



# Development of the Size of Fishing Vessels Byelaw 2022

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## Formal Consultation Report

**A Summary of Responses from the Formal Consultation on the Proposed Byelaw**

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

**14<sup>th</sup> February 2023**

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## Version Control

Version & Date	Comments
Version 0.1 – 08/02/2023	1 <sup>st</sup> draft prepared for D&S IFCA’s Byelaw & Permitting Sub-Committee for use at their meeting on 23 <sup>rd</sup> February 2023 – Internal review.
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 Size of Fishing Vessels 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 [D&S IFCA's Website Resource Library](#).

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

In this case there were no objections to the implementation of the proposed Size of Fishing Vessels Byelaw 2022.

The report contains no recommendations; however, an Officers paper will accompany this report which will set out recommendations for the B&PSC that are based on the findings of the consultation. Officers will determine the most suitable manner to respond to the stakeholder that responded during the consultation.

## 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 **1510** contacts via a Mailchimp email circular. The cost of advertising the proposed introduction of the Size of Fishing Vessels Byelaw 2022 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 Size of Fishing Vessels Byelaw 2022 and the Impact Assessment.

One response was received by the closing date of 20<sup>th</sup> January 2023. This response was submitted by the Wembury Marine Conservation Area Advisory Group and stated their support for the introduction of the Byelaw.

## 3. Background Information.

The review of the existing Size of Vessels Byelaw began in 2021.

Since the start of the review, the B&PSC has received and discussed multiple Officers' reports, and papers. Weakness with the existing Byelaw was identified and the findings of pre-consultation has been recognised in the development of the proposed Size of Fishing Vessels Byelaw 2022 that is intended to replace the original.

- 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 Size of Fishing Vessels Byelaw 2022 and an Impact Assessment which identified areas of change as compared to the existing Size of Vessels Byelaw. 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 Size of Fishing Vessels Byelaw 2022.

#### **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 included 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 Size of Fishing Vessels Byelaw 2022 and the Mobile Fishing Permit Byelaw 2022) was **£8,770.56** (inclusive of VAT). The official notice placed in the newspapers was as follows:

.....**Newspaper Advertisements**.....

#### **Section 155 & 156**

#### **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.

#### **The Size of Fishing Vessels Byelaw 2022**

The proposed Size of Fishing Vessels Byelaw 2022 supports the management of the exploitation of sea fisheries resources and prohibits registered fishing vessels that are over 14.99 metres in overall length, from fishing within the D&S IFCA’s District. In addition to scientific, stocking or breeding purposes, the Size of Fishing Vessels Byelaw 2022 enables registered fishing vessels over 14.99 metres in overall length to undertake maintenance activity within the D&S IFCA’s District under the conditions set out in an exemption pursuant to the Size of Fishing Vessels Byelaw 2022 authorised by D&S IFCA. The Size of Fishing Vessels Byelaw 2022 will be reviewed by the Authority when necessary and within five years after its confirmation or sooner if required.

A full text version of the above Byelaw 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](mailto:IFCAbyelaws@marinemanagement.org.uk) by 20<sup>th</sup> 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 [consultation@devonandsevernifca.gov.uk](mailto:consultation@devonandsevernifca.gov.uk)

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## 4.2 Additional Communications

D&S IFCA has a contact data 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 the Fishing News and The Fishing Dailly and the item was published as an editorial either as originally written or with minor changes applied.

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 **1510** 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 Size of Fishing Vessels Byelaw 2022**

**D&S IFCA looks to replace the existing Size of Vessels Byelaw. 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 Size of Fishing Vessels Byelaw 2022. As part of the formal process D&S IFCA must provide formal notice as follows:

#### **Section 155 & 156 - 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 Size of Fishing Vessels Byelaw 2022.**

Before this, a formal consultation will be undertaken, and all stakeholders can examine the proposed Size of Fishing Vessels Byelaw 2022 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 current situation, there is already a Size of Vessels Byelaw in place that will be revoked six months after the date when the Size of Fishing Vessels Byelaw 2022 comes into force. The combination of this proposed Byelaw and other permit-based Byelaws prevents owners of commercial fishing vessels that exceed a specified size being eligible for a Permit and therefore operating within the District under the conditions of a Permit.

The current Size of Fishing Vessels Byelaw includes provisions (fishing rights known as “grandfather rights”) that have enabled larger vessels (including one over 25 metres in overall length) to operate in the District until a change of ownership has occurred. Over time the number of vessels that have benefitted from grandfather rights has fallen; however, the existence of this clause is determined to be a weakness and no longer appropriate.

The proposed Size of Fishing Vessels Byelaw 2022 will:

- **introduce a new maximum size of 14.99 metres in overall length**
- **not include a provision for grandfather rights**

The proposed Size of Fishing Vessels Byelaw 2022 balances the needs of different fishers. It will only apply to fishing vessels that are both registered and hold a fishing licence (a Relevant Fishing Vessel). The Byelaw will not apply to recreational vessels. It should be recognised that all the current inshore fishing fleet (Relevant Fishing Vessels) in D&S IFCA’s District are below 15 metres in overall length and therefore will not be impacted by the introduction of this proposed Size of Fishing Vessels Byelaw 2022.

### **What else is new?**

The Byelaw has a fresh look in its layout and structure, but it also includes an exemptions clause which enables an authorisation to be issued for an activity that would otherwise be a contravention of the Byelaw. Fishers often have a legitimate need to conduct maintenance activity at sea and this is particularly evident with larger vessels (above 14.99 metres in overall length) that are based in ports including Brixham and Plymouth. The exemptions clause will enable the Authority to potentially issue authorisations (with conditions) for maintenance. The Authority will be able to determine the suitability of the authorisation request and consider what types of maintenance are suitable, where within the District it can be conducted and at what time it can take place. Depending on the types and suitability of maintenance required, the exemption clause in the Byelaw (a granted authorisation) will remove the need for large commercial fishing vessels having to transit to areas outside the District to conduct essential maintenance work; thereby losing fishing time taken for the repairs, spending more money on fuel and increasing their carbon footprint.

### **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.

- [Size of Fishing Vessels Byelaw 2022](#)
- [Impact Assessment](#)

If you prefer the above information in hard copy or in an email attachment, then please [contact](#) D&S IFCA.

### **Your 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](mailto: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 [consultation@devonandsevernifca.gov.uk](mailto:consultation@devonandsevernifca.gov.uk)

- 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.

### **Later Stages**

When the formal consultation ends, all responses will be collated, 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 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 [here](#).

[Contact Us](#) or find out more [About Us and Our Work](#).

End of News Item.

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## **5. The Formal Consultation Response**

The Mailchimp platform provides Officers with some statistics.

- **1510** stakeholders received the Mailchimp circular sent directly by D&S IFCA.
- **829** stakeholders opened the Mailchimp circular sent by D&S IFCA.
- **17** emails bounced.
- **6** stakeholders unsubscribed from D&S IFCA's mailing list.
- **1** response was 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 also received this response. The response from the Wembury Marine Conservation Area Advisory Group (WAG) is transcribed below:

*“Dear Devon and Severn IFCA*

*I am responding to your consultation on the Size of Fishing Vessels 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. An example is the proposed removal of ‘grandfather rights’ for larger vessels.*

*Likewise, we would be most concerned about the relaxation of any such legislation.*

*Thank you for seeking our views”.*

## **5.1 Objection Responses**

There were no objections to the proposed Size of Fishing Vessels Byelaw 2022.

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

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

- [Size of Fishing Vessels Byelaw 2022](#)
- [Impact Assessment](#)
- [The News Item \(as a base for communications\) in pdf format](#)

Further detail about the B&PSC, including principles for byelaw review work can be found in a [guide](#) that is posted on the D&S IFCA website or available upon request.

End.