

# Amendments to the Current Category One Mobile Fishing Permit Byelaw – Permit Conditions

## Officers' Recommendation

**That current Category One Mobile Fishing Permit Conditions are amended (as summarised in Section 5) to introduce additional spatial restrictions.**

### 1. Background

The decision making of the B&PSC has driven byelaw work, including formal consultation on the implementation of a new Mobile Fishing Permit Byelaw as well as changes to Permit Conditions.

The expectation was that new management measures would be rolled out when the Mobile Fishing Permit Byelaw 2022 was confirmed. This Byelaw is with the Marine Management Organisation (MMO) undergoing quality assurance (QA) before submission to Defra for confirmation. For a range of reasons, the QA phase has taken far longer than expected since it began on 17<sup>th</sup> May 2023. As a consequence, many of the Permit Conditions (management measures) agreed by the B&PSC have not as yet been implemented.

The time taken for QA has impacted on the planned work for the B&PSC in 2024/2025 as set out in D&S IFCA's Annual Plan and in an officers' planning paper presented to the B&PSC in June 2024.

### 2. B&PSC's Past Discussion & Decision Making

The development of a new Mobile Fishing Permit Byelaw (and its associated permit conditions) began in 2019; however, in 2022 discussions became more focussed on some key additional management measures to be set out as permit conditions.

On 9<sup>th</sup> June 2022, the B&PSC discussed spatial access for demersal mobile fishing vessels in Heritage Asset Sites and MCZ areas as set out in separate agenda items at the June 2022 meeting.

These included:

- **South Australian – Heritage Asset Site** (Scheduled Wreck off Lundy Island).
- **Bideford to Foreland Point MCZ**
- **Morte Platform MCZ**

Each officers' paper presented in June 2022 included its own background information, hyperlinks to D&S IFCA's MCZ Assessments and Natural England's formal advice in relation to the MCZ Assessments, and recommendations regarding the management measures to apply.

As well as the above, spatial access for Hartland Point to Tintagel MCZ was also discussed in June 2022. Information relating to past decision making for that MCZ site, and further considerations for future management of that MCZ site are set out as in a separate officers' paper (Agenda Item 9).

### 3. Formal Consultation and the B&PSC's Decision Making (2023)

The decision making of the B&PSC helped to develop the Mobile Fishing Permit Byelaw 2022 (and its associated permit conditions), ready for formal consultation which began in November 2022 and ended on 20<sup>th</sup> January 2023.

The formal consultation included a range of communication initiatives, typical of D&S IFCA's consultation work. This included direct notification (Mail Chimp), and a news item was posted on D&S IFCA's website and Facebook. To meet Defra's byelaw making advice, the proposed Mobile Fishing Permit Byelaw 2022 was also advertised in a selection of newspapers.

The findings of the formal consultation were presented to the B&PSC on 23<sup>rd</sup> February 2023 in a report. Three objections were received in the formal consultation, all relating to the permit conditions (management measures) that had been advertised, rather than the proposed Byelaw.

***None of the objections in the formal consultation related to proposed management measures (spatial access) for:***

- ***The Heritage Asset Site (South Australian)***
- ***Bideford to Foreland Point MCZ and***
- ***Morte Platform MCZ.***

### 4. Expectations and a Revised Approach

It was originally anticipated that the new Mobile Fishing Permit Byelaw 2022 would now be in place. It was also expected that amended Mobile Fishing Permit Conditions, developed to align with the new Byelaw, would also be in place. However, these delays do not prevent agreed changes to management being rolled out in the current permit conditions.

The Authority has begun to introduce management measures via the current Mobile Fishing Permit Conditions. An example is the recent decision at the March 2024 Authority meeting, where Members agreed to an amendment (April 2024) to the current Permit Conditions to protect Coastal Mariculture Sites, rather than wait until the new Mobile Fishing Permit Byelaw 2022 is confirmed.

Regarding Marine Protected Areas, there is an expectation that necessary management measures for commercial fishing are implemented by the end of 2024, as highlighted in D&S IFCA's Annual Plan for 2024/2025.

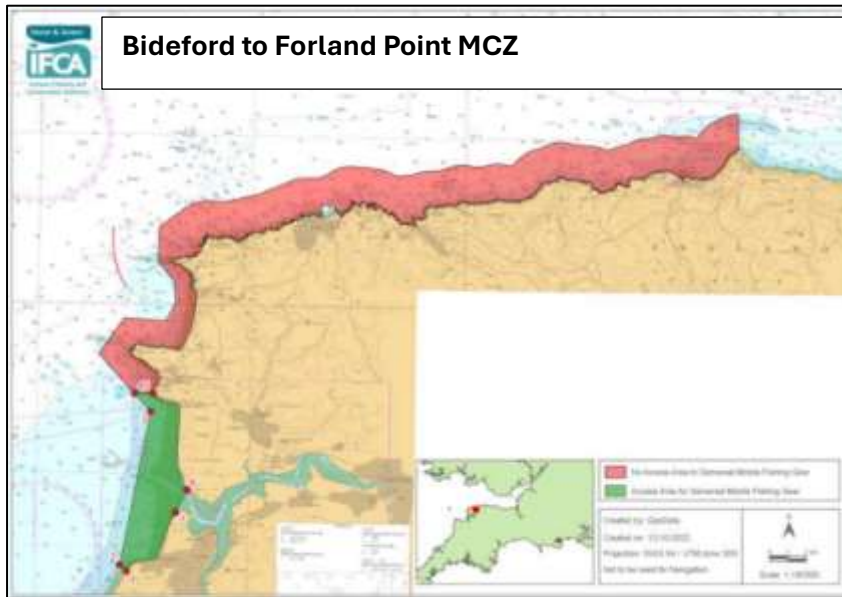
### 5. The Management Measures to Apply

Amendments can be made to the Category One Mobile Fishing Permit Conditions and new Annexes can be created, including improved presentation and updated copyright information<sup>1</sup>. (The (UK Hydrographic Office), not shown on the Annex examples in this officers' paper. The spatial restrictions to apply for the MCZ areas and the Heritage Asset Site are summarised in this officers' paper.

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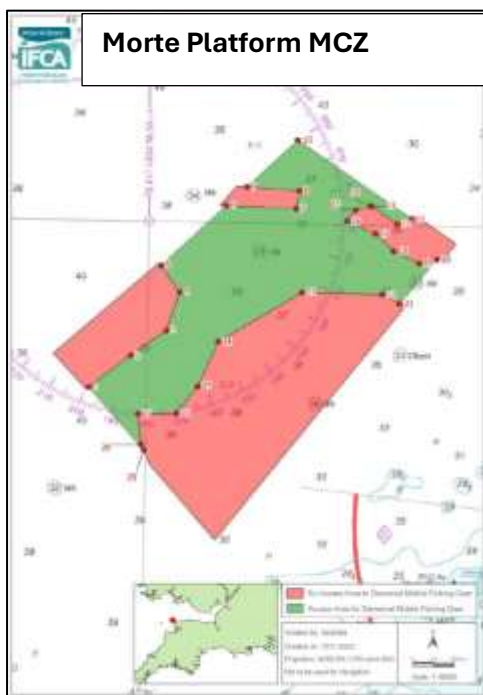
**5.1 Bideford to Foreland Point MCZ**



The **green** area outside of the Taw Torridge Estuary, in the example Annex (left), will be accessible for the use of all types of demersal mobile fishing gear.

The area coloured in **red** will not be accessible for the use of demersal mobile fishing gear. The Annex, to be produced, will include a list of co-ordinates to set out the extent of the MCZ and the access area.

**5.2 Morte Platform MCZ**



In 2022 it was reported to the B&PSC that there is high confidence in the location of the rock feature of the site. It was also reported to the B&PSC in 2022 that no scallop dredging or trawling was occurring in the site; however, there was potential for this interaction to occur on the rock feature.

On 9<sup>th</sup> June 2022 the B&PSC decided that the use of demersal towed fishing gear on the rock feature of the Morte Platform MCZ is to be prohibited – as a precautionary measure.

The area that is coloured **green** in the example Annex (left) will be accessible for the use of all types of demersal mobile fishing gear.

The areas coloured in **red** will not be accessible for the use of demersal mobile fishing gear. The Annex, to be produced, will include a list of co-ordinates to set out the extent of the MCZ and the access area.

**5.3 Heritage Asset Site – South Australian**

The B&PSC recognised that Under Part 1 Chapter 1 S.186 MaCAA 2009, the interpretation of ‘marine environment’ includes features of archaeological and historic interest. The B&PSC was informed that of the fifteen historic wreck sites within the coastal waters of D&S IFCA’s District, thirteen lie within estuaries or in intertidal areas or already protected by prohibitions to demersal fishing gear under D&S IFCA’s Mobile Fishing Permit Conditions.

On 22<sup>nd</sup> June 2022, the B&PSC agreed to prohibit the use of demersal towed fishing gear over the South Australian Scheduled Wreck off Lundy Island, North Devon.



The boxed area that is coloured **red** in the example Annex (left), and enlarged below, will not be accessible for the use of demersal mobile fishing gear.



The Annex, to be produced, will include a list of four co-ordinates to set out the extent of the closed area – the wreck site.

## 6. Introduction of Amended Permit Conditions

Subject to the decision making of the B&PSC, officers will draft amended permit conditions and prepare new Annexes. Amending permit conditions and issuing them is a time-consuming process, involving different officers with different contributions – drafting, Annex preparation, communication, and administration.

A meeting of the Inshore Potting Agreement Committee is scheduled soon, and the outcome of that meeting may result in the B&PSC having to consider further changes to the Mobile Fishing Permit Conditions, or a need to consult on further changes. Further to this and the recommendation in Agenda Item 9, officers will be determining the optimum time to introduce amended Category One Mobile Fishing Permit Conditions and updated Annexes. As highlighted in the background information, there is an expectation that necessary management measures for commercial fishing activities are implemented for MCZ areas by the end of 2024. Action will therefore be taken as soon as possible.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

## Background Papers

Report: Development of the Mobile Fishing Permit Byelaw 2022 - A Summary of Responses from the Formal Consultation on the Proposed Byelaw (and Permit Conditions) – 14<sup>th</sup> February 2023.

B&PSC - Officers' papers and minutes of meetings – [Section B of D&S IFCA website Resource Library](#).

End.