



Byelaw & Permitting Sub- Committee Meeting

Draft Minutes from 31st
August 2023

Version Control and Drafting

Date	Comments
Version 0.1 7 th September 2023	1 st Draft of minutes developed by PPO Townsend for circulation to Officer's present at the meeting for potential internal amendment and/or additions.
Version 0.2 22 nd September 2023	Internal amendments applied to v0.1 by CO Mander, DCO Clark and SEO Stewart. Draft minutes V0.2 circulated to Members for initial examination and feedback.
Version 0.3 13 th October 2023	Initial feedback from Members recognised and minor edits applied. Draft minutes published on website.

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Minutes of the Byelaw and Permitting Sub Committee Meeting
Held at Exeter Racecourse on 31st August 2023

Present:

Dr Emma Bean (Chair)	Professor Mike Williams	Rachel Irish
Dave Saunders	Jon Dornom	Felicity Sylvester*
Simon Toms	Wayne Thomas	Caroline Acton
Jay Boyle	Mark Day	David Morgan
Simon Thomas	Cllr Alistair Dewhirst	Charlie Ziemann

Present (officers):

Chief Officer (CO) Mat Mander, Deputy Chief Officer (DCO) Sarah Clark, Principal Policy Officer (PPO) Neil Townsend, Senior Environment Officer (SEO) James Stewart.

Public Observing:

None.

Notes: *Felicity Sylvester arrived at 1.30pm the start of Agenda Item 7 (a).

Action Items:

Agenda Item 1

Apologies for Absence.

PPO Townsend read out the list of apologies, which included Pamela Buchan, Cllr Andrew Strang and Guy Baker. PPO Townsend reported that Felicity Sylvester was expecting to attend but was potentially delayed.

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Agenda Item 2

Declarations of Interest.

Jon Dornom and David Morgan declared an interest relating to netting within estuaries. Charlie Ziemann declared an interest relating to coastal netting. Cllr Dewhirst explained that he had an interest as a Councillor for Teignbridge. Simon Thomas declared an interest relating to the development of the Channel and Non-Quota Species Fisheries Management Plan. Wayne Thomas declared an interest in the Taw Torridge estuary as he was a member of the Fisheries Association. CO Mander declared an interest as a hobby angler for mullet.

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Agenda Item 3

To consider and approve the draft minutes of the B&PSC meeting held on 23rd February 2023.

The Chair invited those who were present at the last meeting to raise any issues associated with the accuracy of the draft minutes from the February meeting and the minutes were then examined page by page. Cllr Dewhirst highlighted a spelling error on page 8, and it was noted that "invention" should be amended to "intervention".

That the minutes provide a true and accurate record.

Proposed: Mike Williams
In favour: 9
Against: 0
Abstain: 2

Seconded: Rachel Irish

Agenda Item 4:

Matters requiring urgent attention.

The Chair consulted with Officers and there were no matters requiring urgent attention.

Agenda Item 5:

Members of the public – questions or comments for the meeting.

The Chair consulted with Officers and there were no questions or comments from members of the public.

Agenda Item 6:

Bass Survivability Research.

Presentation

SEO Stewart explained that Officers had worked with the University of Plymouth and a local fisher to assess the condition and mortality of sea bass discarded from small-scale inshore netting activities. SEO Stewart explained that bass had experienced stock decline which in recent years have been managed via regulations that promote discarding, yet the survival of these discards is not well-understood.

The field work had been conducted in and around the Salcombe-Kingsbridge Estuary with the use of nets to simulate a small-scale netting practice to target species such as grey mullet, which had taken place (albeit with drift nets only), before the introduction of the Netting Permit Byelaw.

SEO Stewart explained that the report went into detail regarding the method of assessment, including the tagging work. The tagging work had been of benefit to inform longer term survival rates and the report included comparison statistics relating to discard mortality associated with other gear types.

Debate, Questions & Comments

The Chair asked if Members had any comments or questions for Officers to address. Jon Dornom said that he was disappointed with the report for differing reasons. In his view the wording used in the title i.e., 'mortality', and throughout the report, inferred negativity associated with netting. There should have been more emphasis on the words 'survivability' of bass, rather than mortality and in his view a survivability rate of approximately 81.2% should be seen as a positive. SEO Stewart explained that mortality and survivability are two sides of the same coin and in a lengthy report it was easier to build sentences using the wording mortality, which would otherwise be more convoluted. SEO Stewart also highlighted that scientific reporting refers to mortality rather than survivability, using an example of ICES stock assessments which have mortality as a key component. Simon Thomas added that in scientific reporting of this kind, the word mortality is always used; however, he could appreciate how this may be viewed by others as having a negative connotation.

Regarding the level of survivability (or mortality) it was his view that a mortality of bass in the study of approximately 18.8% was good.

Cllr Dewhirst was joined by other Members, including David Morgan and Mark Day, in commenting on the introduction on page 5 and the landings of bass by different methods and sectors. Cllr Dewhirst was surprised regarding the tonnage (2436 Tonnes) of bass caught by UK recreational sea anglers, compared to the commercial fishing fleet. SEO Stewart clarified that a large proportion of the recreational catch is thought to have been released, as regulations include a bag limit of 2 bass per day (1st April to 31st January).

Simon Thomas said that data relating to recreational fishing activity is considered by many to be weak and that the 5% mortality rate used in ICES advice is a best guess. Mark Day added that in his view many bass caught by recreational fishers will be retained and that the suggestion that there is no mortality by angling is not the case. Charlie Ziemann commented that rules and regulations are poorly understood by many recreational anglers that he has seen catching bass, and that the numbers of bass taken by angling is likely to be much more than that recorded.

Simon Toms highlighted other data sources including the 2022 ICES advice which showed different figures compared to the D&S IFCA report. SEO Stewart said that his commercial data was from 2022 MMO landings but that the angling data are from an earlier report and are likely to have been collected around 2018 – 2019.

Regarding the quality of data and its use, CO Mander commented that the work undertaken by Officers for a response to the draft Fisheries Management Plans, highlights that available data are often poor. Regarding mortality of bass from rod and line, CO Mander informed Members that the report does go on to explain differences in mortality associated with the use of natural bait and artificial lures and that discard mortality from angling was reported to be 5%. Regarding language used in the report, CO Mander said that he supported the wording “mortality” being used as, when comparing fisheries, this is the focus – the key information is how many fish have been removed from the stock.

SEO Stewart informed Members that although the report does highlight data regarding recreational catch, the report had the intent of focusing more on commercial fishing and reporting on the outcome of the research work in Salcombe.

Jon Dornom informed Members that he had concerns regarding the reported bass catch rates and composition of catch (bass and other species). As he was present for the research work, he said that the data had been massaged to imply that mullet cannot be targeted and caught without catching bass. Jon Dornom highlighted individual haul and catch data (set out in a separate supplementary report provided by SEO Stewart) which was displayed on a screen and talked Members through it. Jon Dornom explained that for the study he targeted specific areas of the estuary to catch the species wanted for tagging e.g., when mullet were wanted, he targeted areas where he knew he could catch mullet. Jon Dornom was frustrated that a ‘true story’ was not being shown in the report and informed Members that he had been tasked differently for netting in the different locations during the study and the catch composition reflects that tasking. DCO Clark suggested that the additional haul data could be added as an appendix to the main report rather than being a separate document.

DCO Clark asked additional questions regarding the use of nets in differing locations in Salcombe Estuary and how mullet and bass could be targeted differently in a real-life setting, rather than for research purposes. Jon Dornom explained in detail how wind, tide and local knowledge are all factors and stated that mullet do group up in areas within the estuary which can then be targeted independently of bass, for example, nets

placed in the back eddies don't catch many bass. Jon Dornom recalled that huge landings, up to 40 tonnes of mullet, had been taken from south sands many years ago.

SEO Stewart said that he had not massaged the data. The data was mixed and some information from 2022 also showed that a similar number of mullet had been caught in the research work. SEO Stewart said that previous data from acoustic tagging studies, in addition to data from the fish tagged in this study, show that bass do congregate in estuaries. SEO Stewart said that bass are present in estuaries throughout the winter, including near areas where bass catches had been low (two hauls of nets in the 'back eddies'), suggesting that bass catches in these areas could be unpredictable and that low catches may have occurred by chance. It was the view of SEO Stewart that nets used in an estuary for targeting mullet will result in a bycatch of bass and this is reflected in the report. CO Mander said that the suggestion that the data had been massaged was not appropriate and Members should have confidence that the findings had been reported without bias. Jon Dornom stated that it was not a personal attack against SEO Stewart, or the IFCA, but wanted to explain that pockets of mullet can be found in the estuary away from areas where bass aggregate.

Caroline Acton commented that the report has a strong conclusion setting out a mortality rate of 18.8%. SEO Stewart commented that in his view, and as per the conclusion, the mortality rate of bass caught in nets would be substantially higher than 18.8% in real-world fishing conditions. Jon Dornom said that a counter argument could be made about handling and its impact on mortality. He went on to explain that in his view having short setting times for the nets would mean that bass caught could be returned immediately to hopefully allow survivability and that the nets are designed in a diamond shape to allow smaller fish to swim through. SEO Stewart referred Members to the Section 4.4 of the report that considered whether mortality in a commercial fishery would be higher than that recorded under scientific conditions. SEO Stewart highlighted that this section of the report included considerations about fish handling in real-world conditions compared to those experienced during this study, and that discard mortality would likely be higher in a real commercial fishery.

Mike Williams suggested that SEO Stewart has further dialogue with Jon Dornom to discuss some elements of the report where they had differences and potentially make amendments. Cllr Dewhirst supported this suggestion.

Agenda Item 7a:

Netting Review – Consultation Report

*Felicity Slyvester arrived at the meeting.

Presentation

PPO Townsend informed Members that the consultation report had been developed with a mixture of aims. As not all Members had been present during the development of the Netting Permit Byelaw (2016-2018), PPO Townsend said that a conscious attempt had been made to include background information relating to the development of the Netting Permit Byelaw, in particular for the benefit of new Members. PPO Townsend said that the background information included the key drivers and objectives for the Byelaw and observations of the B&PSC at that time that had informed their decision making leading to the current management of netting (the Permit Conditions).

Regarding the current review of the Netting Permit Conditions, PPO Townsend explained how the communications were undertaken as set out in the report to provide an opportunity for anyone with an interest in netting to respond – to have their say.

PPO Townsend explained that the report documented the key themes that had been evident in the responses received, as well as including Officers' comments to clarify different points made in the responses and to add relevant information for context. PPO Townsend explained to Members that Officers had used the Officer comment sections to validate some of the information received in the consultation such as landings data supplied by the National Mullet Club. PPO Townsend added that some of the Officer comments sections validated past considerations and observations, expanded on some of these, and introduced new information not available at the time the original Permit Conditions were established.

Debate, Questions & Comments

The Chair commented that citation of the SAMARCH project was evident in many responses relating to coastal netting; however, the report did not provide Members with a great deal of detail about the findings of this work. PPO Townsend confirmed this was the case, but that Officers had attempted to gather additional information from both Bangor University and the Environment Agency (EA) prior to the meeting. Based on the responses, PPO Townsend explained that the references (and links) to the SAMARCH work did not provide great levels of detail.

SEO Stewart informed Members that more recent tagging of sea trout demonstrated they spend most of their time below 3m, and that a recent report highlighted that sea trout could be caught in inshore coastal netting; however, it was important to note that the nets that were used were surface nets which did not comply with the D&S IFCA 3m headline rule, so the catch rates would not be comparable with those expected under D&S IFCA's current restrictions.

CO Mander explained that Officers had looked at what had changed since the introduction of management of coastal netting and that D&S IFCA had already strengthened the restrictions which are now in place. He added that further data had been requested but none was forthcoming.

Simon Toms provided Members with some detail regarding coastal tagging and the findings of acoustic analysis that show different movements and depths of migratory species and how these changes in different areas offshore. In addition, Simon Toms explained how differing mesh size for coastal nets do have a different impact regarding catches of sea trout and stated that 100mm mesh will catch salmon. In response to a question by the Chair, Simon Toms said that he would be able to provide additional information regarding stocks of sea trout that had now been published.

Simon Toms informed Members that he had been on leave when he (the EA) was requested to provide additional information; however, in relation to both the management of netting within estuaries and coastal netting (3 metre headline rule), the EA are reasonably comfortable with the current Netting Permit Byelaw and Permit Conditions in the District and that there is not enough evidence to show the need to strengthen the restrictions already in place for coastal netting.

Simon Toms said that it would be a positive if the Permit Conditions are developed in the future to restrict the use of multifilament nets. Jon Dornom provided Members with additional information regarding net types, mesh types, and how they produce differing results.

CO Mander highlighted the data regarding mullet landings supplied by the National Mullet Club. It was explained to Members how Officers had analysed the data and found different conclusions regarding total tonnage landed into Devon Ports. It was thought that the data from the National Mullet Club may have included red mullet as the landings were many factors higher than the data collated and analysed by D&S IFCA.

DCO Clark highlighted that Figure 3 demonstrates the impact of the Netting Permit Byelaw with reduced landings, particularly on the Taw and Torridge since 2018. CO Mander commented that landings of mullet had now steadied at low levels compared to historic landings and were significantly lower than the peak recorded in 2014, well before the Netting Permit Byelaw had been introduced. DCO Clark pointed out that most of the mullet landings recorded in the data were into the port of Plymouth. Referring to Figure 3, CO Mander informed members that the home port of landing does not indicate exactly where the mullet had been caught, as it can be transported over land. In particular, landings into Plymouth were likely to have been from netting activities across the whole of the Southwest.

Caroline Acton commented that a response of 21 stakeholders seemed to be low. Felicity Sylvester was surprised that no response was received from the North Devon Fishermen's Association or the South West Producer Organisation. Felicity Sylvester was concerned that maybe not all relevant stakeholders get to hear about the consultation and therefore don't engage. Other members observed that the response would likely be higher when the formal consultation was undertaken which included specific proposals for consideration. Mark Day agreed that a formal consultation will likely have more engagement from the commercial sector.

CO Mander explained that this is the review process for the management of netting and it gives the opportunity for stakeholders to highlight what changes they would like to see. He added that the value for the fisheries in Estuaries was approximately £46,000 when the Netting Permit Byelaw came into place and D&S IFCA needed to balance the commercial interest with protection of stocks such as bass. Mike Williams agreed with CO Mander's comment.

PPO Townsend explained that the opportunity was there for all to respond in the consultations and, in the view of Officers, direct communication using the database of contacts that the Authority has built up remains the most effective way of informing stakeholders about the review. PPO Townsend commented that in addition to direct circulation, the website and Facebook had been used and some of those that had responded had heard about the review from others, or for example by being part of an angling club. PPO Townsend added that Members can play their part and assist with communications by alerting different contacts that may be more challenging to reach and/or forwarding on information from their own email notifications.

In response to a question by Felicity Sylvester, DCO Clark reported that there are 12 commercial netters (Cat 1 permit holders) and 36 recreational netters (Cat 2 permit holders) in North Devon. Several members commented that the relatively low response in the "Have Your Say" consultation was potentially because a lot of stakeholders had no issues to raise and therefore did not respond.

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Agenda Item 7b:

Netting Review – Netting Permit Conditions

Main Presentation

PPO Townsend explained to Members that the Officer Paper had been designed to promote discussion on the Officers' recommendations, as well as on areas of management (estuary netting and coastal netting) that Officers had not recommended for change. As with the consultation report, PPO Townsend explained that a background section had been included in the Officers' paper to highlight the original policy drivers for making the Netting Permit Byelaw:

- Protection of bass
- Balancing the needs of others catching sea fish species
- Protection of salmon and sea trout
- Opportunity for sustainable development of the recreational angling sector

PPO Townsend said that a range of factors were relevant to the review as set out in the Officer paper. PPO Townsend explained that Officers had spent time reading and considering original information documented during the development of the Byelaw and looking at and considering new information, including the consultation responses, the Bass Survivability Report, and the draft Fisheries Management Plans.

When developing their recommendations, PPO Townsend explained that Officers used a “what has changed” decision making process and using this approach the recommendations represent potential change that on balance are appropriate from an Officers' perspective to go forward to formal consultation. Officers had put forward recommendations for formal consultation but in the Officers' opinion changes to the commercial estuarine and coastal netting management conditions were not justified.

PPO Townsend explained that, irrespective of the B&PSC decision making relating to material changes, the Netting Permit Conditions will be amended to improve presentation and add clarity. Two areas where improved wording is required includes the paragraph relating to the three-metre headline rule and to clarify that the length of a recreational net does not include attachments.

Debate, Questions & Comments – Estuary Netting

The Chair suggested that before considering the Officers' recommendations, Members should discuss the “no change” items – estuary netting (access) and coastal netting (3 metre headline rule).

Jon Dornom highlighted his own consultation response that included a range of suggested management measures to enable limited netting to take place within Salcombe Estuary (pages 15 & 16 of the consultation report). In his view greater use of technology was key to gaining access and felt that existing technology would mitigate risks and provide effective monitoring capability for the IFCA. He referred to Inshore Vessel Monitoring System (IVMS) and Radio Frequency Identification (RFID) tags and expressed the view that technology had moved on leaps and bounds. In his view, the costs of monitoring for the IFCA would be low and that a commercial sector presence in Salcombe estuary would allow fishers to report suspected illegal activity, and if the IFCA had been prepared to manage a limited live wrasse pot fishery, with its associated expenses, why not a limited net fishery. Jon Dornom noted that small commercial diving vessels had been fitted with IVMS.

CO Mander clarified that providing opportunity and managing the live wrasse pot fishery was a decision of the Authority (B&PSC). Regarding netting within estuaries, this would also be a decision for the B&PSC; however, multiple factors come into play that go beyond the capability and use of technology.

PPO Townsend stated that whilst technology had moved on, the RFID tags do not show what is released from nets and therefore enforceability would be difficult. He also pointed out the need to balance the needs of all users including the recreational sector. Jon Dornom believed that netting had been banned in at least 15 estuaries removing heritage fisheries and that it is his belief that some anglers are not returning bass to the estuaries.

CO Mander listed some key points as follows:

- 1) The status of bass stocks – these are recovering but are still under pressure and below MSY.
- 2) The content of the draft Fisheries Management Plan – alignment of the FMP goals with D&S IFCA's management measures, including coastal and estuary restriction (as these areas are used by many fish species and their life stages with a change management) – Also how a potential change in management may impact on this alignment with the FMP goals.
- 3) The commercial value of bass, the economic importance, and the importance for anglers.
- 4) The general feeling and expectations of other stakeholders (anglers) as set out in the consultation responses – many more responses supported the current restrictions than sought change.
- 5) The wider ecological benefits of protecting areas that were important in the lifecycle of many species.
- 6) Technology – although embraced by D&S IFCA it is the view of CO Mander that it is not at a state where it can be used in the way it would need to be used. The indications are that the national roll out of IVMS for under six metre vessels will take time. Due to the time involved on a national level, and if the change of management for estuary netting with Salcombe Estuary is supported (as proposed in the consultation suggestion), D&S IFCA may have to introduce IVMS in isolation. From an enforcement perspective, the greater use of cameras (REM technology) would be appropriate for a fully monitored fishery and this is not yet possible.

Mike Williams suggested that it may be appropriate for further testing of technology within an estuary setting. PPO Townsend highlighted that although this may be possible, it would take time and the findings of extended research would therefore not be possible to factor into the current review of the Netting Permit Conditions.

Jon Dornom said that his suggestions are a credible option and will provide opportunity for fishers, although not many would likely take up such an opportunity. DCO Clark highlighted page 15 and 16 of the consultation report which listed the proposed management measures that Jon Dornom had provided in his response.

Wayne Thomas said that as Salcombe is a ria, it is significantly different to other estuary areas as it will not contain salmon; however, he questioned if the targeting and capture of mullet in Salcombe Estuary would be sustainable over the longer term. Jon Dornom explained that years ago it was seen to be acceptable by fisheries personnel (Devon Sea Fisheries), as well as the Duchy of Cornwall and the EA, who supported small scale netting within Salcombe Estuary; however illegal activity by a minority had led to change and ruined the opportunity. When asked by other Members, Jon Dornom provided an estimate both of the economic value to fishers (he quoted that size 5 bass and mullet were fetching the same price, between £5-6/kg) and also of having winter access and highlighted how weather conditions in the winter seriously hampers fishing activity for those in Salcombe due to difficulties crossing the Salcombe Bar. He explained that any netting in the estuary would only take place every two weeks due to tides and that few fishers would

be actively involved. It was the view of Jon Dornom that the additional access would in part offset falling income levels from potting which is on the decline.

Felicity Sylvester highlighted that the six commercial fishers that used to net in the Taw Torridge had all stopped fishing.

Simon Toms commented that a change in the Permit conditions would not limit the authorisation in the same way that salmon licences are limited. Simon Toms stated that Salcombe is a bass nursery area, and it is possible that the Fisheries Management Plans may extend to the introduction of a year-round closure.

The Chair reminded Members that any decision at the meeting is limited to selecting items for formal consultation. Mike Williams stated that a public consultation may provide more information from all stakeholders on how they would view a potential change. CO Mander said that Officers can consult, but that the consultation should set out rationale for change. Without clear rationale there is a risk of backlash by those opposed to change and the potential for reputational damage for the Authority.

Mark Day said that the B&PSC should recognise that a response from a commercial fisherman had been received which had set out alternative management measures. Mark Day said that he supported the proposal made by Jon Dornom and the potential that fishers could subsidise their incomes by undertaking controlled and limited netting within Salcombe Estuary. In his view the B&PSC should explore the potential for change and make use of technology which is developing all the time and is being widely used for example on mobile fishing gear vessels. David Saunders also commented that he would support potential change and access for netting in Salcombe Estuary to give commercial fishermen a boost in their income if they chose to undertake the controlled activity.

CO Mander said that in his view the technology is not proven in an estuary setting. IVMS and REM have been embraced by the Authority and are both effective and essential for spatial monitoring and to limit incursions into Marine Protected Areas. For netting within an estuary, IVMS and RFID tags on nets would not be sufficient to monitor the use of the nets (including potentially the use of additional nets with no tags) or how the catch is handled and returned. CO Mander repeated that in his view, for a limited estuary netting fishery, technology must include the use of cameras (on small vessels) which is not possible at this time. Mark Day suggested that as the B&PSC is discussing future changes to netting that testing the technology could be undertaken in the Salcombe Estuary with a small-scale fishery to prove its usefulness. He pointed out the Salcombe estuary is very different to other estuaries. CO Mander stated that there is the scope for a pilot to explore technology in relation to small fishing vessels on an open fishery but not where it was the basis for allowing access to a fishery that is currently closed.

SEO Stewart commented that it was clear that some Members felt that technology to monitor fishing activity had progressed, but it was also important to note that, from a scientific perspective, the use of acoustic tagging technology has shown how bass use the estuary all year round including in areas that would be targeted for mullet. Potential access for netting in Salcombe Estuary (using all the measures as proposed in the consultation response on page 15 and 16) would therefore not be well aligned with the Bass Fishery Management Plan (in particular goal 7: ongoing protection of the juvenile and spawning bass stock), that has proposed actions including considering a prohibition of fixed netting in sea bass nursery areas. SEO Stewart questioned whether potential removal of such a restriction, that is already in place in D&S IFCA's District, would be seen as regressive.

Decision Making (Estuary Netting – formal consultation)

The Chair asked if any Member would like to propose the motion.

To consult on the re-opening of Salcombe estuary to a limited net fishery applying the measures set out on pages 15&16 of the consultation response report.

Proposed: Dave Saunders Second: Felicity Slyvester

David Morgan commented that the suggested management measures on page 15 and 16 of the consultation report extend to 12 separate points and wanted to propose a motion, but not to overly complicate it. David Morgan offered an amendment as follows:

To consult on the re-opening of the Salcombe estuary to a limited net fishery.

The amendment was seconded by Mark Day and put to the vote as follows:

Proposed	Dave Morgan	Seconded Mark Day
In favour of amendment:	8	
Against the amendment:	4	
Abstain from the amendment:	3	

This became the substantive motion for a vote as follows:

To consult on the re-opening of the Salcombe estuary to a limited net fishery.

With no further amendments, Members voted on the Motion.

For:	8
Against:	4
Abstain:	3

Coastal Netting

CO Mander introduced the discussion on coastal netting – the second element of the current management of netting that in the view of Officers that should remain unchanged. CO Mander again explained that Officers had examined the topic from a standpoint of what has changed to justify potential change, that would then be highlighted in a formal consultation on specific amendments.

CO Mander explained to Members the background relating to the existing coastal netting three metre headline rule. Members were informed how the coastal restrictions (inherited from Devon Sea Fisheries Committee) had been strengthened with the introduction of the Netting Permit Byelaw. Derogations for limited surface nets in defined coastal zones had been removed and the definitions of fixed nets and drift nets had been strengthened. The clearer definition for nets had resulted in drift nets not being authorised near the shore as contact with the foreshore or seabed would result in them being interpreted as fixed nets.

CO Mander explained that in the past he had personally taken a different view regarding the meaning of the current 3-metre headline rule, however legal advice had been taken and Officers will therefore look to continue to apply it in line with that advice, but also to set out the requirement in the Permit Conditions more

clearly. In response to a question by Simon Toms, CO Mander confirmed that the legal advice for application of the legislation was consistent with the approach taken by Cornwall IFCA.

PPO Townsend said that although concern had been raised in the consultation regarding a three-metre clearance being sufficient to reduce unwanted catches of migratory fish, it is possible that the extent of the regulation is not fully understood. Due to the large tidal range in the District, the three-metre minimum clearance is, in reality, often far greater than three metres above the headline.

Charlie Ziemann felt that it would be beneficial to the local commercial fishing communities in Lyme Bay, particularly in the Axmouth / Budleigh Salterton Bay area, to have the opportunity to set short, fixed surface nets in the Autumn to target bass and mullet as they had been able to do prior to the Netting Permit Byelaw coming into force. Simon Toms explained that there are sea trout in this area of the coast all year round, especially females, that are important to ensure recruitment into the stock.

Mark Day felt that the Members should be aware of the UN report relating to the importance and sustainability of small-scale fisheries and the Authority should consider the social and economic importance of small commercial fisheries.

There were no other points raised or questions asked.

Jay Boyle of Natural England left the meeting at this point.

Netting Review – Officers’ Recommendations (1.1 to 1.6)

1.1 Bag Limit for Sand Eel:

CO Mander explained that introducing a recreational bag limit for sand eel of 15kg would be consistent with the B&PSC’s decision making during the development of the proposed Mobile Fishing Permit Byelaw. Simon Toms asked questions regarding the use of the Catch App to collect data in the future. Rachel Irish confirmed that it would only be relevant to commercial fishers (a licence condition). Mark Day raised some concern about D&S IFCA’s ability to gather catch data from recreational fishers. CO Mander explained that it is a challenge to collect and use data and that D&S IFCA does not have the resource to introduce a catch return requirement for recreational fishers. There are currently no restrictions in place (for a catch limit on sand eel) and the catch would be for personal use, and importantly setting a maximum amount per calendar day makes the measure enforceable. Members commented that the word “introducing”, rather than “extending” would make the proposal easier to understand. There were no other points raised or questions asked.

Decision Making (1.1 – Bag Limit for Sand Eel)

The Chair asked if any Member would like to propose the motion.

That formal consultation is undertaken on introducing a bag limit (Category Two Netting Permits) for sand eel with limits applied per calendar day of 15kg.

Proposed: **Simon Toms** **Second: Mike Williams**

For: **13**

Against: **0**

Abstain: **1**

1.2 Bag Limit – Finfish Species:

The Chair commented that items 1.2, 1.3 and 1.4 are effectively a balanced package of measures for the management of recreational netting; however, each would be considered in turn with the opportunity of combining as discussion develops. CO Mander said that, as per the Officers' paper, Officers felt that there was merit in consulting on the introduction of a bag limit for a selection of finfish species which would be added to existing bag limits that only include shellfish species.

Simon Toms asked why the species of plaice, ray and sole had been chosen, why the levels had been proposed (10, 3 and 5) and if narrowing down individual species (for example dover sole, lemon sole) would be appropriate. CO Mander explained that the species were key recreational species (other than bass where national legislation already applies) and that the number of plaice and rays corresponded to the level set in the Skerries bank Angling Code of Conduct. CO Mander said that the B&PSC may receive further views on the levels for sole and ray in the formal consultation.

Regarding groups of species, CO Mander said that it was the view of Officers that sole could mean dover sole or lemon sole, the same for ray species, and tighter definition was not considered to be necessary. Members recognised that national restrictions for small eyed ray are only applicable to commercial fishers.

Decision Making (1.2 – Bag Limit for Finfish Species)

The Chair asked if any Member would like to propose the motion.

That formal consultation is undertaken on introducing a bag limit (Category Two Netting Permits) for finfish species with limits applied per calendar day of 10 plaice, 3 rays, and 5 sole.

Proposed: **Mike Williams** **Second: Rachel Irish**

For: **14 (All)**

1.3 Length of Recreational Nets & 1.4 Combining Nets:

The Chair recommended that 1.3 and 1.4 should be considered at the same time and this was agreed by Members.

CO Mander said that, as per the Officers' paper, Officers had recognised the responses received in the consultation. Although Officers are recommending increasing the length of recreational nets authorised at sea (from 25 metres to 50 metres), there is also a need to amend the Permit Conditions to clarify the position on attachments to nets. The latter would not require consultation and would be picked up in drafting work.

Regarding aggregation of nets, CO Mander highlighted existing D&S IFCA Policy which would, subject to consultation and B&PSC decision making, become a Permit Condition. Recreational fishers would still be able to work nets together from a single vessel, but only up to 100 metres in total length.

Mark Day said that, considering all elements of the recreational restrictions, he would be supportive of this change. PPO Townsend provided more detail regarding one of the recreational netters who had responded (by telephone) during the consultation and reported his difficulty operating a small sand eel seine net in Start Bay. Members recognised that commercial fishers and recreational fishers have different needs and the

relatively low numbers of recreational fishers that have permits. When asked by Members, David Morgan explained how a 25-metre net would probably be completely ineffective and reassured Members that it would be a challenge to catch many fish even if 50 metres of net was authorised for recreational use.

Decision Making (1.3 – Length of Recreational Nets & 1.4 Combining Nets)

The Chair asked if any Member would like to propose the motion.

That formal consultation is undertaken on introducing a maximum length of nets at sea (Category Two Netting Permits) of 50 metres and that the combined net length be limited to 100 metres.

Proposed: Mike Williams Second: Jon Dornom

For: 12
Against 2

1.5 Emsstrom Wreck - Prohibition of Commercial and Recreational Netting:

CO Mander highlighted the Officers considerations of the three Voluntary Angling Zone Areas as set out on page 5 to 7 in the Officers' paper. Members examined the information with a view to potentially formalising different elements of all the voluntary angling codes; however, Members recognised the Officers views and rationale to limit potential change at this time to the Emsstrom site only.

CO Mander highlighted the background information about the Emsstrom wreck and reported that it now has significant aggregations of fish and shellfish. Although the voluntary code is in place, Officers are aware that there is now commercial netting activity taking place on the site.

Simon Thomas and Mark Day commented that in the future the site may benefit from a prohibition on all commercial angling and all potting activity. CO Mander reminded Members that the restrictions had been designed to allow both recreational and commercial anglers to benefit from the wreck.

Mike Williams commented that this is a clear example of a voluntary code failing and demonstrates how they generally fail over a longer term. Mike Williams and David Saunders welcomed the future possibility of making greater use of IVMS (following the national roll out) to gain better data on commercial netting activity in the Skerries Bank Angling Zone.

Decision Making (1.5 – Emsstrom Wreck)

The Chair asked if any Member would like to propose the motion.

That formal consultation is undertaken on prohibiting commercial and recreational netting in the area defined in the Emsstrom Angling Code of Conduct.

Proposed: David Morgan Second: Mark Day

For: 14 (All)

1.6 Maximum Soak Times of Nets:

CO Mander explained that the issue of lost, discarded, and abandoned gear is an increasing problem. In addition to being a local issue, tackling the problem is one of the objectives in the draft Bass and Crab and Lobster Fisheries Management Plans.

CO Mander explained that at present D&S IFCA is hampered in its ability to deal with the problem, with one of those obstacles being its powers to remove gear that although it is marked, has been lost or abandoned. A change in the Permit Conditions can help to address the issue; however, logistics and limited resources will still mean it will be a challenge. CO Mander highlighted that working with others, such as charities or seeking grant funding would be possible in the future; however, initially it is a case of adding restrictions in the Permit Conditions, hence the Officers' recommendation. There were no points raised or questions asked by Members.

Decision Making (1.6 – Maximum Soak Times of Nets)

The Chair asked if any Member would like to propose the motion.

That formal consultation is undertaken regarding the introduction of maximum soak times of nets.

Proposed: **Simon Toms** **Second: Simon Thomas**

For: **13**

Absent from room **1**

Agenda Item 8

Fisheries Management Plans

Presentation

CO Mander explained how he and DCO Clark had examined all five of the draft Fisheries Management Plans (FMPs) that are relevant to the District. CO Mander added that each FMP had a significant amount of supporting information and it had been time consuming to examine each package. CO Mander explained that a response will be submitted; however, as the response is on behalf of the Authority, Members are encouraged to submit their own views which can be recognised in such a response.

CO Mander highlighted the Officers papers which included an overview of all five FMPs and an individual paper for each of the FMPs – (8a to 8e). As a general point, CO Mander commented that the FMPs were non-committal and contained questionable or poor evidence.

Simon Thomas and DCO Clark informed Members that although they were party to the development of FMPs (meetings), some observations or errors highlighted in those discussions were never recognised in the drafts now produced. Mark Day also said that he had attended relevant meetings for the Channel Non-Quota Species FMP and has no idea where a 23cm MCRS for cuttlefish came from. Mike Williams suggested that it is important to minute the view of Members that the quality of evidence is poor. CO Mander explained that a response was not required until 1st October which gives time for members to do further reading and provide comments to Officers. CO Mander also mentioned the AIFCA Workshop in Poole planned for September where any points relating to the FMPs would be raised nationally.

DCO Clark highlighted specific elements of both the King Scallop FMP and the Whelk FMP response questionnaires that were not evident when examining the FMP and their associated documents. Regarding the Whelk FMP, DCO Clark explained that one of the questions in the response form related to the potential to limit the number of offshore vessels operating in the fishery which was not proposed within the FMP. The King Scallop FMP questionnaire asks if there are further measures that should be included in the FMP. DCO Clark suggested that the 95% Bivalve Mollusc catch composition rule on scallop dredging should be reintroduced. The introduction of the Landing Obligation and the revocation of the 95% Bivalve Mollusc catch composition rule for scallop dredging and doubling the available sole quota has incentivised scallop dredging in 7e and in other areas and encouraged prolonged effort even when scallop catches are low. DCO Clark suggested that she e-mail all B&PSC Members to gather their views on any additional management suggestions or comments on the FMP papers circulated prior to the meeting so that she could amend the D&S IFCA response before submission to Defra.

Felicity Sylvester said that she had attended an FMP event and she felt that there had been positive dialogue between the fishers and the official present and asked why D&S IFCA is not attending events. CO Mander had taken the view that these meetings were designed for fishers to attend and as a regulator, D&S IFCA would respond through different channels.

Date of the Next B&PSC Meeting.

PPO Townsend explained that the date of the next meeting would be confirmed in due course via email correspondence.

End.