

Devon and Severn IFCA News

Formal Consultation – Proposed Mobile Fishing Permit Byelaw 2022

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

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

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



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

The Mobile Fishing Permit Byelaw 2022.

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

The formal consultation begins on 25th November 2022.

Overview

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

What stays and what is new?

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

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

A Closer Look

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

- [**Mobile Fishing Permit Byelaw 2022**](#)
- [**Impact Assessment**](#)
- [**Category One \(At Sea\) Permit Conditions**](#)
- [**Annexes for the Category One Permit Conditions**](#)
- [**Category Two \(Estuary\) Permit Conditions**](#)
- [**Annexes for the Category Two Permit Conditions**](#)

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

Your view, our view, and the next steps

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

Marine Conservation and Enforcement Team, Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle Upon Tyne, NE4 7YH.
Email IFCAbyelaws@marinemanagement.org.uk

A copy must be sent to the Chief Officer at Devon and Severn IFCA, Brixham Laboratory, Freshwater Quarry, Brixham, Devon, TQ5 8BA
Email consultation@devonandsevernifca.gov.uk

- The formal consultation begins on 25th November 2022
- Any person wishing to object to the Byelaw should provide their response not later than 28 days after the date of the last advertisement in a selection of newspapers
- The closing date to submit responses is 20th January 2023

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

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

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

Later Stages

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

More information about D&S IFCA

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

A guide has been produced to explain the work of the Byelaw and Permitting Sub-Committee which can be viewed [here](#).

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

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