

Consultation Response form on the proposed Channel Demersal Non-Quota Species Fisheries Management Plan (FMP)

Personal details and confidentiality

Would you like your response to be confidential?

- [No](#)

If you answered Yes to this question, please give us your reason.

Confidentiality and data protection information

A summary of responses to this consultation will be published on the Government website at: www.gov.uk/defra <<http://www.gov.uk/defra>> . An annex to the consultation summary will list all organisations that responded but will not include personal names, addresses or other contact details.

Defra may publish the content of your response to this consultation to make it available to the public without your personal name and private contact details (e.g. home address, email address, etc).

If you click on 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality. The reason for this is that information in responses to this consultation may be subject to release to the public or other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

If you click on 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to

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the public, but we won't make your personal name and private contact details publicly available.

There may be occasions when Defra will share the information you provide in response to the consultation, including any personal data with external analysts.

This is for the purposes of consultation response analysis and provision of a report of the summary of responses only.

This consultation is being conducted in line with the Cabinet Office "Consultation Principles" and be found at:

<https://www.gov.uk/government/publications/consultation-principles-guidance>

<<https://www.gov.uk/government/publications/consultation-principlesguidance>> .

Please find our latest privacy notice uploaded as a related document alongside our consultation document.

If you have any comments or complaints about the consultation process, please send them to consultation.coordinator@defra.gov.uk.

What is your name?

Mat Mander

What is your email address?

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What is your organisation?

Devon and Severn Inshore Fisheries and Conservation Authority

Which of the following best describes your interest in the Channel Demersal Non-Quota Species FMP

(Required)

- Other

If other, please specify;

D&S IFCA has statutory duties under Ss.153 and 154 MaCAA 2009:

153 Management of inshore fisheries

(1) The authority for an IFC district must manage the exploitation of sea fisheries resources in that district.

(2) In performing its duty under subsection (1), the authority for an IFC district must—

(a) seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way,

(b) seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation,

(c) take any other steps which in the authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development, and

(d) seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

154 Protection of marine conservation zones

(1) The authority for an IFC district must seek to ensure that the conservation objectives of any MCZ in the district are furthered.

IFCAs manage the inshore fisheries and marine environment that may be impacted by them. D&S IFCA also in order to exercise its powers under SS 155 and 156 MaCAA to make byelaws and monitor compliance and undertake enforcement of

these byelaws. D&S IFCA is also a relevant and appropriate Authority in other legislation such as Habitats Regulations, Fisheries Act; Environment Act, Wildlife and Countryside Act (as amended), Marine strategy Regulations. Of particular relevance to the FMPs are the Fisheries Act and the Joint Fisheries Statement where IFCA's must have regard to the objectives set out in the Act.

Questions on the Channel Demersal NonQuota Species FMP

The following questions relate to the Channel Demersal Non-Quota Species Fisheries Management Plan which can be found in the 'related documents' section on the home page.

1 Do you have any comments on the process for developing the Channel Demersal Non-Quota Species FMP?

Details can be found in the **Executive Summary** of the FMP and **Annex 3: Channel Demersal NQS FMP Record of Stakeholder Engagement**

- Yes

If yes, please leave your comments here

IFCA's were not initially invited to sit on the FMPs even though they have years of experience and expertise in managing these fisheries and knowledge of the inshore fleets. The AIFCA was also late to be invited to the FMPs' Programme Board. D&S IFCA was the only IFCA to get involved at the early stages of the Crab & Lobster FMP. This was due to D&S IFCA's Deputy Chief Officer finding out second hand that a meeting was planned and told outright by an industry member that IFCA's were not invited to attend. This led to her contacting Seafish and requesting to a seat on the CMG. Attendance at other front runner FMPs was remedied through liaison with the FMP groups and AIFCA but this was sometime later after the AIFCA joined the Programme Board by which time the FMP group had been running for some time, many wheels were in motion and draft FMPs had developed quite considerably by then.. This was a failure of FMP process not to have the IFCA's, as key inshore regulators, on the FMP management groups from the outset.

For future FMP development really good cross sections of the interests in the species should be invited at the start of the process. For the Channel NQS FMP it is evident that only quota holders were engaged at the start and therefore many relevant stakeholders were not involved in the development of the plan in its early stages.

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IFCAs are knowledgeable about the inshore shellfish fleet and understand the economic, social, cultural and heritage importance, to both the small and large ports and their communities in their Districts. IFCAs are also able to sense check the data used in the Evidence summary due to their knowledge of these fisheries.

It is therefore important for IFCAs to be involved in all relevant future FMP development as it is clear that mistakes have been made in the front runners in terms of what the membership should be and developing a formula for stakeholder involvement would be a key step forward.

A concern that D&S IFCA would like to raise regarding the FMP consultation process is the amount of documentation included in the consultation. With all of the Tranche 1 and 2 FMP consultations, there is a multitude of documents to review to be fully informed of the objectives of the plans, proposals for management and research requirements. Each FMP consultation consists of the FMP itself; multiple annexes detailing evidence analysed, communications undertaken, and research planned; a Strategic Environmental Assessment and a De-minimus Impact Assessment. Many of these documents are over 100 pages in length. Whilst the summaries are useful, in order to be informed of all the evidence used and research planned to inform the FMP consultation, review of all documents is necessary, and this takes a great deal of time and effort. Consulting on all six front runner FMPs at the same time is not satisfactory. It would have been more accommodating to stagger the consultations over time to allow stakeholders an opportunity to review each one rather than having to respond to six by the same date. D&S IFCA believes that the current process makes it difficult for many stakeholders to successfully engage in the FMP process.

Another important point to raise is that IFCAs did not receive any additional Defra funding to be involved with FMPs until two years into the programme development despite it being programmed into the Spending Review bid.

2 What are your views about the evidence presented on the current state of the Channel Demersal Non-Quota stocks in English waters and can you provide any other evidence which supports or differs from ours?

Details can be found in the **Current Status of the Fisheries** section of the FMP and **Annex 1: The Channel Demersal Non-Quota Species Evidence Statement** Please

provide further comments or evidence below

Within Annex 1 the Evidence statement, there are references regarding the life history of cuttlefish. D&S IFCA was involved in an Interreg IV project CRESH between English and French Partners. The project's full title was Cephalopod Recruitment from English Channel Spawning Habitats. There was a great deal of research undertaken by different partners and this project is likely to have information that will help fill some of

the evidence gaps. – The following files provide information on the project and the projects reports together with Isobel Bloor's PhD:



R4 2012 Livrables



R4 2012 Livrables



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3 What are your views on the evidence gaps identified within the FMP?

Please provide further comments on evidence gaps below

Included in the proposed actions is the short-term measure to understand and define the targeting behaviour of the fleet. This will be best achieved with the national roll out of IVMS on the under 12 metre fleet but also requires the over 12 metre fleet to be monitored more closely by increasing the positional data from two hours to three minute reporting. This will provide high resolution activity maps across the whole of the fleet.

In the medium to long-term the FMP identifies the need to better understand the impact of fishing gear interactions with the marine environment. D&S IFCA and other IFCA's have undertaken environmental impact assessments of all demersal towed gear and static gear interaction in Marine Protected Areas across the full range of habitats, from fine sand to rocky reef. It is unclear what additional information is required. JNCC and Natural England will be able to provide information on the vulnerability of habitats and different gear interactions.

4 Do you agree with the actions to address the evidence gaps?

Details can be found in **Scope and status of the Channel Demersal NQS fisheries** section of the FMP and **Annex 1: The Channel Demersal Non-Quota Species Evidence Statement** and **Annex 2: The Channel Demersal Non-Quota Species Research Plan**

- Yes

Further comments

The generic term coastal communities is referred to across all frontrunner FMPs. It will be important to identify more closely the importance across communities dominated by small vessels compared to larger vessels and bigger ports and the interest to the recreational sea angling sector.

Annual landings of species in the FMP identifies that the most significant species in terms UK landings and value are cuttlefish where EU vessels landing of squid is the most valuable followed by cuttlefish. Cuttlefish, and increasingly squid, are important fisheries for both the

inshore and offshore vessels so identifying benefits to the coastal communities is challenging. Squid is also an increasingly important recreational species.

With reference to Goal 5: Better understand the wider non-quota species evidence gaps and develop the evidence base, various data gaps are identified and proposals are set out on how evidence shall be gathered and analysed.

In the medium to long term, the use of technology to obtain the required data is identified. Gathering evidence from on board the vessels to better understand the composition of the catches taken is the only way to improve significantly the quality and quantity of data generated. D&S IFCA believes that REM would help fill the data gaps.

5 What are the benefits and drawbacks (environmental, economic, social) of introducing the proposed MCRS for Lemon sole, turbot, brill, and cuttlefish in the English Channel within 2 years of publication? Are there any other species that could benefit from the introduction of MCRS?

Details can be found in the **Management Strategy** section of the FMP, **Annex 1: The Channel Demersal Non-Quota Species Evidence Statement** and **Annex 6: FMP goals, management strategy and monitoring**

Please provide further comments on introduction of proposed MCRS below

As a precautionary measure, the FMP proposes to protect pre-spawning juveniles and promote recruitment population by introducing Minimum Conservation Reference Sizes (MCRS) for lemon sole (25cm), turbot (30cm), brill (30cm), common cuttlefish (23cm).

Turbot and brill used to have the same national (EU) minimum landing sizes that are suggested in the FMP. Lemon Sole and Cuttlefish have not had national minimum sizes before. The FMP recognises that to introduce the MCRS for the species gear mesh and possibly other design, and net geometry will be needed. Each species has different discard survival rates dependent on gear type and the commercial catching sector query whether the introduction of a MCRS for cuttlefish will have an overall benefit to the fishery. The MCRS is only likely to apply to the towed gear sector as the inshore potting fishery targets the larger cuttlefish before spawning and laying their eggs. D&S IFCA would support the introduction of a national MCRS for lemon sole, turbot and brill but more research is needed to understand the benefit of introducing a MCRS for cuttlefish due to its reported high discard mortality compared with other management, such as seasonal closures that are also to be considered in the short-term.

6 What are the benefits and drawbacks (environmental, economic, social) of introducing the proposed seasonal closures for trawlers to protect cuttlefish pre-spawn aggregations in the English Channel?

Details can be found in the **Management Strategy** section of the FMP, **Annex 1: The Channel Demersal Non-Quota Species Evidence Statement** and **Annex 6: FMP goals, management strategy and monitoring**

Please provide further comments on proposed seasonal closures below

As cuttlefish is the species that has the greatest landings by value of the NQS (Annex 1 Table A2 and Figure A2) any management measure relating to a closed season would need to assess the economic impact of those vessels reliant on cuttlefish. Cuttlefish landings are greatest over the autumn and winter months between September and March (Annex 1 Figure A13) and vessels will target areas for cuttlefish as the landings will be the highest. As the cuttlefish come inshore to spawning between March/April and June/July (D&S IFCA knowledge) a closure during this time will have a financial impact on those smaller vessels and to the ports they land to. It is accepted that other species will be caught by these vessel as for many of them they are landed in the 1st and 4th quarters of the years (Figure A14). Closing areas to protect pre spawning cuttlefish may also impact these vessels ability to catch other species during that time and there would likely be a high level of discards of cuttlefish. Much more information is need on the composition of vessel catches during the period of pre-spawning to ascertain what the level of discards of cuttlefish would be and how that would impact the stocks that the measure would be trying to protect. A seasonal closure is not something that D&S IFCA would support unless it became essential to secure the biomass of cuttlefish. Other technical measures such as gear limitations might be more appropriate.

7 Would the proposed voluntary measures for recreational fishers support sustainable practices across the recreation fishing sector? How can recreational fishers input further evidence and data to improve understanding of NQS catches?

Details can be found in the **Management Strategy** section of the FMP, **Annex 1: The Channel Demersal Non-Quota Species Evidence Statement** and **Annex 6: FMP goals, management strategy and monitoring**

Please provide further comments on proposed voluntary measures for recreational fishers below

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Consultation so far with the recreational sea angling sector identifies that smoothound and turbot were the species that the sector wanted prioritising. The NQS FMP identifies that pout, john dory, lesser spotted dogfish, gurnards, smoothound, lemon sole, brill and turbot are key species for recreational anglers. Many anglers catch pout, lesser spotted dogfish and gurnards but they are normally taken as a bycatch to the target species, such as bass, pollack and rays. The value and interest in the recreational squid fishery continue to increase and this is likely to become a priority NQS for recreational anglers.

Other FMPs provide more scope to include and develop recreational fishing interests than the NQS FMP. Angling is not the only recreational fishing activity of note as recognised by D&S IFCA's permit byelaws but the relevance of all these recreational activities to the NQS FMP is still relatively low. Improving how all fish and shellfish is handled and released is important for both recreational and the commercial sectors.

Smaller gurnards, bib, lesser spotted dogfish and smoothounds are landed as bycatch and used mainly as bait and required to retain on boards to meet other legal obligations, for example retention of bass on a trawler is limited to 5% of the overall catch onboard.

8 Are there other measures or variations of the proposed management measures we could consider to help manage demersal NQS stocks and the ecosystem/environment in the English Channel? Do you have any evidence to support some of these areas for future consideration?

Details can be found in the **Management Strategy** section of the FMP, **Annex 1: The Channel Demersal Non-Quota Species Evidence Statement** and **Annex 6: FMP goals, management strategy and monitoring**

Please provide further comments on other measures or variations of proposed management measures below

In the Fisheries Act 2020, “precautionary approach to fisheries management” *means an approach in which the absence of sufficient scientific information is not used to justify postponing or failing to take management measures to conserve target species, associated or dependent species, non-target species or their environment*’.

Whilst it is recognised that the species in the NQS FMP are data deficient, the absence of data should not necessarily be a justification for not taking action. There are strong indications that certain stocks are under environmental and fishing pressures and the Fisheries Act allows regulators to take early interventions to mitigate the risks. Developments in fisheries as seen in flyseining requires much earlier intervention by regulators so that the potential impact can be considered rather than managing the impact of a developing or developed fishery.

The NQS FMP proposes some management of flyseining in the short term, which is welcome, but other measures that could be applied are considered for the medium to long-term which, given the anecdotal evidence of the impact of the fishery, may be too late. REM should be considered in an earlier timeframe and made a mandatory requirement to start building a much stronger evidence base for future management interventions. D&S IFCA believes that management of flyseining is paramount as an early intervention.

9 How would you like to be involved in the delivery of the plan and the future management of Channel demersal NQS?

Details can be found in the **Management Strategy** section of the FMP, **Annex 3: Channel Demersal NQS FMP Record of Stakeholder Engagement** and **Annex 6: FMP goals, management strategy and monitoring**

Please provide further comments on your involvement in the delivery of the published plan below

The following comment refers to Goal 4 of the FMP which states: Develop on partnership working to build capacity for the industry to be able to input into matters affecting NQS fisheries management by formally establish a Channel demersal NQS management group to allow for continued engagement in ongoing management of NQS fisheries.

The proposal to create a management group is supported as the FMP sets out that a lot of work is needed to better inform future iterations of the plan. The formation of a management group is consistent with the other front runner FMPs. There is a real risk that there will be participation fatigue if meaningful developments are not achieved and whether sufficient financial support will be provided in the medium to long-term. D&S IFCA believes IFCA representation as part of the working group to help implement the Plan is key. IFCA funding to support development of the FMPs has not been identified beyond 2023/24.

10 Are there any important connections with or links to other fisheries that we should consider when finalising this FMP or during its implementation process?

Please provide further comments on important connections with, or links to, other fisheries, below

As stated in D&S IFCA's response to the Bass FMP there are links with this FMP as follows: The Bass FMP and its implementation process should consider the link with Channel Non-quota species and its FMP. This is because bass management is aligned with towed gear vessels as it can be up to 5% of the composition of the total catch on board these vessels, and this can lead to greater retention of non-quota species so that the bass can be retained and landed. For example, if 100kg of bass is retained it would mean that 2 tonnes of other, mainly non-quota species would need to be caught and retained to allow the bass to be landed. This creates an additional pressure on non-quota species and has been highlighted regarding the relationship with dogfish catches.

Questions on the Channel Demersal Non-Quota Species FMP environmental report

The following questions relate to the Channel Demersal Non-Quota Species FMP environmental report which can be found in the 'related documents' section on the home page.

Is there any additional evidence we could consider, to inform our environmental baseline?

Section 3 provides a summary of the current state of the UK marine environment for each of the environmental issues screened into this SEA, and where applicable their associated UK MS descriptors (Table 4).

Our assessment has been conducted against the environmental baseline set out in these sources of existing information.

Please include any additional evidence below

Are there any other positive or negative environmental effects associated with the policies and actions of the draft Channel Demersal Non-Quota Species FMP that we could consider?

Section 5 assesses the environmental effects of the policies and actions of the draft Channel Demersal Non-Quota Species FMP, in relation to the environmental issues screened into this SEA, and where applicable, their associated UK MS descriptors (Table 4)

Please include any other positive or negative environmental effects associated with the policies and actions of the draft FMP below

Do you have any comments on the proposed actions set out in the Environmental Report to monitor and/or

mitigate any likely significant (negative) effects on the environment of the FMPs?

Section 6 details the proposed measures for reducing significant negative environmental effects arising from the whelk Fisheries Management Plan, for issues scoped into the assessment.

Please include any comments on the proposed actions to monitor and/or mitigate any likely significant (negative) effects on the environment of the FMPs

Do you have any additional comments in relation to the Environmental Report which you have not been able to provide in response to the previous questions?

Please include any additional comments in relation to the Environmental Report below

Consultee feedback on the online survey

Overall, how satisfied are you with our online consultation tool?

- **Very satisfied**
- Satisfied
- Neither satisfied nor dissatisfied
- Dissatisfied
- Very dissatisfied
- Don't know

Please give us any comments you have in the tool, including suggestions on how we could improve it.