

# Consultation Response Form Whelk Fisheries Management Plan

## Personal details and confidentiality

### 1 Would you like your response to be confidential?

No

## 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) <<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.

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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.

## Consultation Response Form proposed Whelk FMP

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 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 address them to [consultation.coordinator@defra.gov.uk](mailto:consultation.coordinator@defra.gov.uk).

## What is your name?

Sarah Clark

## What is your email address?

Email : [s.clark@devonandsevernifca.gov.uk](mailto:s.clark@devonandsevernifca.gov.uk)

## What is your organisation?

Organisation : Devon and Severn Inshore Fisheries and Conservation Authority

## Which of the following best describes your interest in the whelk 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 IFCAs must have regard to the objectives set out in the Act.

## Questions on the proposed Whelk FMP

The following questions relate to the Whelk Fisheries Management Plan (FMP) 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 Whelk FMP?

Details can be found in the FMP **Foreword** and **Annex 3: Stakeholder engagement**.

- Yes

*If yes, please your comments here.*

IFCAs were not initially invited to sit on the frontrunner FMPS (crab & lobster, whelk and scallop) even though they have years of experience and expertise in managing these fisheries and knowledge of the inshore fleets. 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 IFCAs 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 for the through liaison with the FMP groups through the 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 IFCAs, as key inshore regulators, on the FMP management groups from the outset. For future FMP development a really good cross sections of the interests in the species should be invited at the start of the process.

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 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. Having all these FMP consultations out at the same time makes it difficult to and time consuming to respond.

## 2 What are your views on the evidence presented on the current state of whelk (and other related 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 fishery** section of the FMP and/or **Annex 1: Evidence Statement**.

*Further comments or evidence.*

In Annex 1, the Evidence Statement, data show there has been an overall decline in the number of vessels landing whelks between 2016 to 2021 from 292 to 254. When a longer time frame was considered there was some variability and higher numbers of vessels recorded in 2011 (294 vessels), an overarching 22% increase is observed between 2008 and 2016 from 240 to 293 vessels. There is then some fluctuation between 2016 and 2018 (286 vessels), before a slight decline (11%) between 2018 and 2021 (254 vessels). When landings were considered in Annex 1 there was an overall decline from 12,773 tonnes in 2016 to 12,070 tonnes in 2021 with a slight increase in 2019 and 2020. On the face of the evidence outlined in the Annex there does not appear to be a huge increase in landings or vessels entering the fishery. Whilst the FMP highlights that anecdotal evidence suggest an increase in effort, this needs to be determined in light of any stock assessment (which has not been undertaken and a methodology has not been determined) and more information on actual catch and landings per unit effort. However, the Precautionary Objective of the Fisheries Act 2020 could be applied to the introduction of some form of management to ensure stock sustainability in the light of limited stock assessment data.

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

Details can be found in in the **Improving the evidence base** section of the FMP and **Annex 2: Evidence and Research Plan**.

#### *Additional comments*

Comments relate to the longer-term measures discussed and evidence requirement to support these measures:

#### Gear Type

The FMP identifies that research is needed to understand the efficacy and application of gear design measures as pot design and escape hole configurations, to minimise catches of undersize whelks. D&S IFCA is aware that many IFCA's have regulations in place such as for size of escape holes and maximum pot size. D&S IFCA supports the premise that such technical measures can play an important role in protecting juveniles prior to recruitment to the fishery.

#### Catch Limit

This longer-term consideration will utilise existing data and address gaps to inform evidence-based management action. The Evidence and Research Plan address the data and knowledge gaps in particular relating to stock assessment design and implementation, stock boundaries, catch per unit effort calculation, independent and dependent fisheries data collection. These will be used to consider whether introducing catch limits could be implemented.

D&S IFCA welcomes further data collection on this fishery in particular stock assessments to determine safe biological limits for fishing mortality and the current status of the stocks. Once such information is available catch limits may be appropriate, should the stock status be below spawning stock biomass, exploitation rates are high and above MSY.

#### Pot Limit

The FMP outlines that data on current fishing effort in offshore waters should be collected. These data would include number of pot hauls, pot design, soak times and whelk catchability due to different baits and seasons. The FMP also highlights how IVMS may be used to provide a proxy of pots number hauled in the future.

D&S IFCA welcomes the consideration of the use of IVMS and AI to support data collection, and further down the line, to aid monitoring and enforcement of measures introduced. D&S IFCA also appreciates that further data are required to investigate catch and landings per unit effort, number of pots currently deployed and their design, and to consider the implementation of these measures. The Evidence and Research Plan details all the areas of research which will support this longer-term measure.

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

Details can be found in the **Current status of the fishery** and **Assessing and tracking stock status** sections of the FMP and **Table 1: Management objectives for whelk fisheries in English waters**. Further details can be found in **Annex 2: Evidence and Research Plan**.

*No*

*If no, please explain why.*

Another area that needs further evidence is the effort of the vivier vessels and what proportion of the catches apply to these vessels, particularly those that sit within the 12-15m sector of the fleet. In Annex 1 the 8.01m to 10m vessels landed 49.52% of whelk landings, signifying the importance of the whelk fishery to the small inshore vessels. However, the next largest sector for landings in this year was the 12.01m to 15m vessels with 22.37% of the landings. There is no differentiation between the day boats and vivier boats within these data. Many of the 15m and under vivier vessel which target crab also target whelk and D&S IFCA believes it would be useful to see the landing of these vessels compared to the similarly sized day boats and a determination of their effort, impact on stocks and how this has changed over time.

## 5 What are the benefits and drawbacks (environmental, economic, social) of putting in place a permit/entitlement system for whelk fishing in English waters?

Details can be found in the **Proposed policy: Manage fishery effort via a whelk permit scheme or entitlement** and **Table 2** sections of the FMP.

Whelk fisheries are currently open access meaning any vessel with a fishing licence can fish for whelks. The FMP raises the point that, therefore, it is easy to switch to whelks when market prices are good, when there is down turn on other species or allows vessel owners to diversify to other species. The FMP also recognises the need, in particular with inshore fisheries, to be able to move between fisheries to maximise their fishing opportunities and maintain their financial capability. This is also backed up by the information in the Evidence Statement Annex 1, where 49% of vessels landing whelks are less than 20% dependant on the fishery, 37% were 5% dependent on the whelk fishery. Only 14% of vessels landing whelk were 80-100% dependent on the fishery and these were responsible for 30-55% of the whelk landing between 2016-2021. The whelk fishery is described as of a polyvalent nature vital to small scale inshore fisheries. Therefore, the introduction of a permit scheme or entitlement will restrict the access to this fishery by the inshore fleet, by removing the ability of vessels to diversify and where necessary move into the whelk fishery. It would not immediately address effort expansion by those already active in the fishery- in a sense making it a private fishery for those already operating in the fishery. A more appropriate measure might be a limit of the number of pot deployed for each vessel.



The FMP suggests that this early intervention would provide the vehicle to introduce effort limitations such as increases in MLS, pot and catch limits, seasonal and spatial restrictions. Such measures have traditionally been introduced through a licence condition or variation (as has been done to date e.g., the South Devon Inshore Fishing Grounds – Inshore Potting Agreement area management). D&S IFCA finds it difficult to understand why this route cannot be used to deliver the changes in management rather than a restricted access permit or entitlement system. The FMP recognises that this would be a complex system to run and would require consideration of a number of practical issues, these include, but are not limited to, how to assess the number of permits, eligibility for permits, payment for permits, impacts on newcomers and transferability.

D&S IFCA is concerned that the introduction of a limited permit scheme or entitlement will lead to a value being given to the permits as has happened with fishing licences and open up a trade in these permits or entitlement. With the current fishing licence system many of the licences or quotas have been bought up by Producer Organisations and are a tradable asset and fishing licences have a value and are bought separately or with a vessel. If such a system was applied to the whelk fishery then permits would have a value. It is difficult to understand how a new system would prevent only the larger fishing organisations from buying up the permits and the selling them at a high price so limiting the small inshore vessels that need to diversity to maintain their fishing opportunities. D&S IFCA would like to have sight of an example of where a restricted permit or entitlement has not resulted in a financial value to those who hold the permit or entitlement. To D&S IFCA's knowledge this has always been the result of implementing this form of management. The bass authorisation is an example of where the system was implemented without sufficient cross checking which led to many authorisations being issued that weren't justified and are now valuable and only increase in value when vessels are sold.

Under the Stakeholder Evidence Report for the Whelk FMP Annex 3, various options were considered for management. Stakeholders generally supported a permit or entitlement where future management conditions could be implemented. However, stakeholders pointed out the importance of how new entrants could enter the fishery and that permits could not be sold and should not have a monetary value attached. These will need very careful consideration and wide consultation before such a system is introduced. D&S IFCA considers that if a permit system is introduced that it should not be limited and potentially follow the Welsh model where effort is controlled by annual and monthly catch limits. D&S IFCA would suggest that any system introduced should not be called a permit system. Using the term 'permit' should be avoided as it is likely to cause confusion between IFCAs' permit (which many IFCAs have in place) and a national entitlement.

D&S IFCA suggest that if the permit or entitlement route is progressed that it should be very different from what has gone before and lessons should be learnt from other entitlement systems that have not worked in the way they were intended too. The FMP provides the opportunity to be innovative and bring in measures under a different guise that could allow new entrants into the fishery and not have any value or be a tradable asset.



## What other points would need to be considered when developing a permit/entitlement scheme?

Details can be found in the **Proposed policy: Manage fishery effort via a whelk permit scheme or entitlement** and **Table 2** sections of the FMP.

See full answer under Q.5. Main concerns are: transferability of permits; assigned monetary value of the permit; POs buying up all permits; lack of ability for inshore fishers to diversify if permits owned and have high value if a limited system is implemented.

## What are the benefits and drawbacks (environmental, economic, social) of restricting the number of vessels fishing for whelks in English offshore waters?

Details can be found in the **Current status of the fishery**, **Management strategy** and **Table 2** sections of the FMP.

*Comments on restricting the number of vessels fishing for whelks.*

The question asks about restricting the number of vessels fishing for whelks in English offshore waters. This intervention is not detailed or prescriptive within the Management strategy and Table 2. In these sections of the plan there is discussion about the inshore and offshore fleet and effort and the potential to harmonise MLS in a co-ordinated approach across inshore/offshore boundaries. There is also mention of anecdotal information that there has been an expansion in pot numbers offshore but none of these points lead to the management suggestion that the number of vessels fishing offshore will be restricted. The FMP points out that there are likely to be defined stocks or stocklets around the coast and with the life history of whelk, as discussed in Annex 1 Evidence Statement, the lack of a planktonic larval stage limits the whelk's dispersal potential, and their sedentary nature leads to localised populations. As more research is undertaken to understand the different localised populations or stocklets then further discussions can be had on the management measures needed to protect these stocks.

D&S IFCA does not agree with a limited permit system (as described above in Q.5 and 6) and believes that other management methods, such as a national increase in MLS and a spawning season closure, may be more applicable to ensure sustainability of these populations. In order to reduce effort a limitation on the quantity of whelk fishing gear may be more appropriate. More evidence is needed, as discussed in the Plan, on the different fleets and as mentioned in this response a further breakdown of

the over 12m vessels into different metiers e.g., day boats vs viviers boats and information on pot numbers, days fishing, catches per unit effort will provide the information that can support any effort limitation method, including the number of vessels operating offshore.

## 6 What do you think are the benefits and drawbacks (environmental, economic, social) of putting in place closures to protect whelk spawning stocks?

Details can be found in the **Proposed policy: Closed season to protect spawning stocks** and **Table 2** sections of the FMP.

*Comments on closures to protect stocks.*

D&S IFCA would be supportive of this intervention if it is applied nationally both inside and outside the 6nm limit. This could be implemented through a licence variation. D&S IFCA agrees that implementing a closed season linking to spawning times would remove fishing pressure at this key time, allowing individuals to reproduce and spawn successfully. The FMP states that this intervention aligns with the Precautionary Objective of the Act but also it will support the Sustainability Objective.

D&S IFCA has undertaken research, as have other IFCAs, on the breeding/spawning period. Reports on research were published by D&S IFCA in 2015 and 2019 (see reports inserted below). The research indicates that spawning takes place overwinter largely between November and February, with increases in whelk gonadal size prior to this when copulation is likely to place. This supports the information highlighted in the FMP.

As the spawning season appears to take place over the winter months this may have economic impacts on the vivier and large vessels fishing offshore compared to inshore day boats that are already limited by weather and sea conditions over the winter months. D&S IFCA does appreciate that in some areas the inshore fleet do fish for whelk over the winter period as there fishery is tripartite in nature, switching from whelks in the early months of the year to crab then to lobster. The impacts of a seasonal closure would need to be assessed both socially and economically. This measure needs to be harmonised across boundaries and be applied nationally to all vessels fishing for whelks to meet the sustainability a precautionary objectives.



P Whelk Report  
2015.pdf



Identifying the  
Breeding Season of W

## 7 Do you agree that the measures that have been prioritised for early action are the right ones and in line with the precautionary approach?

Details can be found in the **Initial management interventions**, **Longer-term interventions** and **Table 2: Summary of possible management measures** sections of the FMP.

- *No*

*If you selected no, what measures should be prioritised and why.*

As previously mentioned D&S IFCA does not agree with a limited permit systems, the reasons have already been discussed.

D&S IFCA believes that some increases in MLS should be implemented nationally across the fishery even if there are some variation in size of sexual maturity as identified by Cefas in their national study in 2014. In this study Cefas analysed whelk samples from 12 areas around the coast of England. The mean SOM was 62.7mm. Whelks, from all sites sampled apart from one at Portsmouth, had a SOM over 50mm and for nine of the sites the SOM was over 55mm. An earlier study in 1998 showed that for 11 sites studied the SOM was above 55mm apart from one site at Selsey. These studies confirm that there are spatial variations in SOM associated with different stocks and/or stocklets, but that an increase in MLS up to 50mm or 55mm nationally would protect some of the spawning stock and have little impact on the fishers involved in the Whelk fishery. Whilst further research is welcomed to support a national increase in MLS, the evidence from these previous studies indicate an even higher MLS is more appropriate. D&S IFCA has successfully introduced an increase to 65mm in light of Cefas' research and D&S IFCA further research on the Size of Sexual Maturity of whelks in its district (see D&S IFCA reports below).



P Whelk Report  
2015.pdf



P Whelk Report  
2016.pdf

The FMP states that 'if a single MLS is implemented across all stocks it could unnecessarily restrict fishing activity in some areas and fail to protect juvenile whelks in others'. However, D&S IFCA believes that an increase to 50 or 55mm would protect more of the whelk stocks around the coast and if undertaken in a phased approach (as undertaken in D&S IFCA's District) the fishing industry would feel less of the immediate impact. The FMP states that 'to move this measure forward a bespoke MLS increase for one stock in one area could be introduced as a pilot scheme to test these challenges'. However, no detail is given of which area under consideration. D&S IFCA considers that Introducing an increase in MLS would meet the Precautionary Objective of the Fisheries Act and be in line with the precautionary approach to managing fisheries.

## 8 How would you like to be involved in the delivery of the plan and the future management of the English whelk fishery?

Details can be found in **Annex 3: Stakeholder Engagement Report** and the **Implementation** section of the consultation document.

D&S IFCA has been involved in the SIAG, Crab & lobster Management group, its working group and science sub-group and would like to continue this collaboration with industry, government and other stakeholders. D&S IFCA is the inshore fisheries regulator and has expertise in management of shellfish stocks including whelk beyond current national legislation and in the monitoring of compliance to regulations. D&S IFCA's knowledge of the inshore whelk fishery is an important asset to feed into the implementation of the Plan and future management of the English whelk fisheries. D&S IFCA has been able to disseminate information in relation to FMP engagement events to its Members and all its permit holders so that those who are involved in the fishery and interested in its future can attend these events and get engaged in the process.

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

*Comments on links to other fisheries.*

Objective 6 of the FMP outlines potential actions regarding the review of whelk fisheries with other fisheries, in particular the provision of brown crab as bait in the whelk fishery. D&S IFCA would like to have seen and an early intervention in the Whelk FMP that supports the prohibition of using brown crab (soft shelled or hard shelled) as bait. If included it would support the early intervention in the Crab and Lobster FMP to prohibit the use of soft-shelled crab as bait. D&S IFCA believes this is an important early intervention to protect crab stocks. Whilst it will require fishers to source alternative options for bait to replace the use of crab, this will allow innovation and alternative baits are already used by many fishers. The fishing industry together with crab processors can look to develop alternative sources using the waste products from the processing of crab for crab meat rather than soft or dead crab landed, which, without the market for soft/dead crab as bait, would prevent poor quality crab from being landed.

## Questions on the Whelk FMP environmental report

The following questions relate to the Whelk 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 Whelk FMP that we could consider?

Section 5 assesses the environmental effects of the policies and actions of the draft Whelk 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

### 1 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 on the tool, including suggestions on how we could improve it.*