

The Mobile Fishing Permit Byelaw 2022 & Formal Consultation

Officers' Recommendations

- a) That the Impact Assessment (agenda Item 6 - Appendix 1) that accompanies the proposed Mobile Fishing Permit Byelaw 2022 is approved for use in the formal consultation.
- b) That the B&PSC makes the Mobile Fishing Permit Byelaw 2022 (agenda Item 6 - Appendix 2) and proceeds with formal consultation on the Byelaw and the associated Permit Conditions (agenda Item 6 – Appendices 3,4, 5 and 6).

Background

The review of the current Mobile Fishing Permit Byelaw began in 2019. Since that time the B&PSC has discussed weaknesses associated with the Byelaw. These can only be addressed by its revocation and replacement with a new Mobile Fishing Permit Byelaw 2022. The Permit Conditions are interlinked and harmonise with the Byelaw, in terms of structure and wording. The B&PSC has identified additional management measures to be included in the revised Permit Conditions. The decision making of the B&PSC has been documented and has informed drafting work conducted by the Byelaw Technical Working Group (BTWG), acting on behalf of the B&PSC.

Impact Assessment

The creation of an Impact Assessment (IA) is a requirement of the process to implement a new Byelaw. The IA (agenda Item 6 - Appendix 1) sets out rationale for intervention, objectives and explores and explains areas of change (impact). As the proposed Byelaw is combined with Permit Conditions, the proposed changes to the Permit Conditions are also listed and explained.

The Byelaw

As a summary, key areas of change addressed in the Mobile Fishing Permit Byelaw 2022 (agenda item 6 – Appendix 2) include the following:

- The interpretations
- The presentation
- The fees for a Permit
- The review of the Permit Condition procedure
- The addition of a Schedule (number 2) to manage sand eel trawling
- An Exemptions Clause that extends to maintenance activity

The Permit Conditions

As well as improvements to styling and layout, key areas of change associated with the management of mobile fishing activity via the two Categories of Permit Conditions – Category One (agenda Item 6 – Appendix 3) and Category Two (agenda item 6 – Appendix 5) include the following:

- New management measures to protect Coastal Mariculture Sites
- New management measures to protect Heritage Assets Sites
- Additional management measures associated with Marine Conservation Zones (MCZs)

- Changes to the types of dredge gear that are authorised (in a Category One Permit)
- The removal of the Teign and Dart Estuaries as areas where mobile fishing can take place under the authorisation of a Category Two Permit.

Revised Permit Annexes

Both the Category One (at sea) and Category Two (estuaries) Permit Conditions include new Annexes (agenda item 6 – Appendices 4 and 6). Charts associated with Permit Condition Annexes have been updated with assistance from the University of Southampton and are consistent with Inspire Regulation requirements. Other new Permit Condition Annexes include guidance and images that help to explain how to measure marine organisms.

Formal Consultation

If the B&PSC agrees to make the Mobile Fishing Permit Byelaw then the Byelaw, Permit Conditions, Annexes, and Impact Assessment will be subjected to formal consultation as a package of information. As part of Defra's IFCA Byelaw Guidance, the Authority must place advertisements for two consecutive weeks in suitable newspapers. As well as this, Officers will utilise a range of communication options at their disposal during the formal consultation such as direct notification (mail chimp email circular), the website (news and engagement display page) and Facebook.

Other Stages of Process

After the formal consultation ends, the responses will be collated, and a report will be presented to the B&PSC. The responses to the formal consultation will be discussed by the B&PSC, and this may result in changes to the content of the Byelaw and the associated Permit Conditions. A final Impact Assessment will be created to accompany the Byelaw and Permit Conditions which will then sent to the Marine Management Organisation (MMO) for quality assurance. Officers will recognise feedback from the MMO quality assurance team. After this phase, and assuming there are no significant issues for the B&PSC to address, the Byelaw (with the associated Permit Conditions) will be submitted to the Secretary of State for confirmation.

Background Papers

B&PSC reports and minutes – 2019 to 2022

End.