

# Development of the Mobile Fishing Permit Byelaw 2022

# Formal Consultation Report

# A Summary of Responses from the Formal Consultation on the Proposed Byelaw (and Permit Conditions)

(25<sup>th</sup> November 2022 to 20<sup>th</sup> January 2023)

14th February 2023

B&PSC Meeting (23rd February 2023)

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# Version Control

Version & Date	Comments	
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Version 1.0 – 14/02/2023	Report finalised for presentation to the Byelaw & Permitting Sub-Committee for use at their meeting on 23 <sup>rd</sup> February 2023.	

# 1. Aim of Report & Process.

This report (14<sup>th</sup> February 2023) has been prepared for Members of the Devon and Severn Inshore Fisheries and Conservation Authority's (D&S IFCA's) Byelaw and Permitting Sub-Committee (B&PSC) and for all stakeholders to examine via its publication on the D&S IFCA website.

The report documents how the formal consultation on the proposed Mobile Fishing Permit Byelaw 2022 was conducted and summarises the responses received by the closing date of 20<sup>th</sup> January 2023. This report includes embedded information (Hyperlinks) that give readers access to additional information. All additional information embedded in this report is freely accessible within different sections of <u>D&S IFCA's Website Resource Library</u>.

Defra's Byelaw making guidance sets out that the Authority (B&PSC) should examine objections before the Byelaw (and Permit Conditions) are submitted for confirmation. The B&PSC must determine if there should be amendments to the Byelaw (and the Permit Conditions) to recognise the points of objection raised during the formal consultation.

The report contains no recommendations; however, an Officers' paper will accompany this report which will set out recommendations for the B&PSC to consider that are based on the findings of the consultation. Following the B&PSC meeting, Officers will determine the most suitable manner to respond to stakeholders that have responded during the consultation. A response to explain how the consultation responses are considered by the B&PSC may be in the form of individual letters sent to those that responded, or in combination with an open letter (or report) for all stakeholders.

# 2. Executive Summary of the Consultation and its Findings.

The formal consultation included a range of communication initiatives. This included direct notification of the consultation to **1520** contacts via a Mailchimp email circular. The cost of advertising the proposed introduction of the Mobile Fishing Permit Byelaw (and Permit Conditions) within a selection of newspapers cost approximately **£4385**. Hard copy information was circulated to **30** permit holders with no email address at a cost of **£20.40**.

A range of information was made available during the formal consultation that included a copy of the proposed Mobile Fishing Permit Byelaw 2022, the associated Permit Conditions, and the Impact Assessment.

Four responses were received by D&S IFCA before the closing date of 20<sup>th</sup> January 2023. Responses were received from organisations and individual fishers. One response submitted by the Wembury Marine Conservation Area Advisory Group (WAG) was supportive, and three responses, including a response from South Devon & Channel Shellfishermen Ltd, set out concerns relating to the proposals. The objections are based on the following points:

1. The proposed Category One Mobile Fishing Permit Conditions would prohibit the use dredges other than dredges typically used for the targeting of scallops. This would remove future fishing opportunity for fishers wishing to target mussel and clams using different dredge designs and potentially result in a loss of income.

2. The proposed Category Two Mobile Fishing Permit Conditions would retain a boat length restriction of 10 metres in overall length; however, this vessel size is considered insufficient to ensure safety and the commercial viability for the removal of mussel from the Exe Estuary (in connection with the use of an elevator harvester).

# 3. Background Information.

The review of the existing Mobile Fishing Permit Byelaw (introduced in 2014) began in 2019. Since 2019, the B&PSC has received and discussed multiple Officers' reports and papers, including the findings of pre-consultation. Decision making identified a requirement to create a new Mobile Fishing Permit Byelaw and amend the associated Permit Conditions to include some new management measures.

- Drafting work has been undertaken by Officers with the assistance of D&S IFCA's Byelaw Technical Working Group (BTWG)
- Drafting work has recognised the decision making of the B&PSC

On 20<sup>th</sup> October 2022 the B&PSC were presented with a proposed Mobile Fishing Permit Byelaw 2022, associated Permit Conditions, Annexes and an Impact Assessment which identified areas of change as compared to the existing Mobile Fishing Permit Byelaw (and Permit Conditions). The B&PSC identified aspects of the Impact Assessment to amend and agreed to proceed with a formal consultation regarding the potential implementation of the Mobile Fishing Permit Byelaw 2022 and changes to management measures as set out in the associated Permit Conditions – Category One and Two.

# 4. How the Formal Consultation was Undertaken.

The formal consultation began on 25<sup>th</sup> November 2022 and ended on 20<sup>th</sup> January 2023. The formal consultation involved a combination of communication initiatives that exceeded the mandatory requirements, as specified in Defra's Byelaw making guidance.

# 4.1 Mandatory Communication Requirement

This required the placement of formal advertisements in a selection of newspapers. The newspapers selected for advertising were as follows:

- Fishing News
- Northern Gazette (North Devon based)
- Western Moring News

The combined cost of placing advertisements in the three newspapers (for both the Mobile Fishing Permit Byelaw 2022 and Size of Fishing Vessels Byelaw 2022) was **£8,770.56** (inclusive of VAT). The official notice placed in the newspapers was as follows:

.....Newspaper Advertisements.....

### Section 155, 156 & 158

### Marine and Coastal Access Act

**Notice is hereby given** that pursuant to the above Act, Devon & Severn Inshore Fisheries and Conservation Authority intends to apply to the Minister for the Department for Environment, Food and Rural Affairs for the confirmation of the following Byelaw.

### Mobile Fishing Permit Byelaw 2022

The proposed Mobile Fishing Permit Byelaw 2022 builds upon the previous Byelaw (revoked) and will enable the Authority to continue managing mobile fishing to meet its duties under sections 153 and 154 of the Marine and Coastal Access Act 2009. Flexible, adaptive, and inclusive management is achieved by a continuation of a permit-based model that utilises the provisions provided by sections 156 and 158 of the Marine and Coastal Access Act 2009. Management measures are located within permit conditions, and these can be amended via a review process. The Permit Conditions will be reviewed when necessary and within a time not exceeding three years after the Mobile Fishing Permit Byelaw 2022 comes into force. The Mobile Fishing Permit Byelaw 2022 will be reviewed when necessary and within a time not exceeding five years after its confirmation or sooner if required.

A full text version of the above Byelaw, the Permit Conditions, Annexes, and the Impact Assessment can be viewed (via links) on the D&S IFCA website (News items and the Engagement and Have Your Say page) or obtained by contacting the office.

## How to comment?

Any person wishing to comment, support or object to the confirmation of the above Byelaw must do so in writing to:

Marine Conservation and Enforcement Team, Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle Upon Tyne, NE4 7YH

or IFCAbyelaws@marinemanagement.org.uk by 20th January 2023.

A copy must be sent to the Chief Officer at Devon and Severn IFCA, Brixham Laboratory, Freshwater Quarry, Brixham, Devon, TQ5 8BA

or <a>consultation@devonandsevernifca.gov.uk</a>

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# 4.2 Additional Communications

D&S IFCA has a contact date base and different communication platforms to assist with engagement work.

A news items was created, with the content suitable for use in different ways. A news item was posted on D&S IFCA's website – the home page news feed and displayed on the Latest News tab. The news item was active in a blog format for the duration of the formal consultation. As blogs are time limited, a pdf version is also created and remains loaded and on display in the website Resource Library (Section G - News). The content of the news item was repeated on the Engagement & Have Your Say website display page. The news item was repeated on D&S IFCA's Facebook page.

The D&S IFCA news item was sent directly to journalists and the Fishing News and the Fishing Dailly informed Officers that they had an interest in publishing the news as an editorial. The Fishing Daily published the D&S IFCA news item in its original state and the Fishing News made some minor changes. The editorials did not cost D&S IFCA any money.

Direct communication ensures that stakeholders have a greater chance of being aware that a consultation is underway with the opportunity for them to engage in the process. For the formal consultation, a Mailchimp email circular was created and then sent to **1520** contacts on D&S IFCA's mailing list. The mailing list includes all Permit Holders (mobile fishers, potters, netters, and divers), Members of the Authority and other stakeholders that have and interest in the work of D&S IFCA. Hard copy information was also circulated to **30** Permit Holders that have not provided D&S IFCA with an email address.

The content of the D&S IFCA news item has been transcribed in this report as follows:

# **D&S IFCA NEWS**

# Formal Consultation – Proposed Mobile Fishing Permit Byelaw 2022

D&S IFCA looks to replace the existing Mobile Fishing Permit Byelaw and the Permit Conditions. See what is proposed and have your say.



On 20<sup>th</sup> October 2022 D&S IFCA's Byelaw and Permitting Sub-Committee (B&PSC) agreed to formally consult on a proposed new Mobile Fishing Permit Byelaw 2022 (and associated Permit Conditions). As part of the formal process D&S IFCA must provide formal notice as follows:

# Section 155, 156, & 158 - Marine and Coastal Access Act

Notice is hereby given that pursuant to the above Act, Devon & Severn Inshore Fisheries and Conservation Authority intends to apply to the Minister for the Department for Environment, Food and Rural Affairs (DEFRA) for the confirmation of the following Byelaw –

### The Mobile Fishing Permit Byelaw 2022.

Before this, a formal consultation will be undertaken and all stakeholders can examine the proposed Mobile Fishing Permit Byelaw 2022, the Permit Conditions, and the Impact Assessment - and choose to comment on its potential introduction.

The formal consultation begins on 25<sup>th</sup> November 2022.

# Overview

For those less familiar with the terminology, mobile fishing includes the fishing methods of trawling, scallop dredging and ring netting. The proposed Mobile Fishing Permit Byelaw 2022 builds upon the previous Byelaw that was introduced in 2014 and will be revoked. The new Byelaw will enable the Authority to continue managing mobile fishing to meet its duties under sections 153 and 154 of the Marine and Coastal Access Act 2009. This Byelaw should not be seen as something completely new and there is a continuation of the use of Permit Conditions that many fishers are familiar with. The use of Permit Conditions will allow for the introduction of technological advancements such as Remote Electronic Monitoring. As Permit Conditions are flexible, they can be amended via a review process which gives fishers the opportunity to engage with D&S IFCA when there is a formal review of Permit Conditions or at other times when there is a need to do so.

### What stays and what is new?

The Byelaw has a fresh look in its layout and structure, but much is unchanged regarding the management measures (set out within the Permit Conditions) such as the requirement for vessel monitoring (IVMS), minimum sizes, number of dredges, a scallop closed season, and spatial restrictions that restrict access in Marine Protected Areas (MPAs). An Impact

Assessment has been prepared that explains all the changes; however, the following should be recognised:

- The Permit Conditions allow for restrictions or requirements contained in Sections 156 and 158 of the Marine and Coastal Access Act 2009.
- The Byelaw and Permit Conditions are set out more clearly and make use of bold italic font to provide readers with clarity about the full meaning of words.
- Permits (valid for up to two years) will increase in cost from £20 to £40 this is an administration fee.
- An exemption clause has been included that will enable authorisations to be considered and issued for controlled maintenance activity in the District, that otherwise would be a potential offence.
- The only dredge type of gear that can be used at sea will be dredges designed to target scallops.
- There are additional spatial restrictions to protect sensitive features within Marine Protected Areas (Hartland Point to Tintagel MCZ, Bideford to Foreland Point MCZ and the Morte Platform MCZ).
- New charts have been developed that have improved presentation and are consistent with Inspire Regulation requirements.
- Spatial restrictions have been added to protect coastal mariculture sites and heritage asset sites.
- There have been some minor changes to the management measures in the Category Two (Estuary) Mobile Fishing Permit Conditions relevant to the Exe Estuary and Salcombe Estuary.

# A Closer Look

The following links can be used to view all the information, or you can visit our **Engagement** and Have Your Say website page to access the information.

- Mobile Fishing Permit Byelaw 2022
- Impact Assessment
- Category One (At Sea) Permit Conditions
- <u>Annexes for the Category One Permit Conditions</u>
- <u>Category Two (Estuary) Permit Conditions</u>
- Annexes for the Category Two Permit Conditions

If you prefer the above information in hard copy or in an email attachment, then please <u>contact</u> D&S IFCA.

# Your view, our view, and the next steps

Any person wishing to comment, support or object to the confirmation of the above Byelaw must do so in writing to: Marine Conservation and Enforcement Team, Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle Upon Tyne, NE4 7YH.

Email IFCAbyelaws@marinemanagement.org.uk

A copy must be sent to the Chief Officer at Devon and Severn IFCA, Brixham Laboratory, Freshwater Quarry, Brixham, Devon, TQ5 8BA

Email <a href="mailto:consultation@devonandsevernifca.gov.uk">consultation@devonandsevernifca.gov.uk</a>)

• The formal consultation begins on 25<sup>th</sup> November 2022

- Any person wishing to object to the Byelaw should provide their response not later than 28 days after the date of the last advertisement in a selection of newspapers
- The closing date to submit responses is 20<sup>th</sup> January 2023

Dr Emma Bean, Chair of D&S IFCA's Byelaw and Permitting Sub-Committee (B&PSC) said:

"This has been a long journey as the review of the current Byelaw began in 2019. We are continuing with our approach to fisheries management that will enable the best use of existing and future technology that benefits both D&S IFCA and fishers. Our approach to managing mobile fishing activity is based upon ensuring flexibility with our legislation, encouraging engagement with stakeholders, and ensuring transparency of all information used in our decision making.

I am pleased that people have taken the time to engage with us along the way as this helps to inform our decision making and shape the development of our legislation. Now is the most important part of the process and we will try and reach the widest possible audience with our communications to give all stakeholders the opportunity to have their say."

### Later Stages

When the formal consultation ends, all responses will be collated by D&S IFCA Officers, and a report will be provided to the B&PSC which will be published on D&S IFCA's website. Based on the response, the B&PSC will determine if there are to be any changes to the Byelaw (and permits) as proposed. A report "response to stakeholders" will be made available and circulated to those who responded. Ultimately it will be the Secretary of State that determines if the proposed Byelaw is signed and introduced.

### More information about D&S IFCA

Our website includes a range of display pages and an interactive publication scheme (**Resource Library**) which contains a range of information including Officer papers and minutes from meetings.

A guide has been produced to explain the work of the Byelaw and Permitting Sub-Committee which can be viewed <u>here</u>.

Contact Us or find out more About Us and Our Work.

End of News Item.

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# 5. The Formal Consultation Responses

The Mailchimp platform provides Officers with some statistics.

- 1520 stakeholders received the Mailchimp circular sent directly by D&S IFCA.
- 843 stakeholders opened the Mailchimp circular sent by D&S IFCA.
- 26 emails bounced.
- 4 stakeholders unsubscribed from D&S IFCA's mailing list.
- 4 responses were received by D&S IFCA before the closing date of 20<sup>th</sup> January 2023.

The MMO (IFCA) byelaw team confirmed, via email correspondence, that they had received the same responses.

Response Ref No. & Date Received	Submitted by	Type of response	Theme of Objection
Ref: 01 18/01/2023	Wembury Marine Conservation Area Advisory Group (WAG)	Supportive	Not applicable
Ref: 02 16/12/2022	South Devon & Channel Shellfishermen Ltd	Objection	Limitation on types of authorised dredging equipment – relevant to fishing for mussel and clams.
Ref: 03: 11/12/2022	Individual Fisher	Objection	Limitation on types of authorised dredging equipment – relevant to fishing for mussel and clams.
Ref: 04 28/11/2022	Individual Fisher	Objection	Size of vessel for use with a Category Two Permit (removal of mussel) within the Exe Estuary

# 5.1 Response Table Summary

# **5.2 Supportive Response**

The Wembury Marine Conservation Area Advisory Group (WAG), provided the following response transcribed below:

"Dear Devon and Severn IFCA.

I am responding to your consultation on the Mobile Fishing Permit Byelaw on behalf of the Wembury Marine Conservation Area Advisory Group of which I am chair.

While the proposal does not appear to affect the Wembury MCA directly, we want to confirm our support for any legislation that reinforces marine conservation measures and helps to protect the valuable and sensitive habitats around our coast.

Likewise, we would be most concerned about the relaxation of any such legislation. Thank you for seeking our views".

## 5.3 Objection Responses & Context

Three responses set out concerns relating to the proposed Byelaw and the Permit Conditions as a package. There are two different themes of objection and information has been added to put these into context.

### 5.31 Category One Permit – Types of Authorised Dredging Equipment

Two responses focussed on the types of dredges to be authorised for use at sea as set out within a Category One Mobile Fishing Permit, raising their concern that it would remove the opportunity for fishers to use dredge gear that is not typically used to target scallops.

For context, mobile fishing gear includes dredge gear, and at present a permit must be obtained by a fisher (vessel owner) to operate a dredge for the taking of any sea fisheries resources. All forms of dredging for sea fisheries resources (at sea) are subject to spatial restrictions as set out within a Category One Mobile Fishing Permit.

The existing Mobile Fishing Permit Byelaw (the Category One Permit) does not prohibit all dredge types and includes specific restrictions that enables the use of both scallop dredges and mussel dredges. Other forms of dredge can also be used at sea to target clams.

The proposed Mobile Fishing Permit Byelaw 2022 and the Category One Mobile Fishing Permit Conditions define "Mobile Fishing Gear", and this includes the use of a dredge that is designed to be towed or pushed to take any sea fisheries resources; however, different types of dredges are not further defined.

The proposed Category One Mobile Fishing Permit Conditions set out the following (as shown in blue font):

## **Dredging**

- 2.1 An *Owner* or *Named Representative* is not authorised to *Fish* within the *District* with any dredge gear except:
  - a) one fitted with a spring-loaded tooth bar;
  - b) any part of the frame does not exceed 85 centimetres in width;
  - c) where rings are used in the construction of a retaining bag these shall not be less than 75mm measured across the inside diameter;
  - d) where net is used in the construction of a retaining bag it shall have a minimum mesh size of 100mm; and
  - e) the size of the ring or net mesh of the retaining bag shall not be obstructed or otherwise reduced.
- 2.2 An **Owner** or **Named Representative** is not authorised to **Fish** with any dredge gear from a **Relevant Fishing Vessel** within the **District** with more than two tow bars at any one time.

# 2.3 An *Owner* or *Named Representative* is not authorised to *Fish* with any dredge gear from a *Relevant Fishing Vessel* within the *District*.

- a) when operating more than 12 dredges at any one time; and
- b) where multiple dredges are used, with a tow bar, including attachments, that exceeds 5.18 metres in length.

The above conditions represent restrictions suited to the use of scallop dredges. Within the Impact Assessment, Officers determined that although there is evidence that one fisher has in the past operated dredges suited to target clams, this fisher no longer has a Category One Mobile Fishing Permit. Officers also concluded that there were no other fishers that operate alternative types of dredges at sea. It was recognised that the above conditions could represent a monetised cost to fishers as it would remove fishing opportunity if fishers wanted to use different forms of dredges in the future.

# South Devon and Channel Shellfishermen Ltd

The relevant section of the response set out the following:

"Members operating mussel dredges are concerned that the changes to the mobile gear permits may prevent them operating in future. Although we only have one member operating such gear, I believe there are several in the county. I also remember a clam dredges having been used in the past, but am not sure if this fishery still exists in Devon".

# **Individual Fisher**

The other response relating to this theme was provided by an individual fisher. The response set out that he had operated in the Start Bay area for over 20 years targeting clams. The fisher explained that the dredge used was home-made and roughly the same size as a scallop dredge but with a fixed blade. The response set out that a scallop dredge (as set out in the proposed Permit Conditions) is totally inappropriate for this fishery and if the Permit Conditions are not amended to allow for this different type of dredge, then he would suffer significant financial loss (if he does choose to obtain a Permit to fish for clams).

# **Officer Clarification & Comments – Category One Permits:**

All fishing activity with dredges falls under the interpretation of "Mobile Fishing Gear". This applies in the current Mobile Fishing Permit Byelaw and will apply in its replacement. Fishers wishing to operate dredge gear at sea must do so under the conditions set out within a Category One Permit. The current Category One Permit Conditions allow for the use of specified mussel dredges an also does not prohibit the use of dredges suited to fish for clams.

The proposed Category One Permit Conditions, as advertised in the formal consultation, have been drafted in such a way that all dredges must conform to a series of specific criteria. This criterion is suited to dredges typically used to fish for scallops, but not other species such as mussel and clams.

Regarding dredge activity at sea (with a Category One Permit); limiting dredge activity to the use of scallop dredges was based on evidence that other forms of dredging were not currently being undertaken within the District at sea. However, it was not the intention to remove fishing opportunity using different types of dredge gear if fishers identified a need to target mussel or clams.

Drafting options exist to enable different types of dredges to be used at sea and therefore recognise the objections raised by an individual fisher and South Devon and Channel Shellfishermen Ltd.

This can include setting out paragraphs in a different way, introducing additional interpretations, or a combination of both. Subject to the decision making of the B&PSC, drafting work to amend the Category One Permit Conditions can be discussed with D&S IFCA's Byelaw Technical Working Group.

# • Recommendations for the B&PSC are set out within a separate Officers' paper.

During the formal consultation period, Officers have also noted other slight changes (presentational issues) that should be addressed in additional drafting work; however, these changes would make no material difference to the restrictions.

# 5.32 Category Two Permit – Exe Estuary – Mussel Fishing

The objection relates to the size of vessel that can be used within the Exe Estuary to remove mussel with an elevator harvester dredge. The proposed Category Two Mobile Fishing Permit Conditions have retained an upper size limit (10 metres in overall length) for the use of a fishing vessel within the public areas of the Exe Estuary. The Category Two Permit does not apply to privately leased areas within the Exe Estuary. The proposed Category Two Permit Conditions set out that the type of mobile fishing equipment that can be used within the Exe

Estuary is limited to an elevator dredge that has a specification and design approved by the Authority. The type of equipment to be approved would be based on that used to date and assessed in a European Marine Habitats Regulation Assessment (HRA).

The response recognised that the separate proposed Size of Fishing Vessel Byelaw 2022 would introduce a District wide upper limit of 14.99 metres overall length for commercial fishing vessels,<sup>1</sup> and this was supported.

The relevant section of the consultation response, as received, is transcribed below:

"The mussel fishery in the Exe has thrived since the introduction of elevator boats in 2006. The commercial practices involved with seed movement and harvesting are not only commercially important but produce long term benefit to the environment and cause no damage to the fundus.

The Exe is divided into private areas and crown land. Most seed opportunities occur on the private areas and most of the best growing sites are on crown land. I have a 17m elevator vessel for the private land and a 10m elevator vessel for crown land.

In 2017 the Environment Agency (EA) undertook a flood prevention scheme at the mouth of the Exe which cost £14m and was a total failure. It degraded the flood defences and destroyed the mussel fishery. Five years later there are signs that mussels seed is at last beginning to return to the Exe.

To rebuild the Exe as a production area for mussels will mean investment in a new elevator vessel. The 10m limit is a stumbling block and I have never understand the logic or rationale behind it. A larger boat does not mean a larger fishing head, merely a safer vessel from which to fish. There is no increase in fishing pressure. If you wish to limit the fishing ability, then please consider a width limit for the fishing head rather than the vessel size. Mussel bags are heavy and under 10m vessels cannot be operate cranes safely due to stability problems. I propose that the 14.99m limit is set as a standard within the whole district, to include the estuary elevator boats. That would allow me to plan effectively for the future and build the correct size of vessel (12-14m) that could operate safely within the estuary and yet carry the bulk loads that are required for commerciality".

# **Officer Clarification & Comments – Category Two Permits:**

The response in relation to the Exe Estuary implies that the Exe is the only "open" Estuary for mobile fishing activity that has a vessel size limit as a management measure; however, this is not accurate as the scallop dredge fishery in Salcombe Estuary is restricted to vessels that have a maximum size of seven metres in overall length.

The use of mobile fishing gear within estuaries is site specific and a vessel size restriction is only one of several restrictions that can be applied. As a range of restrictions can and are applied, the size of a vessel (other than a maximum set for the District as a whole) is not considered by Officers to be a key control measure for the Exe Estuary.

Officers have recognised that the existing vessel length restriction of 10 metres in overall length, that has been in place within the Exe Estuary for many years, could be amended as it would not result in any significant change in mobile fishing activity (mussel fishery) within the Exe Estuary.

The proposed Category Two Permit Conditions set out that the type of elevator harvester, that could be authorised (for the mussel fishery). This would be of a design and specification

<sup>&</sup>lt;sup>1</sup> Defined as a Relevant Fishing Vessel – having both a Certificate of Registry and a valid Fishing Licence

approved by the Authority. Rather than additional "policy" to establish suitability of the elevator harvester, key criteria could be set out within the Category Two Permit Conditions. This criterion would be based on the construction of the elevator harvester that has already been used in recent years within the Exe Estuary and is also recognised in a European Marine Habitats Regulation Assessment (HRA). Flexibility of management would be retained as the criteria would form part of the Category Two Permit, that can be reviewed when required.

Different drafting options exist to recognise the objections raised by this individual fisher. This can include setting out paragraphs of the Permit in a different way, introducing additional interpretations, or a combination of both. From a drafting perspective, a change of a vessel length restriction is relatively simple.

Subject to the decision making of the B&PSC, drafting work to amend the Category Two Permit Conditions can be discussed with D&S IFCA's Byelaw Technical Working Group.

# • Recommendations for the B&PSC are set out within a separate Officers' paper.

# 6. Background Information (Hyper- Links to Information)

The following are links to the package of information made available during the formal consultation.

- Mobile Fishing Permit Byelaw 2022
- Impact Assessment
- <u>Category One (At Sea) Permit Conditions</u>
- <u>Annexes for the Category One Permit Conditions</u>
- <u>Category Two (Estuary) Permit Conditions</u>
- Annexes for the Category Two Permit Conditions

Further detail about the B&PSC, including principles for byelaw review work can be found in a <u>guide</u> that is posted on the D&S IFCA website or available upon request.

End.