

Responses (as received) to the Potting Formal Consultation with redaction of personal information – for B&PSC Members – posting on D&S IFCA secure area.

Objection:

Fisher from South Devon.

Myself, my father and my brother each own and run our u10m Potter (██████) from ██████ Harbour and earn our living from the income generated by fishing for Crabs & Lobsters Primarily (Among other seasonal fisheries). We have fished from ██████ with a commercial potting vessel together for over 10 years, having grown up fishing with our father. Recently we purchased our 9.67m Crabber, having brought her down from Scotland, as she was the perfect vessel to work from ██████, an extremely tidal harbour, with the ability to work the same number of pots but with greater efficiency than our previous vessel (██████) and to provide a safer vessel to work from with the equipped Vivier tank being able to provide greater stability at sea but the provision to be pumped out at the end of each day to make the draft suitable to work from ██████ Harbour.

The Vivier tank is only used for Ballast and cannot be replaced with permanent ballast due to the draft issues working from ██████ harbour. We are a 'day boat' leaving in the morning and returning in the afternoon/evening. We do not work trips as the vessel is limited without the provision of Accommodation, Cooking Facilities, Washing Machine, Etc and has been restricted by her most recent MCA Issued Small Fishing Vessel Certificate to trips of less than 24 hours having no provisions set out by the MLC and ILO regulations for vessels conducting trips of greater than 24 hours.

Having received the Email from D&S IFCA regarding the public consultation we immediately called our local IFCA Officer who we have built up a good working relationship with, having welcomed conversations on the quayside and boardings at sea working well with the authority over many years maintaining a spotless record of compliance with all Bye-Laws and no deficiencies found on any inspections. We always tried to maintain that we want to work together to look after the grounds and stocks as we want to fish here for our entire lives. I hope that those we have worked with at the authority will similarly agree and vouch for us.

On the 25th April 2025 we had an in person meeting with our local officer and the chief officer to explain our situation and it was agreed by both parties that 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.

It was agreed that as we work around 1000 pots (with the exact number fluctuating due to seasonal fisheries such as Whelks and Cuttlefish) we were a mid size operator with larger vessels working up to 1800 pots in the district and not being affected by this new bye-law when we would be stopped from operating with a vessel which is u10m and has less capacity than some over 10m vessels which could carry on fishing with greater effort than ourselves. We operate in the same way as these vessels storing all shellfish on deck and only using the Vivier tank as ballast.

The provision that the "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, means that because our vessel is technically capable of using the Vivier tank to store shellfish we would be stopped from fishing within the district, despite not using the tank as a Vivier. It would be very impractical and actually unsafe for us to use the tank to store shellfish without the provision of a trunk on deck to put the crabs inside. With the layout of the vessel and the way in which we stack our strings to self shoot outside the stern door there would be no practical way to put the shellfish into the tank without opening the main hatch.

This hatch is to remain secured at all times while the vessel is at sea (Which is written into the vessels Risk Assessment and approved by the MCA on her most recent Survey in September 2024) which states that due to the free surface effect which would be generated by opening the main hatch (lowering the positive stability of the vessel) that the tank lid must be kept secured at sea. This means that while the tank is capable of holding live shellfish we had no intention of using it for this purpose when we purchased the vessel and it is used simply for stability. The provision that vessels *“equipped with one or more Vivier tanks below the uppermost continuous deck with a volume (in aggregate) that exceeds two cubic metres”* could be changed to allow our vessel to continue to operate. When we bought the vessel from the Previous owner in North Uist, Scotland he had similarly never used the Tank to store shellfish and had the separate generator unit (“Donkey Engine”) removed from the aft hold as it had corroded out due to lack of use.

Without this

Donkey Engine the main engine would have to run at all times in order pump water into the tank. As [REDACTED] is a tidal harbour it would be impossible to keep the Vivier tank full when the vessel is aground and the stresses caused by the extra water ballast would be too much on the hull when she grounds out. Thus the tank is filled on the steam to the grounds each morning and emptied as we return to port meaning that continuous storage of shellfish in the tank is not possible for any greater duration than the trip itself and in combination with the points raised in the above paragraphs means that actually storing shellfish in the tank is wildly impractical. The previous owner had owned the boat for 20 years and never used the tank to store shellfish but when the vessel was built it was capable of holding 3 tonnes of crab.

This was a word of mouth figure and generally means that the tank has a capacity of between 5m³ and 6m³ and without the hull plans of the vessel providing me the waterplane area at the midships of the vessel I wouldn't be able to calculate the exact capacity. However it is likely over the 2m³ stated in the regulation. Using 3.75m (Beam) x 1.21m (Draft) x 1.5m (Tank Length) and using a Block Coefficient of 0.53 would result in a tank capacity of 3.6m³ which is far less than the majority of Vivier vessels which are designed with a trunk arrangement to put crabs into the tank, donkey engines to run water through continuously we believe our vessel does not fall under the target of the new Bye-Law but would be penalised by it regardless.

Going forward if there was some way to prove that we do not use the tank to hold shellfish (further than the risk assessment not allowing for the opening of the hatch lid at sea, lack of trunking and storage of pots for shooting arrangements) we would be willing to make modifications necessary to comply with the new Bye-Law. We cannot permanently seal the tank closed as we must maintain access in the event of an emergency and for cleaning purposes. Reducing the tank capacity would not really be

an option as the vessels stability criteria would reduce, making the vessel less stable and would then require a new MCA survey, losing us time at sea, costing money and making the vessel less safe. We have always invited inspections at sea and would be willing to prove to IFCA Officers at any random times that we do not use the tank to store shellfish.

This has added allot of stress as we fish solely within the district and would not be able to work outside the district given that the vessel is not legally able to run trips of greater than 24 hours and the consequences would render our family business completely unviable. Having saved for many years to purchase this boat and within a year of buying her, being banned from fishing within the district would put us out of business and mean that our investment would become worthless and the income for 3 individuals and families would disappear.

In Summary, in Response to the rationale that; *“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”* we do not believe that the spirit of the regulation was designed to stop local vessels such as ourselves, but to stop those vessels much larger than us with thousands of pots being displaced from Cornwall's' district being able to run trips and remove tons of shellfish per trip.

We support this endeavour, however as we do not run trips greater than 24hours, fish with a potting effort of a medium scale operator and do not use the Vivier tank for any other purpose than Ballast we support the Bye-Law in as far that larger vessels do not come and clean out our local fishery but believe the wording needs changing or for vessels such as ourselves to be given an exemption

Supporting information was provided including MCA documentation and photographs of the vessel.

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Objection:

Fisher from South Devon.

Regarding potting permit consultation I am extremely concerned by the changes put forward it looks like protectionism to me how can it be fair to exclude a vessel because it has a viver Tank. Next you will be excluding vessel with refrigerated fishrooms.

If you want to change vessel size ect fine but if the owner has legally been fishing in Devon ifca area then he should be allowed until the vessel sold or any part of the 64 shares sold. I it was a serious attempt to protect stocks The logical way would be to have pot limits with tags. I can see why this is being proposed as some inshore fishing boats have far to many pot themselves .

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 the don't. Or you boats the wrong colour Or work from a different harbour we have already witnessed that eastern end of lyme bay.

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

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Support/Not opposed

South Devon and Channel Shellfishermen Ltd

Thank you for the opportunity to respond to the consultation on a potential future prohibition of vessels with vivier tanks exceeding two cubic meters from waters inside 6nm in Devon. We have discussed the proposal within our membership and encouraged individuals to respond to this consultation with their own views. This response represents the majority opinion of our membership, but it is important to note that we did not reach full consensus on the fine detail.

SD&CS Ltd. do not oppose this proposal. We are cognisant of the need to ensure that our 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. We would also like to suggest provision for exemptions (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.

Overall, SD&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.

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National Federation of Fishermen's Organisations

This letter is in response to the Devon And Severn Fisheries and Conservation Authority consultation on the changes to the Potting Permit Conditions.

The National Federation of Fishermen's Organisations is a trade association, representing commercial fishers in England and Wales. We have members working in all sizes of vessel, from the smallest to the largest in the national fleet and right around the coast. We have members that both support and oppose the proposed changes to the permit conditions. The comments below only reflect concerns with that our members have asked to be represented.

Restrictions of vivier vessels

The Crab and Lobster FMP published in 2023 lays out Defra ambitions to manage the fisheries resource under an overarching framework of key objects, principles, and lays out a timescale for key interventions. Whilst we acknowledge that IFCA's have responsibility under MCAA (2009) to manage the resources within their jurisdiction, we would expect management interventions to follow the same principles and work streams laid out under the FMP. For example, how does the measure of restricting vivier vessels within the D&SIFCA district align with the pilot management system for brown crab in the south west? With national measures being implemented under the FMP framework, D&SIFCA need to be aware of the potential cumulative effect on businesses that will be affected by the introduction of new measures, especially considering the implication to crab fisheries with the current octopus bloom.

We understand the need and responsibility of D&SIFCA to manage the fisheries resource within their district and plan for potential displacement effects from decisions made by neighbouring IFCA's, a measure that has been met with some dissension. However, due to the low numbers of vessels that both have vivier tanks and are current permit holders within the D&SIFCA district, we feel a prevention of new entrants with vivier tanks into the fishery is preferable to a

blanket exclusion to all vessels with vivier tanks. A sunset clause/grandfather rights should be explored to allow those current permit holders with vivier tanks to continue fishing with potential restrictions such as day trips only within the district. There is precedence within other districts that have used a sunset clause to support existing users of the district whilst limiting new entrants (NEIFCA vessel size restriction). This would achieve the same aim without displacing those vessels that currently make a living within the district.

Whilst the FMP process appears to be moving at a glacial pace, there is the aim to develop input and output controls for crab and lobster fisheries, these considerations need to be accounted for with regional management, to ensure there is not a successive and cumulative effect on fisheries from both regional and national ambitions.

We acknowledge the D&SIFCA has a responsibility to manage inshore resources and support the stakeholder work undertaken to date. We would like to see further cohesion between national and regional ambitions under the Crab and Lobster FMP, as measures proposed purely for the inshore zones may have unintended consequences for fisheries outside of IFCA districts.

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Devon Wildlife Trust

Devon Wildlife Trust (DWT) welcomes the opportunity to comment on the proposed changes to the Potting Permit Conditions 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.

DWT is very supportive of the proposed changes and encourages the exploration of complementary measures aimed at restoring healthy crab and lobster populations. In particular, we would welcome further discussion on effort management approaches such as pot number reductions.

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Wembury Marine Area Advisory Group

I am responding to your consultation on Changes to Potting Permit Conditions on behalf of the Wembury Marine Conservation Area Advisory Group of which I am chair. The specific aim of our group is to promote and support the conservation and study of the Wembury Marine Conservation Area, and we also have a keen overall interest in all issues that affect the health of local ecosystems and habitats.

We strongly support the proposed changes to potting permit conditions that place a prohibition on potting vessels operating within the Devon and Severn 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.

Our reasoning and other points are as follows:

We understand that prohibiting the large vivier-tank equipped boats will help to protect crustacean populations and the environment as well as the crustacean fishery. Indeed, we would liked to have seen 'protecting habitats and crustacean populations' as part of the rationale for the proposal in addition to 'safeguard[ing] existing operators'.

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.

We note that Cornwall IFCA has taken action to restrict them and part of the rationale for the current proposal is to safeguard the Devon fishery from the vivier boats being displaced from Cornwall.

In light of this last point, could we please ask whether there are opportunities for different IFCAs to co-ordinate their regulatory actions more closely in future, to improve efficiency and conservation measures?

Could you please acknowledge receipt of this response? Thank you for seeking our views; we were aware of the consultation via your e-mail circulation.

Blue Marine Foundation

On behalf of the Blue Marine Foundation, an environmental charity that supports marine protection and sustainable fisheries within the UK, we fully support the proposed changes to the D&SICA Potting Permit Conditions.

Blue Marine Foundation will not be directly impacted by this proposed change. However, we believe 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.

We commend the IFCA officers for the level of stakeholder engagement and collation of data to support the proposed measures. 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.

We therefore fully support D&SIFCA proposals to prohibit potting vessels within their district equipped with one or more vivier tanks below the uppermost continuous deck exceeding a volume (in aggregate) of two cubic metres.

Dart Harbour

I would like to comment on the proposed potting permit conditions, on behalf of Dart Harbour & Navigation Authority.

- A> Harbour Master, Dart Harbour & Navigation Authority
- B> We have a significant fleet of crabbers operating out of the harbour, so this proposal has the potential to cause an impact both on our berth holders, and on our viability as a fishing port.
- C> I found out about this plan from this email

I have discussed this proposal with our fishermen customers, and we agree that the proposal will generally have a positive impact on crab fishing from Dartmouth, as it will better control the inshore waters and avoid over fishing by larger vessels, especially those coming from out of area. We would note that one of our operators has a mix of offshore and inshore boats, and occasionally uses an offshore boat with a tank to cover a refit or breakdown of an inshore boat. We believe that this is a useful backup that it would be good to keep – for example by

allowing an occasional permit for crabbing by a boat with a tank on a strict dayboat and time limited basis.

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Fisher A: South Devon

Hi sorry I'm late in responding.

We Have the [REDACTED] which has a permit and as fished in your area on and off for 10 years.

But only when [REDACTED] has had brake downs or long refits.

I do agree with stopping this type of vessel from permanently fishing inside the 6 mile.

But would like to see some sort exception so we can carry on doing this on occasions.

With of course notification.

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Fisher B: South Devon

Good morning on reading the new proposal I don't actually think this goes far enough i personally think that we should also go with Cornwall IFCA on maximum size of vessels both mono hull and catamaran then this would stop larger vessels coming into the diatrict and putting increased pressure on the crab / lobster stocks

Devon IFCA always say they wish to be inline with neighbouring Ifca's so this would make sense on your own policies

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Fisher C: South Devon

This suggested restriction on vessels fitted with vivier tanks will not affect me at the moment with my small fishing vessel, however I do have loose plans for a bigger vessel in the future. What that looks like I'm unsure of yet.

Personally, although I can see this new rule effecting some current operators, I have to say I agree of restrictions like this coming in for the future of our fishery

I'd be in favour of more restrictions for inshore potting and fishing to be in-forced within the district e.g KW limits, vessel tonnage limits, days at sea but the most effective should be a pot limit within a curtain distance from shore.

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Fisher D: North Devon

In response to the above questions, following the receipt of an IFCA email, my personal views are as follows:

In all my years of being involved with the potting industry (from 1975) on both sides of the country, the last three or four years on the North Coast of Devon, have been the worst I have ever known for brown crab landings.

My personal opinion is that since the larger vivier boats have been exploiting the brown crab fishery twelve months of the year, this has dramatically affected the spawn in the water column that would have previously put more small stock on the ground for the coming year.

This situation has been created in my view, by lack of thought when restrictions on other forms of fishing have been put in place. When quota management was first talked about some people gained and quite a few smaller operators suffered. With not having fin fish to catch and very little restrictions on shellfish, there was a massive movement of fishing effort to the brown crab and lobster. No one really knows what damage this has caused by fishing these species all through the breeding cycle.

Autumn fisheries for crab should have, and could have, been put on a quota system i.e. the landing of female crabs through the autumn time should be restricted. Admittedly the quality of these crabs are second to none, but internally, (the red roe, coral), call it what you like, is still developing. This is the formation of the next generation of crab. Anybody with common sense would realise that if these crabs are taken out of the fishery, there will be a dramatic shortfall of spawn on the ground. The volume of pots that are now being worked by individual boats has become a ridiculous amount. Fishermen have been putting more pots in the water which has resulted in catches 'looking good' but they have actually decreased in the overall scheme of things. When you take into account the expenditure of pots, of ropes and buoys, there is far too much pressure on the brown crab stock.

The powers that be i.e. the MMO and the incompetent funding has not helped this situation. Through the last 10 years two lots of funding has been put on the table - the first was a scrappage scheme where you scrapped a pot to enable you to buy a pot at a reduced rate, the second scheme was not a scrappage scheme. It was an 80% grant on all new pots. All as this did was enable a potter to put more gear in the water very cheaply and I feel this was a very big miscarriage of justice.

Pot limitations have been discussed in the past and I think this is a road that we have got to go down, also to reduce the length and type of the vessels that work on the North Coast of Devon. I know that Devon is in a unique situation as the south side is completely different from the north. This is why Regional Management is a MUST.

Personally I am of the opinion that any potting vessel over the size of 12 m's carrying vivier tanks, also catamarans over 10 m's, should not be allowed to fish inside the 6 mile limit.

None of the above would affect me on a personal basis but I do not look at it as personal, I look at it as a conservation measure and as the protection of the fishermen and an industry that has grounds to thrive under the correct management and have a future.

Please take on board the above comments in answer to some of your questions. Things have to change. Not everyone will be in agreement. Not everyone was in favour of the quota system and still aren't, if you have the money you can 'buy'. We know there has been vast investment in some of these larger vessels. Only opening the Fishing News this week, [REDACTED] have just now launched a new potter targeting whelks, this boat has been built as a potter, not just solely for the whelk industry.

Hopefully these comments will make sense and be of assistance. The above are my personal views and not that of other organisations.

I look forward to future contact.

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Fisher E: North Devon

We are in agreement with the proposed changes to the Potting Permit conditions regarding vivier tanks below deck.

We are fishing the North Devon coast and Lundy Island during spring summer months this new Byelaw will not affect us and will protect the North Devon area to over fishing from migrating vivier vessels operating on the North Cornish coast which are going to be squeezed out by the new Cornish bylaws.

The Crab and Lobster Fisheries in the South West have expanded to unsustainable level, we have no brown crab Fisheries in the Autumn around Lundy for the last 3 years, we have reduced effort by 500 parlour pots and are targeting Whelks more often.

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Fisher F: South Devon

This bylaw should be enforced immediately to prevent it even becoming an issue in the future. we don't want to be looking back in ten years time saying we should have done something earlier. also we don't want [REDACTED] boats hammering the inshore stocks the way they are doing in Cornwall.

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Fisher G: South Devon

I just wanted to voice support for your proposed restrictions on vivier tanks in Devon for potters, far too many pots and too much pressure on the fishery at the moment. Fully supported!

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Responses of no value to discussion:

Unknown Interest

If you could keep me updated.

Industry

Could we go on your mailing list for circulars such as this?

I have been looking at the possibility of opening a hatchery in [REDACTED] primarily for crab but will obviously do lobster and crays alongside.

It would be good to know your angle on whether this will work?

[REDACTED] has secured funding for a trial on crab and as we have a strong traditional fishery around Start Point I feel it would be a good place to attempt to reverse the dwindling stocks.

Having worked in this industry for 40 years starting as a deck hand on the [REDACTED] with the late [REDACTED] I feel a strong duty to do something positive.

Dare I say.....we have certainly changed the industry by the introduction of the "super-crabber" and looking back now we should probably have had some serious restrictions put in place for control.

No point in crying over spilt milk, let's do something!

I have approached harbour authorities about having the building back and they have indicated real, positive help.

Any advice/help/input from yourselves being the “police” of the inshore fishery will be much appreciated.

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End.