



# Byelaw & Permitting Sub- Committee Meeting

Draft Minutes from 27<sup>th</sup>  
February 2025

## Version Control and Drafting

Date	Comments
Version 0.1 19 <sup>th</sup> March 2025	1 <sup>st</sup> 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 3 <sup>rd</sup> April 2025	Additions by CO Mander and DCO Clark
Version 0.3 4 <sup>th</sup> April 2025	Track changes accepted. Draft minutes 0.3 circulated to Members for comments.
Version 0.4 23 <sup>rd</sup> April 2025	Comments received by Chair of B&PSC and Mike Williams recognised in Version 0.4. Draft minutes 0.4 published on D&S IFCA website.

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## Minutes of the Byelaw and Permitting Sub Committee Meeting

Held at Exeter Racecourse on 27<sup>th</sup> February 2025

**Present:** Dr Emma Bean (Chair) Professor Mike Williams Wayne Thomas  
Felicity Sylvester Dr Pamela Buchan Charlie Ziemann  
Jon Dornom Guy Baker Mark Day  
Didi Alayli Simon Thomas Cllr Alistair Dewhurst  
Neil Smith (Marine Management Organisation)  
Jasmine Rix (Natural England)

**Officers** Chief Officer (CO) Mat Mander, Deputy Chief Officer (DCO) Sarah Clark, Principal Policy Officer (PPO) Neil Townsend.

**Observing:** Kate Sugar (NE), Carli Cocciardi (Devon Wildlife Trust)

### **Introduction:**

The Chair welcomed everyone to the meeting, including the visitors observing the meeting.

### **Agenda Item 1**

#### **Apologies for Absence**

PPO Townsend informed Members that apologies had been received from Simon Toms (Environment Agency), Dave Saunders, and David Morgan.

### **Agenda Item 2**

#### **Declaration of Interest**

Jon Dornom and Charlie Ziemann highlighted to members that they have an interest in the action items (Agenda Item 6 and 7). CO Mander explained that he had considered the declared interests and determined that it would be appropriate for those Members to be able to take part in the relevant discussion and vote on motions arising from those discussions. Regarding agenda item seven, CO Mander highlighted that the decision of the B&PSC would not amend management measures, only to determine what may be subjected to formal consultation.

### **Agenda Item 3**

#### **To consider and approve the draft minutes of the B&PSC meeting held on 5<sup>th</sup> December 2024.**

PPO Townsend explained that some corrections to grammatical errors had been provided by the Chair and Vice Chair of the B&PSC prior to the meeting and already applied in draft version 0.4 of the meeting minutes. The Chair invited those who were present at the last meeting to raise any issues associated with the accuracy and substance of the draft minutes (version 0.4) from the December B&PSC meeting and the minutes were examined page by page. Pamela Buchan highlighted two spelling errors on pages three and five. Pamela Buchan highlighted the first paragraph on page eight and asked that additional wording be entered to reflect her suggestion about tags being their own point of discussion in any consultation. There were no other comments or suggested amendments highlighted by any other Members. PPO Townsend noted the amendments to be applied.

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

<b>Proposed:</b>	<b>Mike Williams</b>	<b>Seconded:</b>	<b>Charlie Ziemann</b>
<b>In favour:</b>	<b>13</b>		
<b>Against:</b>	<b>0</b>		
<b>Abstain:</b>	<b>1</b>		

**Agenda Item 4:**

**Matters requiring urgent attention.**

The Chair consulted with the Chief Officer 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 consulted with the Chief Officer and there were no questions or comments from members of the public for the meeting.

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**Agenda Item 6:**

**Changes to Category One Mobile Fishing Permit Conditions**

The Chair asked CO Mander to introduce the agenda item.

**Presentation**

CO Mander highlighted the decision making of Members in December 2024, with the B&PSC agreeing to undertake formal public consultation with a view to re-open an area (Area C – D&S IFCA Annex 5a, and also known locally as the ‘Corridor’ of the Inshore Potting Agreement (IPA) chart) to demersal mobile fishing between 1<sup>st</sup> March and 31<sup>st</sup> March inclusive.

CO Mander highlighted the background information relating to decision making of the IPA Committee and that the B&PSC has demonstrated its support for the long-standing fishing gear conflict management resolution system that exists. CO Mander explained that the Marine Management Organisation had already amended the Licence Condition to allow access; however, as the site is co-managed, it is for the B&PSC to determine if the Permit Conditions should be amended to allow access and align management measures. CO Mander highlighted that D&S IFCA’s management measures are now more restrictive than national legislation, however, as discussed in December 2024, aligning legislation is not the only consideration with a view to amending the Permit Conditions. CO Mander stated that the B&PSC had to be satisfied that, in opening the specific area, D&S IFCA could demonstrate delivery of its statutory duties, and that undertaking formal public consultation and consideration of objections received was part of the process.

CO Mander explained that Annex A (consultation report) had documented how the formal public consultation had been undertaken and set out a total of seven objections that had been received. CO Mander said that the Officers’ paper had examined the key points of objection, including those received from organisations (Natural England, Devon Wildlife Trust, and Wembury Marine Conservation Area Advisory Group), and individual stakeholders. CO Mander highlighted that although the objections raised several points of concern, it was the Officers’ view that no new information had been put forward that was unknown to the B&PSC when

Members agreed to consult with a view to opening the area. Therefore, the recommendation from Officers to the B&PSC was to re-open the area in question as proposed in the formal public consultation.

### *The Objections and Questions*

CO Mander proceeded with the presentation to set out the key points of objection from each of the respondents in turn. Due to the complexity of the subject matter relating to collated evidence, survey work, the extent of features, the designation of areas, and conservation objectives, CO Mander and DCO Clark provided extended background explanations surrounding the points made in the Officers' paper. This extended to how D&S IFCA is discussing, and plans to continue discussing, Measures of Equal Environmental Benefit (MEEB) with Defra and NE.

CO Mander highlighted the views of Natural England, and the points made regarding a Condition Assessment undertaken in 2023. Jasmine Rix commented on the 2023 Condition Assessment and asked DCO Clark additional questions about MEEB, and the view taken by Defra. DCO Clark responded and informed Members that Defra is looking at legal advice to see if it can be applied to fishing activity as it does to other marine activity. Pamela Buchan asked when the findings of the MEEB discussions would be presented to Members. DCO Clark said that D&S IFCA is preparing a submission to Defra and that Members would be updated during 2025/2026.

Regarding the response from Natural England, Didi Alayli raised concern that Cefas had undertaken survey work, with the findings informing NE, and that opening of the site would be contradicting this scientific advice. CO Mander informed Members that Cefas are generally considered to act as the scientific lead, however their mapping work is broad scale. CO Mander explained to Members that a lack of confidence in the mapping led to D&S IFCA undertaking its own higher resolution mapping. CO Mander explained that although Natural England use the data provided by Cefas, D&S IFCA has challenged the accuracy of it. Simon Thomas and Mark Day informed Members about their own knowledge and experiences of habitat mapping, and deficiencies that can exist with a broad scale approach and modelling of that data.

The Chair highlighted to Members that the difference in views between Natural England and D&S IFCA were known to Members before agreeing to formally consult on the re-opening. The task for Members was to determine if any new information or evidence would change the view of Members.

In response to Pamela Buchan, DCO Clark provided more detail regarding site designation, assessment work, closures based on the precautionary principle, the locations of reef and coarse sediment, the changing conservation objectives and connectivity between areas that are closed to demersal mobile gear. Pamela Buchan, Cllr Dewhirst, Didi Alayli, Jon Dornom, Mark Day asked other detailed questions relating to the topic which were addressed by DCO Clark.

Mark Day said that D&S IFCA must consider social and economic impacts as well as conservation impacts. Mark Day highlighted the spatial squeeze on the mobile fishing fleet. In response to a question by Wayne Thomas, Mark Day informed Members that the area provides a lucrative fishing opportunity for 31 days of the year, and does so year after year. Mark Day also highlighted the expectations of the mobile fishing gear sector to see the area re-opened. Mark Day highlighted the reasons for the yearlong closure had been to improve compliance with the conflict resolution system. The closure for one year had the support of the industry on the basis that it could be re-opened if compliance improved; therefore, trust between the industry and D&S IFCA would be lost if the area remained closed.

CO Mander moved on to the response from Devon Wildlife Trust (DWT), highlighting that this organisation favours a 'whole site approach' and that in their view all demersal mobile fishing gear should be prohibited within Marine Protected Areas (MPAs). CO Mander informed Members that a whole site approach has potential benefits as it would remove some complexity regarding zonal management measures. However, D&S IFCA is managing fishing activity with a 'feature-based approach' which was following the advice and approach provided by Defra to all IFCAs. CO Mander informed Members that there are regular calls from NGOs to the UK Government to adopt a whole site approach, but that at this time it is feature based with areas designated to protect different habitats and species.

CO Mander highlighted that DWT (and other conservation groups) may not be aware of the management measures that have applied for many years, allowing seasonal and zonal access for mobile fishing vessels, with the IPA areas a mechanism to reduce gear conflict. In addition, DWT (and other conservation groups) may not be aware that the Start Point to Plymouth Sound and Eddystone SAC, and the Skerries Bank and Surrounds MCZ were designated because of the favourable conditions of the site features at time of designation. This was because of fisheries management in place (that allows zonal and seasonal access), not despite of it.

CO Mander confirmed that, as expressed by DWT, D&S IFCA does have financial constraints, and that enforcement work can be challenging; however, D&S IFCA makes best use of technology to support its management measures. CO Mander explained that in 2018 D&S IFCA introduced IVMS on mobile fishing vessels and this has improved its ability to monitor mobile fishing gear vessels operating in the District, including the Inshore Potting Agreement areas. CO Mander commented that building trust between regulators and fishers, and promoting self-compliance is important. The area was closed to recognise the decision of the IPA Committee regarding a desire to promote compliance with spatial management, not to close the area based on conservation objectives.

CO Mander referred to the section of the response by DWT that highlighted the Marine Management Organisation's (MMO) Impact Evidence – Bottom Towed Gear (report). CO Mander informed Members that the evidence is generic and less applicable to highly dynamic environments such as found in the Corridor/Area C that it was proposed to re-open. CO Mander added that despite the statement in the MMO report, the MMO had already changed the licence condition to allow demersal mobile fishing vessels to access the area, with fishers expecting to access area on 1<sup>st</sup> March 2025. It was now only D&S IFCA's Mobile Fishing Permit Conditions that would need to be amended to allow access.

Mike Williams commented that the IPA Chart (management for access) that is influenced by discussions between fishing sectors is a nationally and international recognised gear conflict resolution system. Whilst D&S IFCA must undertake its own decision-making process, it would be potentially damaging to undermine the decisions taken by the IPA Committee. Mike Williams said that D&S IFCA welcomes stakeholder engagement and values the responses received in the formal public consultation. Mike Williams said that Members should apply their own weighting to their considerations; however, in his view he would support the re-opening based on the following:

- a) the Corridor was not closed in 2024 for conservation reasons;
- b) there is no new information in the objections that Members were not already aware of;
- c) the designation of the MPAs were made knowing that fishing activity takes place;

- d) a continuing closure would result in potential lost trust between D&S IFCA and the fishing sectors;
- e) evidence should be persuasive and conclusive and Cefas data and conclusions by Natural England are based on excessive modelling.

Mark Day and Simon Thomas echoed the views of Mike Williams in terms of potentially damaging relationships between D&S IFCA and the fishing industry, if the area was not to re-open as proposed.

CO Mander explained to Members that as set out in the formal consultation report, the Wembury Marine Conservation Area Advisory Group (WAG), raised points of objection similar to those of DWT. CO Mander highlighted that WAG also favour the whole site approach, already discussed by Members. CO Mander said that unless any Member had a new point of discussion, he would move on to the objections provided by individual stakeholders.

CO Mander said that D&S IFCA has to try and balance the needs of a range of stakeholders, and welcomed the views of all stakeholders. CO Mander went over the points made in four objection responses received, that were all provided by people with an interest in angling, including the following points:

- the opening would represent a concerning precedent;
- the opening would negatively impact on the static gear fleet;
- the area is environmentally important;
- the area (Skerries Bank) is critically important to recreational fishers;
- the opening would result in a significant take of flat fish and negatively impact anglers.

CO Mander highlighted that it was encouraging that D&S IFCA's communications are reaching a wide audience and that as part of these communications, all stakeholders that had responded would be sent the formal consultation report and the Officers' paper that had addressed the points made. CO Mander said that Members could ask questions or add to the points already made by Officers.

Mark Day said that in respect to catches of flat fish, most fishing activity that will occur in the Corridor would be scallop dredging. Cllr Dewhurst asked if the IPA Committee included representatives of other fishing activity and conservation interests. CO Mander confirmed that the IPA Committee only consisted of representatives of the mobile gear sector and the potting sector. Pamela Buchan suggested that in the future the IPA Committee could expand its membership. DCO Clark highlighted that the focus for the IPA Committee is conflict resolution between the mobile fishing and static gear sectors, and that D&S IFCA and the MMO help to facilitate discussions.

Jon Dornom commented that commercial fishermen in D&S IFCA's District are highly regulated, and that many fully support a need for conservation, but there needs to be balance. It was the view of Jon Dornom that the IPA areas have been fished by generations of fishers, and the way the fishers have worked the site (to avoid gear conflict) has generally worked very well. Jon Dornom said he would support the re-opening and would propose this as a motion.

#### **Decision Making:**

***That the area of the Inshore Potting Area known as 'the Corridor'/Area C is reopened to demersal towed gear during March (1<sup>st</sup> March to 31<sup>st</sup> March inclusive).***

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

*There were no amendments put forward.*

**In favour:** 12  
**Against:** 1  
**Abstain:** 1

.....

**Agenda Item 7:**

**Options for Management Measures for Inclusion in Formal Public Consultation on Proposed Changes to Potting Permit Conditions**

The Chair asked CO Mander to introduce the agenda item.

**Presentation**

CO Mander explained that Officers had prepared two papers to work together, the Officers' paper (agenda Item 7) that included the Officers' recommendation, and a discussion presentation.

CO Mander said that the discussion presentation reflected the request by Members in December 2024 for Members to be provided with greater information, in particular, analysis of the current potting fleet operating in the District. CO Mander highlighted that the discussion presentation set out the four main concerns that had been identified to date by Members, as well as those being raised by operators of pots in port meetings and the pre-consultation.

1. There is a need to safeguard existing operators against increased levels of effort being applied, in particular from the vivier fleet being displaced from Cornwall and offshore grounds.
2. There is a need to consider the current levels of effort being applied to the fishery.
3. There is a desire for managing the two coasts of the District differently to reflect the different fisheries and how fleets operate.
4. There is an interest in localised measures being applied within the coastal belt around the District, including steps being taken to protect smaller scale fishing activity and to reduce conflict between commercial and recreational fishers.

CO Mander explained that the discussion paper and presentation provided different options for management with a view to addressing one or more of these concerns, with each having different levels of impact on existing operators. CO Mander highlighted that it was important that Members recognised that the decision making related to what option or options would be set out in a formal public consultation, with a view to changes to Potting Permit Conditions, rather than a new or re-made Byelaw. CO Mander highlighted that there would be opportunity for Members to discuss each option and examine the strengths and weaknesses that apply to each option. Following the presentation, CO Mander said that Members could consider the Officers' recommendation in the Officers' paper to formally consult on capping the number of pots that can be operated by a commercial potting vessel. CO Mander said that the presentation allowed for the topic to be broken up into smaller sections.



### **Introduction Section:**

CO Mander talked Members through the opening slides, which included the main points for consideration, broad statistics on the potting fleet, locations of fishing activity, numbers of potting vessels, size of potting vessels, home ports of vessels, and landings data. Pamela Buchan, Didi Alayli, and Guy Baker asked questions relating to the sources and scope of landing data. CO Mander and DCO Cark highlighted that some of the data was sourced from the Marine Management Organisation (MMO), which can be challenging to acquire as it involves Freedom of Information requests. CO Mander highlighted that Cornwall IFCA, has a richer data set for vessels in its own District, made possible by their greater resources to manage their own data collection. CO Mander said that D&S IFCA must instead rely on the MMO and the Catch App for much of its data needs. Jon Dornom and Charlie Ziemann commented that fishermen provide the MMO with lots of data, and it is surprising that data sharing is so poor between regulators and this must be resolved. CO Mander agreed, but said that at this time there was no progress in resolving data sharing with the MMO.

CO Mander progressed through the presentation highlighting the Principles, Considerations for Action, and Impact of Action slide. CO Mander explained that “low impact” is where Officers had considered what impact there would be on existing operations in the District resulting from potential implementation of the different options. CO Mander said that when considering the options for management to present to Members for their consideration, Officers had also considered how the different options potentially address all four main points, with pot capping remaining as the Officers’ recommended option and would be the first option to be discussed.

### **Option 01 - Pot Capping:**

CO Mander talked Members through the first option (Option 01 Pot Capping), explaining how the measure would recognise a desire for managing the two coasts of the District differently, with different levels of pot capping set for the different coasts, with different levels of capping applied for different fisheries (crab and lobster and the whelk fishery).

CO Mander highlighted that there is an emerging scallop pot fishery that may need management, therefore the pot capping for crab and lobster pots would include scallop pots. CO Mander explained that Officers had used best available evidence to establish the levels of current effort being applied in the District, and used a focussed survey to seek up to date information from operators thought to be using over 1000 pots in the District. CO Mander highlighted the graphs of current effort and the types of potting vessels and lengths of potting vessels applying most effort. CO Mander said that some of the data had changed since December 2024, with pot numbers now reflected in the revised pot capping levels being recommended.

CO Mander said that based on best available information (declared pot numbers), the introduction of pot capping at the suggested levels (a total of 2100 pots that can be operated in the District) would not impact on any existing operator, and the cap of different types of pot also recognises the gear already in use. CO Mander emphasised that this option would produce a benefit of limiting existing effort in the District, and would safeguard the existing fleet against increased effort being applied by any vessel already operating in the District or any new vessels (new permit holders) coming into the District to work pots.

After highlighting the strengths of this option, CO Mander talked through the weaknesses, that in the view of Officers mainly consisted of administration burden and some disruption to fishers having to tag pots and maintain tags. CO Mander also highlighted that unlike pot reduction (another option), pot capping does not

reduce effort of the existing fleet or new entrants, so may not meet the expectations of some stakeholders concerned about the current levels of effort being applied to the fishery.

### **Discussion and Questions – Option 1: Pot Capping:**

Felicity Sylvester asked for reassurance that no existing operator would have to reduce their current potting effort and be negatively impacted. CO Mander confirmed that this was the intention associated with Option (1), with the formal public consultation potentially providing further information about current gear levels.

Jon Dornom expressed his concern that pot capping, that includes the use of tags, could not be effectively policed. Jon Dornom's view was that this would be impossible to enforce with D&S IFCA's limited resources, it involved too much administration and be too much of a burden on fishers fitting tags. CO Mander disagreed and explained that not all vessels would require tags, only those that work over 1000 pots and that D&S IFCA would be following other regulators, including other IFCA's, who have successfully implemented pot tagging involving high numbers of pots. CO Mander highlighted that D&S IFCA already has some experience using tags on a smaller scale, for example with recreational potters working in the District. CO Mander stated that it was quite possible to provide different vessels with unique tag numbers, and over time there may be opportunity to consider different types and colours of tags. CO Mander accepted that the use of tags may not be perfect in the first instance, but is a good starting point with technology (IVMS & REM) potentially supporting the approach further in the near future.

Jon Dornom stated that in his view the use of IVMS to go with pot capping would not work as IVMS would not show what a vessel is doing. Jon Dornom said that pots in 70 metres of water could never be hauled by D&S IFCA Officers, also how would fishers ever find the time to fit the tags, even if D&S IFCA did pay for the tags. CO Mander said that IVMS can be used effectively to identify fishing patterns with the signature of a potting vessel hauling and shooting gear fairly easy to identify. IVMS, as well as more typical intelligence gathering, could help officers to identify higher risks of non-compliance and the targeting of vessels for inspection. CO Mander said that pots could be checked when hauled by the fishing vessels, with Officers on board.

Jon Dornom said that the use of technology (REM) is too far away for him to accept that pot tagging could work. Jon Dornom said that fishing patterns can change, and would not be identifiable as claimed, and also the South Devon and Chanel Shellfishermen Ltd have already informed him that they would not support pot capping. CO Mander informed Members that his confidence in using tags comes from other regulators reporting how they have used tags effectively; however, he and Jon Dornom would have to agree to disagree.

Cllr Dewhirst enquired about the types of tags that could be used, for example RFID tags, and asked questions relating to tags being lost, found and replaced. Cllr Dewhirst suggested that if Members had concerns about tags would it be possible for the CO to get addition information from other regulators to inform Members. CO Mander confirmed that he could obtain further information from the regulators that do use tags in higher volumes, however this will involve more time and delaying formal consultation.

Pamela Buchan said that the use of tags potentially should be its own point of discussion and potentially a separate item in a consultation. Pamela Buchan said that it does not sound like D&S IFCA had all the tools needed to make pot capping a success. The CO informed Members that pot capping would not be possible without the use of tags, so would be part of the explanation if consultation was undertaken on pot capping.

Mark Day said that pot capping inside the District would impact the inshore vessels. Mark Day stated that pot capping will not prevent potting vessels with vivier tanks from working pots in the District and working many more pots outside of the District. CO Mander confirmed that is correct, however the option of pot capping is to avoid disproportionate increases in pots being applied to the fishery by any type of vessel. CO Mander said that the portrayal of vivier vessels working excessive amounts of gear in the District is wrong and highlighted that the largest effort currently being applied in the District is not by vessels fitted with integral vivier tanks.

Jon Dornom raised concern that the discussion and options were too far away from the original objective to prohibit vessels with vivier tanks from working in the District. Jon Dornom said that even if limited by pot capping, the vivier vessels could come into the District work, then work outside on a repeating pattern. CO Mander responded by saying that vivier vessels were already part of the existing potting fleet and they may choose to operate inside and outside of the District, but should they be singled out if they operate in this way?

CO Mander highlighted the concerns raised about current levels of effort and said that a prohibition on a vessel fitted with large integral vivier tanks would not prevent a large multi hulled vessel fishing in the District and expanding their use of pots, with one 10 metre catamaran vessel already working 1,700 pots. Jon Dornom responded that these vessels would still need to come into port each day whereas a vivier vessel could operate 24/7 for days.

With no other questions or comments on pot capping, CO Mander introduced the other options for management.

#### **Option 02 & 02(a) – Reduction of Pots/Percentage Reduction of Pots:**

CO Mander highlighted the strengths and weaknesses associated with the potential introduction of pot reduction. CO Mander highlighted that reducing pot numbers would reflect one of the main points set out in the Officers' paper; however, a significant reduction by a few vessels would be needed to result in a significant percentage drop in total effort district wide. Didi Alayli said that in her opinion this option had merit, in terms of addressing concerns about a decline in pot fisheries. DCO Clark highlighted the table of impact of pot reduction and the effect this would have on business (the impact on crew and families of existing operators). CO Mander said that Officers had also explored the option of a percentage reduction in pots, but this becomes a nonsense at lower levels of existing effort. With no other questions relating to options for pot reduction, CO Mander moved on to Option 03.

#### **Option 03 – Prohibiting Vivier Vessels:**

CO Mander highlighted an error in the Officers' papers and discussion presentation and confirmed that there were only five vessels (not six) with integral tanks exceeding a volume of two cubic metres that had permits to fish in D&S IFCA's District. In terms of effort applied, and the potential impact on these vessels from being prohibited from the District, CO Mander said this could be viewed in different ways. These existing vivier vessels with permits work very few days in the District, so it could be argued that they would not be heavily impacted by a prohibition. On the other hand, CO Mander questioned what level of risk, if any, these vessels pose at this time regarding working excessive amounts of gear in the District. In terms of introducing a prohibition on vessel type CO Mander highlighted that D&S IFCA does not exclude more efficient and capable mobile fishing vessels from operating within the District, rather all mobile fishing vessels are regulated by the

management measures set out in the permit conditions when fishing in the District. CO Mander provided an example stating that all scallop vessels can only work a total of 12 dredges when working within the District. CO Mander said that a prohibition would align with CIFCA's proposed byelaw, it would potentially be easier to enforce than pot capping, but had weaknesses as set out in the presentation, including being potentially challenging to introduce as Permit Conditions.

Felicity Sylvester favoured aligning with CIFCA and asked questions about the situation in Cornwall. CO Mander informed Members about the differences that exist, including the size of vessels operating pots, with no vessels other than those with vivier tanks exceeding 12 metres in length in Cornwall's District

Cllr Dewhirst commented that although Members are examining different options, he assumed that more than one option could be selected for formal consultation. CO Mander confirmed that was correct. Didi Alayli said that the different options have merit, in particular when considering the health of the fishery. CO Mander added that there are a range of factors that have influence on the health of stocks, for example the recent influx of octopus. DCO Clark expanded on different factors, such as natural environmental shifts, temperature changes, stating that there can be a seven-year delay before some influencing factors take effect. In response to Cllr Dewhirst, CO Mander said that there is not always a direct link between a decline in stock and effort applied.

Cllr Dewhirst commented that regardless of what is causing a reported decline, the management measures, potentially a combination of them, can potentially stop things getting worse. CO Mander agreed and said that the Officers' recommendation of pot capping is a precautionary type of measure; and it is for Members to determine if that option, or another option, or a combination of options, best meets the four main points of concern. After consulting with Members, it was agreed that the remaining options presented, including size of vessels, seasonal closure, zonal management, and days at sea did not need further explanation and were not appropriate options for inclusion in a formal public consultation.

Mark Day asked CO Mander to highlight the four points of concern once again. CO Mander returned to slide two to provide these. Mark Day suggested that Members focus only on point number one, that being, there is a need to safeguard existing operators against increased levels of effort being applied, in particular from the vivier fleet being displaced from Cornwall and offshore grounds. Mark Day said that this is the main issue, was the original point of concern, and the other three points have less importance.

CO Mander informed Members that he had helped draft the Potting Permit Byelaw and to create the Impact Assessment that accompanied it when it was formally advertised in 2014 and that the Impact Assessment set out the objectives of the Potting Permit Byelaw. CO Mander raised concern regarding fishers trusting D&S IFCA's approach to management as in his view the intention of the Potting Permit Byelaw was not to prohibit a specific type of vessel using the Potting Permit Conditions years after its implementation. CO Mander said that if Members determined a prohibition was to be the chosen option, a re-made Byelaw may be the more appropriate route to follow.

Mike Williams said that prior to the B&PSC meeting, he and the Chair of the B&PSC had examined the scope of the Potting Permit Byelaw and determined that the Potting Permit Conditions could be amended to prohibit vessels fitted with large integral vivier tanks from operating in the District. Mike Williams said that the intention of the current Byelaw, as set out in the Impact Assessment was not relevant. The Chair added that the vivier vessels had only begun fishing recently (acquired permits), and fishing within the District and these vessels

would be less reliant on fishing in the District for their income. It was Mike Williams' view that these factors would lower the risk of challenge.

Jon Dornom said that he favoured a total prohibition on vivier vessels (with a large integral tank), as these are "industrial" vessels that work thousands of pots, and these vessels will soon flood into the District, especially if the crab catches increase. Jon Dornom said that even a limit of 2000 pots would not stop the vessels fitted with large vivier tanks coming into the District and working around the clock, both inside and outside of the District. Jon Dornom said that the larger vessels have superior on board facilities, such as washing machines, and would not need to land their catch each day. Jon Dornom said that it was important to recognise the one vessel which has a smaller vivier tank and that this vessel should not be prohibited from fishing in the District. Although the presentation highlighted this vessel as potentially having a tank of less than two cubic metres in volume, Jon Dornom advised that it may not be less than two cubic metres in volume and that this should be clarified. Mark Day agreed with the points raised by Jon Dornom and said that prohibiting the vivier vessels (over two cubic metres in volume) is the main point of concern.

Didi Alayli said that she was surprised that the information provided to Members did not include data on the state of the crustacea stocks, in particular over the last five years. CO Mander explained that it was impossible for Officer to provide all information, and DCO Clark reported that data had been presented in previous B&PSC meetings. CO Mander provided a general response by stating that lobster is good, whelk is stable, but there is a decline with brown crab. CO Mander added that there are a range of factors that influence the state of stocks.

Pamela Buchan stated that her favoured option would be a "tank" related restriction; however, she was also interested in broader options, including potential limitation of permits, or how grandfather rights could potentially be applied.

CO Mander said that limiting permits would not align with principles agreed by the B&PSC in 2024. PPO Townsend said that some questions, for example the issuing or not issuing of permits, suspending permits, grandfather rights, what is or what is not possible to legally draft, are hard questions to answer without time to prepare before the meeting and that some things may not even be possible to achieve. PPO Townsend said that Officers had examined the four points of concern in depth, and relevant factors relating to these and a range of background information. Based on this work, Officers continued to recommend the introduction of pot capping and therefore the Officers' paper included rationale supporting this approach, as compared to the other management options set out in the discussion presentation.

Mike Williams said that if Members determined a prohibition on vivier vessels was their preferred option, the matter could be discussed by D&S IFCA's Byelaw Technical Working Group (BTWG). The Chair said that if the B&PSC favour a prohibition, the BTWG could determine if formal consultation should go ahead with a view to amending the Potting Permit Conditions, or as part of a re-made Potting Permit Byelaw.

### **Decision Making:**

***That the Authority formally consults on the proposal to prohibit the use of vessels in the District that are fitted with integral, below deck level, tanks having a volume of more than 2m<sup>3</sup>.***

**Proposed:**

**Mark Day**

**Seconded: Wayne Thomas**

Mike Williams put forward an amendment as follows:

***That following the recommendations of the BTWG, D&S IFCA consults on the appropriate management mechanism to prohibit the use of vessels in the District that are fitted with integral, below deck level, tanks having a volume of more than 2m<sup>3</sup>.***

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

**In favour (of the amendment):                      14 (all)**  
**Against (the amendment):                              0**  
**Abstain:    0**

The Chair said that now the amendment was agreed, a vote was needed on the amended motion.

***That following the recommendations of the BTWG, D&S IFCA consults on the appropriate management mechanism to prohibit the use of vessels in the District that are fitted with integral, below deck level, tanks having a volume of more than 2m<sup>3</sup>.***

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

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

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### **Date of the Next B&PSC Meeting.**

PPO Townsend explained that the next B&PSC meeting would be expected to take place in late May or early June, and an exact date would be confirmed via email correspondence.

**End.**