

Amendments to the Mobile Fishing Permit Conditions

Officers' Recommendation

That Members note the different approaches that may be taken to maintain the alignment of Category One Mobile Fishing Permit Conditions with the Inshore Potting Agreement (IPA) Licence Condition

1. Background

At the time of writing, the Inshore Potting Agreement (IPA) Committee is due to meet on 13th October 2025. The IPA Committee meets once a year in the autumn, normally in September/October. The Committee consists of six members of the commercial potting fleet and six members of the mobile fishing (trawling and scalloping) fleet that actively fish within the IPA or are representatives of those that do. The MMO and D&S IFCA facilitate and chair the meeting. The South Devon Trawling and Potting Chart, also known as the IPA Chart, Licence Condition has been in place since 2002 and prior to that (since the 1970s) the IPA was managed under voluntary measures. It is a nationally and international recognised gear conflict resolution system.

2. Aligned Management Measures

D&S IFCA's management of mobile fishing in areas of South Devon is aligned with the IPA Licence Condition, which is a commercial fishing Licence Condition. The IPA Chart includes an area known as the Corridor which is located east of Start Point and is the black zone marked "W" in Figure 1. In D&S IFCA's Annexes for the Category One Mobile Fishing Permit Conditions, the same area is marked Area C as shown in Figure 2. This area was open in March 2025 for one month (through MMO's Licence Condition and D&S IFCA's aligned Permit Conditions) for demersal mobile fishing vessels, and this one month's access each year is the default position.

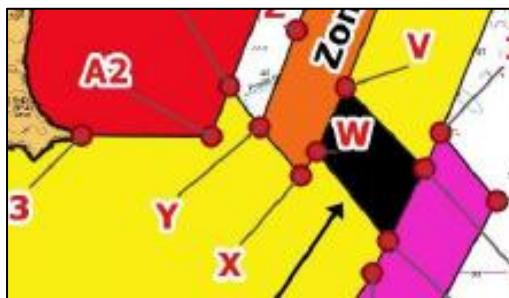


Figure 1 - Close up 2025 IPA Chart

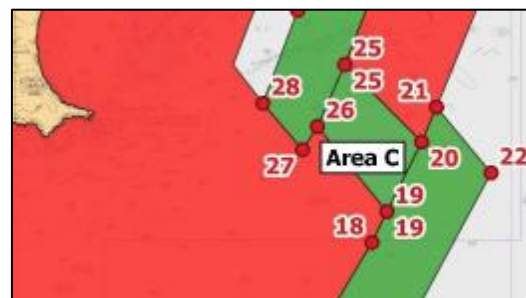


Figure 2 – Close up Annex 5a (Area C)

3. IPA Committee Meeting 2025

The IPA Chart is discussed each year at the IPA Committee meeting and any changes to the chart, in terms of opening and closing areas where trawling and scalloping vessels can operate, are decided by the Committee Members. At the 2025 IPA meeting, the agenda will include discussions relating to the potential closure of the Corridor. If the closure of the Corridor is agreed by the IPA Committee it would be effective in March 2026 and implemented through a Licence Condition by the MMO. This would lead to an ultra-vires situation because D&S IFCA's management measures cannot be less restrictive than national legislation. This

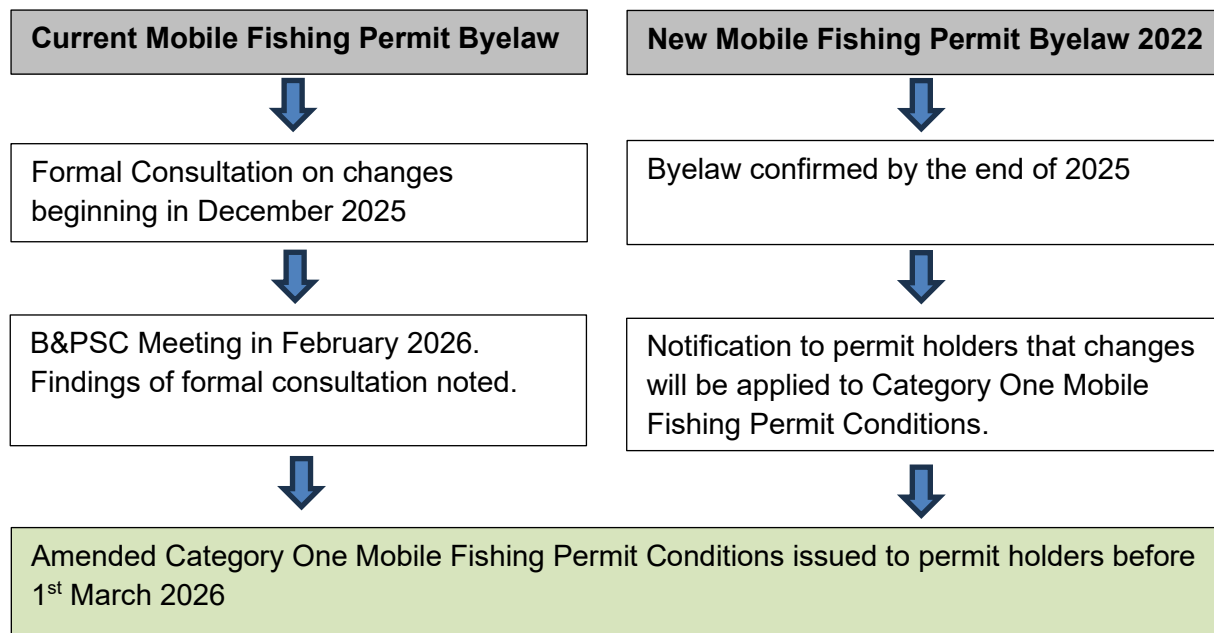
could be the same scenario as that resulting from the 2023 IPA Committee meeting, when it was agreed that the Corridor would be closed for 2024.

4. Action for D&S IFCA

If the decision of the IPA Committee is to close the Corridor action is needed by D&S IFCA. This may potentially be undertaken in two ways, but regardless of which approach is taken, the B&PSC has no choice on the eventual outcome. Which process is followed, and completed, is dependent on whether the new Mobile Fishing Permit Byelaw 2022 is confirmed before the end of 2025. The current Mobile Fishing Byelaw includes a process that must be followed to make any changes to the associated permit conditions. This includes formally consulting on any changes, even if they are changes D&S IFCA must make (in this situation, to align with national legislation and not be ultra vires). This is time consuming and can potentially confuse stakeholders as, in this case, the consultation findings have no bearing on the outcome.

The new Mobile Fishing Permit Byelaw 2022 includes an amended review process for changes to the Permit Conditions. The Byelaw includes a provision that if national legislation necessitates an amendment to the permit conditions, the Authority may amend the permit conditions without following the requirements set out in the review process in full. Even if the existing procedure, under the current Mobile Fishing Permit Byelaw, is followed and consultation begins, this could be superseded by the process set out in the new Mobile Fishing Permit Byelaw 2022, and therefore Officers intend to delay beginning formal consultation as long as possible.

5. Process Pathways



LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers

- [IPA Chart 2025](#)
- [D&S IFCA Mobile Fishing Permit Conditions and Annex 5a](#)