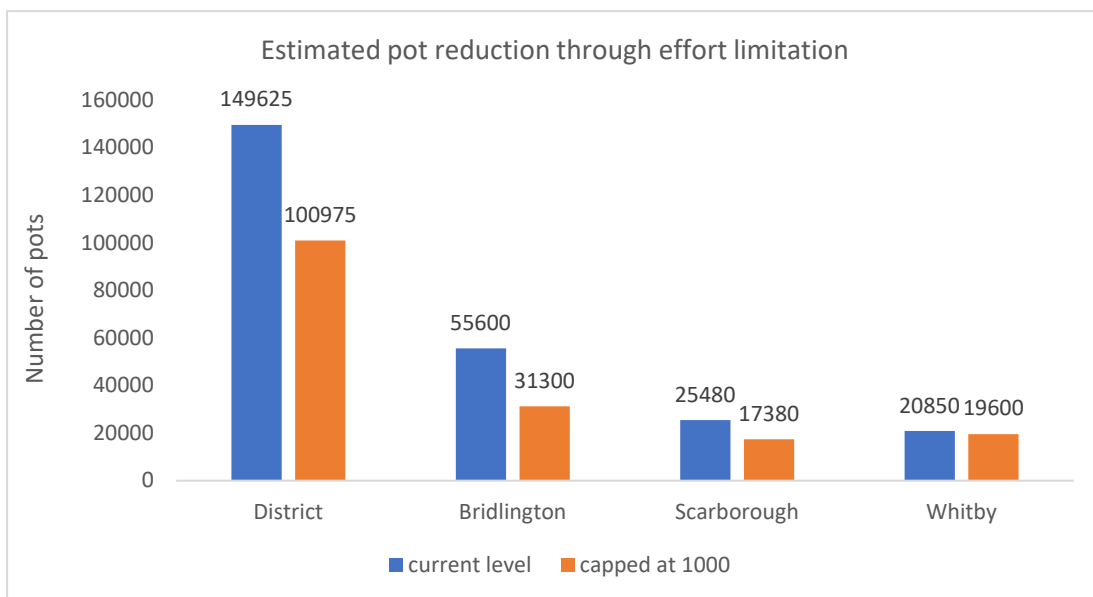
In 2022 NEIFCA collated data on the number of pots worked inside the 6NM across the district. Out of 216 shellfish permit holders, data on pot numbers were recorded from 180 vessel operators. The remaining 36 vessels were not included as they were at the time either up for sale, already sold, trawling only, fishing outside the 6NM only or currently not actively fishing. For 2022 the estimated number of pots fished commercially within the NEIFCA district was 149,625, an average of 831 per vessel. That average, however, varies across the major ports with the highest in Bridlington at 1822 pots (31 vessels) and the lowest in Redcar with 246 pots (21 vessels).



Across the NEIFCA district, 26% of vessels work more than 1000 pots and 74% less than 1000 pots. For Bridlington it is the opposite with a split of 74% vessels working over 1000 pots and 26%, less than 1000 pots. For the other major ports there is a different split between vessel fishing less or more than 1000 pots. In Scarborough 65% of vessels work less than 1000 pots and in Whitby 84% of the vessels work less than 1000 pots.

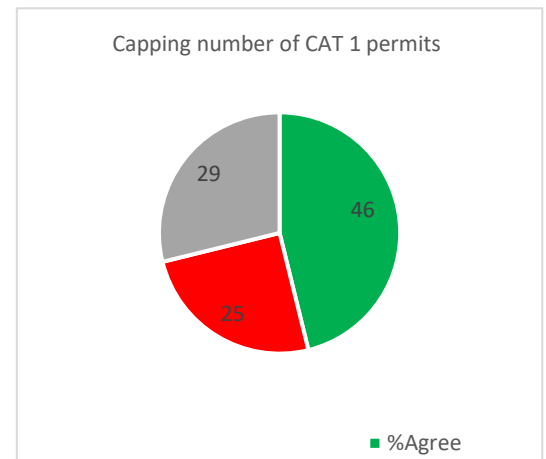


Outside any consideration surrounding a limited transitional pot allowance scheme, the proposed potting cap of 1000 pots would potentially decrease the number of commercial pots within the district by around 30%, from 149,625 to 100,975 pots, assuming that vessels which currently work less than 1000 pots do not increase their pot numbers. Bridlington would see a reduction by 44%, whilst for Scarborough it would be 32% and for Whitby 6%.



Capping number of CAT 1 permits

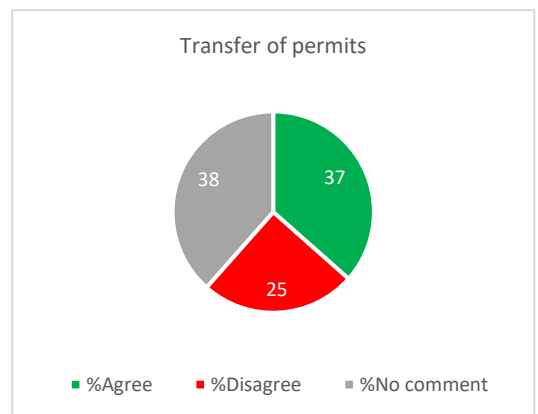
There was strong support for capping the number of Category 1 permits with 75% of respondents agreeing or expressing no opinion either way. However, concerns over restricting access to younger generations wanting to enter the fishery were regularly expressed. NEIFCA considers that the proposed cap on the number of permits which will provide for a 10% uplift in CAT1 permit uptake will support the effective management of permit movement in and out of the fishery.



Permit transfer

In terms of the proposed transfer arrangements for permit holders and change of ownership, 75% respondents either agreed or expressed no comment. During the drop-in events, nearly every commercial fisherman disagreed with permit transfer proposals. Main concerns raised related to the devaluation of vessels if they can't be sold with the permit and possible restriction for new entrants if there was a waiting list.

The transfer of a permit under the current proposal will be restricted to the replacement of a vessel, transfer within family or existing shareholding. In the commercial fishing sector, 56% of the respondents felt that the permit should go with the vessel, otherwise it would devalue the vessel and restrict new entrants wishing to come into the fishery.



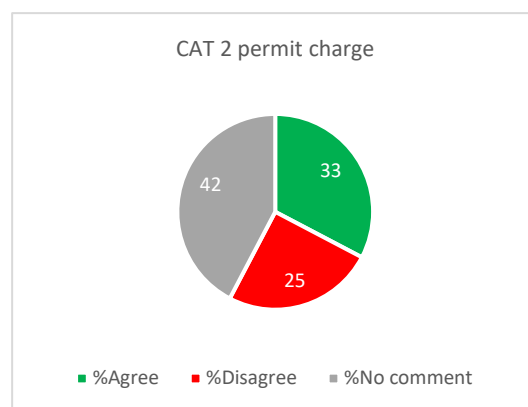
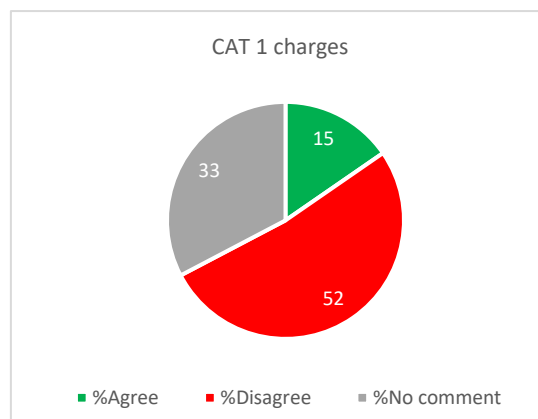
NEIFCA considers it unlikely that there will be an active waiting list for available permits due to the ageing demographics in the fishing industry and the lack of new entrants coming through. A much more likely scenario would see more vessels leaving the fishery than coming in with more permits becoming available. NEIFCA would consider therefore supporting applications for a transfer of permit at the point of sale to a new owner where the previous owner wished to leave the fishery and the vessel remained within the NEIFCA district

Permit charges

Only 48 % of respondents either supported the introduction of a permit charge or expressed no comment either way with 52% objecting to such. Main concerns raised were that it would place an additional financial burden on businesses and respondents expressed worries that the fee might increase ‘year on year’ pricing them out of the fishery. Consultees regularly asked why NEIFCA was only considering the introduction of charges now when it hadn’t previously.

In terms of the proposed £10 charge for Category 2 permits 75% of respondents either agreed or expressed no comment either way with 25% objecting.

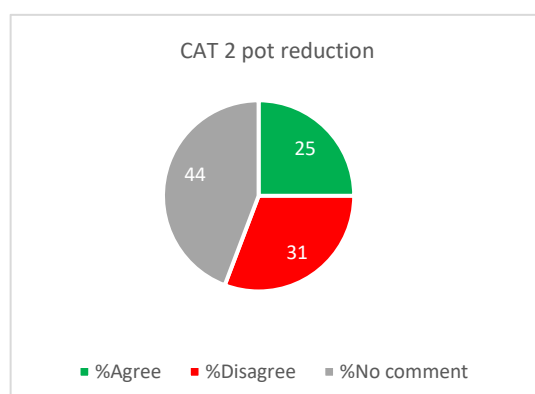
NEIFCA has not previously been able to charge for any shellfish permits because the supporting byelaw was made under previous fisheries legislation which did not support such. NEIFCA considers that the charges are nominal, lower than other existing schemes and the proposed level of charging provides for a degree of cost recovery which will support the management and conservation of the associated fisheries. For Cat1 permits the maximum proposed charge represents a contribution of less than £1 per day and for Cat2 permits less than £0.90 per month.



CAT 2 Pot Reduction

Out of the 54 respondents only 56% commented on the reduction of the recreational pot numbers from 10 to 5 pots. Although 69% of respondents either agreed or did not express any opinion on the proposed reduction these views were almost exclusively expressed by commercial operators. At the ‘drop in’ sessions the majority of recreational attendees opposed the proposed reduction in the pot numbers. As anticipated, this was most evident at Hartlepool where a similar level of opposition was recorded back in 2015 and a 74 signature petition was also received during the consultation period.

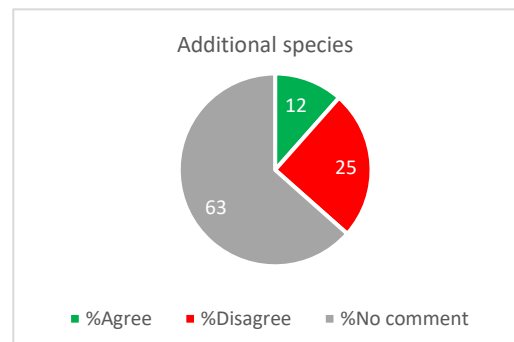
Most recreational fishermen felt that reducing the permitted pot numbers from 10 to 5 would significantly impact on their ability to catch the daily bag limit causing many to cease their activities and ultimately sell their vessels. In turn this would have a negative impact on health and wellbeing and reduce leisure income generation across ports, harbours and landing sites within the NEIFCA district. Some hobby fishermen advocated maintaining the maximum number of permitted pots at 10 until the level of latent effort could be fully assessed following the introduction of the annual charge, then, if there remained a need to reduce the number of pots that could be implemented at a later date. Others advocated a ‘sunset’ provision whereby existing permit



holders could continue to fish 10 pots whilst new entrants were restricted to working 5. It is important, however, to reflect on the overarching principles of the hobby scheme which provides access for members of the public, on a 'not for profit' basis, to set a small number of pots, as a leisure activity, to catch a small amount of shellfish each day for personal consumption. There is no evidence that a reduction in the number of permitted pots from 10 to 5 will impact significantly on the ability to regularly catch the daily bag limit nor cause a significant reduction in the numbers of leisure vessels operating along the coast. Exceeding the daily bag limit is one of the most common recreational offences, accounting for approximately 10% of all the fisheries offences detected by Authority officers. Given the scale of uptake of hobby permits the cumulative number of pots worked is not insignificant, up to 20% of the total number of pots set within the NEIFCA district, alongside the fact that there will be no cap on the number of hobby permits made available within the NEIFCA district. This combined with extent of shared stock with Northumberland IFCA, who currently have a 5-pot limit in place to manage hobby fishing, it remains a sensible precautionary decision to retain the proposal to reduce the number of hobby pots from 10 to 5. As with other proposed measures this is something that can be reviewed again, post implementation of the byelaw.

Addition of more species

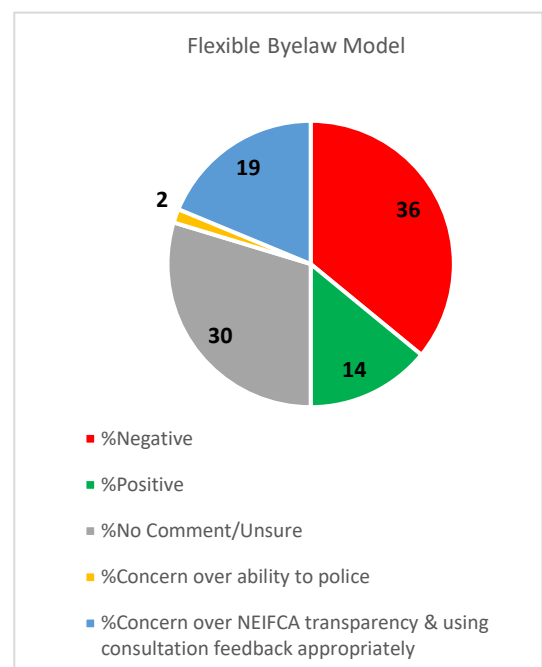
37% respondents commented on extending the species list within the byelaw with 75% agreeing or expressing no particularly comment either way. The only notable concern was raised by the NFFO which related to the inclusion of *Nephrops* which is currently a pressure stock species managed by the MMO. The NFFO felt that additional legislation might cause industry confusion and potential misinterpretation of measures.



NEIFCA considers that whilst *Nephrops* is a pressure stock species its inclusion within the shellfish permit byelaw relates solely to removal by potting or hand gathering within the 6 mile limit and it is essential to ensure that such exploitation can be effectively and flexibly managed within the NEIFCA district to prevent over-exploitation. Previously surf clam had been added to the species list due to increased levels of intertidal collection, particularly at Redcar. The associated species, however, was recently positively identified as the pullet carpet shell, *Venerupis corrugate*, which has now been included within the draft byelaw.

Flexible Byelaw Model

The new proposed flexible byelaw model will allow the NEIFCA to respond quicker to any changes in the fisheries and amend management measures accordingly, subject to following the due process laid out within the byelaw. Only 44% of respondents either agreed with this new proposed model or expressed no particular view either way. A number of respondents expressed a general lack of trust in the Authority potentially being able to make management



changes without the additional level of scrutiny that the normal IFCA byelaw making process would have.

With the exception of IFCA Emergency byelaws it currently takes on average 18 to 36 months to change management provisions within a byelaw regulation. This flexible framework will enable NEIFCA to develop and implement management changes via permit conditions, subject to following the statutory processes set out within the overarching byelaw regulation. NEIFCA considers that this new proposed management framework will enable it to work much more proactively with fishing stakeholders going forward and explore fishing opportunities in a much more effective way. NEIFCA does, however, fully recognise the concerns that consultees have voiced surrounding this novel concept but it is long established and has functioned well in other IFCA districts and NEIFCA is committed to strengthening and improving its communication and collaborative joint working with all its fishing stakeholders.

Next Steps

The output from the formal consultation process was considered and discussed in detail by NEIFCA members on 8 December 2023. Following careful consideration, no officer recommendations were submitted to change the key provisions contained within the draft byelaw from those originally made by NEIFCA on 1 December 2022 other than the further development and articulation of supporting transitional arrangements for the commercial potting sector. The draft byelaw will now progress to the next stage of the process and will be subject to independent quality assurance evaluation by the Marine Management Organisation, following which, it will be subject to final consideration and confirmation by Defra.

Annex 1:

Summary of comments from written responses

Comments on pot limitation

Positives:

- Open grounds up for local boats that are competing with boats from ports further away
- Prevent storage of pots at sea
- It is necessary to maintain exploitation at present level inside 6 NM

Negatives:

- Fishing vessels are already restricted by weather & finances, this would be a further restriction
- Businesses with currently more than 1000 pots will not be viable anymore and will have to let crew go
- 600 to 800 pots would be better
- Uncertainty of how it will be policed
- Limit of 1000 is too much. Less gear would mean better fishing
- Lack of evidence to support the decision
- Already many measures in place (e.g. MLS, escape gaps, berried ban, v-notch, soft lobsters etc).
- Pot limit may push smaller boats outside 6 mile which would be dangerous
- Feel pot limit should be standard across whole fleet
- Reduce licence value of fishing vessels

Effort displacement to outside 6NM

Comments:

- Concerns about Tees Bay and currently limited or no crab fishery in this area
- Fishing pressure too high
- Lobster stocks are in a good state
- Too many pots in the sea
- Pot limitation is unpoliceable
-

Comments on capping Cat 1 permits:

Positives:

- Reasonable due to pressure on the fishery
- Agree with capping permits but not restricting pot limit

Negatives:

- Restricts new entrants into the fishery
- It will restrict sales of vessels if permit cannot be transferred

Comments on suggested means of permit transfer:

Comments/suggestions:

- Permit should be transferred with the sale of a vessel
- Category 1 permits should be issued to any vessel with shellfish entitlement otherwise what is the point of shellfish entitlement
- Should include transfer during sale if vessel is sold to a crewmember

Negatives:

- Devalue the vessel
- Restrict the sale of vessels
- Will restrict new entrants into the fishery

Comments on introduction of Cat 1 charge scheme:

Positives:

- Consider it fair to charge, especially as there is a fee for other permits (e.g. scallop dredge, intertidal nets etc).

Negatives:

- Don't agree that NEIFCA should start charging as they've never charged for them before
- Should be a flat fee across the board
- It is just an extra expense for fishers
- Concern over once a charge is introduced that it will be raised in following years

Comments on current state of recreational fishery:

Positives:

- Recreational fishing is stable and the practice has low impact on fishery

Negatives:

- Shellfish stocks are already under too much pressure, there shouldn't be added recreational pressure on stocks.
- Concern over edible crab stocks
- Risk of undersized shellfish being taken
- Concern over ability of NEIFCA to police/ensure compliance due to lack of resources and volume of LSPs
- Too many recreational permits
- Concern over Teesside mortality events in 2021

Comments on reduction in recreational pot allocation:

Positives:

- LSPs allow for recreational activity and people using them do not rely on them for an income, so 5 pot limit is appropriate

Negatives:

- Reducing pot limit from 10 to 5 for recreational permit holders means it won't be worth doing as a hobby activity as catch rate is so low and vessels will be sold
- Believe the current 10 pot limit is sufficient
- Don't believe recreational potting has a huge impact on marine life/environment
- Reducing limit to 5 pots makes the fleet more vulnerable to being lost during bad weather
- There are already sufficient measures in place (v-notch, berried ban, soft lobster, MLS etc) this is unnecessary

Comments/suggestions:

- Queries over why not limit the recreational permit numbers rather than reducing pot numbers
- Concern over ability of NEIFCA to police/ensure compliance in number of pots worked under LSP
- Concern over multiple people from same household holding multiple permits
- Suggested NEIFCA considered a 'sunset' scheme to enable existing recreational permit holders to continue to work 10 pots whilst new entrants are restricted to 5
- Suggested NEIFCA postpone any decision to reduce the number of recreational pots pending an appraisal of the impact of charging on recreational permit uptake.

Comments on extension of species list:**Positives:**

- Agree it is a good idea to monitor/manage additional shellfish species
- Voiced concern over recent activity of large groups of people hand gathering various shellfish species in large quantities from intertidal areas

Negatives:

- Don't believe management measures are required
- *Nephrops* is already well managed by the MMO through quota, introducing additional legislation will be confusing

Comments/suggestions:

- Queries over how these additional species may be managed/activities be policed

Further comments/Suggestions:

- Introduction of a closed season to protect berried females from being scrubbed
- Slot size for female lobsters
- Concern over impact of vivier vessels on stocks
- Concern for the fishery over the volume of pots inside 6nm limit
- Introduce catch returns for recreational permit holders
- Limit one LSP per household
- Concern over how additional management measures will be enforced/ensure compliance
- Further and more in-depth consultation process is required
- Request NEIFCA make changes to allow diversification to alleviate pressure on shellfish stocks