



# Formal Consultation Report – Amendments to the Potting Permit Conditions

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## **A Summary of Responses from the Formal Public Consultation**

(25<sup>th</sup> April 2025 to 23<sup>rd</sup> May 2025)

**9th June 2025**

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## Version Control

<b>Version &amp; Date</b>	<b>Comments</b>
Version 0.1 – 30 <sup>th</sup> May 2025	1 <sup>st</sup> draft of report prepared. Internal review, additions, and editing.
Version 1.0 – 9 <sup>th</sup> June 2025	Report finalised for presentation to the Byelaw & Permitting Sub-Committee for use at their meeting on 26 <sup>th</sup> June 2025.

## 1. Foreword - This Report & its Purpose

This report (9<sup>th</sup> June 2025) has been prepared for Members of the Devon and Severn Inshore Fisheries and Conservation Authority's (D&S IFCA's) Byelaw and Permitting Sub-Committee (B&PSC) and for all stakeholders to examine via its publication on the D&S IFCA website.

This report is part of a package of information presented to the B&PSC. This report sets out a summarised account of the responses received – the views and opinions of those that responded. This report also documents how the formal consultation was undertaken. The consultation responses in full (with personal information removed) were made available for Members on the secure area of D&S IFCA's website.

The accompanying Officers' paper has recognised the content of the consultation response, along with other factors, and provides the B&PSC with advice how to potentially proceed with their proposal, as set out in the formal public consultation, regarding potential changes to the Potting Permit Conditions.

The proposal by the B&PSC, set out in the formal public consultation was as follows:

***A prohibition on potting vessels operating within the District for the purpose of fishing which are equipped with one or more vivier tanks below the uppermost continuous deck with a volume (in aggregate) that exceeds two cubic metres.***

The formal public consultation also set out an interpretation of a vivier tank.

***“vivier tank” means a tank or storage compartment used or capable of being used to contain live sea fisheries resources immersed in or dampened by water.***

This report includes extracts from selected responses to demonstrate the themes that emerged, and these extracts are set out in *purple font*. Every response<sup>1</sup> submitted in writing was acknowledged by Officers who also provided additional information in email replies.

## 2. Executive Summary of the Formal Public Consultation

As a percentage of those notified, there was a low response to the formal public consultation. Section 3 of this report explains how D&S IFCA's communications were undertaken. **Seventeen** written responses were received; although two of these were simply requests to be added to the mailing list or to be kept updated. This report therefore focusses on **fifteen** responses. Although it cannot be confirmed, it is likely that all responses were as a result of being made aware of the formal public consultation via direct notification by D&S IFCA.

Responses were received from **eight** commercial fishers working pots, with two of these responses from fishers based in North Devon. Only one of the previously identified five vessel operators that have permits and vessels equipped with integral tanks exceeding a volume of two cubic metres, responded to the formal public consultation.

The formal consultation did identify another vessel with a valid potting permit that was not previously known to have an integral tank exceeding two cubic metres. Although the tank is not used to store shellfish, this vessel would be prohibited from operating in the District, if the

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<sup>1</sup> Received by D&S IFCA by the closing date of 23<sup>rd</sup> May 2025 and one additional response received on 24<sup>th</sup> May 2025.

proposal (as set out), is implemented, and therefore the vessel operator objected to the proposal. This was one of the **two identified objections** to the proposal.

Other responses were received from industry representatives including the National Federation of Fishermen's Organisations (NFFO), the South Devon and Channel Shellfishermen Ltd (SD&CS). Other responses included those submitted by Dart Harbour and also environmental groups; Devon Wildlife Trust (DWT), Wembury Marine Conservation Area Advisory Group (WAG), and the Blue Marine Foundation (Blue).

There is support for the proposal with some responses offering simple messages of support for the proposal, but most provided additional information. Some of the additional information was not always related directly to the proposed prohibition. Several of those that support the proposal included a caveat to that support. Some responses are therefore better described as qualified support for the proposal, rather than in full support. SD&CS used the words "not opposed" within their response and the NFFO also highlighted that they have Members that both support and oppose the proposed changes.

From those objecting to the proposal and those offering qualified support for the proposal, some themes developed including:

- A need to consider an increase in the proposed tank size (or amendments to the wording of the permit condition) to avoid prohibiting a vessel operating with a vivier tank fitted, but not using the vivier tank to store shellfish.
- Concerns regarding protectionism within fisheries management and D&S IFCA's approach - using permit conditions (a gear restriction) to prohibit a vessel from operating, based only on its design.
- A need for D&S IFCA to consider the application of grandfather rights to protect vessels with vivier tanks that are already operating under a valid permit.
- The view that temporary exemptions should be available to allow vessels (with larger vivier tanks than would be authorised) to operate on a temporary basis as cover for another vessel having repairs or in a refit.
- A view that other measures should potentially be implemented by D&S IFCA such as pot limitation, regional management, and vessel size restrictions based on hull design.
- A view that D&S IFCA is not going far enough to harmonise with the measures Cornwall IFCA is trying to introduce in their new byelaw.

The content of the responses and the themes that emerged are set out in more detail in the next section of the report.

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## 2. The Response to the Formal Public Consultation

### 2.1 Identified Objections to the Proposal

The two responses, identified for this report as objections, were submitted by commercial fishers operating on the South Coast of Devon. Both work pots, with one also operating nets.

#### Objection (1) – An integral tank used for ballast:

This fisher operates an under ten metre vessel that is equipped with a tank and fishes solely within D&S IFCA's District on the South coast of Devon. The vessel operator supplied supporting information (MCA survey, and photographs). The stated tank capacity is 3.6m cubed; however, the tank is only used for ballast (stability) with water drained at the end of each working day to make the draft suitable for operating out of their home port. The catch of shellfish from fishing trips is stored in containers on the deck, and not within the tank. The vessel is restricted by its MCA Certification to limit fishing trips to a maximum of 24 hours and to have the opening to the tank sealed whilst operating at sea. The operator is aware that the proposal (as worded) would prohibit his vessel from operating within the District. The operator stated the proposal puts his business at risk, his investment could become worthless and the income for three individuals and families is at risk. This operator stated that they are operating about 1000 pots which is less pots than other vessels that would not be impacted by the proposal of the B&PSC. Whilst not opposed to the idea (principle) of the proposal by the B&PSC, this operator does not believe the proposal is aimed at his own fishing operation.

*"....our vessel would fall under the category of those to be banned from working the district, despite not being the target of the prohibition and not falling under the spirit of the intention of the new Bye-Law Conditions".*

*"I.....remain hopeful that the Authority will ensure that our operation does not fall foul of the new Bye-Law which we support in as far as our operation isn't affected due to a technicality".*

#### Objection (2) – Protectionism/Unfair Approach:

The fisher submitting the second objection, explained that he would not be impacted by the proposal, but raised several concerns. In his view the proposal amounts to protectionism, rather than managing the activity correctly. In his view it is unfair that D&S IFCA would use permit conditions to exclude a vessel of a particular design from operating within the District, with a view that this approach could lead to other vessels being excluded completely from fishing within the District based on their design.

*"....how can it be fair to exclude a vessel because it has a vivier tank. Next you will be excluding vessels with refrigerated fish rooms".*

*"As I work mostly nets and a few pots, if this goes ahead where is it going to stop if the crabbers don't like netting near them which they don't, or your boat's the wrong colour, or work from a different harbour - we have already witnessed that in the eastern end of Lyme Bay".*

This fisher highlighted that vessel operators that have already been fishing (or with permits to operate) should be protected from a change that would exclude them from operating, with grandfather rights, until the vessel is sold. In his view, if this proposal is a serious attempt to protect stocks, the better approach would be to introduce pot limits with tags.

*"The logical way would be to have pot limits with tags".*

*"This needs a total rethink in a fair and just way that protects stocks and all fisherman's livelihoods."*

## 2.2 Responses – Qualified Support for the Proposal

There is some support for the proposal; however, due to the information set out in many of the responses, including an expectation that the B&PSC will consider the application of grandfather rights, the remaining (13) responses are better grouped together for readability in this report as being those that are supportive/not opposed to the proposal rather than in complete support of the proposal. Although not set out in the formal public consultation, some responses did suggest alternative or addition management measures that, in their view, could/should be implemented.

Response From	Interest	Summary of Comments
South Devon and Channel Shellfishermen Ltd (SD&CS)	Industry	SD&CS Ltd <b>do not oppose</b> this proposal and are cognisant of the need to ensure that the traditional day boat fishery in the Inshore Potting Agreement area and wider South Devon Coast is not eclipsed by evolution into all-weather/season, high-capacity fishing operations. It may be necessary to consider ' <b>grandfather rights</b> ' style exemptions for vessels that have a longstanding track record of day fishing in the inshore region. We would also like to suggest <b>provision for exemptions</b> (in the instance that a vessel suffers breakdown, or other failure), that would enable an alternative vessel to set, move or haul gear in specific and time limited circumstances. <b>Overall, SD&amp;CS members are supportive of the desire to secure the local biomass of our target species and protect our traditional day boat fishery and associated way of life.</b>
National Federation of Fishermen's Organisations (NFFO)	Industry	The NNFO asked how restricting vivier vessels aligns with FMP & Pilot management system – the key objectives and key interventions. The NFFO state that <b>D&amp;SIFCA need to be aware of the potential cumulative effect on businesses that will be affected by the introduction of new measures</b> , especially considering the implication to crab fisheries with the current octopus bloom. Due to the low numbers of vessels that both have vivier tanks and are current permit holders within the D&SIFCA District, the NFFO feel that <b>a prevention of new entrants</b> with vivier tanks into the fishery is preferable to a blanket exclusion to all vessels with vivier tanks (with some already operating in the District). The NFFO state that a <b>sunset clause/grandfather rights should be explored</b> to allow those current permit holders with vivier tanks to continue fishing with potential restrictions such as <b>day trips only within the District</b> . The NFFO highlighted use of grandfather rights by other IFCA's in their Byelaws (NE IFCA) to protect existing operators and block new entrants – therefore not displacing vessels.
Devon Wildlife Trust (DWT)	Environmental	DWT stated that they are <b>supportive of the proposed</b> changes and encourages the exploration of complementary measures aimed at restoring healthy crab and lobster populations. In particular, DWT would <b>welcome further discussion on effort management approaches such as pot number reductions.</b>
Wembury Marine Conservation Area Advisory Group (WAG)	Environmental	WAG state that <b>prohibiting the large vivier-tank equipped boats will help to protect crustacean populations</b> and the environment as well as the crustacean fishery. WAG would have liked to have seen 'protecting habitats and crustacean populations' as part of the rationale for the proposal in addition to 'safeguard[ing] existing operators.' WAG stated that the crustacean population is already under considerable pressure and these boats pose a particular additional threat to the population and the fishery, given the increased fishing effort that they facilitate.

Response From	Interest	Summary of Comments
Blue Marine Foundation (Blue)	Environmental	Blue is <b>fully supportive of D&amp;S IFCA's proposals as set</b> out in the formal public consultation. Blue will not be directly impacted by this proposed change. Blue has the view that if potting effort by vivier vessels – whether landing or registered within ports within the district, or visiting from ports further afield - is not properly managed and restricted there will be ongoing decline in crab stocks and significant detrimental impact on local inshore fisheries and fishing communities within the Devon and Severn IFCA District. Blue praised D&S IFCA for the level of stakeholder engagement and collation of data to support the proposed measures. <b>Blue has the view that the evidence and rationale as presented by IFCA Officers for proposing a prohibition on vessels with vivier tanks fully considers and supports the objectives of the Fisheries Act 2020.</b>
Dart Harbour	Industry	Dart Harbour consulted with their own customers (fishers). Dart Harbour has the view that <b>the prohibition will have a positive impact</b> on crab fishing from Dartmouth, better controlling inshore waters and avoiding overfishing by larger vessels, especially those coming from out of area. Dart Harbour would support a measure ( <b>occasional permission/exemption</b> ) to enable <b>temporary use of a vessel with a tank to cover (fish/haul pots/take catch on board) for other vessels</b> when those other vessels are in refit.
Fisher Response (A): South Devon	Commercial potter with more than one vessel	This fisher operates more than one vessel, one with an integral tank exceeding 2 metres cubed. This vessel with vivier tanks has fished within the District on and off for ten years, but only as cover for his other vessel (with no tanks) when it has breakdowns or long refits. This fisher highlighted <b>support for the prohibition</b> ; however, he would like to see an <b>exception for their own operation</b> when this is required.
Fisher Response (B): South Devon	Commercial Potter	This fisher stated that the proposal does not go far enough. In their view there should be <b>full alignment with Cornwall IFCA</b> regarding a <b>maximum size of vessel for both Mono Hull and Multi Hull</b> which would stop larger vessels coming into the District and putting pressure on the crab and lobster stocks.
Fisher Response (C): South Devon	Commercial Potter	This fisher confirmed that the proposal will not impact him, at least in short term. The fisher has plans to potentially purchase a larger vessel in the future, with a specification unknown at this time, therefore the longer-term impact on this own business plan is unknown at this time. The fisher <b>agrees with restrictions</b> and would be in favour of other restrictions such as <b>KW limits, vessel tonnage and days at sea</b> . This fisher has the view that the <b>most effective measure would be to introduce pot limitation</b> .
Fisher Response (D): North Devon	Commercial Potter	This fisher is concerned by years of falling crab landings and overfishing with the volumes of pots being worked by individual boats now at " <b>ridiculous amounts</b> ". The response highlighted that grants were made available for fishers, and these were used by many fishers for the purchase of new/additional pots – the grants therefore encouraging excessive effort. The proposal will not affect him personally, but he would support <b>any potting vessel over 12m in length with a tank being prohibited</b> . Also, <b>any catamarans over 10 metres in length should be prohibited</b> . The fisher highlighted that pot limitations have been discussed in the past and has the view that <b>pot limitation is the way forward</b> . The fisher acknowledges that Devon is in a unique situation as the south side is completely different from the north coast of Devon and is why, in his view, D&S IFCA should implement <b>Regional Management</b> .

Response From	Interest	Summary of Comments
Fisher Response (E): North Devon	Commercial Potters (two vessels in joint response)	The response (on behalf of two fishers) confirmed that they would not be personally impacted by the proposal. This response stated <b>support</b> for the proposal as in their view it protects the North Devon area from overfishing from vivier vessels operating on the North Cornish coast which will be displaced when CIFCA's byelaw is introduced. The response highlights that crab and lobster fisheries (effort) in the South West have expanded to unsustainable levels, and they report that they have had no brown crab fisheries in the Autumn around Lundy for the last 3 years. As a result, these fishers have reduced effort by 500 parlour pots and are now targeting whelks more often.
Fisher Response F: South Devon	Commercial Potter	This fisher has the view that <b>the prohibition should be introduced</b> and enforced immediately to prevent it even becoming an issue in the future. This fisher is concerned that larger company owned vessels could over exploit the inshore stocks of shellfish.
Fisher Response G: South Devon	Recreational Diver	This fisher stated that they would not be impacted by the proposal. This fisher <b>supports the proposed restriction</b> on vivier tanks in Devon for potters as in their view <b>there are already excessive numbers of pots being used</b> and too much pressure on the fishery at this time.

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### 3. Communication & Outreach

#### 3.1 How D&S IFCA Conducted the Formal Public Consultation

The Formal Public Consultation began on 24<sup>th</sup> April 2025 and ended at midnight on 23<sup>rd</sup> May 2025. A closing date was set to allow time for Officers to prepare a report; however, one response was received on Saturday 24<sup>th</sup> May 2025 and is recognised in this report.

Officers set out the proposal, and related information, in a word and pdf document that formed the basis for direct circulation and for posting on the D&S IFCA's website and Facebook.

##### Direct Communications

The information for the Formal Public Consultation was transcribed into Mailchimp format. This is D&S IFCA's preferred method for directly communicating Formal Public Consultations.

All Permit holders were directly notified of the Formal Public Consultation using either Mailchimp, email (with attachment) or by having hard copy information sent in the post.

Some permit holders have unsubscribed from Mailchimp and were therefore sent the information in standard email (as an attachment). There are **27** permit holders that have not provided D&S IFCA with a functioning email address and were therefore sent hard copy information, with postal costs amounting to £23.49. The Mailchimp was circulated to **1,862** contacts and it was opened by **1,089** recipients.

As well as the Mailchimp circulation, a link to the information set out on D&S IFCA's website was provided via email to all B&PSC Members on 9<sup>th</sup> May 2025. This was to potentially aid Members raise further awareness, or to enable Members to potentially reach additional contacts that may not have been notified using D&S IFCA's communication databases.

##### The D&S IFCA Website & Facebook

Throughout the Formal Public Consultation period, the [Active Consultations/Events](#) – page displayed the information in full. In addition, a D&S IFCA [News Item](#) was produced for display on the home page news scroll and the Latest News Tab and duplicated on Facebook.



#### 3.2 The Circulated and Advertised Information

The following is a transcript of the information produced for the Formal Public Consultation.



### Changes to Potting Permit Conditions

#### Formal Public Consultation Proposal

A prohibition on potting vessels operating within the District for the purpose of fishing which are equipped with one or more vivier tanks below the uppermost continuous deck with a volume (in aggregate) that exceeds two cubic metres.

## What is this about?

D&S IFCA is inviting you to respond to the formal public consultation on the proposal to prohibit potting vessels operating within the District that are equipped with one or more vivier tanks below the uppermost continuous deck exceeding a volume (in aggregate) of two cubic metres.

It is proposed that this prohibition will be a gear restriction in the Potting Permit Conditions. To amend the Potting Permit Conditions, D&S IFCA must follow a process that includes formal public consultation.

## Rationale for the Proposal

Based on the information presented to D&SIFCA's Byelaw and Permitting Sub-Committee (B&PSC), it is the view of the Members of the B&PSC that the prohibition on vessels fitted with vivier tanks will safeguard existing operators against increased levels of effort being applied, in particular from the vivier fleet being displaced from Cornwall and offshore grounds.

## Your Opportunity to Engage

We are directly contacting everyone on our (email) mailing list and explaining what the proposed change is and how you can respond. We are also writing to permit holders that have not provided us with an email address. Your view is important, and we also encourage you to forward this information or to notify others that may have an interest in the formal public consultation.

All stakeholders (for example, owners of fishing vessels, fishermen that work on vessels owned by others, organisations, or anyone with an interest in the marine environment) can respond to the formal public consultation. Information is available on the D&S IFCA's website to support this formal public consultation. The formal public consultation begins on **24<sup>th</sup> April 2025** and will end on **23<sup>rd</sup> May 2025**. Details of how to respond to this consultation can be found towards the end of this document. This formal public consultation includes a privacy notice relating to the protection of any personal information provided.

## The Process for Change

The findings of this formal public consultation will be documented, and the findings are expected to be presented to the D&S IFCA Byelaw and Permitting Sub-Committee (B&PSC) in June or July 2025.

A list of the B&PSC Members can be found on D&S IFCA's website or by clicking [here](#).

The Members of the B&PSC will determine if the change as proposed will be implemented and, if so, a date will be set when the new Potting Permit Conditions will come into force.

## The Proposed Permit Condition

If the prohibition is implemented via the Potting Permit Conditions, it is envisaged that the Potting Permit Conditions will be amended to include the following wording, or similar:

*A permit holder or named representative is not authorised under this Permit to use within the District a vessel for the purpose of fishing which is equipped with one or more vivier tanks **below the uppermost continuous deck** with a volume (in aggregate) that exceeds two cubic metres.*

It is also envisaged that an interpretation will be implemented that would set out the following, or similar:

*“vivier tank” means a tank or storage compartment used or capable of being used to contain live sea fisheries resources immersed in or dampened by water.*

This interpretation intentionally does not apply to containers that store sea fisheries resources on the deck of the vessel.

Regardless of whether the vivier tanks (as detailed) are in use whilst potting within the District, the fact that the vessel is fitted with such a tank or tanks will mean the vessel cannot be used for potting within the District. The extent of the D&S IFCA's District can be viewed [here](#).

### **Existing Operators with Potting Permits – Removal of Pots**

The Members of the B&PSC are aware that some potting vessels that have vivier tanks (as detailed) hold valid permits to operate pots within the District. If the prohibition is agreed, a date will be set when the amended Potting Permit Conditions will come into force. Prior to this date there will be an opportunity for existing operators, impacted by the change, to remove pots already deployed in the District.

### **New Policy**

Application forms to gain a Potting Permit will be amended. It is envisaged that D&S IFCA will develop a policy of not issuing a Potting Permit to an owner of a vessel, where that vessel has vivier tanks fitted that would not comply with the Potting Permit Conditions. A refund of £20 will be paid to owners of potting vessels fitted with vivier tanks (as detailed) that already have a valid Potting Permit, and the Potting Permit will be cancelled.

### **Information provided to the B&PSC**

Information has been gathered from different sources and presented to the B&PSC. These include the findings from a series of port meetings with fishers around the District and information relating to potting management in the Southwest of England gathered from other sources. Between 18<sup>th</sup> October 2024 and 15<sup>th</sup> November 2024, D&S IFCA conducted an informal “Have Your Say” consultation with the findings documented in a report and presented to the Members of the B&PSC in December 2024.

Officers' recommendations relating to the management of potting were presented to the Members of the B&PSC in their meetings held on 5<sup>th</sup> December 2024 and 27<sup>th</sup> February 2025. The Officers' papers presented at both these B&PSC meetings can be read by visiting D&S IFCA's website:

Authority & B&PSC Meetings page:

<https://www.devonandsevernifca.gov.uk/authority-meetings/>

or by visiting Section B of the website Resource Library:

<https://www.devonandsevernifca.gov.uk/resource-library/b-internal-practice-and-procedure/>

The Officers' papers presented to the Members of the B&PSC on 27<sup>th</sup> February 2025 can also be read by visiting the same website page or by using the links below:

- [Agenda Item 7 \(Options for Management - Potting Formal Consultation\)](#)

- [Agenda Item 7 \(Discussion Presentation - Potting Management\)](#)

The minutes from the most recent B&PSC meetings can be read using the links below.

- [Final B&PSC meeting minutes from 5<sup>th</sup> December 2024](#)
- [Draft B&PSC meeting minutes from 27<sup>th</sup> February 2025](#)

## Your Response

You have the opportunity to object, or comment on the proposal. This is not a questionnaire, and your response can be as detailed as you wish. We very much encourage you to explain the reasons for your views and provide supporting information, if you have any, so that all the information can be considered in the decision-making process.

Responses sent by email or letters are preferred, however you can also telephone us or meet with us in person if you prefer. It is useful for us if every response contains the following information:

- Your name and contact details (if not already on our mailing list).
- What interest do you (or your organisation) have in potting activity, and this proposed prohibition? (e.g., will you be impacted by this potential change)
- How were you made aware of this formal public consultation? (e.g., by this document, D&S IFCA's website, D&S IFCA Facebook, from someone else, or other source).

## Sending in your response/contacting us

1. Contact us via email – [consultation@devonandsevernifca.gov.uk](mailto:consultation@devonandsevernifca.gov.uk)
2. Write to us: D&S IFCA, Brixham Laboratory, Freshwater Quarry, Brixham, TQ5 8BA.
3. Call us to find out more about the formal public consultation – 01803 854648 (Extension 856)

**This formal public consultation begins on 24<sup>th</sup> April 2025 and will end on 23<sup>rd</sup> May 2025.**

## What do we do with your information – Privacy Policy.

We protect any personal data that you may provide. Any personal data submitted in this information collecting process will not be shared with other organisations or placed in the public domain. The content of responses will be summarised and anonymised where appropriate for documenting in reports that will be presented to the Byelaw & Permitting Sub-Committee and published on our website. D&S IFCA has a privacy policy which can be found by visiting our website (home page) [www.devonandsevernifca.gov.uk](http://www.devonandsevernifca.gov.uk)

- You can change your preferences at any time.
- We have a duty to consult with D&S IFCA Permit Holders.
- You can manage your preferences by contacting D&S IFCA.

End of transcript.

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## 4. Background Information (links)

B&PSC Meeting (5<sup>th</sup> December 2024): [Annex 1 for Agenda Item 6 – Potting Management Informal Consultation Report \(26<sup>th</sup> Nov 2024\)](#)

B&PSC Meeting (5<sup>th</sup> December 2024): [Agenda Item 6 – Potting Formal Consultation \(Officers' recommendations\)](#)

[B&PSC Meeting Minutes \(5<sup>th</sup> December 2024\)](#)

B&PSC Meeting (27<sup>th</sup> February 2025): [Agenda Item 7 – Potting Formal Consultation \(Options for Management\)](#)

B&PSC Meeting (27<sup>th</sup> February 2025): [Agenda Item 7 – Potting Formal Consultation \(Officers' recommendations\)](#)

[B&PSC Meeting Draft Minutes \(27<sup>th</sup> February 2025\)](#)

**End.**