

## Byelaw & Permitting Sub-Committee (B&PSC) Report

### Officers' Recommendation

**That Members note the content of the Officers' Report.**

### Background

The most recent B&PSC meeting took place, on 26<sup>th</sup> June 2025. The draft minutes from this B&PSC meeting have been published on D&S IFCA's website. The next B&PSC meeting will be held on 16<sup>th</sup> October 2025 at Exeter Racecourse.

### B&PSC Meeting – 26<sup>th</sup> June 2025

This meeting included electing the Chair and Vice Chair of the B&PSC. Members and Officers were pleased that Dr Emma Bean and Professor Mike Williams agreed to continue their respective roles, with both being re-elected.

The agenda also included agenda items relating to the management of potting and an update on the influx of Octopus into Devon and the South West.

### Management of Potting – Changes to Permit Conditions

On 26th June 2025 the B&PSC was presented with the findings of the Formal Consultation (a report) relating to the B&PSC's 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>.

An Officers' paper (agenda item 9) was also presented that set out the objections to the B&PSC's proposal as well as support and qualified support for the proposal of the B&PSC. To recognise the main themes raised in the Formal Consultation, Officers set out two options (two different potting permit conditions) for the Members of the B&PSC to consider along with an interpretation of "vivier tank".

#### Option 1:

A permit holder or named representative is not authorised, whilst fishing in the District, to store sea fisheries resources in a vivier tank or tanks below the uppermost continuous deck that have a volume (in aggregate) that exceeds two cubic metres.

Members of the B&PSC supported this option; however, Members of the B&PSC also recognised that there would be potential to also add a second element to limit the amount of live marine resources that could be carried not in the main vivier tanks exceeding two cubic metres. Officers were tasked to contact a selection of fishers and Members of the B&PSC with commercial fishing experience to gain additional views on what limit they think is appropriate.

Officers will present the findings at the B&PSC meeting on 16<sup>th</sup> October 2025 and the Members of the B&PSC can determine if the potting permit condition above (and possibly a second element) will be introduced. The Chair and several other B&PSC Members stated that in their view, the options presented by Officers at the June meeting were not the end of considerations for the B&PSC associated with a range of management options not supported by the Members of the B&PSC to date; however alternative management measures would require additional re-consideration by the B&PSC and then potentially additional formal consultation.

### Management of Potting – Cuttlefish Pots on Seagrass in Torbay MCZ

B&PSC Members were informed about an updated assessment of the potential impacts of potting for cuttlefish on protected features of the Torbay Marine Conservation Zone (MCZ), specifically seagrass and the long-snouted seahorse. The assessment was based on

evidence from a combination of stakeholder engagement, experimental trials and the scientific literature.

The assessment concluded that the activity has the potential to hinder the achievement of the conservation objectives of the sites, and therefore management measures need to be implemented to ensure the conservation objections of the site are furthered, to fulfil D&S IFCA's duty under s.154 of the Marine and Coastal Access Act. Natural England has provided formal advice agreeing with this conclusion.

B&PSC Members were also informed that Officers have identified that additional research would be beneficial to inform the best approach to management that will protect the MCZ while balancing environmental, economic and social needs.

The B&PSC were informed that Officers proposed to undertake additional stakeholder engagement and boat-based survey work to establish how gear modifications may reduce the impacts of potting on protected features, as part of a potential future management approach. The research was expected to be undertaken during summer 2025 to inform a paper for the next B&PSC meeting, at which potential management approaches for the fishery could be discussed.

### **The Additional Research Work**

- Stakeholder engagement – Officers contacted 16 permit holders who have indicated on their permit applications that they pot for cuttlefish. Nine responded to Officers phone calls, three of which no longer fish for cuttlefish and six were interviewed. This engagement has been very useful, and Officers have noted down all the points raised. Topics discussed were: the speed of hauling and the position of the vessel over the pots; what changes could reduce drag of pots; the number of pots deployed; whether spacing of pots on a string would make a difference to the drag of the pots or is that determined by the way the fishing vessel can haul the pots; how depth influences drag and how tides and wind influence fishing especially for the smaller vessels. Officers will prepare a paper on the outcomes of these discussions to be presented at the next B&PSC meeting.
- Officers reached out to the cuttlefish fishermen to try and gain interest in taking part in boat surveys, working with the IFCA, to look at potential gear modification and how they might reduce impact on the seagrass habitat. D&S IFCA proposed to cover the cost of chartering a fishing vessel to be used in the survey work. One fisherman registered their interest. However, the fisherman did not respond to further contact attempts by Officers, including follow up phone calls, and therefore the boat-based surveys were not undertaken.

On 16<sup>th</sup> October 2025 the B&PSC will consider formally consulting on changes to the Potting Permit Conditions to prohibit strings of pots being placed in defined seagrass areas with the Torbay MCZ.

### **Influx of Octopus into South of the D&S IFCA District and the South West**

B&PSC Members were provided with an Officers' paper setting out detail about this topic, including:

- Background information including Octopus biology
- Details about the influx of Octopus in the South West recorded in 2025
- Details about historic influxes of Octopus in the South West
- Issues raised by fishers, fishermen's representatives and Plymouth City Council.

B&PSC Members were informed about actions taken by D&S IFCA with communication and engagement work that included correspondence between the Chair and Vice Chair of the Authority and the leader of Plymouth City Council. There was a call for D&S IFCA to amend

its legislation (Potting Permit Conditions) regarding the use of escape gaps. The legislation was not amended; however other action was taken by D&S IFCA Officers.

B&PSC Members were informed how D&S IFCA Officers sought legal advice on the wording of the Potting Permit Condition relating to the requirement to have escape fitted to pots that have entrance constructed of net if the pots are targeting species other than crab, lobster, and spiny lobster. Officers then produced and widely circulated clarification on the permit condition wording with the message that when only targeting octopus, the fitting of escape gaps was not a legal requirement. There was praise by many regarding how quickly Officers reacted to this issue. The Clarification (News Item) is still active on D&S IFCA's website.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

### **Background Papers**

- Recent B&PSC meeting papers, reports, and minutes (D&S IFCA Website – [Authority and B&PSC Meetings page](#))
- [Octopus & Escape Gaps – Clarification \(News Item\)](#)