

Amendments to the Current Category Two Permit Conditions - Mobile Fishing Permit Byelaw

Officers' Recommendation

That current Category Two Mobile Fishing Permit Conditions are amended as summarised in this officers' paper.

1. Background

As highlighted in the September 2024 B&PSC meeting, there is a continuing delay regarding the implementation of the Mobile Fishing Permit Byelaw 2022. The delay has impacted on the timely introduction of changes to management measures through new permit conditions that would function with the new Byelaw.

The B&PSC has recognised this delay by agreeing to implement, where possible, some agreed changes to management, within current permit conditions. The existing Mobile Fishing Permit Byelaw defines estuary areas, and enables a Category Two Permit to be issued to regulate mobile fishing activity in defined estuary areas. Mobile fishing is prohibited in all estuaries, unless access is provided by a Category Two Permit, with conditions. The current Category Two Mobile Fishing Permit Conditions reference four areas for potential access – the Exe, Teign, Dart and Salcombe Harbour; however, fishing activity in the public areas of the Teign are not managed via any conditions, the permit conditions just prohibit the use of mobile gear in the public areas. The current conditions state that:

No mobile gear can be used in the Teign Estuary¹ except that;

- a. the area defined by The River Teign Mussel Fishery Order 1966 as varied by The River Teign Mussel Fishery (Variation) (Oysters) Order 1996 set out in Annex 2 is not covered by the Mobile Fishing Permit Byelaw.

D&S IFCA formally consulted (25th November 2022 to 20th January 2023) on amended Category Two Permit Conditions. The advertised Category Two Permit Conditions did not include the Dart and the Teign. The removal of the Teign and Dart from the Category Two Permit Conditions was highlighted in the Impact Assessment, used for formal consultation as set out below.

Extract from the Impact Assessment (in purple font)

The Teign Estuary

The Teign has no designations from an environmental perspective and no activity in the Teign Estuary has been authorised via the current Category Two Permit Conditions as there is no fishing in the public areas. Activity can only take place in the area defined by The River Teign Mussel Fishery Order 1966 as varied by The Mussel Fishery (Variation) Oysters Order 1996. The Authority has no management responsibilities for this area (private fishery) that would result in conditions needing to be placed in a Category Two Permit. Therefore, mobile fishing activity remains prohibited in the public fishery in the Teign Estuary.

¹ Estuary limits defined in the Mobile Fishing Permit Byelaw

The Dart Estuary

The limited use of one mussel dredge by a vessel below seven metres overall length is currently authorised in the Dart Estuary in existing Category Two Permit Conditions. Conditions include the following:

- No fishing is authorised on bank holidays
- No fishing is authorised on weekends
- Fishing is only authorised between 0800 hrs and 1800 hrs local time
- Fishing is authorised between 1st October and 31st March inclusive

The above restrictions originated from stand-alone byelaws inherited from Devon Sea Fisheries (DSF). The restrictions were transferred into the Mobile Fishing Permit Byelaw (Category Two Permit Conditions) and the legacy measures were revoked. As the conditions were developed from inherited measures, no formal environmental assessment was undertaken.

Since 2014, no fishers have taken advantage of a Category Two Permit to dredge (with conditions) for mussel in the Dart. In 2019 the B&PSC discussed an Officers' planning paper and concluded that conditions relating to mussel dredging in the Dart Estuary be removed from any re-made Permits. Therefore, mobile fishing activity will be prohibited in the Dart Estuary.

The permit-based model provides flexibility and if there was a future desire for a fisher or fishers to conduct the activity, then a new assessment could be conducted to investigate any impacts it may have within the estuary and the Authority could examine the potential for the activity to re-commence (as per a review and changes to the Category Two Permit Conditions).

2. Objections and Managing Objections

One objection was received in the formal consultation (28th November 2022) relating to advertised changes to Category Two Permit Conditions, specifically relating to the conditions of use for mussel harvesting in the Exe Estuary. The objection relating to the size of vessel (9.99m) authorised to use an Elevator Harvester. On 23rd February 2023 the B&PSC discussed this objection and agreed to increase the size of vessel (for use in the Exe) to 14.99 metres. Officers corresponded with the stakeholder to explain how their objection had been managed, including drafting work to define an Elevator Harvester and the specification of the equipment, rather than a broader phrase *“the elevator harvester is of a design and specification approved by the Authority in writing”*.

3. Salcombe Harbour – Scallop Fishery

For the reasons set out in Agenda Item 7, the intention of officers is to temporarily remove the conditions of use for the Salcombe scallop fishery from the Category Two Permit Conditions and relocate them in the Category One Permit Conditions.

4. The Amended Category Two Mobile Fishing Permit Conditions

The only estuary managed by a Category Two Permit, for now, will be the Exe Estuary. The Category Two Permit Conditions can include appropriate definitions, for example “Elevator Harvester” and “Mussel” that are not set out in the current Byelaw, as the Byelaw is the framework for implementation of the management measures, not something which details the management measures.

As well as appropriate definitions, the amended Category Two Permit Conditions will include wording to the effect that that the elevator harvester cannot be used if:

- the maximum width of the conveyor exceeds a width of 1.4 metres; or
- where a blade is attached to the front of the conveyor the width of the blade exceeds one metre.

A new Annex will be created to accompany the Permit Conditions. The Annex will differ to the currently issued Annex, and rather than showing prohibited areas within the Exe Estuary, it will set out coordinates and demonstrate where the activity is authorised as shown in the example below:



*www.ukho.gov.uk/copyright

All Positions are expressed in degrees, decimal minutes (DDM) and shall be measured according to the WGS84 Geographic Co-ordinate System

Access Area for fishing with an elevator harvester for the removal of mussel in the Exe Estuary in the D&S IFCA District outlined by the following points plotted sequentially from Point 1 to Point 29 and returning to Point 1.

Point Number	Latitude	Longitude
1	50° 37.574 N	003° 26.357 W
2	50° 37.574 N	003° 26.135 W
3	50° 37.293 N	003° 26.177 W
4	50° 37.208 N	003° 26.307 W
5	50° 36.917 N	003° 26.253 W
6	50° 36.831 N	003° 26.184 W
7	50° 36.785 N	003° 26.048 W
8	50° 36.762 N	003° 25.914 W
9	50° 36.942 N	003° 25.675 W
10	50° 37.062 N	003° 25.857 W
11	50° 37.124 N	003° 25.704 W
12	50° 36.986 N	003° 25.466 W
13	50° 36.942 N	003° 25.082 W
14	50° 36.908 N	003° 24.943 W
15	50° 36.690 N	003° 24.542 W
16	50° 36.531 N	003° 23.984 W
17	50° 36.358 N	003° 23.353 W
18	50° 36.197 N	003° 23.979 W
19	50° 36.531 N	003° 24.471 W
20	50° 36.774 N	003° 24.996 W
21	50° 36.879 N	003° 25.236 W
22	50° 36.917 N	003° 25.377 W
23	50° 36.850 N	003° 25.554 W
24	50° 36.681 N	003° 25.884 W
25	50° 36.644 N	003° 26.164 W
26	50° 36.695 N	003° 26.308 W
27	50° 36.952 N	003° 26.605 W
28	50° 37.228 N	003° 26.683 W
29	50° 37.386 N	003° 26.338 W

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers

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

[Impact Assessment](#) (proposed Mobile Fishing Permit Byelaw 2022)

End.