

**DEVON & SEVERN  
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

Minutes of the Byelaw and Permitting Sub Committee Meeting  
Held on 12<sup>th</sup> April 2018 at Brixham Laboratory Brixham

Present:	Mike Williams (Acting Chair)	James Marsden	Cllr Ellery
	David Morgan	Andrew Knights	Cllr Kelly
	Richard White	Jim Portus	John May

Also Present: ACO Mat Mander, DCO Sarah Clark and PPO Neil Townsend

Apologies: David Rowe, John Butterwith, Rachel Irish, Simon Toms, Stephen Gledhill, David Cuthbert

### **Introduction**

Mike Williams explained that unfortunately David Rowe could not attend the meeting. Mike Williams also explained that he had been asked to stand in as Acting Chair for this meeting and, if members agreed, said he would continue. All members agreed, and Acting Chair Mike Williams began by reading out members' apologies which included both David Rowe (Chair) and John Butterwith (Vice-Chair). ACO Mander explained that John Butterwith had made every effort to attend, but a health issue prevented him from attending. The Acting Chair then focussed on the agenda for the meeting.

### **1 To consider and approve minutes of the Byelaw and Permitting Sub-Committee meeting held on 13<sup>th</sup> November 2017. (Circulated by email)**

The Acting Chair informed PPO Townsend that some minor errors and comments had been received via email from John Butterwith in regard to the officer papers which were noted by PPO Townsend. Following this, the Acting Chair invited members to raise any issues resulting from the draft minutes taken at the last meeting. The minutes were examined page by page with no amendments highlighted from the members present. A vote was then taken.

***That the minutes (as amended) provide a true and accurate record.***

**Proposed:** Cllr Ellery                      **Seconded:** Jim Portus

**All agreed**

### **2 Business Arising**

The Acting Chair raised the subject of the IFCA/MMO/Defra quality assurance process for the byelaw review. Whilst acknowledging that D&S IFCA is believed to be performing well in the view of Defra, the Acting Chair, James Marsden and Jim Portus raised continuing concerns in regard to the quality assurance process and the involvement of the MMO.

ACO Mander explained that D&S IFCA had submitted a response (via a questionnaire) to Defra to highlight some concerns relating to the role of the MMO and issues surrounding the level of involvement at key stages. In addition to the questionnaire ACO Mander explained that process model mapping had been developed and presented to Defra representatives whilst on a recent visit to the D&S IFCA Offices. The Acting Chair and other members welcomed the update and felt that it was important that Defra and the MMO are clear that D&S IFCA has both the desire and capability to take independent legal advice and utilise any such advice in its byelaw review work.

**DEVON & SEVERN  
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

ACO Mander used this opportunity to explain that although the previous CO did not attend the Byelaw and Permitting Sub-Committee meetings, his attendance would continue subject to the approval of the members. DCO Clark also added that the Chief Officer of other IFCA's usually attend Sub-Committee meetings or the equivalent Byelaw working groups. Members including James Marsden raised concern over the increased workload for the ACO, but there was agreement that continuing attendance was desirable dependent on availability and priority of working.

**3 To discuss the officer actions resulting from the last meeting (13<sup>th</sup> November 2017)**

The Chair suggested that members examine the list of actions that had been circulated in preparation for the meeting and invited the officers to provide a verbal update on each item.

**Actions from November**

**Byelaw QA Process**

<b>1.</b>	<b>The Authority</b>	<b>A) To prepare written correspondence to the MMO QA team to clarify the MMO remit, process and expected standards. B) As a 2<sup>nd</sup> step, to review the service level agreement that D&amp;S IFCA has with the MMO (for Byelaw working)</b>
-----------	----------------------	---

Members accepted that Action 1 (a) had already been addressed in Business Arising. In regard to Action 1 (b), the Acting Chair was joined by James Marsden, Richard White and Jim Portus in highlighting the desire to see a service level agreement implemented at the end of the review of the Quality Assurance Process. Jim Portus further commented that any such documentation should clarify expectations within the context of working together.

**Precautionary Principle**

<b>2.</b>	<b>IFCO Townsend</b>	<b>To post the completed public statement in regard to the use of a precautionary principle on the D&amp;S IFCA website</b>
-----------	----------------------	---

PPO Townsend confirmed that this Action had been completed, with the statement posted on the D&S IFCA website and added to the publications scheme (Policy).

**Ring Nets – Shad Bycatch**

<b>3.</b>	<b>DCO Clark &amp; Environment Team</b>	<b>To examine and potentially revise the completed assessments to date and also develop a plan to introduce a Fully Documented Fishery in regard to bycatch of shad</b>
-----------	---	---

DCO Clark began by providing a verbal update to members. Members including John May, highlighted the importance of shad in the Severn area of the District. Both James Marsden and

## **DEVON & SEVERN**

### **INSHORE FISHERIES AND CONSERVATION AUTHORITY**

Andrew Knights highlighted the lack of information that currently exists about the species within sea areas. It was explained by DCO Clark that work had begun developing the Fully Documented Fishery and reporting to Natural England would form part of this work. Several members suggested that a coordinated approach involving several different interested parties would be advantageous for effective delivery and also discussed the possibility of acquiring additional funding for this work. Andrew Knights explained that Natural England is already trying to work with South West Water and there is definitely potential to include university students. In regard to funding, Andrew Knights informed members that the difficulty catching and then tagging the fish does make the acquisition of funding difficult. John May commented that effective engagement and inclusion of the angling sectors in the Severn area would be beneficial to the project and increase the base line data. Jim Portus explained that identification of shad (as a bycatch) is problematic when mixed within a relatively large bag of other pelagic species, such as the ring netters operating in Plymouth Sound. The Acting Chair thanked DCO Clark for the update and asked PPO Townsend to record action resulting from the discussions.

#### **New Actions from April 2018**

<b>1</b>	<b>DCO Clark and Andrew Knights (Natural England)</b>	<b>To continue development of a plan to introduce a Fully Documented Fishery by contacting and including interested parties which include Plymouth University, Environment Agency, and potentially SIFCA and CIFCA.</b>
----------	---	---

#### **4 To update members on the common seas/D&S IFCA initiative for the ordering and fitting of Inshore Vessel Monitoring Systems (I-VMS)**

ACO Mander conducted a verbal update and explained that the draft contracts with three manufacturers were now at an advanced stage. The ACO explained that the IFCA purchase of units via the funding arrangement and subsequent fitting of equipment is now expected to begin in the next few weeks. Jim Portus enquired what stage both the Welsh Government and other IFCA's are with the introduction of the new technology. ACO Mander informed members in regard to progress on a national level and the potential introduction of a Statutory Instrument. In addition, ACO Mander explained that several other IFCA's had cited financial risk to their own Authorities as a reason to delay their own work however; ACO Mander reassured members that the South West Region was at a relatively advanced stage.

In regard to future expansion of I-VMS technology to other vessels permitted within the D&S IFCA District, ACO Mander highlighted that the Authority could once again investigate funding opportunities that may be available. When asked if regional funding was a consideration, ACO Mander confirmed that D&S IFCA would act alone, but both CIFCA and SIFCA are supportive of the approach and work being undertaken. Members including James Marsden, Richard White and Jim Portus remarked that the development of this initiative by D&S IFCA presents an immediate opportunity for positive communications for the Authority with a view to press release and media coverage. James Marsden and Richard White also made other members aware that non-governmental organisations such as the Wildlife Trusts may be supportive and assist in promoting the developments in I-VMS. The Acting Chair, who could also see the merits in an early communication strategy, asked other members for their thoughts. David Morgan urged for some caution, as some risk exists that not all the installed equipment will function correctly in the initial period, and negative publicity for the Authority may follow. As a

**DEVON & SEVERN  
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

compromise Cllr Kelly suggested that a two-stage approach be taken, with an initial news item developed and published and another update created and released at a later stage. An Action was formulated as follows:

**New Actions from April 2018**

<b>2</b>	<b>ACO Mander &amp; Alison Heiman</b>	<b>To discuss and plan a two-phase communication strategy for the introduction of I-VMS and develop the required information for publication.</b>
----------	---------------------------------------	---

ACO Mander explained that a meeting between all IFCA Chief Officers had been planned and he would be able to report back with more information soon. Members asked PPO Townsend to record this as an action as follows:

**New Actions from April 2018**

<b>3</b>	<b>ACO Mander</b>	<b>To provide all members with an electronic update of the outcome of the Chief Officers Meeting</b>
----------	-------------------	--

At this time the Acting Chair felt it was appropriate that members formally record their appreciation for the work completed by officers and voted as follows:

**Proposed:**     *Mike Williams*                      **Seconded:**     *Cllr Ellery*

**All agreed**

- 5        To consider the findings of the mobile fishing consultation as documented in the supplementary report (26<sup>th</sup> March 2018) and the implementation of the proposed mobile fishing permit conditions**

The Acting Chair asked ACO Mander to introduce this Agenda item and asked members to refer to their supplement circulated prior to the meeting. ACO Mander explained how the supplement has been produced to build on previous reports that had been circulated and published and, in this case, applied focus to the findings of the consultation completed between 31<sup>st</sup> January and 14<sup>th</sup> March 2018. In addition, ACO Mander explained that officer comments had been added after many of the different sections, but these did not represent recommendations, rather they added factual information or clarity to each topic.

The Acting Chair stated that the document (and all the separate supplements) was both informative and of sufficient quality to assist the decision making of members. James Marsden suggested that publication of this and other members' supplements is of importance and would demonstrate complete transparency with information used. The other members supported this view point. ACO Mander, whilst explaining that D&S IFCA plan to increase its general publication output, enquired about the appropriate timing of the publication of members papers. Cllr Ellery, Cllr Kelly were both in agreement on this issue and suggested that all officer papers, excluding draft minutes, be published before the relevant meetings and in addition D&S IFCA should use all its communication outlets, where possible, to achieve this. Acting Chair Mike Williams felt it was important that all officer papers for both the Byelaw and Permitting Sub-Committee and the Full Authority meetings be published before these public meetings wherever possible. James Marsden added that in his experience representing other organisations, only Public Interest Disclosure (on advice of solicitor) should hamper efforts to improve and demonstrate full transparency. Members suggested that the use of web cameras

## **DEVON & SEVERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

be considered by the Full Authority on a future agenda. Without a formal vote, officers were requested to do what they can in the future in regard to completion and “early” publishing of all officer papers and information used at IFCA meetings. The Acting Chair now asked members to return to the agenda and discuss the first item relating to agenda item 5.

- 5a) To consider the implementation of the proposed permit conditions to manage the South Devon Inshore Fishing Grounds (Known as the Inshore Potting Agreement Areas- IPA)

Members recognised the responses submitted by stakeholders and the information documented in the supplement. Members concluded that no information had been provided to justify changes to the proposals as set out. Members including Andrew Knights and James Marsden acknowledged the complexity of the issue, in particular the development of new mobile fishing annexes which interlink to permit condition wording and restrict access for both the IPA and MPA areas. ACO Mander explained to members that the introduction of USB sticks (to insert in electronic chart plotters) would also be beneficial and simplify the spatial management. The Acting Chair commented that, although the proposal represents something new in terms of presentation, the current restrictions are preserved and the consistent use of Annexes throughout the mobile permit conditions which are relevant for the IPA, MPA and also the introduction of I-VMS will help clarify restrictions for all interested parties. Members voted as follows:

***That D&S IFCA amend the mobile fishing permit conditions as proposed to manage the South Devon Inshore Fishing Grounds (known as the Inshore Potting Agreement Areas)***

***Proposed: James Marsden      Seconded: Richard White***  
***All agreed***

- 5b) To consider the implementation of the proposed permit conditions for the introduction of Inshore Vessel Monitoring Systems (I-VMS)

ACO Mander introduced this item and at the request of members, including Jim Portus, clarified aspects of the proposals in regard to the potential failure of fitted equipment. ACO Mander explained that all the equipment had been tested via a type approval process and failure was not expected. However; members should be aware of the detail surrounding the proposed permit conditions as set out in the consultation. As a pilot project (and in the absence of national legislation), D&S IFCA has the opportunity to use the permit conditions to clarify the requirements of fishers if units are not fully functioning. The conditions (as proposed) would require a vessel to return to port for repair before fishing once again in the District or if a repair is delayed, surrender the permit to continue fishing outside of the District while the unit is still not functioning. The surrender of a permit is an option for the fisher, but a re-issue would cost the permit holder £20.

Both the Acting Chair and James Marsden took the view that the proposals would provide the incentive for fishers/vessel owners to have units repaired in a timely manner. David Morgan pointed out that urgency to repair faulty equipment would be dependent on what plans the vessel has in regard to its fishing activity, for example a poor weather period. David Morgan and Cllr Kelly urged for some caution with this approach as it is not without doubt how well the units will function in practice and how quickly repairs could be made to them. With this in mind both members took the view that a fisher may be dis-advantaged in regard to lost fishing opportunities while waiting for a repair, the timing of which may be beyond their control. As a compromise a zero-cost re-issue of permits (due to failure) was suggested and other members supported this revised approach.

**DEVON & SEVERN  
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**New Actions from April 2018**

<b>4</b>	<b>PPO Townsend</b>	<b>To draft suitable clarification/policy documentation to explain how permits can be surrendered and re-issued at zero cost due to I-VMS device failure</b>
----------	-------------------------	--

The Acting Chair encouraged members to focus on the consultation response once again, in particular the submission from both Devon Wildlife Trust and Natural England. After discussing the responses, members concluded that the points raised by Natural England address several of the concerns raised by Devon Wildlife Trust and were content to vote on the proposals as set out in the consultation as follows:

***That D&S IFCA amend the mobile fishing permit conditions as proposed to introduce the use of Inshore Vessel Monitoring Systems.***

***Proposed: Cllr Ellery      Seconded: Cllr Kelly  
All agreed***

- 5c) To consider the implementation of the proposed permit conditions to replace a reliance on the deeming clause

Members acknowledged the relatively low consultation response to this issue as well as the need to recognise the legal advice offered by Defra. Members concluded that the rationale for change in regard to this item had been well documented and could see no reason why the permit conditions should not be amended as proposed. A vote was taken as follows:

***That D&S IFCA amend the mobile fishing permit conditions as proposed to replace a reliance on the deeming clause***

***Proposed: Jim Portus      Seconded: David Morgan  
All agreed***

- 5d) To consider the implementation of the proposed permit conditions to introduce the size of a scallop as a permit condition

Cllr Ellery commented that this proposal has been clearly explained in the documentation and it did not introduce a new size for scallops, rather it represented a technical exercise to clarify the restriction. Members concluded that nothing was highlighted in the consultation to counter the proposal and voted as follows:

***That D&S IFCA amend the mobile fishing permit conditions as proposed to introduce the size of a scallop as a permit condition***

***Proposed: Cllr Ellery      Seconded: Jim Portus  
All agreed***

**DEVON & SEVERN**  
**INSHORE FISHERIES AND CONSERVATION AUTHORITY**

- 5e) To consider the implementation of the proposed permit conditions to manage access for ring netting activity within Plymouth Sound

ACO Mander further explained the background to this consultation item. Cllr Kelly remarked that efficient vessels have the ability to catch large quantities of fish in this area. Jim Portus remarked that “large quantities” should be considered as a relative term and vessels working this area would normally not exceed a 20-ton capacity. Jim Portus also commented that the proposal itself is not focussed on fishing, rather it is related to access to the area, no-access to Plymouth estuaries and also the potential impact on the seabed (reef features). ACO Mander also reminded members that the potential by-catch of shad is also related to this consultation item. From a Natural England perspective, Andrew Knights commented that areas of reef do exist in the (green) areas highlighted for access, although the consultation information failed to fully clarify this. Andrew Knights also commented that the principle of this consultation item is favourable and in his view the detail supplied in the relevant Habitats Regulation Assessment still stands. James Marsden enquired if, as well as spatial restrictions, technical restrictions could potentially be considered in the future to reduce the risk that this method presents to reef features, but also recognised that this method is considered as a low risk in that regard. David Morgan suggested that it may be possible to limit size of nets, but reassured members that nets interacting with the seabed would be potentially damaged and represent expense to the vessel owner/skipper in the form of repairs. David Morgan went on to explain that skilled fishers conducting this method would only deploy as much net as was required. Andrew Knights suggested that there may be scope for a “best practice” guide to be produced and circulated and the Acting Chair commented that the financial incentive of preserving gear would achieve the same result in practice. Moving on to the formatting of the relevant Annexes (charts), members suggested that the Annex should be relabelled to include estuary names as well as Plymouth Sound. Subject to this alteration members voted on this item as follows.

***That D&S IFCA amend the mobile fishing permit conditions (subject to amendment of Annex title) to manage access for ring netting within Plymouth Sound***

***Proposed: Cllr Kelly      Seconded: Cllr Ellery***  
***All agreed***

With the voting regarding mobile fishing permit conditions now complete, the Acting Chair moved discussions onto agenda item 6.

- 6      To consider the findings of the (general) potting permit condition consultation as documented in the supplementary report (27<sup>th</sup> March 2018) and the implementation of the proposed potting permit conditions**

- 6a) To consider the implementation of the proposed permit conditions to replace a reliance on the deeming clause

The acting Chair clarified that this item was effectively a repeat of agenda item 5 (c) and unless members wished to discuss the item once again suggested a vote could be taken immediately. A proposal for a vote was formulated as follows:

***That D&S IFCA amend the potting permit conditions as proposed to replace a reliance on the deeming clause***

***Proposed: David Morgan      Seconded: Cllr Ellery***  
***All agreed***

**DEVON & SEVERN**  
**INSHORE FISHERIES AND CONSERVATION AUTHORITY**

- 6b) To consider the implementation of the proposed permit conditions for the protection of spiny lobster that has recently cast its shell

ACO Mander explained that in practice the alteration of current permit conditions to include the words “spiny lobster” to an existing paragraph is a simple alteration from a drafting point of view. David Morgan, whilst acknowledging the merits of the proposal, raised an enforcement concern related to determining what is defined as “recently” when the specimen has cast its shell. David Morgan explained that a very recently cast shell is like jelly, but how soft is soft after several weeks is far less clear. ACO Mander explained that all legislation should be enforceable and could see scope for development of a weight, relative to size inspection protocol. DCO Clark suggested that D&S IFCA could work to produce a best practice guide or awareness campaign which may filter through to markets and reduce any demand for softer shell species. Jim Portus commented that although an awareness campaign may have benefits, The D&S IFCA is a conservation organisation and not a marketing organisation. Jim Portus continued and encouraged some further discussions on the conservation benefits relating to this proposal and the original measure (permit condition) protecting soft crab and lobster citing the response from Devon Wildlife Trust. Acting Chair Mike Williams summarised key points for further discussion as follows:

- a) Conservation Rationale
- b) Enforceability
- c) Status of Stock

The conversations expanded into the protection of all soft crustacean species. DCO Clark informed members that National measures have already been implemented for the protection of soft crab and it is generally seen as good practice for a range of species to be protected from the efforts of shedding a shell. David Morgan and Andrew Knights explained that mating occurs soon after shedding a shell while crustacean are in a jelly type of form. DCO Clark explained that Cefas could be contacted with a view to providing more information on the rationale relating to this issue. Members recognised that further work could be done, in particular improvements in enforceability and in further explaining the rationale behind this specific measure. David Morgan informed members that the whelk fishery does provide an outlet for soft crab and Jim Portus used his own industry knowledge to demonstrate the scale of the whelk fishery in the Channel. James Marsden suggested an action to create a mini guide explaining the rationale for the protection of soft shell species that can be highlighted to fishers and markets.

To achieve the suggested action, DCO Clark proposed that the Environment team conduct a desk top study to assemble the required information and report back progress to members during the August Sub-Committee meeting. James Marsden commented that when dealing with some uncertainty relating to this issue, publication of information, possibly a 1-2-page document may encourage relevant parties to approach D&S IFCA with more information to assist future decision making. An action was formulated as follows:

<b>5</b>	<b>DCO Clark</b>	<b>To create a mini guide to explain rationale for the protection of soft shell species that can be published and highlighted to fishers and markets and encourage a response from all interested parties to add to the existing D&amp;S IFCA evidence base</b>
----------	------------------	---

**DEVON & SEVERN  
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

The Acting Chair asked members to formulate a proposal for a vote on the permit conditions.

**That D&S IFCA amend the potting permit conditions as proposed for the protection of spiny lobster that has recently cast its shell**

***Proposed: David Morgan                      Seconded: James Marsden***  
***All agreed***

- 6c) To consider the implementation of the proposed permit conditions to prohibit the removal of spiny lobster from MCZ areas

The Acting Chair invited members, to build on the spiny lobster discussions that had taken place for the previous agenda item. As acknowledgement to the response submitted by Devon Wildlife Trust, the Acting Chair prompted discussion on the general state of spiny lobster stocks. DCO Clark informed members that stocks were in decline during the 1970's but there is evidence to suggest that stocks are recovering, and divers are reporting that more juvenile spiny lobsters are evident on the ground. Furthermore, the MCZ network is providing a refuge within the District to promote further recovery and a tagging program will be introduced this year to gain more evidence. Andrew Knights agreed that there are signs of recovery, but the reasons for recovery and how much of this is due to the MCZ network is not conclusive. DCO Mander added that D&S IFCA has also introduced a 110mm conservation reference size as a protective measure for spiny lobster. DCO Clark explained that although spiny lobster is a highly valuable species, recorded catches are low and the monitoring of catches can continue.

Andrew Knights enquired if there was scope to apply restrictions to the whole of the District? DCO Mander explained that the consultation had proposed restrictions at this time to sites where spiny lobster was a feature. Richard White added that to extend restrictions to all areas would be a different approach taken from other permit Byelaws. Although not against this concept, Richard White felt immediate action was required in the shorter term and the proposal as set out delivers at least some benefit without further delay. Members voted as follows:

**That D&S IFCA amend the potting permit conditions as proposed to prohibit the removal of spiny lobster from MCZ areas.**

***Proposed: Richard White                      Seconded: James Marsden***  
***All agreed***

- 6d) To consider the implementation of the proposed permit conditions to protect populations of otters in estuaries

ACO Mander summarised the key aims of the proposal. This included the introduction of a restriction to pots with an opening of 85mm or less placed within estuary areas. The requirement to fit a rigid ring would prevent the expansion of the opening. The Acting Chair acknowledged the response submitted by Devon Wildlife Trust and drawing on his personal legal expertise, suggested that the drafting of permit conditions (as proposed) affords protection of otters to meet the expectations of the Environment Agency as documented in the report submitted during consultation. PPO Townsend informed members that absent Sub Committee member Simon Toms of the Environment had provided some written correspondence relevant to this agenda item. PPO Townsend explained that the expectation

## **DEVON & SEVERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

of Simon Toms is for D&S IFCA to apply the measure as proposed on pots set within estuary limits as otters tend to frequent estuaries and not open coastal areas.

Andrew Knights commented that further research may help determine if otters frequent open sea areas. Richard White suggested that Devon Wildlife Trust could be asked to continue with their own research which may help inform D&S IFCA. The Acting Chair suggested that Natural England and the Environment Agency may be more suitable organisations to take the lead in coordinating further research which may also include input from Devon Wildlife Trust. Andrew Knights agreed with this course of action and felt that any potential “hot spots” could be identified by continuing co-ordinated research. Further evidence could be presented to members in due course. Richard White commented that the proposal to apply restrictions within estuaries had been subjected to consultation and the introduction of the measures as proposed affords some immediate protection. A voting proposal was formulated as follows:

**That D&S IFCA amend the potting permit conditions as proposed to protect populations of otters in estuaries**

***Proposed: Richard White                      Seconded: David Morgan***  
***All agreed***

6e) To consider the implementation of the proposed permit conditions to introduce a 65mm minimum conservation reference size for whelk

Several members including Cllr Ellery, commented that the lack of response would make decision making more difficult. David Morgan commented that there does not appear to be strong opposition to an increase in size and it is possible fishers in this sector have been expecting change for a while. In addition, David Morgan stated that fishers should take responsibility for the use of a riddle and its construction to assist with the sorting of their own catches. DCO Clark began to answer questions from members including providing Jim Portus with more detail in regard to the scale of the whelk fishery, in particular the Ilfracombe and Exmouth areas of the District. DCO Clark also explained that the Technical Advisory Group (includes IFCA's and other statutory bodies) are working together and national measures may be introduced in due course to increase sustainability.

In regard to the specific D&S IFCA proposals, Cllr Kelly stated that option 1 (greater shell increase over a shorter time frame) would be his favoured selection, but consideration over the initial lead in time (application of the permit condition) was of importance. Richard White asked for some more detail in regard to the start of the main whelk fishing periods conducted within the District. After referencing the D&S IFCA whelk research reports, DCO Clark explained the differences that exist in different areas of the District. Members agreed that sufficient notice should be provided to fishers of a change in whelk size, prior to the circulation of amended permits. Andrew Knights suggested that an implementation date of July 1st. James Marsden agreed and in addition suggested an officer action to provide this guidance and rationale for the measure in the form of a standardised format.

<b>6</b>	<b>DCO Clark</b>	<b>To create a mini guide (1 to 2 pages) to explain rationale for the increase in whelk size, when the measure will be introduced (1<sup>st</sup> July) and circulate to fishers.</b>
----------	------------------	---

In regard to the drafting of suitable permit conditions, Acting Chair Mike Williams informed members that D&S IFCA had taken legal advice during the process. Although the comments of Devon Wildlife Trust are welcome, the proposed permit conditions are suitable for

**DEVON & SEVERN  
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

implementation without the changes suggested in that particular consultation response. A vote then followed as follows:

**That D&S IFCA amend the potting permit conditions as proposed to introduce a 65mm minimum conservation reference size for whelks combined with a phased in approach of 10mm increases over a two-year period**

***Proposed: Andrew Knights      Seconded: Cllr Kelly  
All agreed***

- 6f) To consider the implementation of the proposed permit conditions to introduce a restriction for the Lundy Island No Take Zone

Members recognised the aims and requirements of this proposed measure and acknowledged that this proposal does not present a new restriction, rather it incorporates an existing legacy measure into the potting permit conditions. Members formulated a voting proposal as follows:

**That D&S IFCA amend the potting permit conditions as proposed to introduce a restriction for the Lundy Island No Take Zone**

***Proposed: Cllr Ellery      Seconded: David Morgan  
All agreed***

- 6g) To discuss IFCA work relating to the whelk fishery

The Acting Chair asked members if they wished to raise any points not already highlighted in the previous discussions relating to agenda item 6(f). No more discussion items were put forward.

Although not an agenda item, Richard White enquired about the section of the potting supplement relating to Category Two Restrictions. PPO Townsend explained that no voting was required relating to this topic. PPO Townsend also explained that the information in this section of the supplement was inserted to explain how the re-drafting permit condition process would help to address some concerns raised by stakeholders during the consultation process.

**7 To consider the findings of the consultation relating to the formal review of the Live Wrasse Pot Fishery as documented in the supplementary report (15<sup>th</sup> March 2018) and the implementation of the proposed potting permit conditions**

- 7a) To consider the implementation of the proposed permit conditions to introduce an amendment to the closed fishing season

DCO Clark introduced this item and explained that the proposal is to delay the start of the closed season to 1<sup>st</sup> May and extend it to 15<sup>th</sup> July. DCO Clark explained that a desk top study had been completed which demonstrates that spawning does take place between April and September. The limited data that was generally available was acknowledged. DCO Clark stated that the current permit conditions prohibit this form of fishing in this month and as a consequence no onboard surveys have taken place in April. In addition, fishers, which amounts to four active vessels, do not conduct fishing operations between November and April, so the closed season in practice is approximately a six-month period. Richard White

## **DEVON & SEVERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

commented that based on the available evidence he had some concern over the proposal to shift the start date to 1<sup>st</sup> May as proposed. James Marsden, whilst recognising the concern raised, commented that previous work and measures introduced by D&S IFCA have allowed a relatively small window of opportunity for relatively small-scale fishing. In addition, the closed season coupled with a slot size for different wrasse species represents a conservation package that has been tailored as a balanced approach in regard to the viability of the practice and conservation objectives. Richard White could see the merits in the comments made by James Marsden and agreed that both a closed season coupled with a slot size is the right approach.

Andrew Knights recognised the difficulty of collating additional evidence when the fishery is closed. John May explained that he had witnessed some video footage of nests being guarded relatively early in the season and in response DCO Clark said that this footage may have been filmed in April. James Marsden pointed out that there may be genetic issues associated with moving the end of the closed season.

The Acting Chair felt it was important that when voting, members consider the fact that more evidence collected over time can be considered with a view to future changes. As discussions had also developed into the separate item of the application of an amended slot size for corkwing wrasse, the Acting Chair felt it was important that when voting members recognise the combination of restrictive measures. In summary the members recognised that the measures taken to date were never intended to protect all wrasse for the entire spawning period. A voting proposal was formulated as follows:

**That D&S IFCA amend the potting permit conditions as proposed to amend the closed season to start on 1<sup>st</sup> May and end on 15<sup>th</sup> July**

***Proposed: Cllr Ellery      Seconded: David Morgan***

<b><i>For</i></b>	<b><i>6</i></b>
<b><i>Against</i></b>	<b><i>2</i></b>
<b><i>Abstain</i></b>	<b><i>1</i></b>

At this point ACO Mander apologised to members that he should have clarified that the current closed season begins on 1<sup>st</sup> April and the amendment of permit conditions would not be completed in time to allow the fishery to open immediately and then close on 1<sup>st</sup> May.

Members acknowledged this and in the light of this explanation from ACO Mander, some members wished to reconsider the change in the closed season and apply the proposal to the 2019 season and not the 2018 season. Members discussed if it was appropriate to consider to retain the current closed season (1<sup>st</sup> April to 30<sup>th</sup> June). Cllr Ellery and Cllr Kelly who have advanced knowledge of public meeting protocol confirmed that the vote should stand.

7b) To consider the implementation of the proposed permit conditions to amend the slot size for corkwing wrasse

In the light of the in-depth discussions already taken in regard to the combination of restrictive measures for the Live Wrasse Fishery, a voting proposal was formulated as follows:

**That D&S IFCA amend the potting permit conditions as proposed to amend the slot size for corkwing wrasse to be 140mm to 180mm**

**DEVON & SEVERN**  
**INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**Proposed:**    *Cllr Kelly*        **Seconded:**    *Andrew Knights*  
**All agreed**

At this point DCO Clark informed members that an additional paper had been created in regard to the voluntary closed areas for the Wrasse Fishery. The paper was circulated prior to the meeting and extra copies were circulated at the meeting. Discussions continued relating to this paper, but no voting was required in respect of amended permit conditions.

Members discussed some potential amendments to the voluntary closed areas as suggested by the fishers. Three areas (squares) were highlighted to become open and in return other areas were considered for closure. James Marsden commented that the potential new layout amounted to a better overall arrangement but not without some concern about the more Northerly areas of Plymouth Sound. Andrew Knights and other members commented that as these were voluntary measures, D&S IFCA can't stop activity taking place. Andrew Knights also commented that the requests from fishers appeared reasonable and these closed areas were not feature or habitat driven. When viewed in that light, compliance on a voluntary level would amount to positive result. James Marsden added that fishers should be aware that non-compliance has the potential to lead to regulation if required in the future.

Discussions moved onto amendment to the eastern extremity of the voluntary closed areas and the introduction of remote trackers on the small number of vessels engaged in the fishery. Cllr Kelly stated that in recognition of the work being conducted by the Authority in regard to this fishery and the "spirit" of the overall objectives, the implementation of an Eastern boundary would be his favoured option. From a research perspective James Marsden felt it was appropriate for D&S IFCA to define the extremity of the areas studied by officers as part of the monitoring program. In regard to tracking technology, members were informed of some different options that were available. After consideration over unit cost and airtime, members took the view that the relatively low-cost option of the "I've got you" technology be purchased and utilised. The Acting Chair felt that this purchasing decision was more suited to the Finance and General Purposes Committee, but asked members to vote to demonstrate support for this option.

**That the Byelaw and Permitting Sub-Committee endorse the suitability of the "I've got you" tracking equipment to aid the Live Wrasse Fishery monitoring program.**

**Proposed:**    *Andrew Knights*        **Seconded:**    *James Marsden*  
**All agreed**

**Agenda items 8 and 9**

At this point David Morgan had to leave the meeting. Due to the time and the meeting over running the Acting Chair raised his concern that the remaining items could not be given proper consideration on this occasion. ACO Mander explained to members that in particular agenda item 8, (The Three-Year Review of Diving Permit Conditions) could produce relatively in-depth discussions as members study the supplement report and highlight potential items for further consultation. The Acting Chair recommended that agenda item 8 and 9 (Managing Hand Working Fishing Activity) be deferred until the next Sub-Committee meeting. Members agreed.

In regard to agenda item 9, James Marsden quickly mentioned some of his concerns in regard to the use of terminology within the draft planning report. PPO Townsend noted these

**DEVON & SEVERN  
INSHORE FISHERIES AND CONSERVATION AUTHORITY**

concerns and explained to members that the planning report would be re-worked in preparation for the next meeting when it would be an agenda item.

**10. Any other business**

There was no any other business.

**11. Date of next meeting**

The next meeting was set for 17<sup>th</sup> May 2018 but was rearranged for 11<sup>th</sup> October 2018.