Byelaw & Permitting Sub-Committee Meeting

Draft Minutes from 22nd February 2024

Version Control and Drafting

Date	Comments
Version 0.1 20th March 2024	1st 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 & 0.3 - 8th April to 11th April 2024	Additions and edits by CO Mander & DCO Clark applied. Draft minutes 0.3 circulated to Members.
Version 0.4 13th May 2024	Amendments applied to recognise comments from Members. Draft minutes published on D&S IFCA website.

Contents

Minutes of the Byelaw and Permitting Sub Committee Meeting

Held at Exeter Racecourse on 22nd February 2024

Present:	Dr Emma Bean (Chair)	Professor Mike Williams	Guy Baker
	Didi Alayli	Jon Dornom	Felicity Sylvester
	Simon Toms	Wayne Thomas	Simon Thomas
	Mark Day	Charlie Ziemann	Angela Gall
	Cllr Alistair Dewhirst	Dr Pamela Buchan	

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

Public Observing: Grant Jones, Alex Parker, Mike Spiller, Neil Osborne, Andy Blundell.

Introduction:
The Chair welcomed the audience observing proceedings. CO Mander informed all present about fire safety procedures and the muster point in case of emergency. It was explained that there would be an audio recording of the meeting to assist preparation of the minutes. It was explained that questions from the public would be limited to 30 minutes and that the answers provided were from the Chief Officer. The Chair asked everyone present to introduce themselves.

Action Items:

Agenda Item 1

Apologies for Absence.

Apologies were received from Dave Saunders, Cllr Nicole Amil, David Morgan, and Rachel Irish. It was not clear if Caroline Acton would be attending the meeting.

Agenda Item 2

Declarations of Interest.

Jon Dornom, Charlie Ziemann, Simon Thomas, and CO Mander declared interests.

Agenda Item 3

To consider and approve the draft minutes of the B&PSC meeting held on 16th November 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 November meeting and the minutes were examined page by page. Mark Day highlighted that the minutes stated August in the title and not November. This was noted by PPO Townsend.

That the minutes (as amended) provide a true and accurate record.

Proposed: Mike Williams ***Seconded: Simon Thomas***
In favour: 10

Against: ***0***
Abstain: ***4***

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Agenda Item 4:

Matters requiring urgent attention.

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

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Agenda Item 5:

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

The Chair explained that six questions had been received and that the written questions and answers had been printed and, as per the Standing Orders, provided to all present.

Question 1:
The Emsstrom is a relatively new wreck with a less established ecosystem on it than much longer established wrecks. Will the IFCA look to apply similar net protections to other wrecks?

Answer:
If the Authority's decision was to restrict access, as set out in the Officer's recommendation, then there will be an opportunity to monitor the impact of that decision. The Authority will need to review its decision regarding the Emsstrom in time and this will inform any consideration on whether to apply similar restrictions to some other wrecks in the District.

Question 2:
Given the weight of consultation response behind the Salcombe Netting proposal, will the IFCA look at reviewing where the boundaries under the byelaw are drawn, and agree to match the harbour limits, affording the fish a greater opportunity to reach the sanctuary of the estuary?

Answer:
D&S IFCA definition of Salcombe Harbour is aligned with the Bass Nursery Area closing line across the mouth of the estuary. Commercial and recreational fishers are familiar with this boundary and that it supports compliance with the legislation. At this moment, Officers would not recommend further change to the boundary.

Question 3:
Will the IFCA handle the stated decline in pot fishery profits by introducing gear limits and other measures promptly?

Answer:
The 2023/24 Annual Plan sets out that officers would engage with the commercial potting sector to understand the fishers' concerns on the north and south coast of the District. The intention was to develop appropriate additional management measures through consultation with the sector.

Question 4:
Will the IFCA recognise and put on record that the term 'bycatch' may not have a specific definition in relation to fixed net fisheries, but under UK law should be interpreted in line with normal usage of the term?

Answer:
With reference to the bass fishery, it is correct that the bycatch of bass taken from fixed nets is not defined. Officers are aware that without defining bycatch in terms of catch composition, 100% landings of bass as bycatch have occurred. If bass caught with fixed nets is to be regarded as a bycatch only fishery, then applying catch composition criteria would be the best way forward.

Question 5:
Will the IFCA, as a result of the consultation responses, recognise the significant value of gilthead bream to the region recreationally, and request that the MMO/DEFRA adds Gilthead Bream to the scheduled Bream FMP, so that a greater management of this fishery can finally be achieved?

Answer:
Officers are aware that there is the intention to bring in a Bream FMP which currently only focusses on black bream. Officers believe that it would be appropriate to ask Defra to consider including gilthead bream in the FMP.

Question 6:
Considering the public outcry and aggravation that this public consultation has caused among all the objectors, is there any necessity for the Byelaw and Permitting Sub-Committee to even consider similar proposals in the future, especially in a Bass Nursery Area?

Answer:
A public authority cannot, as a matter of Administrative Law (the Law of Decision Making), fetter its discretion. Any future proposals to amend a Byelaw or a permit condition during a review process must be considered on its merits at that time and for an IFCA to attempt to prejudge a future review would be ultra vires (unlawful).

CO Mander explained that, as per the Standing Orders, there was the opportunity for members of the public that were present to ask one supplementary question arising from the written answer given. The Chair informed Members that the Angling Trust had submitted the first five questions and Grant Jones, from the Angling Trust, was invited to ask a supplementary question relating to each answer. Grant Jones thanked the Chair for the answers provided, said that he had no further questions. Grant Jones explained how the Angling Trust would make the answers available to a wider audience. Regarding question six, CO Mander informed Members that the person that had asked the question was not present and therefore there were no other supplementary questions.

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Agenda Item 6:

Netting Review – Topic 1 – Salcombe Estuary

The Chair asked CO Mander to introduce the agenda item.

Presentation

CO Mander informed Members how the review had been a comprehensive process, leading to formal consultation on the management proposals that had been developed by the B&PSC. CO Mander highlighted the range of communications undertaken during the process and reported that many had followed the process and decision making by reading published minutes of B&PSC meetings. CO Mander explained that D&S IFCA's approach to communications had been tested and had proved to be effective. Regarding the formal consultation, CO Mander highlighted that the 364 responses received in the formal consultation was the highest response D&S IFCA had ever had to a consultation and that Members had been given the opportunity to examine each response.

CO Mander said that the B&PSC's proposal to open the Salcombe Estuary to fixed netting had become the dominant theme (360 responses), with 354 of the responses opposed to the B&PSC's proposal. Those objecting included six commercial fishermen. Forty-three organisations responded including opposition by Natural England, the Environment Agency, the Angling Trust, and the University of Plymouth. CO Mander highlighted that the officers had produced a summary report of all responses, marked as Information Item 1 (**A summary of Responses from the Formal Public Consultation – 5th February 2024**). CO Mander explained that those objecting to the proposal had set out multiple reasons why they objected, with these key points set out in the summary of response report and in the officers' paper. CO Mander reported that many stakeholders were concerned that, in their view, Members had not considered the issues fully in reaching their decision to formally consult on the netting proposals in Salcombe. CO Mander highlighted wider considerations that had also been raised in the formal consultation responses.

- D&S IFCA's statutory duties.
- Original drivers for making of the Netting Permit Byelaw (and the permit conditions).
- Decision making, process and regard and use of available scientific evidence.
- Sustainability.
- Biodiversity.
- Wider social and economic considerations regarding sea angling and other users' interests.
- Goals in the Bass Fisheries Management Plan.
- Objectives in the Fisheries Act.
- Ability to effectively enforce the proposed management measures.

CO Mander explained to Members that in preparing their recommendations, officers had examined the B&PSC's rationale for their proposal and had assembled data relating to a reported decline in profitability of pot fisheries. Regarding the analysis of landing and value data, CO Mander explained that officers had focussed on the under 10-metre fleet as these vessels were representative of the fishery in the District as only 18 of 184 potting vessels were over 10-metres. Landings of brown crab had declined significantly since 2021 as shown in the supporting paper (information Annex 2). CO Mander reported that lobster landings had increased significantly since 2010, peaked in 2022, and were now potentially levelling off. CO Mander said that it was impossible to estimate how much the increased landings and value of lobster had offset the fall in brown crab landings.

CO Mander explained that officers had analysed the B&PSC's rationale and, although some of the rationale was consistent with sustainability objectives in the Fisheries Act (looking to achieve economic and social employment benefits and contribute to the food supply), much of the rationale was not consistent with many significant factors for decision making. Regarding the rationale to support winter income of commercial fishermen, CO Mander highlighted that the opening of the estuary may give a boost to some, but the scale of the fishery would be unknown as permits would not be limited. CO Mander explained that some commercial fishermen that supported the opening had commented that other estuaries should also be opened – more local to themselves. CO Mander highlighted that for many that responded, including Natural England, the potential benefit for a few fishermen did not outweigh the impact to the environment. CO Mander said that there were significant concerns raised about sustainability of bass, mullet, and gilt head bream stocks if the estuary was to be opened, and as highlighted by many responses, the opening would impact on the social and economic benefits derived from recreational angling. CO Mander highlighted that the officers

had re-analysed mullet landings data, as set out in the information Annex 3, and the data showed a significant decline in landings prior to the closure of the estuaries to netting. Reflecting on D&S IFCAs Statutory Duties (MaCAA) it was the view of CO Mander that the fishery would not be sustainable, and the right balance cannot be reached between the social and economic benefits of the exploitation of sea fisheries resources and a need to protect the marine environment. In addition, balancing the needs of commercial and recreational fishers had been recognised by the present closure of the estuary to netting.

CO Mander set out the B&PSC's rationale relating to sea trout. CO Mander highlighted how the Environment Agency had challenged the rationale and provided detailed information in their response.

In summary, CO Mander highlighted that the officers' advice to the B&PSC remains that the prohibition on fixed and drift netting in Salcombe should not be lifted for the following reasons:

- The proposed net fishery in Salcombe is not consistent with the response to the public consultation.
- The proposed net fishery in Salcombe is not consistent with many of the objectives set out in the Fisheries Act 2020.
- The proposed net fishery in Salcombe is not consistent with many of the goals set out in the national Bass Fisheries Management Plan.
- The proposed net fishery in Salcombe is not consistent with the principles of the Bass Nursery Area legislation.
- The proposed net fishery in Salcombe is not consistent with D&S IFCA's Statutory Duties set out in the Marine and Coastal Access Act 2009.
- The proposed net fishery in Salcombe is not consistent with scientific advice.
- The proposed net fishery in Salcombe is not consistent with previous advice from D&S IFCA's officers.

Debate, Questions & Comments

As a general point, Mike Williams stated that the Authority has a duty to balance social and economic benefits, whilst protecting the marine environment; however, in doing so it must exclude immaterial factors (such as health and safety). The Authority can only consider material factors, and in doing so must add weight to those factors in reaching a decision. In his own considerations, Mike Williams explained that he had considered S 153 (MaCAA) (balancing the differing needs of persons engaged in exploitation of sea fisheries resources) and reflected on the specific issue, attaching weight to differing factors:

- landings data and value of catch;
- the statement that with local knowledge netting can be selective (of catches);
- the fishery would provide eyes and ears on the water to assist detection of illegal activity;
- fishing opportunity would be limited by weather and tides;
- bass discard mortality would be estimated at 18.8%.

Mike Williams then explained that balanced against these factors would be that:

- whilst local knowledge can assist with selectivity, permits cannot be restricted to local persons;
- fishers with less local knowledge could undertake the activity with less ability to be selective;
- if netting is limited, so is the benefit of eyes and ears on the water;
- presently as netting is prohibited in all estuaries, it is easier for the public to detect illegal netting;

- if limited netting is permitted, this will be confusing for the public, regarding the reporting of suspicious activity – enforcement could become significantly more difficult;
- bass stocks are recovering but they remain below Maximum Sustainable Yield (MSY);
- a mortality rate of 18.8%, which some believe could be greater in real life practice, is not acceptable.

Mike Williams said his personal view was the same as it was in August 2023 and based on the weighting attached to his own decision making, on balance, there was not currently a sufficient case to re-open Salcombe Estuary to netting.

Cllr Dewhirst asked questions surrounding the use of technology and its potential use in an estuary setting. CO Mander highlighted the results of testing gear sensors (information Annex 5). CO Mander explained that the 18.8% discard mortality rate for bass, as set out in the conclusions of the research report, is likely to be much higher in real life fishing conditions. The use of cameras on vessels would assist the monitoring of fish handling (care of catch to be discarded).

Cllr Dewhirst asked a series of questions relating to technology and how it can be used from an enforcement perspective. CO Mander answered the questions and clarified that at this time it is only mobile fishing vessels that have IVMS fitted (to monitor speed and position). CO Mander added that cameras are still being trialled for potential roll out, firstly on mobile fishing gear vessels. CO Mander informed Members that to incorporate this type of monitoring equipment as a permit condition, the Byelaws would need amending to increase their scope. CO Mander explained that the proposed Mobile Fishing Permit Byelaw 2022 that is now being quality assured with the Marine Management Organisation, would be a first step towards that. The use of sensor tags on nets, as trialled and reported on in the papers, would be possible to implement as a netting permit condition, but this has limitations as it is not possible to see if non-tagged nets were being used. Cllr Dewhirst asked if, when national legislation requires the fitting of IVMS, the fitting of cameras will also be a national requirement. CO Mander clarified that the fitting of cameras would not be a national requirement in 2024.

Wayne Thomas commented that the large response to the formal consultation had given him confidence regarding how the angling community value Salcombe Estuary as a net free area.

Pamela Buchan commented that although she was unable to attend the last two B&PSC meetings, she had helped to prepare information for the public formal consultation. From a communications perspective, Pamela Buchan was pleased that D&S IFCA's communications had been effective and had reached so many people. Regarding the content of the response, Pamela Buchan commented how consistent the messaging had been with clear opposition to the B&PSC's proposal coupled with a significant amount of information. Pamela Buchan said that the information provided in responses included both scientific evidence and other location-based information to help her and all Members better understand the local context. Pamela Buchan explained that she had considered the information made available to Members, attached her own weighting to the factors, and on balance would support the officers' recommendation not to re-open Salcombe Estuary.

Simon Thomas said that he was aware of the difficulties faced by commercial fishermen trying to make a living, or boost their incomes; however, it was his view, and as a result of being involved in discussions about the Fisheries Management Plans, that the weight of information and evidence not to open the estuary outweighed the benefits that may be provided to a few fishermen. Simon Thomas added that his decision was also based on the fact that the vessel numbers could not be limited in the estuary.

There were no other comments or questions.

Decision Making: Topic 1 – Salcombe Estuary

That the prohibition on fixed and drift netting should remain in place in the Salcombe Estuary.

Proposed: ***Mike Williams*** ***Seconded: Simon Thomas***

There were no amendments put forward.

In favour: ***11***
Against: ***0***
Abstain: ***2***

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Agenda Item 7.1

Netting Review – Topic 2 & 4 – Prohibition of Commercial and Recreational Netting at the Emsstrom Angling Zone

Presentation

CO Mander highlighted that Topics 2 and 4 within the public consultation had received much less attention than the proposal to open Salcombe Estuary. CO Mander provided Members with background information, as set out in the officers' paper. CO Mander highlighted the history surrounding the establishment of the Angling Zone and its implementation prior to the introduction of the Netting Permit Byelaw. The Angling Zone Voluntary Code had recognised that netting and rod and line fishing are not compatible methods, and the Voluntary Code was an attempt to balance the differing needs of netting and rod and line sectors, thereby recognising D&S IFCA's Statutory Duties (MaCAA – S153). CO Mander explained that the introduction of the Voluntary Code had enabled officers to monitor its use and officers are aware, from both commercial and recreational anglers, that fish numbers have grown both in terms of bait fish and table fish. CO Mander highlighted that a legal prohibition on netting would provide the basis for the start of the monitoring of longer-term impacts of the regulation. Evidence collected could be used to inform wider debate and decision making relating to other potential closures of wreck sites in the future. As the B&PSC had accepted that the Voluntary Code is not being adhered to, a decision had been taken by the B&PSC to formally consult on prohibiting commercial and recreational netting at the site. CO Mander said that a small number of responses were received about the proposal and the officers' recommendation remains that the prohibition, as permit conditions for both commercial and recreational netters, should be introduced.

Debate, Questions & Comments

Mike Williams said that he had no faith in the effectiveness of voluntary codes. Mike Williams explained that although the prohibition would potentially reduce risks associated with health and safety (entanglement) for divers, this is not a material consideration, and the safety of divers is not something the B&PSC can consider. Safety at sea is the responsibility of the Marine and Coastguard Agency, and for D&S IFCA to regulate on that basis would be ultra vires. Mike Williams said that a similar consideration would apply with the wearing of life jackets and regulating those. Excluding health and safety, from his own considerations, Mike Williams said that he would support the prohibition based on the rationale set out in the formal consultation.

Pamela Buchan asked questions about the establishment of the Angling Zones. CO Mander highlighted that the Angling Zones had been in place since 2014, and therefore there had been many years to monitor their effectiveness. In doing so, CO Mander said that D&S IFCA's limited resources had been a factor with more attention applied, in terms of monitoring, to the Skerries Angling Zone, which is larger, has a higher profile and is fished more frequently. Simon Thomas asked questions about the level of gear used in the Angling

Zone, and how this was conflicting with the voluntary measures. Mark Day informed Members that the levels of inshore netting had reduced and that financial impact of prohibiting netting in the area would be low. CO Mander reported the sightings of D&S IFCA's Enforcement Officers and also the refusal of a commercial fisherman, when challenged by Officers, to remove nets from the area, as in his view there was no legal requirement for him to do so.

Decision Making: Topic 2 & 4 – Prohibition of Commercial and Recreational Netting at the Emsstrom Angling Zone

That Category One and Category Two Netting Permit Conditions are implemented to prohibit fixed and drift netting in the Emsstrom Angling Zone.

Proposed: ***Wayne Thomas*** ***Seconded: Simon Toms***

There were no amendments put forward.

In favour: ***14***
Against: ***0***
Abstain: ***0***

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Agenda Item 7.2

Netting Review – Topic 3 – Changes Relevant to Recreational Netting Activity – Net Length, Combining Nets, and Bag Limits.

Presentation

CO Mander highlighted that there were three elements to the officers' recommendation (a, b, and c), although the formal consultation had set these out as a single topic. The first related to the length of a net that can be used on a recreational basis which would be an increase from 25-metres to 50-metres in length. CO Mander said that the B&PSC was informed and accepted that the catching ability of the increased net length would remain relatively low, and that other measures had been proposed in the formal consultation as a form of mitigation – to create a balanced package of management measures. CO Mander reminded Members that, to support the increase in net length, the following had been proposed:

- Combined nets would be a maximum of 100-metres (potentially two permit holders working together).
- Bag limits, per calendar day, for personal consumption and personal use would be introduced.

CO Mander explained that there was a view by some that netting was not a legitimate recreational activity. However, the Authority had accepted that it is an individual's choice on what they do on a hobby basis. Recreational netting had therefore been regulated with appropriate management measures since the introduction of the Netting Permit Byelaw in 2018 and the proposed permit conditions (restrictions) would build upon measures already in place.

Notwithstanding the limited catching ability of a 50-metre net, CO Mander said that the introduction of bag limits per calendar day would recognise concerns of some stakeholders that catches would exceed what is needed or appropriate for personal consumption. Regarding the levels of the bag limits set out in the formal consultation, CO Mander explained how the levels for ray (3) and plaice (10) had been based on bag limits

set for recreational anglers (as voluntary measures) that fish in the Skerries Angling Zone. The number of sole (5) had been a judgement by the B&PSC. Regarding sand eel, the bag limit (15kg) was based around an amount considered reasonable for personal use and based upon the B&PSC's decision making regarding recreational sand eel trawling in the development of the proposed Mobile Fishing Permit Byelaw 2022.

CO Mander highlighted that there had been a relatively low response to this topic, however the consultation responses had informed the officers' recommendation regarding a prohibition on combining of recreational nets. Rather than restricting this to a maximum of 100-metres (potentially two recreational nets joined), the recommendation was now to prohibit the joining of recreational nets.

Debate, Questions & Comments

Regarding the officers' recommendation to prohibit the joining of nets, Pamela Buchan asked if there would be any regulation to prohibit separate nets being set in very close proximity to each other. CO Mander clarified that that was not part of the proposal and, if introduced, would be a difficult measure to enforce. CO Mander informed Members that if this practice became apparent and was considered to be a concern, Members would be updated.

Jon Dornom highlighted that a net length of 50-metres, set in open water, was not a significant amount; however, if several nets were joined together, or set close together, it would become more of a commercial scale of activity. Jon Dornom suggested that setting a maximum number of recreational netters that could work from a single vessel would mitigate the risk. CO Mander informed Members that as far as officers aware, the maximum number of recreational netters working together on a single vessel is four, and that this may not be a regular occurrence. CO Mander highlighted that the introduction of new bag limits, was in part to offset the extra gear being authorised. CO Mander highlighted that every recreational netter must have a permit, and all must be present on the vessel to work the nets authorised under a permit from that vessel. CO Mander explained that the formal consultation highlighted the potential changes, and that limiting numbers of people working on a vessel was not one of those topics. PPO Townsend highlighted that amongst the recreational permit holders undertaking both netting and potting, family members do fish together – a shared recreational experience, from a family-owned vessel, or a vessel owned by one of the parties. The current restrictions, relating to a shared fishing experience from a single vessel include gear marking, the fitting of tags, and the requirement that each permit holder must be in attendance. PPO Townsend said that in the past, and more recently, some recreational netters had made the point that 25 metres of net almost makes the activity pointless, and this may be one reason why groups work together.

Mike Williams highlighted that, in his view, the increased length of net was offset by the other measures, including the bag limits per permit holder. Cllr Dewhirst said that in his view the bag limits, including 10 plaice per day, seemed to be very high, more than would be reasonably required for personal consumption and far above the quantity needed for a family meal. Cllr Dewhirst also questioned how enforceable it would be.

PPO Townsend explained that some of the consultation responses suggested that the levels of bag limits were seen as being too high, but this is dependent on what you would compare them to. PPO Townsend reminded Members that currently there were no bag limits in the permit conditions for plaice, sole, rays and sand eel. The only limiting factor is the amount of net worked, that 25-metres of net is recognised as having limited catching ability, and that 50-metres of net is unlikely to lead to high catches. PPO Townsend said that the bag limits were not target levels, just a new control measure.

Regarding enforcement, CO Mander highlighted that D&S IFCA uses an intelligence and risk-based approach. The implementation of the Category Two Netting Permits with tailored management measures

has helped to reduce risk of recreational fishermen operating at levels more suited to a commercial operation. It is impossible for enforcement officers to board and check on the activity of all vessels; however, if intelligence indicates suspicious activity or breaches of legislation, more attention can be applied to the issues or locality. PPO Townsend added that it is important to recognise the scale of the activity. Although there are approximately 65 netting permit holders; it is highly unlikely that all recreational nets will be set every day. As a hobby, PPO Townsend commented that netting is more likely to take place at weekends, on fine evenings and would be heavily dependent on the weather. The bag limits represent a catch that if reached, on any given day, may be frozen by the recreational netters for later consumption, and not necessarily eaten all in one sitting. Felicity Sylvester asked if the bag limits would extend to herring. CO Mander said that they would not – the formal consultation had not set out a recreational restriction for herring.

Pamela Buchan asked questions about the ability of recreational netters to rotate tags and use different types of net and Simon Toms asked questions about communicating the conditions to fishers. CO Mander confirmed that recreational netters can swap nets by removing a tag from one net and placing it on another, but that only one net at sea can be used at any one time. CO Mander highlighted that the application form for a permit helps to gather information on the types of nets applicants may want to use. In terms of communication, CO Mander said that the fishers will have a set of conditions to read, but not before they have ticked a box to acknowledge and confirm that the conditions are understood before making the payment for a new permit.

Simon Toms enquired about how the potential doubling of recreational effort (net length) as a permit condition would be factored into environmental assessments. CO Mander explained that assessments relating to commercial netting in designated areas were already complete and that D&S IFCA is better informed compared to some other IFCAs as the permit system can be used to provide numbers of recreational netters. The numbers of recreational netters also provide an indication of the levels of activity (total amount of authorised recreational nets). CO Mander said that although there would be a theoretical doubling of recreational net length, the increase in effort would not be significant compared to the amount of netting undertaken in a commercial context. Simon Toms said that he was concerned that there could more intensive effort in a designated site, which would be made worse by not prohibiting combining nets, and would therefore be supportive of the recommendation. CO Mander said that D&S IFCA already has coastal restrictions in place for both commercial and recreational netters that recognise the risks to salmonids. As part of wider considerations, CO Mander informed Members that the assessments related to specific species or habitats.

It was the view of Mike Williams that Members may be overthinking the proposals and risks. Mike Williams said that any recreational activity at sea has limitations, and netting, when combined with permit restrictions, will not be an intensive fishery. Mike Williams said that a B&PSC Member, not present, had already informed B&PSC Members that a 25-metre net is almost of no use to catch fish, and it was questionable if a 50-metre net would perform much better. The recreational netting effort would double; however, it would be doubling from a base line of something completely pointless. On this basis, it was the view of Mike Williams that the increase in net length would be minimal impact and low risk.

Jon Dornom suggested that risks of recreational overfishing could be avoided if permit conditions limited the numbers of people that could be on a vessel at any one time or limited the effort to 50-metres per vessel, not per person. Jon Dornom said that in his view 50-metres of net would catch little; however, if nets (if not physically joined) were set in close proximity, they could become far more effective. Jon Dornom suggested that if eight recreational fishers worked on a single vessel on the same day, shooting all their nets close together, the catching potential would increase significantly, and levels of fish may exceed the bag limits.

PPO Townsend said that the permit conditions were set out to apply per person and not per vessel. PPO Townsend informed Members that to have eight recreational netters working on one vessel would be a high percentage of the total recreational effort (8 of approximately 65 permit holders) in the same place at the same time. PPO Townsend said that it was important that Members understand the relatively low scale of the recreational activity as a whole and that the small vessels that are typical of those using nets are not able to carry large numbers of people and equipment.

CO Mander said that there were mixed views in the formal consultation about the proposals and although officers had set out recommendations, it was for Members to determine what changes should be applied. Mike Wiliams suggested a vote be taken on a motion to include all three of the officers' recommendations – en bloc.

Decision Making: Topic 3 - Changes Relevant to Recreational Netting Activity – Net Length, Combining Nets, and Bag Limits.

That Category Two Permit Conditions are amended in accordance with (a), (b), and (c) *(set out below)* ***of the officers' recommendations:***

- ***a) an increase in recreational net length from 25 metres to 50 metres;***
- ***b) that there is a prohibition on the combining of recreational nets***
- ***c) That bag limits are introduced per calendar day – plaice (10), rays (3), sole (5), and sand eel (15kg).***

Proposed: ***Mike Williams*** ***Seconded: Wayne Thomas***

Amendment

Didi Alayli said that she would like to amend the motion, to amend (a) as it was her view the net length should not be increased from 25-metres to 50-metres. This was seconded by Simon Toms. With an amendment offered, and supported in relation to the net length, CO Mander explained to Members that there would be a vote on the amendment which would be as follows:

That the length of a recreational net <u>shall not</u> increase in length from 25 metres to 50 metres, with (b) and (c) *(below)* ***remaining as set out in the original motion.***

- ***b) that there is a prohibition on the combining of recreational nets***
- ***c) That bag limits are introduced per calendar day – plaice (10), rays (3), sole (5), and sand eel (15kg).***

CO Mander explained that if the amended motion was to fail, then Members would revert back to the original motion that included an increase in net length to 50-metres in length. A vote was taken on the amendment.

In favour: ***7***
Against: ***5***
Abstain: ***2***

CO Mander explained that now the amendment had succeeded, Members needed to vote on the amended motion. CO Mander explained that if the amended motion failed, Members would return to the original motion that included an increase in net length.

That Category Two Permit Conditions are amended in accordance with (b), and (c) of the officers' recommendations *(below)****; but that the net length is not increased from 25-metres to 50-metres in length.***

- ***b) that there is a prohibition on the combining of recreational nets***
- ***c) That bag limits are introduced per calendar day – plaice (10), rays (3), sole (5), and sand eel (15kg).***

Proposed: ***Didi Alayli*** ***Seconded: Simon Toms***

In favour: ***9***
Against: ***4***
Abstain: ***1***

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Agenda Item 7.3

Netting Review – Topic 5 – Minimum Conservation Reference Sizes (MCRS)

Presentation

CO Mander highlighted that the officers' recommendation was linked to the earlier discussion on the opening of the Salcombe Estuary as it was recognised that the existing prohibition on netting already furthers the protection of grey mullet, more than a MCRS. The formal consultation recognised that the introduction of a MCRS would be mitigation for a potential opening of the Salcombe Estuary for netting. As the B&PSC had now voted not to open the Salcombe Estuary for netting, the recommendation from officers was that there was no need to introduce a district wide MCRS. CO Mander explained the reasoning recognises the response from the National Mullet Club, in that the levels of mullet taken by coastal nets is low. In addition, one issue associated with a MCRS is that it can generate discards, with a proportion of those failing to survive when returned in the capture and release process. Being mindful of the discard objective, sustainability objective, and the protection for different species that is present within the estuaries, CO Mander said that officers advise that there is no need for a change in management. CO Mander informed Members that prior to the formal consultation, there had not been any requests from organisations or stakeholders to introduce a MCRS for grey mullet.

Debate, Questions & Comments

In response to Pamela Buchan, CO Mander confirmed that the formal consultation did seek the views of stakeholders for a district wide MCRS, not limiting it to Salcombe Estuary. PPO Townsend confirmed that there were 12 responses that related to MCRS and many of those had a simple message along the lines of *"if it helps, there is a need, and you have evidence why would you not introduce it"*. CO Mander highlighted that one of the more detailed responses was from the National Mullet Club, who were quite relaxed about not having a MCRS, providing estuary netting remained prohibited. CO Mander explained that if Members concluded that a district wide MCRS was required for grey mullet, a more appropriate course of action would be for officers to set out more detail for Members on the potential impact the MCRS would have on a coastal net fishery.

Mike Williams said that he could see advantages of applying a district wide MCRS and agreed that a way forward would be for officers to investigate the merits and disadvantages of the introduction and report back to the B&PSC. Simon Thomas said that there is much variation between places and a lack of data as a basis for MCRS (L50 and L95), so it would need some in depth discussion based upon addition information being provided to Members. Jon Dornom highlighted how challenging it is to set a MCRS, as mesh size and where nets are used is a factor in the capture and/or protection of different species.

Simon Toms said that he was surprised that D&S IFCA had not introduced a MCRS for gilthead bream – with potential application of a slot size in estuaries. Given that the estuaries are closed to netting, DCO Clark asked if this suggestion was to apply to recreational angling. Simon Toms commented that a Byelaw could be developed to apply MCRS in all estuaries.

CO Mander said that that the responses did highlight the importance of gilthead bream, and that officers believe that Defra should include this in the Bream Fisheries Management Plan (FMP), and not limit it to black bream. In undertaking other work, CO Mander said that D&S IFCA's limited resources are a factor for both Byelaw development and gathering additional information on MCRS. The responses have called for more work associated with managing the pot fishery in the District, and CO Mander explained that this workstream has been delayed due to officers devoting more time to conducting the netting review and managing the responses. Although it is possible, CO Mander informed Members that if Members wanted specific work undertaken to explore MCRS, it would need to be recognised in the Annual Plan, as other planned work may have to be dropped. DCO Clark added that the IFCAs that sit on the Bream FMP group can be asked to push for the inclusion of secondary species with further considerations for short, medium, and longer-term management of that species. Although recognising D&S IFCA's limited resources, Wayne Thomas said that D&S IFCA should be ambitious with a view to protecting grey mullet species, a species that has grown in importance to the angling community.

The Chair highlighted to the audience the issues associated with D&S IFCA's funding issues and explained that a lack of funding is why the delivery expectations of many stakeholders could not be met at this time. Mike Williams added that the public, with an interest in the work of D&S IFCA, can choose to contact Defra to ask that action is taken to resolve the funding difficulties.

Putting aside D&S IFCA's resourcing difficulties, Pamela Buchan asked for some clarity regarding the legal framework for introducing a district wide MCRS, in the context of planning for future work and an addition in an Annual Plan or to have a clearer idea of a timetable for action, if it is required.

CO Mander explained that for netting, the permit conditions could be amended. PPO Townsend explained that a district wide MCRS spread across differing activities would be the greater challenge. Different Permit Byelaws apply to different methods, all independent of each other and a change to one set of permit conditions (issued under each Byelaw) does not result in all permit conditions for each method being amended. PPO Townsend said that another option is to create a stand alone MCRS Byelaw, potentially applicable to any person.

DCO Clark explained that SEO Stewart had assembled some information on the size of sexual maturity of gilthead bream, but most of it relates to southern Europe and there is little information on the species in the UK. SEO Stewart said that there is some good data relating to the three species of mullet, including studies by University of Plymouth and work undertaken by Southern IFCA. DCO Clark said that there is potential for officers to do some monitoring of mullet landings, without it becoming overly burdensome for officers. Pamela

Buchan supported the suggestion from DCO Clark – a watching brief and that concerns are raised through the Fisheries Management Plans.

Mike Williams said that he would support Pamela Buchan's thoughts and had prepared formal wording for a motion.

Decision Making: Topic 5 - Minimum Conservation Reference Sizes (MCRS)

Mike Wiliams suggested a form of words for the motion including monitoring of mullet landings. DCO Clark clarified that the appropriate time scale for monitoring would potentially be three years and that it would be a request to add gilt head bream into the FMP. CO Mander read out the motion.

That officers monitor the landings of mullet and gilthead bream for the next three years and recommend the inclusion of gilthead bream in the Bream FMP.

Proposed: ***Pamela Buchan*** ***Seconded: Mike Williams***

There were no amendments put forward.

In favour: ***14***
Against: ***0***
Abstain: ***0***

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Agenda Item 7.4

Netting Review – Topic 6 – Maximum Soak Times of nets at Sea

Presentation

CO Mander said that the recommendation from officers is not to introduce a new permit condition. CO Mander said that this recommendation recognised the formal consultation response, in that a lack of detail of how measures would be applied had been set out in the consultation information. Although, in principle, additional management measures would address the important issue of abandoned nets, which was supported to a degree, there are complications associated with it. Officers are aware that if nets are abandoned for an extended period, the marking (Pemit number/PLN of a vessel) would become illegible due to marine growth and other factors. With nets no longer clearly marked, CO Mander explained that the nets could then be removed by officers on the basis that the markings are not clear and therefore not meeting the requirements set out in a permit. Given the concerns raised about a lack of clarity on what the new measures could be, CO Mander advised Members that to proceed, further information should be developed for further consultation with a view to more robust evidence being provided to Members to inform their decision making.

Debate, Questions & Comments

Charlie Ziemann informed Members that most nets are hauled daily, within 24 hours. Simon Thomas agreed as a long soak time would see the deterioration of fish caught in those nets. In addition, periods of poor weather can prevent collection of gear that is not abandoned, making it impossible to retrieve gear in a given period. Guy Baker highlighted that the national roll out of IVMS will help to identify abandoned gear and the vessels involved and highlighted that Kent and Essex IFCA have an issue in their District with lost and abandoned gear. Mark Day and Jon Dornom highlighted that lost gear is often the result of gear conflict – static gear being towed away. Jon Dornom said that if gear is lost, that is expensive to replace, fishermen

will make every effort to find and retrieve it. Jon Dornom said that in his view there is a case for a defined maximum soak time, but nets targeting different species get set for different times and questioned what should be a maximum and how it is enforced. CO Mander suggested that in time there would be a better solution to help address this issue with improved technology.

Decision Making: Topic 6 - Maximum Soak Times of nets at Sea.

Mike Wiliams proposed a motion.

That the permit conditions specifically for setting a maximum soak time of nets are not included in the netting permit conditions.

Proposed: ***Mike Williams*** ***Seconded: Simon Thomas***

There were no amendments put forward.

In favour: ***13***
Against: ***0***
Abstain: ***1***

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Agenda Item 8.

Mobile Fishing – Amendments to Category One Mobile Fishing Permit Conditions.

Presentation

CO Mander informed Members that in the new Mobile Fishing Permit Byelaw 2022 (not yet implemented), an amended review of permit conditions process had been included. CO Mander explained that this is relevant to this issue as currently any change to permit conditions requires consultation. In this situation, as set out in the paper, CO Mander highlighted that a change to the Category One Mobile Fishing Permit Conditions was needed to avoid an ultra-vires situation. The change was due to a decision made by the Inshore Potting Agreement (IPA) Committee which resulted in a change to the Licence Condition for the IPA. Although D&S IFCA consulted on a change to the permit conditions, as it must, it was in effect a notification of change. The replacement Mobile Fishing Permit Byelaw will remove the need to consult if the same situation arises in the future.

Debate, Questions & Comments

Members discussed the topic, but with no choice on a decision, Mike Williams recommended some words for a motion.

Decision Making: Amendments to Category One Mobile Fishing Permit Conditions

That the Category One Mobile Fishing Permit Conditions are amended as set out in the officers' paper in relation to Access Area C of Annex 5a, and that the changes become effective on 1st March 2024.

Proposed: ***Mike Williams*** ***Seconded: Jon Dornom***

There were no amendments put forward.

In favour: ***14***
Against: ***0***
Abstain: ***0***

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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.