



# Diving Permit Byelaw

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## Changes to Category One Permit Conditions (1st July 2022)



**A package of management measures to provide increased access for the removal of scallop in July, August, and September**

### **Process and Decision Making**

**Final Report:**

**2<sup>nd</sup> December 2022**



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## Version Control

<b>Edition</b>	<b>Author</b>	<b>Date</b>	<b>Comment</b>
Final Report	Neil Townsend	2 <sup>nd</sup> December 2022	Created to document the outcome of the process and decision making by the Byelaw & Permitting Sub-Committee related to changes to the Category One Diving Permit Conditions valid from 1 <sup>st</sup> July 2022.

## Notes to Readers:

This report contains embedded information (hyperlinks) and is more suited for reading in electronic format, rather than hard copy.



## Executive Summary

D&S IFCA manages the fishing activity of diving for specified species (including scallop), using a permit-based model which is both flexible and adaptive. The Diving Permit Conditions set out tailored management measures for the commercial (Category One Permits) and recreational (Category Two Permits) diving sector.

The Permit Conditions can be amended, by undertaking the review process as set out within the Diving Permit Byelaw. Engagement with all stakeholders, especially the fishers that operate within D&S IFCA's District that are affected by legislation, is a cornerstone of this fisheries management approach.

A closed season within the Devon and Severn Inshore Fisheries and Conservation Authority's (D&S IFCA) District has, until 1<sup>st</sup> July 2022, prohibited commercial divers from removing scallop in July, August, and September. The closed season also applies to the mobile fishing gear sector (that includes scallop dredgers).

For several years, the case has been argued that commercial diving is one of the most sustainable forms of fishing, and that management measures could better reflect the needs of different fishing sectors. D&S IFCA has adopted a vision that highlights innovation, championing the use of technology and the delivery of low impact fisheries.

On 9<sup>th</sup> June 2022, D&S IFCA's Byelaw and Permitting Sub-Committee (B&PSC) agreed a series of changes to the commercial (Category One) Diving Permit Conditions that reflected aspects of the Vision.

### **Package of Management Measures from 1<sup>st</sup> July 2022:**

Commercial Divers have open access in the months of July, August, and September for the removal of scallop from specified sites (as shown in Annexes) subject to the additional restrictions:

- a Minimum Conservation Reference Size (MCRS) of 110mm for scallop within the District in the months of July, August and September.
- a catch limit of 2400 scallops per vessel, per calendar day within the District during the months of July, August, and September.
- a requirement for a fully functioning Remotely Accessed Electronic Monitoring Device (IVMS/VMS) to be fitted to vessels and with additional requirements if the device fails to transmit the required information.
- a catch restriction that means when diving for scallops in the District in the months of July, August, and September, no fishing outside of the District can take place on that fishing trip.

It should be recognised that the access areas for the removal of scallop by commercial divers are based on sites (Marine Protected Areas) that are not accessible to mobile fishing gear vessels (scallop dredgers) at any time of the year.

This report documents the process that has been followed that has resulted in a change to the Category One Diving Permit Conditions that apply from 1<sup>st</sup> July 2022. The process included consultation with stakeholders, documenting responses, preparation of Officer papers and reports, and decision making of D&S IFCA's Byelaw and Permitting Sub-Committee (B&PSC).

The changes to the Diving Permit Conditions, that are valid from 1<sup>st</sup> July 2022, demonstrate how informal and formal consultation can work positively and how local people and organisations can inform the decision-making process



## 1. Summary - Timetable of Events

The process that resulted in changes to the Category One Diving Permit Conditions began in 2020. Preliminary stages included discussions relating to the scallop close season with the potential for changes to management relevant to both the commercial diving sector and the mobile fishing gear sector. In addition, the early work included consideration of how to potentially implement changes – either via a review of both the Diving Permit Byelaw and Mobile Fishing Permit Byelaw (overarching Byelaws & Permits) or via changes to the existing Permit Conditions (per Byelaw). After February 2021, work associated with the review of the scallop closed season became entirely focussed on potential changes to the existing Category One Diving Permit Conditions. Table 1, below, lists dates and actions. Table 1 also provides hyperlinks to relevant information.

**Table 1**

<b>Date</b>	<b>Action</b>	<b>Comments and Actions</b>	<b>Documents &amp; Links</b>
17 <sup>th</sup> August 2020	B&PSC Meeting	Officers' planning paper for reviews of byelaws and key elements including scallop closed season. Recommendation agreed to conduct open pre-consultation for both diving and mobile fishing gear sectors. Officers to collate available research information – closed seasons and spawning periods.	<a href="#">B&amp;PSC meeting minutes from 17<sup>th</sup> August 2020</a>
25 <sup>th</sup> February 2021	B&PSC Meeting	Officers' report (consultation findings, research information, landings data and recommendation) presented to the B&PSC. The report highlighted minimal response from the mobile fishing gear sector. B&PSC voted against the Officers' recommendation to consult on potential changes relevant to Category One Diving Permits only.	<a href="#">Scallop Closed Season Report (10<sup>th</sup> Feb 2021)</a> & <a href="#">B&amp;PSC meeting minutes from 25<sup>th</sup> February 2021.</a>
21 <sup>st</sup> October 2021	B&PSC Meeting	Officers' paper (agenda item 7) presented to B&PSC. Officers paper provided additional information, evidence, and rationale for potential changes to Permit Conditions that was lacking in previous reports. Recommendation to conduct further pre-consultation was actioned by the B&PSC to gather information on possible management options for the commercial dive scallop fishery.	<a href="#">Officers' paper (agenda item 7)</a> & <a href="#">B&amp;PSC meeting minutes from 21<sup>st</sup> October 2021.</a>
November 2021	Communication	Scallop Closed Season – Have Your Say – focussed engagement with direct circulation to Category One Diving Permit Holders – Questionnaire on a range of potential changes to the Permit Conditions build around increased access for removal of scallop.	<a href="#">Scallop Closed Season – Have Your Say – November 2021.</a>
24 <sup>th</sup> February 2022	B&PSC Meeting	Consultation findings presented to B&PSC in a report, with an Officers' paper recommending a final round of formal consultation on specific changes to the Category One Diving Permit Conditions. – B&PSC actioned the formal consultation.	<a href="#">Consultation Report (responses) - (28<sup>th</sup> January 2022)</a>



			<a href="#">Officers' paper (agenda item 6) &amp; B&amp;PSC meeting minutes from 24<sup>th</sup> February 2022.</a>
March 2022	Communication	Formal consultation was undertaken, with information directly circulated to all contacts on D&S IFCA's contact data base. The formal consultation highlighted the proposed amendments to Category One Diving Permit Conditions that would apply in July, August, and September. This included increased access for the removal of scallops in specific areas, an increased in MCRS for scallop, a catch limit per day, the fitting of IVMS, and a restriction on fishing activity per trip when removing scallops (fishing limited to within the District).	Circulated information: <a href="#">Formal Consultation – Amendments to the Permit Conditions to provide access to scallop stocks in July, August, and September – 21<sup>st</sup> March 2022.</a> Circulation included <a href="#">supporting information</a> (proposed Annexes)
9 <sup>th</sup> June 2022	B&PSC Meeting	Formal consultation findings presented to the B&PSC in a report, with an Officers' paper recommending changes to the Category One Diving Permit Conditions. The B&PSC agreed to changes that would apply from 1 <sup>st</sup> July 2022.	<a href="#">Formal consultation report (responses) – (13<sup>th</sup> May 2022).</a>  <a href="#">Officers' paper (agenda item 6) &amp; B&amp;PSC meeting minutes from 9<sup>th</sup> June 2022.</a>
June – July 2022	Drafting, administration, and communication	Category One Diving Permits amended to incorporate changes and new Annexes (charts) produced. Amended Permit Conditions circulated to fishers. Changes advertised on website and news items published for the website and Facebook	<a href="#">New Diving Permit Conditions &amp; Annexes 1-5</a> (valid from 1 <sup>st</sup> July)  <a href="#">News Item – 22<sup>nd</sup> July 2022.</a>



## 2. Early Pre-Consultation

The first phases of pre-consultation in 2020 highlighted that as part of reviewing both the Diving Permit Byelaw and the Mobile Fishing Permit Byelaw, there was an opportunity for stakeholders to have their say on the existing scallop closed season (July, August, and September), (Permit Conditions) that is relevant to both fishing sectors. Information was directly circulated electronically to 1268 contacts on D&S IFCA's data base, that included all permit holders. The circular provided the opportunity for all stakeholders to respond. The questionnaire was topic based to gather general views on the scallop closed season such as:

- Benefits and disadvantages
- Length and dates for the closure to apply
- Alternatives
- Any other information

This initial phase of pre-consultation ended on 9<sup>th</sup> October 2020.

### 2.1 Pre- Consultation Response, Research & Scientific Information

A report was produced that was divided into four sections for presentation to the B&PSC on 25<sup>th</sup> February 2021. The report explained how the pre-consultation had been undertaken and included the response to the pre-consultation. The report also included assembled research and scientific information (including landing data) and a recommendation by Officers for consideration by the B&PSC.

A total of 34 responses were received by the closing date of 9<sup>th</sup> October 2020. Based on the total numbers of permits issued to mobile fishing gear fishers and commercial divers the percentage of responses submitted per group is as follows:

- 40% of commercial divers responded
- 5% of mobile fishing gear (at sea) fishers responded

The report can be viewed [here](#) in full.

### 2.2 B&PSC Decision Making – 25<sup>th</sup> February 2021

On 25<sup>th</sup> February 2021, the B&PSC considered the content of the report. The minutes of the B&PSC meeting can be read [here](#) in full; however, the relevant extract is transcribed below:

#### **Agenda Item 4: The Scallop Closed Season**

The Chair asked CO Mander to provide an overview of the officers' paper. CO Mander explained that the report had been used to detail the response received from the informal consultation that had been actioned by the B&PSC in August 2020. CO Mander explained that the report included available research to meet the request of the B&PSC from August 2020 and therefore included the following:

- Information on scallop spawning seasons
- Information on scallop reproduction and density

CO Mander added that DCO Clark had also prepared a section within the report to set out landings data over a four-year period to show landings and value of dive caught scallops into South Devon Ports and other relevant comparison data.

CO Mander explained that officers had considered all of the assembled information and this, coupled with some other key factors had resulted in the recommendation as set out in part



four of the report. CO Mander explained that some of the other factors had been set out within the paper and the recommendation lends itself to a national driver of increased, participative, co-management with fishers. CO Mander further explained that the recommendation would not directly impact on fishers from the Mobile Fishing sector as the potential new access for divers to take scallops in a three-month summer period would only extend to areas where scallop dredgers cannot operate at any time of the year due to their own spatial restrictions as set out in their permit conditions. CO Mander added that the potential change, if implemented, would be enforceable and on balance it was the officers' view that it would be a way of promoting diving as a low impact fishing method with minimal risks to the fishery due to the level of fishing activity undertaken by those engaged in this fishing method.

CO Mander concluded his overview presentation by stating that although the officers' recommendation provided one option for consideration, the members could discuss alternatives that could be turned into a motion (*or motions*) for voting. Any option chosen would form the basis of a final round of formal consultation, the findings of which would be presented back to the B&PSC for decision making with a view to changes to commercial diving permits.

The Chair asked members to raise any questions or comment on the findings of the report. Jon Dornom raised his concern regarding the absence of a closed season for the commercial diving sector and highlighted that the mobile fishing sector would potentially see this as an unfair advantage. CO Mander highlighted that the responses highlight many natural restrictions that commercial divers experience as compared to the mobile fishing sector and the potential increased access would only be for areas where mobile fishing vessels cannot ever operate within, legally. The areas being recommended for diver access with a three-month period, are based on mobile fishing permits (Annexes) that are closed all year as they are Marine Protected Areas. These sites are closed to demersal mobile fishing vessels due to the impact that the gear could have on features, rather than to protect stocks of scallops. Jon Dornom still felt that D&S IFCA would be criticised by the mobile fishing sector if the changes were made in due course. CO Mander responded by saying responses submitted by the mobile fishing sector in the first round of "open" consultation were low and a formal consultation would possibly generate a larger response from the mobile fishing sector. CO Mander explained that the formal consultation that could be actioned by the B&PSC would ideally have a clear idea of what changes are being considered and this clarity would possibly spark more enthusiasm for some stakeholders to respond.

*\*Note for readers: At approximately 16.20, James Marsden joined the meeting.*

David Morgan thanked officers for the report which was in his view very comprehensive. Whilst he had sympathy for the commercial diving sector, he also highlighted some concern with potential relaxation of the measures and asked questions concerning the potential impact on scallop stocks. DCO Clark highlighted the information set out in part three of the report including the significant differences in landings made by the diving sector and the mobile fishing sector.

DCO Clark gave a brief summary of her findings related to the spawning season of scallops, as detailed in the report to B&PSC. She highlighted that from the literature review, scallops have been found to spawn between April and September and whilst there may be peak times of spawning over the spawning period, scallops are also known to be trickle spawners, where part of the stock continues to spawn throughout the year.



DCO Clark explained the differences in landings from scallop dredge vessels compared to dive vessels. On page 28 of the report landings made by two dive vessels were compared to those made by two scallop dredge vessels between 2017-2020. DCO Clark explained that the two scallop dredge vessels used in the comparison were small vessels and many of the scallop dredge vessels land much greater quantities, and therefore the difference between divers' landings and dredger landings would be more significant. An example was given, as shown in the report, where one larger scallop dredge vessel operating in the D&S IFCA's District landed 571 tonnes worth £1.29 million over the four year period.

*\*\*Note for readers: At approximately 16.25, Jim Masters joined the meeting.*

Felicity Sylvester highlighted the importance of sustainable fishing and was concerned that there may be a lack of landings data that members could consider. Felicity Sylvester commented that the recommendation offered by officers regarding potential changes to diving permits may preclude stakeholders coming forward with other options or raising their concerns. CO Mander explained the first round of consultation was intentionally created to be "open" in nature with questions included that would not hamper the ability of all stakeholders to provide any of their own thoughts or suggestions coupled with their rationale. DCO Clark added that as part of the work to date, Data Protection Requests were submitted to the Marine Management Organisation. The content of the report reflects the landings data and data from sales notes that are available, and there are no more data that could have been added to the report. CO Mander responded to Felicity Sylvester by stating that multiple suggestions for change had been expressed in the pre-consultation phase and some stakeholders had suggested no change. However, on balance it was the officers' view that the officers' recommendation was appropriate and potential changes as set out would be enforceable. CO Mander added that it was important that a final phase of consultation, if agreed, clearly set out what potential changes would be on the table and how they could be achieved in practice via the permit mechanism. There would be minimal value in having another "open" phase of consultation.

Stephen Gledhill commented that the data within the report may suggest that the closed season is effective as it is and there would be risks attached to any relaxation.

CO Mander explained that the report highlights the difference in landings into West Bay, Dorset, compared to South Devon ports. In Devon, most dived scallop landings are in the nine months when divers can land in the District and this means there is increased pressure to land as much as possible during those months because of the closed season. West Bay divers, in comparison, spread the landings across the year with approximately half landed in the summer months. If the summer season was opened to Devon divers to dive for scallops, then it would take the pressure off the rest of the year and divers would not have to put all their effort into catching scallops in months where conditions for diving are less favourable. Also, by having an open summer season, the divers can access premium markets in the summer, such as restaurants, for their products rather than during the existing open months where they compete with scallops landing from dredge vessels, which drives the price of the dived scallops down. With a higher return due to higher prices this may also reduce the need to fish in the remaining nine months.

Sangeeta McNair asked that if the formal consultation was actioned and the changes as set out were applied in due course, what other restrictions other than a Minimum Conservation



Size for Scallops would apply within a commercial diving permit. CO Mander explained that at present there are less restrictions within a commercial diving permit as compared to a mobile fishing permit and a catch limit (quota) has not been introduced in any commercial permit. PPO Townsend added that commercial diving permits do contain annexes for spatial restrictions but this in the main apply to a prohibition on the removal of spiny lobster and an additional “no take zone” for specified shellfish species including crab, lobster, spiny lobster and scallops.

CO Mander explained that the officers’ recommendation reflects a drive locally and nationally to a co-management approach. It would require commercial divers to act responsibly regarding the quantities of scallops taken, but it is apparent that divers can be more selective regarding the removal of scallops from specified areas. Sangeeta McNair enquired if there could be further restrictions added such as a limitation on the number of permits that could be issued if there was increased demand for commercial diving permits. CO Mander added that although the total number of permits would not be restricted, it was the view of officers that the risks of a significant increase in demand for commercial diving permits was low. In time further restrictions could be added to diving permit conditions and as part of a co-management approach it may be divers themselves that propose additional measures in the future. CO Mander added that technology was improving all the time and the permit mechanism also allows for any potential and relevant advancements in this area of fisheries management to filter into future permit conditions.

James Marsden said that there was no clear link in the officers’ paper to a strategy and the value of the commercial diving landings is trivial as compared to D&S IFCA’s costs to manage the activity. It was the view of James Marsden that D&S IFCA should know the cost of managing all fishing activities in its District and be seeking full cost recovery in managing them. James Marsden also commented that in his view the potential relaxation was high risk as there could be the potential for a “Klondike” (*rush in effort*) situation to arise. It would also, in his view, be foolish to consider relaxation when Highly Protected Marine Areas (HPMAs) are on the horizon and this may result in D&S IFCA having to change restrictions once again.

CO Mander commented that he was very concerned with the suggestion that the Authority would potentially determine whether or not manage a fishery on what resources the Authority had at its disposal as D&S IFCA’s duties are to manage all fisheries. Legal advice suggests that costs (fees) for permits should be based on administration fees only and not to recover all the Authority’s costs directed to managing any one fishery. However, the ability to enforce restrictions is a factor and it was the officers’ view that the potential relaxation for commercial diving would assist, rather than hamper, the work of D&S IFCA’s enforcement team. CO Mander urged members to consider the longer-term vision for the Authority and highlighted that diving, in terms of impact to the seabed, would qualify as a low impact fishing method. It was the view of CO Mander that a potential relaxation would result in commercial divers not fishing so hard at times of the year either side of the three-month summer closure as it currently stands. The permit mechanism had been developed so that changes can be implemented and potentially changed once again if there is a need to do so.

Replying to James Marsden point about HPMAs, DCO Clark commented that whilst some areas in the D&S IFCA’s District have been suggested as HPMAs, there is no certainty at this time regarding how many will be designated, if any, and the exact location of these sites is unknown. DCO Clark reminded the members that diving in the MPAs already took place for



nine months of the year to which James Marsden responded that there were not open for 12 months.

Jon Dornom asked if any of the 25 commercial divers with a permit to operate in D&S IFCA's District had any IVMS units fitted. CO Mander confirmed that all the commercial dive vessels operating in the District are below 12 metres in length. None of these vessels are required to have IVMS fitted based on National legislation and there is no current requirement for diving vessels to have this form of technology fitted via existing Category One (commercial) Diving Conditions.

James Marsden returned to his previous point regarding cost analysis. It was his view that D&S IFCA should know the exact costs associated with managing all fishing activity. CO Mander again explained that at this time, costs cannot be determined in the detail that was being requested at the meeting. CO Mander informed members that in 2021-22 officers will be recording time spent on all aspects of D&S IFCA's core work more thoroughly in a new system of internal time recording.

The Chair concluded discussion on the scallop closed season by commenting that he had significant concerns regarding any potential relaxation to the scallop closed season; however, his key points of concern had already been raised by other members during the debate. The Chair read out the officers' recommendation from the report as follows:

#### **Officers' Recommendation – Scallop Closed Season**

**That Formal Consultation is undertaken with a view to amendments to Category One Diving Permit Conditions authorising commercial divers to remove scallops from defined areas within the District during July, August, and September.**

The Chair asked if any member wished to propose this as a motion for voting. Rachel Irish said that she would propose this course of action and was seconded by Cllr Hellyer.

***Proposed: Rachel Irish                      Seconded: Cllr Hellyer***

Members were then asked to vote in turn.

<b><i>In favour:</i></b>	<b><i>0</i></b>
<b><i>Against</i></b>	<b><i>11</i></b>
<b><i>Abstain:</i></b>	<b><i>2</i></b>

CO Mander said that he was confused why a motion had been proposed and seconded but then not receive any support at all. CO Mander asked members that in the light of the decision reached, would members want to formulate an alternative that could form the basis of a formal consultation. CO Mander highlighted that a formal consultation, including subsequent decision making of the B&PSC and any potential changes to commercial diving permit conditions could therefore not be completed by the start of the existing scallop closed season.

The Chair responded by saying that members had discussed the subject matter and decided to be pre-cautionary in their decision making. This was clear as an overwhelming majority of B&PSC members had voted that they were not in favour of the officers' recommendation and the case put forward by officers for their recommendation was not convincing. The Chair said



that it was clear that the members did not favour any alternative potential changes to management as none had been put forward by members and therefore a formal consultation would not be undertaken as set out in the officers' recommendation. The Chair advised officers that they could come forward in the future with other recommendations if they wish; however, the discussion on the scallop closed season was now closed.

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### **3. A Return to Additional Pre-Consultation**

Officers assembled more information during 2021 and on 21<sup>st</sup> October 2021 an Officers paper ([agenda item 7](#)) was presented to B&PSC. The Officers' paper provided additional information, evidence, and rationale for potential changes to Permit Conditions that was lacking in previous reports. A recommendation to conduct further pre-consultation was actioned by the B&PSC to gather information on possible management options for the commercial dive scallop fishery.

#### **3.1 Pre- Consultation – Scallop Closed Season – Have Your Say November 2021**

The [pre-consultation](#) was based around some focussed topics and questions relating to those topics that were set out after some background information. Diagrams (mini charts) were included to assist stakeholder understanding of potential access areas.

##### *Topics:*

- Access areas to remove scallops in July, August, and September (specific areas and length of time for a potential summer opening)
- Bag limits (for scallop)
- Minimum conservation reference size (for scallop)
- Technology (the fitting of Inshore Vessel Monitoring Systems)
- Research (assistance of fishers for undertaking research)
- Other Information (an open question)

The information gathering exercise ended on Friday 17th December 2021.

#### **3.2 Pre- Consultation Response – Have Your Say November 2021**

A report was prepared that summarised the responses received to the pre-consultation.

[Development of the Diving Permit Byelaw Permit Conditions – Scallop Closed Season – A Summary of Responses from the – Have Your Say \(A Review of the Diving Permit Conditions\) Pre-Consultation – 28<sup>th</sup> January 2022](#)

A total of eight responses were received by the closing date of 17<sup>th</sup> December 2021, with seven of these responses provided by fishers operating under current Category One Diving Permits and the remaining response was from a previous Category One Diving Permit Holder. Responses were summarised (in part four of the report) topic by topic and included quotations transcribed from the responses.

### **4. Consideration by the Byelaw & Permitting Sub-Committee**

Officers presented the pre-consultation report (28<sup>th</sup> January 2022) to Members of the B&PSC on 24<sup>th</sup> February 2022. An [Officers' paper \(agenda item 6\)](#) accompanied the report and set out some additional information for Members including scallop landing data and analysis. Officers recommended that formal consultation be undertaken and set out a timetable for action. A series of recommendations were included in the Officers' paper, along with rationale



for the proposed amendments to Category One Diving Permit Condition. A section of the Officers' paper has been transcribed below:

### **Rationale for the Officers' Proposed Amendments**

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

1. D&S IFCA's Vision, as agreed by Members, is:  
*We believe in shared responsibility for the health and benefits of the marine environment and uphold our duties, now and in the future. We will be proactive in our management to restore and recover marine ecosystems, habitats and species. We envisage that the waters, under our authority, will support sustainable fishing practices serving local, national and international communities. We will innovate, and champion the use of technology, the delivery of low impact fisheries and the UK Government's 'Net Zero' by 2050 carbon target. We embrace co-management and will drive change in inshore recreational and commercial fisheries, recognising their social and economic benefits, and securing a future for sustainable fishing in the coastal belt.*
2. The level of commercial scallop diving in D&S IFCA's District is low, as supported by the MMO landings data and D&S IFCA's Diving Permit list.
3. D&S IFCA has the ability to monitor the level of commercial diving through the uptake of Diving Permits.
4. D&S IFCA's permitting system allows for adaptive management should further evidence come to light, including research and any increase in fishing effort.
5. D&S IFCA believes that the use of [adaptive precautionary approach](#) is appropriate when considering management measures for the commercial dive fishery.
6. Diving is a low impact fishery with respect to its interaction with designated features of Marine Protected Areas, as supported by Natural England in MPA assessments submitted by D&S IFCA.
7. D&S IFCA is working with the University of Plymouth to investigate the spawning season of scallops in its District to inform any future recommendations for further changes in management measures.

### **The Proposed Amendments to Category One Diving Permit Conditions**

#### **a) Access**

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

#### **b) Bag Limits**

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

Officers have considered the pre-consultation response and the landing data from 2018 and 2019. Analysis of scallop landings' data indicates that the mean landings per day in any given



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

#### **c) Scallop Minimum Conservation Size of 110mm**

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

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

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

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

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

#### **e) Restriction limiting fishing activity to within the District**

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

#### **Timetable/Process**

<b>Date/Estimated Time Period</b>	<b>Action</b>	<b>Detail</b>
24 <sup>th</sup> February 2022	B&PSC Meeting	The B&PSC consider actioning the formal consultation and the elements to be included in the formal consultation.
March 2022	Officer Work	If the Formal Consultation is action by the B&PSC, officers will prepare consultation information and communication material.
Mid-March 2022	Formal Consultation	Start of the 4-week consultation



Mid-April 2022	Officer Work	End of the Formal Consultation and the responses of the consultation collated – A report is produced.
May 2022	B&PSC Meeting	The B&PSC decide if there are to be changes to Category One Diving Permit Conditions
June 2022	Admin	Amended Permit Conditions would be circulated.

#### 4.1 B&PSC Decision Making – To Undertake Formal Consultation

The minutes from the B&PSC meeting held on 24<sup>th</sup> February 2022 can be read in full here. The relevant section of the minutes has been transcribed below. Members of the B&PSC agreed that formal consultation be undertaken on a series of changes to the Category One Diving Permit Conditions.

*Extract from the B&PSC meeting minutes – 24<sup>th</sup> February 2022*

#### **Agenda Item 6**

#### **The Scallop Closed Season.**

##### **Presentation**

CO Mander highlighted that there were multiple recommendations set out within the Officers' paper, all of them related to potential changes to the Category One (commercial) Diving Permit Conditions. CO Mander explained that the findings of the recent pre-consultation had been documented in a supporting report and it was the findings from different engagement work to date, coupled with available landing data, that had led to the Officer's recommendations, including the setting of a bag limit. CO Mander explained that it was the view of Officers that all five of the recommendation (a-e) should form the basis of a formal consultation that will lead to decision making of the B&PSC at the next meeting. The Vice Chair added that only when the formal consultation is complete, and the findings presented, would the B&PSC decide if there should be changes to the Permit Conditions. CO Mander highlighted that although Officers had set out recommendations, discussions and decision making at this B&PSC meeting would shape the content of the formal consultation.

##### **Debate, Questions & Comments**

Dave Saunders commented that the response to the recent consultation had been low. CO Mander responded and explained that although it was low in total number, it should be recognised that the numbers of commercial divers active within the District is also low. CO Mander highlighted that the recent pre-consultation had been directed at the commercial diving sector, as this was the most appropriate audience to gain feedback on some of the potential restrictions, and therefore it had acted like a scoping exercise. Cllr Dewhirst asked for some clarity regarding recommendation (e) and what this would mean in practice. CO Mander explained that a Permit Condition limiting activity to within the District would assist enforcement and was supported by the commercial divers that had responded to the pre-consultation. Regarding spatial enforcement, CO Mander highlighted that the greater use of vessel monitoring would harmonise with the national roll out.

Pamela Buchan commented that she was fully supportive of formal consultation on the potential changes however, regarding the bag limit, enquired if a rolling total (several days of catch) could be considered rather than a limit per calendar day. Pamela Buchan suggested that a combined catch limit spread over a longer period may help divers in periods of poor weather. CO Mander responded and explained that from a compliance perspective, enforcing a catch limit that was not set per calendar day would be challenging. CO Mander added that the need for divers to store catches had been recognised in the consultation report and therefore a store pot restriction had not been recommended by Officers. Andy Wray said he



favoured further consultation, but for clarity he suggested that it be made clear in further consultation that the daily bag limit is a “daily catch limit”.

Pamela Buchan raised further questions surrounding the use of the Catch App and how it would assist D&S IFCA’s work. CO Mander answered some specific questions about the Catch App and explained that this was also set up to record catch per day. Pamela Buchan asked for clarification on the scale of spatial restrictions and the rationale for the Officers’ recommendations. CO Mander provided additional detail regarding spatial restrictions and DCO Clark highlighted that access in the summer months for commercial divers would not impact the mobile fishing sector (scallop dredgers) as these vessels cannot access the Marine Protected Areas at any time to conduct fishing. DCO Clark added that balancing the needs of different fishers was one of several drivers for the Officers’ recommendations.

Felicity Sylvester raised some concern about the effectiveness of D&S IFCA’s communications as many fishers in North Devon were complaining to her about a lack of communication. CO Mander highlighted that the recent engagement work was focussed on a targeted audience – the commercial divers; however, the aim of the formal consultation is to reach a larger audience – all D&S IFCA contacts. PPO Townsend added some additional explanation on how D&S IFCA was undertaking different communication work that focussed on electronic engagement, such as Mail Chimp and use of the website. PPO Townsend highlighted that D&S IFCA has a communication strategy and delivery plan that was expected to be reviewed by D&S IFCA’s Governance Working Group in 2022/2023.

In response to some further questions from Members, such as the potential to limit permit numbers, CO Mander highlighted some overarching principles that had been introduced by the B&PSC. Rather than limit permits, that would then gain a “monetary value”, the management would consist of monitoring the extent of the activity and managing it as a collective, in the similar way to how the B&PSC had approached the management of a Live Wrasse Pot Fishery. DCO Clark pointed out that the flexibility of the permits and the planned monitoring of the fishery (should it be opened in the summer months) would enable the B&PSC to review management as required. Pamela Buchan highlighted that not all commercial divers were supportive of the introduction of vessel monitoring. Jon Dornom highlighted that although not all fishers are supportive of it, they would have no choice due to national requirements. In response to an earlier question by Felicity Sylvester, DCO Clark reported that there were 153 divers with a recreational permit (Cat 2) and 14 of these had an address in North Devon.

The Vice Chair commented that the option existed for Members to consider all the Officers’ recommendations *en-bloc*; and in doing so, the clarity suggested by Andy Wray to item (b) would be recognised in the minutes.

*Agenda Item 6 – Recommendation (b) would therefore read:*

***“The introduction of a catch limit of 20 bags (2400) per vessel, per calendar day, that will apply within the District during the months of July, August and September”.***

The other recommendations as set out in full within the Officers’ paper would remain the same and formal consultation would therefore be based upon the key points:– (a) access in Marine Protected Areas; (b) a catch limit; (c) an increase in the Minimum Conservation Reference Size; (d) the introduction of vessel monitoring and (e) a spatial restriction interconnected with a fishing trip on a given day.

### ***Decision Making***

***That formal consultation is undertaken on changes to Category One (commercial) Diving Permit Conditions based around the points (a-e – as amended) as set out in full within the Officers’ paper.***



**Proposed:**                      **Andy Wray**                      **Seconded: Cllr Dewhirst**

There were no amendments offered and the motion was put to the vote.

**In favour:**                      **All (10)**

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## **5. Formal Consultation – Changes to Category One Diving Permit Conditions**

The formal consultation began on 21<sup>st</sup> March 2022 and ended on 18<sup>th</sup> April 2022.

The information circulated included the following key elements:

- A general explanation about the formal consultation
- An explanation on how the Permit Conditions could be changed (process)
- A list of the proposed changes (Topics) to the Category One Diving Permit Conditions
- The rationale for the proposed changes (Topics)
- 14 questions divided into topics (A to E) with a final section for any other comments
- Examples of how the Permit Conditions would be worded to accommodate the proposed changes including the use of Annexes (charts)
- Supporting Information (links to charts of all the spatial areas being proposed for additional access)

A Mail Chimp platform was used for the direct circulation and information was also posted on the Website and Facebook. The information circulated (in full as a pdf version) for the formal consultation can be viewed [here](#).

### **Topics**

- **Minimum Conservation Reference Size (MCRS) for Scallop**
- **A Catch Limit of 2400 Scallops (per vessel, per calendar day in July, August & September)**
- **Introduction of Remotely Accessed Electronic Monitoring Device (IVMS/VMS)**
- **Access Areas – Removal of Scallop in July, August, and September**
- **Additional Spatial Restriction – Removal of Scallop**

Each topic was set out in turn with two questions for each.

- ***Are you supportive of this proposed Permit Condition?***
- ***Please explain you reason for your answer.***

A final question was included to enable the collection of any other comments.

. Options were provided for engagement as follows:

1. Contact us via email – [consultation@devonandsevernifca.gov.uk](mailto:consultation@devonandsevernifca.gov.uk)
2. Write to us



## 5.1 Formal Consultation Response – Diving Permit Conditions (Category One)

The responses to the formal consultation were collated and summarised in the following report:

[Development of the Diving Permit Conditions – Formal Consultation Report - A Summary of Responses from the Formal Consultation on Changes to Category One Diving Permit Conditions \(21<sup>st</sup> March 2022 to 18<sup>th</sup> April 2022\) – 13<sup>th</sup> May 2022.](#)

The executive summary of the above report has been transcribed below:

*Extract from the Formal Consultation Report*

### **Executive Summary of the Consultation and its Findings**

In February 2022, the B&PSC determined that formal consultation should be undertaken on a series of changes to Category One Diving Permit Conditions. The formal consultation began on 21<sup>st</sup> March 2022 and ended on 18<sup>th</sup> April 2022. All stakeholders (1545) on D&S IFCA's contact data base were directly informed about the Formal Consultation and were invited to respond. This included all fishers with a Category One (commercial) Diving Permit and all other permit holders regardless of their own fishing activity (permit type) and geographical location.

The Formal Consultation set out five potential changes (a package of management measures) to the existing Category One Diving Permit Conditions, with all of them relating to the removal of scallop during the months of July, August, and September. These were:

- a) An increase in the Minimum Conservation Reference Size (MCRS) for scallop to 110mm that will apply to divers with a Category One Permit in July, August, and September.
- b) The introduction of a catch limit of 2400 scallop per vessel, per calendar day, that will apply to divers with a Category One Permit during July, August, and September.
- c) The fitting of a Remotely Accessed Electronic Monitoring Device (IVMS), that transmits the required information, to every vessel operating under a Category One Diving Permit with additional requirements if a device fails to transmit the required information.
- d) In July, August and September commercial diving for scallop will be restricted to those Marine Protected Areas where the use of scallop dredges is prohibited
- e) In July, August and September a Category One permit holder is not authorised to remove scallop from a fishery unless all scallop removed from a fishery, on that fishing trip, is from within the District.

A total of 12 responses were received which included responses by commercial divers and conservation groups - Devon Wildlife Trust (DWT), Wembury Advisory Group (WAG) and the Blue Marine Foundation. One stakeholder responded twice with the later response containing the detail used in this summary report. There were mixed views on each of the topics by different interest groups and from within those interest groups.

Both DWT and WAG were opposed to change and considered that providing greater access to commercial divers to remove scallops from within Marine Protected Areas (MPAs) to be completely unacceptable. DWT does not support access being provided in MPAs for the removal of scallop in the summer months by commercial divers, and therefore they were unable to support (other than in principle) most of the proposals that make up the package of management measures. DWT and WAG both support the introduction of IVMS to enable effective monitoring. WAG is strongly opposed to relaxing any of the requirements for a closed



season, especially in MPA areas, however they recognise that diving is a much lower impact fishing method (in terms of potential damage to the seabed) than dredging and urge D&S IFCA to consider ways of significantly shifting the overall scallop fishery away from dredging towards diving, but without opening Marine Protected Areas in the closed period.

The Blue Marine Foundation expressed support for commercial diving as it is less damaging as compared to scallop dredging. From their perspective it is unclear why the summer restriction was put on divers in the first place, and their view is that restrictions simply need removing. The Blue Marine Foundation offered some suggestions on some potential alternatives to the proposals; however, suggestions such as a limitation on the number of permits being issued to fishers do not harmonise with agreed principles for D&S IFCA's byelaw work.

Views differed amongst commercial divers regarding the proposed catch limit of 2400 scallops per vessel, per calendar day – some felt this amount was too high, whilst others felt it was not sufficient to make it commercially viable. There was strong support for an increase in the Minimum Conservation Reference Size (MCRS) to 110mm and one of the commercial divers stated that this is already a self-imposed size limit for their removal.

Fishers were not opposed to the proposal to introduce IVMS; however, it should be recognised that this will be a national requirement later in 2022. Regarding the implementation of IVMS (as a permit condition), concern was raised about potential failure of devices and what this would mean to fishers operating under a permit with a view to losing fishing time in the District as a result of needing to repair their device.

A theme within the responses is that some of the proposals (that would provide tailored management for commercial diving activity) are viewed as an impact on commercial divers, rather than providing the fishers with additional opportunity. This is evident in the response from the Blue Marine Foundation who commented that extra layers of regulation, beyond the lifting of the ban for divers (the closed season) seem to be extraordinarily complicated and limiting a fishery that should be promoted as best practice.

Regarding the fitting of an IVMS device, three of the commercial divers that responded are opposed to ceasing fishing within the District for scallops (within July, August, and September) if their device fails. This point was also highlighted by the Blue Marine Foundation. The collective view in these responses is that this permit condition would impact fishers' income because of the lost days at sea in the summer months that may result from a non-functioning device. Officers have a different view as regardless of having a unit fitted or if it is functioning correctly, currently no fishing for scallops can take place within the District during July, August, and September and therefore no income is currently generated from fishing for scallops within the District within July, August, and September.

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## 6. Decision making by the Byelaw & Permitting Sub-Committee – Changes to Category One Diving Permit Conditions

### 6.1 Officers Paper to the B&PSC

On 9<sup>th</sup> June 2022 the B&PSC were presented with the Formal Consultation Report (13<sup>th</sup> May 2022) and an [Officers' paper \(agenda item 6\)](#). The Officers' paper recommended that Category One Diving Permit Conditions are amended (changes set out as a-e) to take effect from 1<sup>st</sup> July 2022.

As part of the Officers' paper the following was set out, as transcribed in purple font:

#### Decision Making

Although views differed in the responses, there is no new information to challenge the rationale accepted by the B&PSC for the proposed changes that led to the formal consultation being undertaken.

Some alternative suggestions were provided; however, these extend beyond the proposed changes as set out in the formal consultation and are therefore not relevant at this time. Other suggestions, such as a limitation on the number of commercial diving permits that can be issued, do not harmonise with agreed principles for byelaw review work.

Although there is opposition from Devon Wildlife Trust (DWT) and Wembury Advisory Group (WAG) to additional access for the removal of scallops from Marine Protected Areas (MPAs), in the months of July, August, and September, these areas are not No Take Zones and are not closed to diving for scallops all year. Diving for scallops is already concentrated within MPAs, because of their number, size, locations, and the fact that they are free from mobile fishing vessels (scallop dredgers) all year round. The only time that divers cannot operate in MPAs to take scallop is within the months of July, August, and September when the whole District is closed to their removal by mobile fishing vessels (scallop dredgers) and commercial divers. MPAs are protected from potential damage resulting from fishing activity (gear type), and not because they contain stocks of scallops which are not a “feature” of the sites.

#### Officers' Recommendation

It is the view of Officers that the proposed changes to the Category One Diving Permit Conditions represent an appropriate and balanced package of management measures that recognise D&S IFCA's duties and vision. Permit Conditions provide a flexible management approach.

### 6.2 B&PSC Decision Making – To Make Changes

The minutes from the B&PSC meeting held on 9<sup>th</sup> June 2022 can be read in full here. The relevant extract from the minutes is set out below. Changes were agreed.

*Extract from the B&PSC meeting minutes – 9<sup>th</sup> June 2022*

#### Agenda Item 6

#### Diving Permit Conditions (Cat 1) - The Scallop Closed Season.

##### Presentation

The Chair explained that now the formal consultation had been completed and documented, Members had to determine what changes, if any, should be applied to Category One Diving Permit Conditions. Regarding the recommendations in the Officers' paper, the Chair explained that Mike Williams had some concern regarding the order in which they had been presented.



Mike Williams explained that to support recommendation (a), he would need assurance that recommendations (b – e) would be agreed (in one form or another) as these were important safeguards to providing increased access for commercial divers to remove scallops in July, August and September as set out as recommendation (a). It was the view of Mike Williams that the order of discussion and potential voting should therefore be amended. CO Mander clarified that although the Officers' recommendations were set out in a sequence (a-e), they were not motions for a vote and therefore Members could formulate their own wording that may incorporate all five of the recommendations (a-e) in one vote if they wished to do so. CO Mander highlighted that all responses had been documented in the supporting report and PPO Townsend explained that as the supporting report is published, it demonstrates to stakeholders that their responses had been fully recognised.

The Chair asked that Members discussed the full package of management measures as proposed in the formal consultation before a vote was taken based around recommendation (a). Discussions began with focus on the catch limit of 2400 scallops, per vessel, per day.

CO Mander explained that the catch limit of 2400 (per vessel, per day) set out in the formal consultation had been based on landing data, and feedback from previous pre-consultation. Although there was insufficient information available from stock assessment work to set a catch limit, a catch limit of 2400 scallops per vessel, per calendar day was selected as a precautionary approach as part of a management package and represented a "middle ground". CO Mander added that the mixed response in the formal consultation suggested that it is lower than some would like and higher than others suggested.

### ***Debate, Questions & Comments***

Andy Wray commented that the lack of current stock data was a concern; however, he recognised that the total number of fishers engaged in the commercial diving scallop fishery was currently low. Andy Wray enquired about the process to monitor the number of Category One Diving Permits issued by D&S IFCA, and potential action if the numbers of fishers (and therefore catch per day) increased significantly. CO Mander assured all Members that the numbers of permits issued is recorded (on a data base) and the catch limit and other management measures would all be subjected to monitoring and regular review by the B&PSC. CO Mander highlighted that a review of the Permit Conditions could be triggered in different ways which included a decision by the B&PSC based on information collated and presented by Officers. Mike Williams commented that stringent Health and Safety requirements, including training courses and a detailed medical, is one reason he was confident that total numbers of divers (Permits) would be less likely to increase quickly. Regarding stock assessment work, DCO Clark responded to questions from Mike Williams and informed Members that further work by Cefas, that is potentially less broad scale, will help to build the evidence base.

Regarding a catch limit, PPO Townsend informed Members that there were mixed views in the supporting report. Members recognised the responses within the report, including the increased costs faced by fishers for fuel and air. Jon Dornom highlighted that dive caught scallops can command a high market price of over £1.20 per scallop. Andy Wray commented that in his experience prices in the Lyme Regis area are not as high as £1.20, although he did accept, that they would be more valuable than dredged caught scallops. David Morgan commented that the mixed views on a catch limit are likely to reflect the needs of fishers based on their own business needs; however, a catch limit set by D&S IFCA should not be based on the needs of an individual business. It was the view of Jon Dornom that 2400 scallops per day would be economically viable, and the method of diving can be efficient as stated in both the pre-consultation and formal consultation responses. PPO Townsend highlighted that as compared to the current situation (a closed season), additional access with a catch limit provides opportunity for fishers rather than an impact on their current business model.



David Morgan began discussion on the introduction of IVMS as set out on pages 11 and 12 of the supporting report. Members recognised the national roll out of the equipment but sought further clarity on potential failure of devices and the potential impact on fishers that may arise as a result of needing the device to be repaired. David Morgan highlighted that any equipment on a fishing vessel can go wrong due to the environment it is in.

CO Mander explained that the national roll out had already been recognised by D&S IFCA and that recent changes to Category One Mobile Fishing Permit Conditions had recognised the national roll out. Mike Williams added that those changes had given fishers more choice on the types of devices that could be fitted and that the wording being suggested for the Diving Permit Conditions would harmonise with that. Regarding failure of a device, CO Mander clarified that the Permit Conditions would not prevent a diver going to sea in July, August, and September to catch crab or lobster or to dive outside of the District for scallop. In terms of financial impact, Rachel Irish commented that it would be unfortunate for a fisher if a device failed to operate and needed repair: however, the “Officer Clarification” in the report was an interesting point. PPO Townsend expanded on this point and explained that from an Officers’ perspective the requirements as set out do not represent an impact on earnings as the current closed season prevents any income being generated within the District from the removal of scallop in July, August, and September. CO Mander agreed and explained that if a device failed, a fisher would only be at a disadvantage with other commercial divers that had units working correctly. Wayne Thomas and Mike Williams commented that all business ventures must adhere to legal requirements, and that this is an example where the introduction of permit conditions (as proposed) to ensure units are functioning correctly would harmonise with the approach taken by D&S IFCA for the mobile fishing sector.

Wayne Thomas asked for some clarity regarding formal monitoring and reporting on the fishery if the new permit conditions were introduced. CO Mander informed Members that a report (and Officers’ paper) would be produced for discussion in February 2023 which may lead to a review of permit condition process. If a review was to be undertaken, the B&PSC could potentially amend Category One Diving Permit Conditions in May 2023. In response to Andy Wray, CO Mander confirmed that any amendments to permit conditions, now and potentially in 2023, would not require fishers to purchase new permits if their own permit was still in date.

The Chair asked if any Member would like to propose a motion based on the Officers’ recommendations and the discussion at the meeting. Pamela Buchan proposed the following:

### ***Decision Making***

***That Category One Diving Permit Conditions are amended to take effect from 1<sup>st</sup> July 2022 to open access in the months of July, August, and September for the removal of scallops from specified sites under conditions (b to e) as set out in the Officers’ paper.***

***(b – e):***

- **To introduce a Minimum Conservation Reference Size of 110mm for scallop within the District in the months of July, August and September.**
- **To introduce a catch limit of 2400 scallops per vessel, per calendar day within the District during the months of July, August, and September.**
- **To require a fully functioning Remotely Accessed Electronic Monitoring Device (IVMS/VMS) to be fitted to vessels and with additional requirements if the device fails to transmit the required information.**
- **To introduce a catch restriction that means when diving for scallops in the District in the months of July, August, and September, no fishing outside of the District can take place on that fishing trip.**



**Proposed:**                      **Pamela Buchan**                      **Second: Mike Williams**

There were no amendments offered and the motion was put to the vote.

**In favour:**                      **All (11)**

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## **7. Implementing Changes & Communication**

Following the B&PSC meeting held on 9<sup>th</sup> June 2022, Officers made changes to the Diving Permit Conditions to reflect the decision making of the B&PSC. The Permits contain a combination of measures for both Category One (commercial fishers) and Category Two (recreational fishers) – separated into sections relevant to each group. It was therefore necessary to circulate new Diving Permits to both user groups, although the changes to the Diving Permit Conditions are only relevant to commercial fishers. New Annexes (charts) were prepared to accompany the Diving Permit Conditions. Diving Permits were circulated in June 2022.

The Diving Permits (valid from 1<sup>st</sup> July 2022) can be viewed [here](#).

The Annexes (valid from 1<sup>st</sup> July 2022) can be viewed [here](#).

### **7.1 Communication – News & Press**

In addition to direct circulation of new Diving Permits to fishers (with covering information/email), Officers prepared a news item to inform a wide audience about the changes.

A news item - **Commercial Scallop Divers Given a Boost by Fisheries Regulator** - was produced on 22<sup>nd</sup> July 2022 and can be read in full [here](#). The news item was posted on D&S IFCA's website and Facebook page as well as being circulated to the press. The article was published in the Fishing News. The news item has also been transcribed below.

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## **Commercial Scallop Divers Given a Boost by Fisheries Regulator**

**Devon and Severn Inshore Fisheries and Conservation Authority amends Diving Permit Conditions to provide greater access to scallop stocks in July, August, and September.**



A closed season within the Devon and Severn Inshore Fisheries and Conservation Authority's (D&S IFCA) District has, until now, prohibited commercial divers from removing scallop in July, August, and September.

D&S IFCA manages the fishing activity of diving for specified species using a permit-based model which is both flexible and adaptive.

Engagement with all stakeholders, especially the fishers that operate within D&S IFCA's District that are affected by legislation, is a cornerstone of this fisheries management approach.



The changes to the Permit Conditions from 1<sup>st</sup> July 2022 demonstrate how informal and formal consultation can work positively and how local people and organisations can inform the decision-making process.

For several years, the case has been argued that commercial diving is one of the most sustainable forms of fishing, and that management measures could better reflect the needs of different fishing sectors. D&S IFCA has adopted a vision that highlights innovation, championing the use of technology and the delivery of low impact fisheries.

On 9<sup>th</sup> June 2022, D&S IFCA's Byelaw and Permitting Sub-Committee (B&PSC) agreed a series of changes to the commercial (Category One) Diving Permit Conditions that reflected aspects of the Vision.

Since 1<sup>st</sup> July 2022, commercial divers are able to remove scallops from specified areas, during certain months, within some of the Marine Protected Areas (MPAs) in D&S IFCA's District. This may sound like a contradiction, but MPAs are not “no take zones” and are designated for specific and differing reasons. Commercial scallop diving is a low impact fishery with respect to its interaction with designated habitats within MPAs in D&S IFCA's District, as supported by Natural England's formal advice on the MPA assessments submitted by D&S IFCA. However, the removal of scallop from these areas is not unlimited, and D&S IFCA has introduced a package of management measures to apply during July, August, and September, including the use of vessel monitoring (IVMS), a daily catch limit, and an increase in the minimum conservation reference size (MCRS) for scallop (an increase to 110mm as measured across the shell).

Chief Officer, Mat Mander, said, *“I am pleased that fishers and other stakeholders took the time to get involved in the consultations and provided their views and information to the Authority. In conclusion, the Authority has introduced permit conditions that demonstrate how participation in the consultation process and the use of technologies can help change and improve the way in which we approach our fisheries and conservation management”*.

The Chair of the Authority, Professor Mike Williams said, *“The use of new technology such as vessel monitoring, alongside prudent measures such as catch limits and increased MCRS, as well continuing research, enables D&S IFCA to adopt an adaptive precautionary approach to sustainable stock management, while providing new socio-economic benefits to the local community”*.

The Chair of the B&PSC, Dr Emma Bean said, *“The implementation of a package of management measures with the addition of close monitoring of the fishery was considered to be essential by the B&PSC in opening up access to these areas. We feel that we have achieved the right balance and avoided being overly precautionary in our approach. The permit-based model gives us flexibility by providing the opportunity to review our decisions if required and is therefore of benefit for D&S IFCA and all those with an interest.”*

## **Further Information**

The Diving Permit Conditions (July 2022) and the accompanying Annexes can be viewed using the links below.

- [\*\*Diving Permit Conditions \(July 2022\)\*\*](#)
- [\*\*Annexes \(1-5\) for the Diving Permit Conditions\*\*](#)

All Officers' papers and reports presented to the B&PSC are available on the D&S IFCA website ([\*\*Resource Library\*\*](#)), along with the minutes taken at B&PSC meetings.



Details regarding [active](#) and [completed](#) consultations can be found on the D&S IFCA website.

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## 7.2 Communication – Feedback from fishers

The changes made to the Category One Diving Permits received some positive feedback as shown below - the content of an email received by Officers:

*As you know we have long supported the idea of opening the Lyme bay M.P.A for scallop diving and of recent years this has become more of a campaign to save this form of fishing in Lyme bay/Devon waters.*

*We have always felt that scallop diving has more of a reach with working within sustainable goals then others methods of scallop harvesting and now that we allowed to practice this method without fear of collapse of our lively hoods we hope to work with you and others in proving the work you have done can ensure fisheries and ecosystems for future generations of fisherman and all marine professionals.*

*On behalf of the divers of Lyme Bay and Brixham thank you for your enduring effort to open the M.P.A we would not be here without it.*

## 8. Additional Information

A range of Information about D&S IFCA and the work it undertakes can be found on the D&S IFCA website. There is a combination of display pages and a [Resource Library](#) (interactive publication scheme). More about the work of D&S IFCA's Byelaw and Permitting Sub-Committee can be found in our guide that can be read [here](#).

End.