

Review of the Size of Vessels Byelaw

Officers' Recommendations

Formal consultation on the review of the Size of Vessels Byelaw will be undertaken on the basis that; -

- a) 15 metres in overall length is the maximum size of vessel**
- b) All Grandfather Rights are removed and**
- c) No Sunset Clause is included**

Background

The review of the Size of Vessels Byelaw is one of the Key Tasks identified in the D&S IFCA's 2021-2022 Annual Plan. This "Management of Fishing Activity" task (007) is one of several tasks to be undertaken by the B&PSC. The work needed to introduce this Byelaw will extend well into 2022. On 22nd July 2021, a report was presented to D&S IFCA's Byelaw and Permitting Sub-Committee (B&PSC) that set out weaknesses associated with the existing Size of Vessels Byelaw.

- **Size of Vessels Byelaw – The Formal Review of the Byelaw – Overview & Planning Report (3rd June 2021).**

An Officers' paper was also produced with three separate recommendations intended to shape a pre-consultation (Have Your Say) that would potentially help inform the development of the re-made Size of Vessel Byelaw. Members of the B&PSC were informed that to develop the Byelaw, three initial considerations could be factored into pre-consultation work. It was envisaged that the response to the pre-consultation would potentially inform the process and assist the B&PSC with further decision making to set the foundations for future drafting work.

- To consider what will be the maximum size for commercial fishing vessels operating within the District (an overall length in metres).
- To consider if any existing rights (Grandfather Rights) for commercial fishing vessels above a determined size should continue to apply.
- If Grandfather Rights continue to apply, for how long should they apply (Sunset Clause).

Members discussed the content of the initial report and the Officers' paper and actioned a pre-consultation (Have Your Say) that was open for responses for four consecutive weeks and ended on 24th September 2021.

Supporting Information

Officers have produced a report that documents the findings of the pre-consultation (Have Your Say) which has influenced the Officers' recommendations set out above.

- **Size of Vessels Byelaw – The Findings of the Pre-Consultation (Have Your Say) to Develop the Byelaw (1st October 2021)**

The Pre-Consultation.

Electronic engagement formed the basis of the 'Have Your Say' pre-consultation, and a Mail Chimp circular was sent directly to all those on the D&S IFCA consultation mailing list. 1500 stakeholders received the Mail Chimp circular, and 789 stakeholders opened the email. The information was not generally circulated in hard copy format; however, letters were sent to two vessel owners that Officers and B&PSC's Members knew would be potentially directly affected by potential changes.

The Findings

A total of six responses were received that were a combination of individual stakeholders and organisations. One of these responses was only to gain more information about the pre-consultation which was then provided. All responses were received via email using the dedicated email address that was provided in the circulated information.

The organisations that responded included Devon Wildlife Trust (DWT), Wembury Advisory Group (WAG) and Western Fish Producers' Organisation. One response was received from a permit holder that declared ownership a commercial fishing vessel and the other was from a stakeholder who did not explain their interest. No response was received from the two vessel owners that were contacted directly with letters that highlighted the opportunity to engage.

The response was low; however, it is possible that a greater response will be received when the re-made Size of Vessels Byelaw is subjected to formal consultation in 2022. There is nothing within the responses received in the pre-consultation to suggest that formal consultation on the Size of Vessels Byelaw should not be undertaken on the basis that: -

- a) **15 metres in overall length is the maximum size of vessel**
- b) **All Grandfather Rights are removed and**
- c) **No Sunset Clause is included**

The Remaining Process

If members of the B&PSC agree to progress, based on the highlighted points above, Officers would begin the process to draft a replacement Size of Vessels Byelaw. The complete process to introduce the Size of Vessels Byelaw includes different elements as set out below:

- Officers (with potential assistance of the Byelaw Technical Working Group) will produce a draft Size of Vessels Byelaw
- The B&PSC will examine the draft Size of Vessels Byelaw
- A Mandatory Impact Assessment will be created in preparation for formal consultation
- Communication work will be undertaken to highlight the formal consultation
- Defra will be notified about the intention for the B&PSC to “make” the Byelaw
- Formal Consultation will be undertaken including communication work
- Responses will be collated and documented
- The B&PSC will examine responses, possibly objections, and consider any refinement to the Byelaw
- A Final Impact Assessment will be created
- The “final” Byelaw Package will be submitted to the MMO for quality assurance
- The Byelaw may be approved by Defra
- Further communication work will be conducted
- A Final Byelaw Development Report will be produced that documents the entire process

Background Papers (and links)

- [Size of Vessels Byelaw – The Formal Review of the Byelaw – Overview & Planning Report \(3rd June 2021\).](#)
- [Officers' paper – Agenda Item 9 \(22nd July 2021\) – Review of Size of Vessels Byelaw](#)
- Size of Vessels Byelaw – The Findings of the Pre-Consultation (Have Your Say) to Develop the Byelaw (1st October 2021) – Supporting information (21/10/21)
- [D&S IFCA's Annual Plan 2021-2022 \(website page\)](#)