

## **Byelaw and Permitting Sub-Committee (B&PSC) Report**

Since the last Authority update in September 2021 there has been one meeting of the B&PSC held on 21<sup>st</sup> October 2021. The [draft minutes](#) from the B&PSC meeting have now been published and will be formally approved for accuracy at the next meeting in 2022.

### **The Three-Year Review of the Netting Permit Conditions and the Review of the Netting Permit Byelaw.**

The review of the Netting Permit Conditions is a key task within the 2021-22 Annual Plan and the B&PSC were provided with a plan (B&PSC Meeting – Agenda Item 6) to progress this task. Although the overarching Netting Permit Byelaw is not due for a review until 2023, the B&PSC agreed that the Three-Year Review of the Netting Permit Conditions provides the opportunity to review the Netting Permit Byelaw earlier than expected. This approach will enable elements of the Byelaw such as interpretations and fees to be reviewed and therefore harmonise with potential changes that may arise as part of the Review of the Mobile Fishing Permit Byelaw. The B&PSC were provided with an estimated timetable for completion of the different aspects of the required work, including drafting and consultation work. The B&PSC recognised that the review of the Netting Permit Byelaw and the Netting Permit Byelaw Permit Conditions will extend well into 2022, and very likely into 2023.

### **The Scallop Closed Season.**

In February 2021 the B&PSC raised some concerns regarding any changes to the existing scallop closed season. At the October meeting Officers were able to provide additional information that alleviated some of those concerns and reported on what else had materialised regarding this topic since February, including interest from the media and discussions with Blue Marine Foundation, fishing industry representatives, and fishers themselves. After considering the content of the Officers paper (B&PSC Meeting – Agenda Item 7), the B&PSC actioned further pre-consultation to gather feedback on possible management options for the commercial dive scallop fishery. The four week long consultation was prepared and began on 19<sup>th</sup> November 2021. The findings of the consultation will be discussed by the B&PSC on 27<sup>th</sup> January 2022.

### **The Review of the Mobile Fishing Permit Byelaw.**

Officers explained to the B&PSC several reasons why this Key Task from the 2021-22 Annual Plan had fallen behind the expected delivery timetable. Delays in receiving formal advice from Natural England in relation to MPA Assessments had impacted the decision making of the B&PSC and attempts to manage sand eel trawling via permit conditions had proved to be very complex from a drafting perspective. A change of approach (Agenda Item 9) was suggested to the B&PSC in how the Mobile Fishing Permit Byelaw and the associated Permit Conditions would be used to manage the fishing activity, with restrictions for sand eel trawling being incorporated into the overarching Byelaw, rather than into existing Permit Conditions and a new category of Permit Conditions. The B&PSC recognised both the advantages and disadvantages of this approach, but on balance accepted this as a way forward. Officers, with assistance of the Byelaw Technical Working Group are now in the process of drafting the Byelaw and Permit Conditions, which will be presented to the B&PSC in January 2022 for further scrutiny before a decision is taken regarding “making of the byelaw” and beginning the formal consultation process.

### **The Review of the Size of Vessels Byelaw.**

This is another Key Task in the 2021-22 Annual Plan and work to date has included pre-consultation to inform the early development of the Byelaw. The B&PSC were presented with the findings of the pre-consultation and concluded that drafting of the Byelaw (to replace an existing Size of Vessels Byelaw) and the required formal consultation should 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*

Officers, with the assistance of the Byelaw Technical Working Group, have begun drafting work which will be presented to the B&PSC in January 2022.

### **The Hand Working Permit Byelaw.**

The B&PSC were informed that there had been increased interest within the media and from stakeholders regarding the development of the Hand Working Permit Byelaw. The Officers' paper (Agenda Item 10) presented to the B&PSC demonstrated the work to date by D&S IFCA, the mixed reaction to pre-consultation already undertaken by D&S IFCA, and to clarify why this workstream had not progressed as originally envisaged. The B&PSC had recognised D&S IFCA's Statutory Duties by initiating the development of the Byelaw in 2019; however, the lack of development of the Hand Working Permit Byelaw is as a direct result of D&S IFCA's on-going funding difficulties and a lack of resources should the Byelaw be implemented. The further development of the Hand Working Permit Byelaw is not a Key Task in the 2021-22 Annual Plan and as an alternative, the potential use by Teignbridge District Council of a Public Space Protection Order was suggested during the meeting.

### **Background Papers:**

- [Draft B&PSC Meeting Minutes: 21<sup>st</sup> October 2021](#)
- [Agenda Item 6: Three Year Review of the Netting Permit Conditions & the Review of the Netting Permit Byelaw](#)
- [Agenda Item 7: Scallop Closed Season](#)
- [Agenda Item 8: Review of the Mobile Fishing Permit Byelaw](#)
- [Agenda Item 9: The Size of Vessels Byelaw](#)
- [Agenda Item 10: Hand Working Permit Byelaw](#)

### **Additional Information for Members:**

A Guide to the Work of the B&PSC can be read [here](#).

All B&PSC Papers and Minutes can be viewed in [Section B](#) of D&S IFCA's Website Resource Library.

**End.**