

Scallop Closed Season – Category One Diving Permit Conditions

Officers' Recommendations

That formal consultation is undertaken on the following changes to Category One (commercial) Diving Permit Conditions as set out below:

- a) The introduction of spatial permit conditions that will provide increased access within specified sites (Marine Protected Areas) for the removal of scallops during the months of July, August and September.**
- b) The introduction of a bag limit of 20 bags (2400 scallops) per vessel, per calendar day, that will apply within the District during the months of July, August and September.**
- c) The introduction of a Minimum Conservation Reference Size of 110mm for the removal of scallops from the District, that will apply during the months of July, August and September.**
- d) That all vessels operating under a Category One Diving Permit must have a Remotely Accessed Vessel Monitoring Device (as defined) fitted that transmits the required information (as defined) to be able to remove scallops in defined areas within the District during the months of July, August and September.**
- e) The introduction of a Permit Condition that will mean that where diving for scallops in the District takes place in the months of July, August, and September, no fishing outside of the District can take place on that fishing trip.**

Background

The Scallop Closed Season was discussed at the B&PSC meeting in February 2021. At this meeting a [summary report](#)¹ of responses from a previous pre-consultation (2020) on the “Scallop Closed Season and Additional Information” was provided to all B&PSC members. The report highlighted the potential for changes to Category One Diving Permit Conditions based on the consultation responses from the Scallop Closed Season ‘Have Your Say’ 4-week consultation, research and scientific information on scallop spawning periods and comparative landings from dive and dredge vessels.

In February 2021, the B&PSC identified gaps in information and evidence which were addressed in an Officers’ paper ([Agenda Item 7](#)) that was presented to the B&PSC in October 2021. After considering the Officers’ paper at the B&PSC meeting in October 2021, the B&PSC actioned a further pre-consultation with stakeholders to gather information on possible management options for the commercial dive scallop fishery.

The Pre-Consultation (19th November to 17th December 2021)

The pre-consultation was conducted between 19th November and 17th December 2021. A supporting report has been produced that explains how the pre-consultation was conducted and summarises the responses received.

¹ A Summary of responses from the Pre-Consultation on the Scallop Closed Season and Additional Information - 10th February 2021 –B&PSC Meeting Paper (25th February 2021)

- **Scallop Closed Season - A Summary of Responses from the - Have Your Say (A Review of the Diving Permit Conditions) Pre-Consultation (28th January 2022)**

Scallop Landing Data and Analysis

To try and determine a bag limit, should a bag limit be decided on as an appropriate form of management for the commercial diving of scallops during July, August and September each year, some analyses of previous landings have been undertaken. An estimate of the weight of a bag of scallops (approximately 10 dozen scallops) was determined using data gathered from Brixham market. Data for 2018 and 2019 provided by the MMO (which has been used to provide information in previous B&PSC papers) were reanalysed to determine the approximate number of bags landed by commercial vessels holding a Diving Permit into the ports of South Devon, Lyme Regis and West Bay. Data from 2020 were not used as they are not representative, due to the COVID Pandemic.

The greatest landings by all vessels were in May and June in both years:

2018 Month	No. of boats landing	Total bags landed per month	Mean no. bags per landing	Max. no. bags landed	Min. no. bags landed
Jan	1	15.98	5.33	9.05	2.24
Feb	2	63.70	9.10	22.63	4.00
Mar	2	23.07	8.42	16.74	1.20
Apr	3	316.45	12.66	52.08	0.38
May	2	510.90	15.48	41.70	1.20
Jun	4	659.43	12.93	30.00	0.38
Jul	4	342.57	9.79	22.68	0.17
Aug	2	137.05	6.23	15.24	0.48
Sep	3	204.77	9.75	31.54	0.70
Oct	5	474.43	10.78	20.48	0.50
Nov	3	91.28	9.13	17.62	1.20
Dec	1	37.19	5.31	11.16	1.44

2019 Month	No. of boats landing	Total bags landed per month	Mean no. bags per landing	Max. no. bags landed	Min. no. bags landed
Jan	4	197.84	7.91	23.43	1.19
Feb	2	84.33	7.03	14.88	0.60
Mar	3	133.75	8.92	17.14	2.40
Apr	3	366.55	11.82	22.85	1.00
May	4	608.78	13.53	55.71	0.88
Jun	5	505.83	10.12	38.21	0.10
Jul	3	395.51	10.14	44.40	0.22
Aug	2	177.80	9.88	40.08	0.18
Sep	3	78.20	5.59	22.56	1.20
Oct	1	56.02	6.22	13.44	1.20
Nov	1	32.88	6.58	18.60	0.12
Dec	4	92.75	10.31	17.14	4.80

As can be seen from the data from both years, the mean number of bags per landing in each month ranges from 5.31 to 15.48 bags. Using all data for April, May, and June the mean for

these months is 13.64 bags in 2018 and 11.76 bags in 2019. The maximum number of bags landed per month was also calculated. There are landings in excess of 20 bags (per landing) in many of the months, and during the spring and summer months up to 55 bags of scallops were recorded per landing. Some of these landings will be into Lyme Regis and West Bay and will be the result of removal of scallops from outside of D&S IFCA’s District during the closed season. For the months of April, May and June the mean of the maximum number of bags per landing was 41.26 for 2018 and 38.92 for 2019.

The high number of bags landed may be due to large daily catches in these months or more likely be due to the store boxing of scallops over several days and then landing a larger quantity to meet demand and markets. From the MMO landings data it is not possible to extract the number of bags landed per diver per day, nor the days where scallops were caught, stored, and then subsequently landed.

The number of bags landed for each month was separated into groups as can be seen in Figures 1 and 2, where the groups are: number of landings of less than 10 bags; number of landings of 10 bags and over but under 15 bags ; number of landings of 15 bags and over but under 20 bags and the number of landings of 20 bags and over.

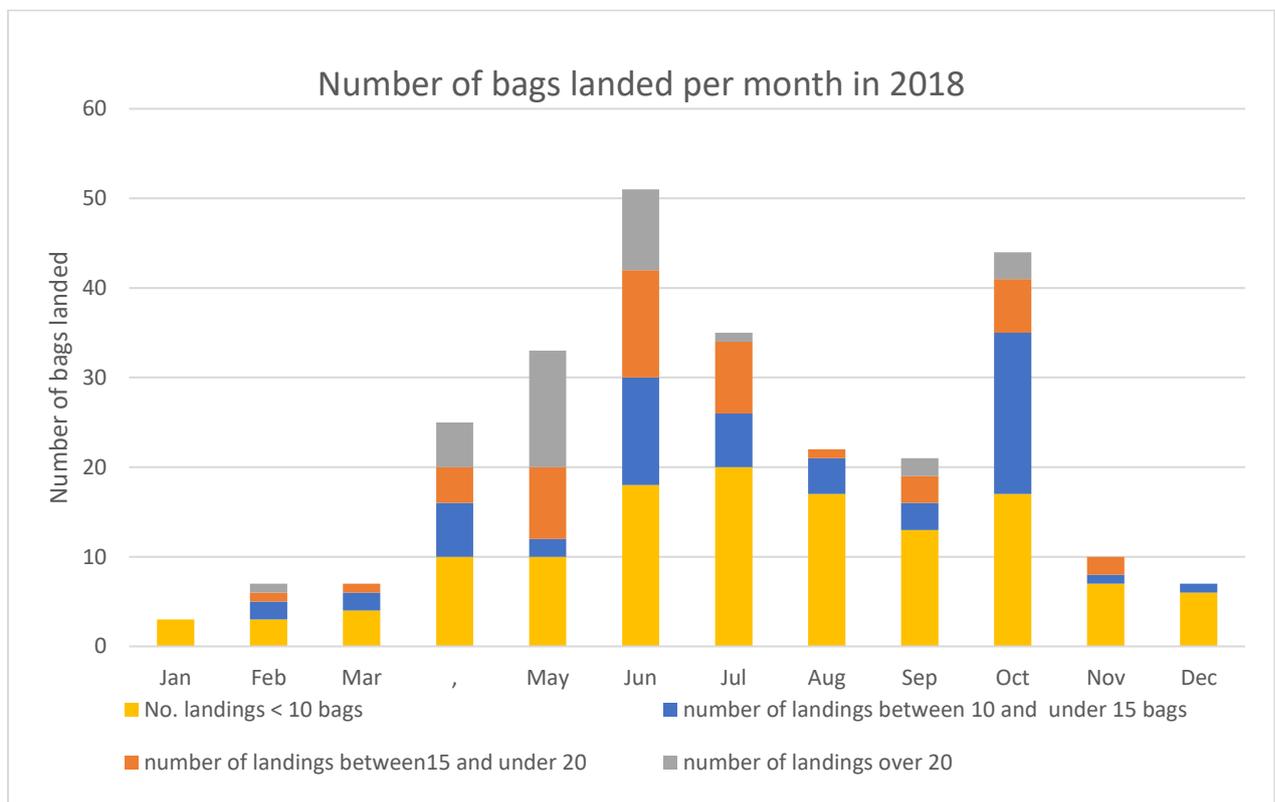


Figure 1: Number of bags landed per month in 2018 by Diving Permit Holders landing into South Devon Ports, Lyme Regis and West Bay.

Figures 1 and 2 show the number of landings of over 15 bags but under 20 bags (shown in orange) and those over 20 bags (shown in grey) recorded during the spring and early summer months and how the opportunities for the larger landings are reduced in August and September in particular, as well as during the winter months where poorer weather and visibility reduce days at sea.

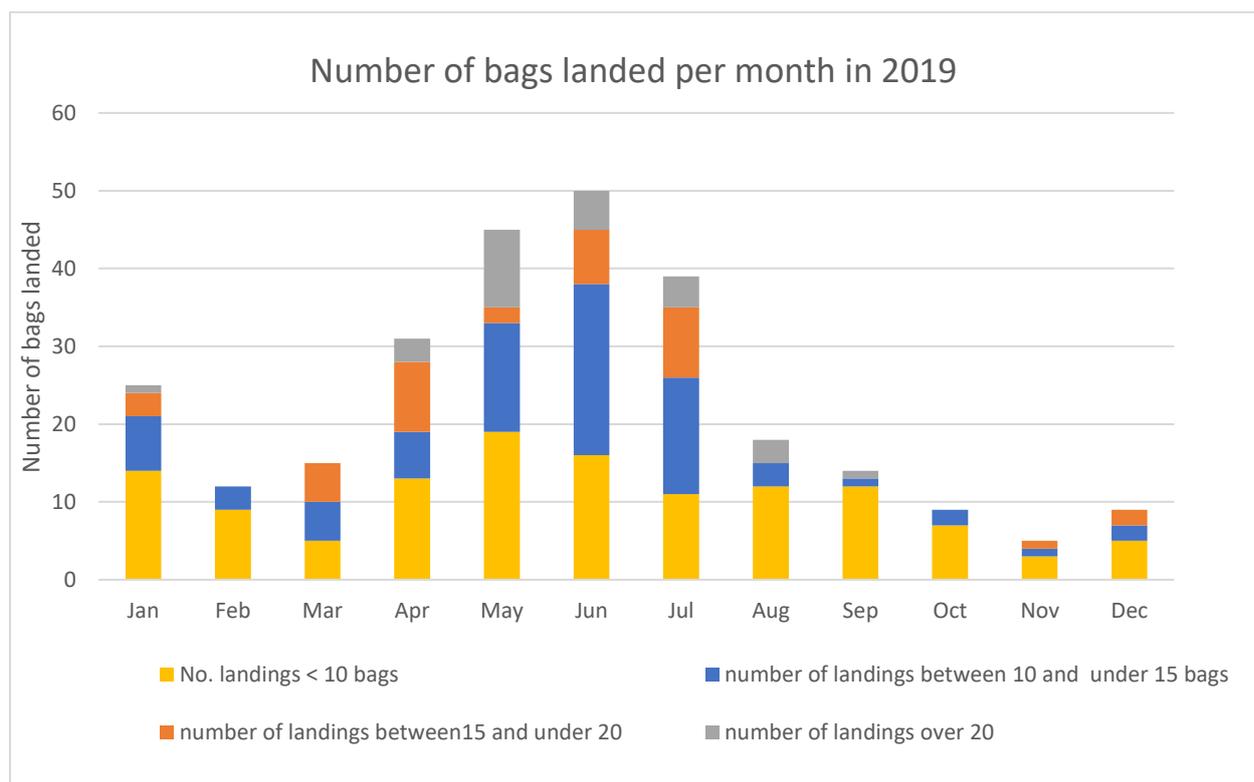


Figure 2: Number of bags landed per month by Diving Permit Holders landing into South Devon Ports, Lyme Regis and West Bay

Rationale for the Officers' Proposed Amendments

The proposed changes (a-e) reflect the Officers' interpretation of the Members' views that the development of a low impact commercial dive fishery for scallops should be balanced against maintaining the conservation status of the Marine Protected Areas. Officers have considered the following drivers in the consideration of the recommendations on the proposed amendments to Category One (Commercial) Diving Permit Conditions:

1. D&S IFCA's Vision, as agreed by Members, is:

*We believe in shared responsibility for the health and benefits of the marine environment and uphold our duties, now and in the future. We will be proactive in our management to restore and recover marine ecosystems, habitats and species. We envisage that the waters, under our authority, **will support sustainable fishing practices serving local, national and international communities. We will innovate, and champion the use of technology, the delivery of low impact fisheries and the UK Government's 'Net Zero' by 2050 carbon target. We embrace co-management and will drive change in inshore recreational and commercial fisheries, recognising their social and economic benefits, and securing a future for sustainable fishing in the coastal belt.***
2. The level of commercial scallop diving in D&S IFCA's District is low, as supported by the MMO landings data and D&S IFCA's Diving Permit list.
3. D&S IFCA has the ability to monitor the level of commercial diving through the uptake of Diving Permits.
4. D&S IFCA's permitting system allows for adaptive management should further evidence come to light, including research and any increase in fishing effort.

5. D&S IFCA believes that the use of [adaptive precautionary approach](#) is appropriate when considering management measures for the commercial dive fishery.
6. Diving is a low impact fishery with respect to its interaction with designated features of Marine Protected Areas, as supported by Natural England in MPA assessments submitted by D&S IFCA.
7. D&S IFCA is working with the University of Plymouth to investigate the spawning season of scallops in its District to inform any future recommendations for further changes in management measures.

The Proposed Amendments to Category One Diving Permit Conditions

a) Access

As set out in the pre-consultation (Have Your Say) is it envisaged that access for commercial divers removing scallops in July, August, and September would be limited to defined areas (Marine Protected Areas). These areas include Lyme Bay, parts of Torbay, parts of the South Devon coast, parts of Bigbury Bay, parts of Plymouth Sound, parts of Lundy Island and the Severn Estuary (as defined).

b) Bag Limits

A bag limit per vessel per calendar day restricts the amount of scallops that can be removed from a fishery on that day. Store boxing is an integral part of a commercial scallop divers' business as it enables the demand to be met as required by markets. Therefore, a restriction on the landing of scallops is not being proposed by Officers.

Officers have considered the pre-consultation response and the landing data from 2018 and 2019. Analysis of scallop landings' data indicates that the mean landings per day in any given month did not exceed 20 bags of scallops. The data cannot identify the mean catches (removal from a fishery) per diver per day, but one response indicated that 18 bags per diver represented a "very good day's fishing" and two responses (from eight) suggested this as their preferred level. Officers believe that during the months of July, August and September a bag limit of **20 bags per diver** per calendar day is excessive. Officers do believe that a recommendation of a bag limit of **20 bags per vessel** per calendar day in July, August and September balances the needs of the fishers to maximise landings through the summer months when there is highest demand but also restricts fishing effort.

c) Scallop Minimum Conservation Size of 110mm

Officers recommend an increase in the Minimum Conservation Reference Size (MCRS) of scallop to 110mm for scallops taken by the commercial divers during the months of July, August and September. This size is applicable to scallop stocks located in the highlighted access areas (Marine Protected Areas) provided during the summer months. The MCRS for scallop that can be removed from a fishery within the District in months other than July, August, and September will remain at 100mm. This Permit Condition will maintain a larger part of the scallop population and limits exploitation to only some of the breeding population. On board surveys would help understand the impact of this measure on fishing activity.

d) Fitting of a Remotely Accessed Electronic Monitoring Device (iVMS/VMS)

The expected introduction of a Statutory Instrument later in 2022 will require all registered fishing vessels operating in English waters to have fitted a fully operational iVMS device.

The Permit Condition will require any vessel used for commercial diving of scallops to have a fully functioning iVMS device fitted to operate in the District during July, August, and September.

The proposed changes to the cat One Permit Cond will required vessels used in the commercial dive scallop fishery to have these devices fitted earlier in the national roll out timetable.

e) Restriction limiting fishing activity to within the District

The pre-consultation set out the rationale for this potential restriction which assists the enforcement of bag limits and spatial conditions. The Permit Condition will set out that where diving in the District for scallops takes place in the months of July, August and September, no fishing outside of the District will take place on that fishing trip. Divers responding to the pre-consultation supported this proposal management measure.

Timetable/Process

Date/Estimated Time Period	Action	Detail
24 th February 2022	B&PSC Meeting	The B&PSC consider actioning the formal consultation and the elements to be included in the formal consultation.
March 2022	Officer Work	If the Formal Consultation is action by the B&PSC, officers will prepare consultation information and communication material.
Mid-March 2022	Formal Consultation	Start of the 4-week consultation
Mid-April 2022	Officer Work	End of the Formal Consultation and the responses of the consultation collated – A report is produced.
May 2022	B&PSC Meeting	The B&PSC decide if there are to be changes to Category One Diving Permit Conditions
June 2022	Admin	Amended Permit Conditions would be circulated.

Background Papers, Information & Hyperlinks

[Scallop Closed Season – A Summary of Responses from the pre-consultation on the Scallop Closed Season & Additional Information \(10th February 2021\)](#)

[Minutes from the B&PSC Meeting \(25th February 2021\)](#)

Officers' paper ([Agenda Item 7](#)) presented to the B&PSC in October 2021.

[A Guide to the Work of the Byelaw & Permitting Sub-Committee](#)

[Precautionary Management \(D&S IFCA's Decision Making & the Precautionary Principle\)](#)

End.