

Amendments to the Potting Permit Conditions

Members' Consideration

That Members consider implementing a Potting Permit Condition as set out in section 6.1 of this Officers' paper.

1. Background

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 an aggregate volume of more than 2m³.

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 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.

Option 2:

*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 **four** cubic metres.*

To recognise the findings of the formal consultation, including objections to the B&PSC's proposal, points raised about grandfather rights, the inability to issue temporary exemptions, the blocking new entrants to the fishery conflicting with B&PSC principles, and other factors, Officers advised the B&PSC to support **Option 1**.

2. Decision Making of the B&PSC – 26th June 2025

B&PSC Members recognised that Option 1 would address most points raised in formal consultation and that Option 2 would only address one of the two objections. After discussing the provided information, Members¹ agreed to the following:

That Option 1 is supported but the matter is referred back to Officers to improve the efficacy of the restriction on the storage capacity of the vivier vessels.

Proposed: Mike Williams Seconded: Wayne Thomas

In favour:10 Against:0 Abstain:0

¹ The vote excluded three B&PSC Members that had a pecuniary interest.

3. Efficacy of the Restriction

Although supportive of the permit condition for Option 1, Members recognised that it would not prevent a vessel, fitted with a vivier tank or tanks below the uppermost continuous deck that have a volume (in aggregate) that exceeds 2m³, from storing live marine resources in other locations on the vessel, (not within the main vivier tank/s) whilst fishing in the District.

Concern was raised that the amount taken on board and stored outside of the main vivier tanks whilst fishing in the District may potentially be disproportionate to what a potting vessel typically operating day trips in the District may catch and store on board. Therefore, Members considered adding a second provision to the potting permit condition (Option 1) which could potentially be applied.

Officers were tasked to contact a selection of fishers and B&PSC Members to gauge their views on one key question:

- ***What would be an appropriate amount of live marine resources that a potting vessel fitted with vivier tanks exceeding 2m³ should be able to retain on board (not within the main vivier tanks) whilst fishing in the District.***

4. Findings from Engagement

Based on the highest landing potting vessels in 2022 and 2023, and selected B&PSC Members, a list of 18 contacts was developed for telephone calls. Four B&PSC Members were contacted due to their background knowledge of commercial fishing. Telephone engagement began on 18th July 2025 and ended on 4th September 2025.

Officers highlighted **3 tonnes** of live marine resources to be stored on board (not in the main vivier tanks), whilst fishing in the District, as a starting point for the conversations. Officers were able to reach 10 contacts, and from this limited engagement there were a wide range of views. It was the preference of everyone contacted to ideally not set (suggest) a limit at all, but seven people went on to suggest an amount. Eight people used the conversations to focus more on discussing their preferred alternative solutions such as limiting permit numbers, zonal restrictions, and blocking new entrants that have vessels of greater capability, in particular those that are able to work in poorer weather compared to other vessels.

Five people had the view that **3 tonnes was far too high**. Furthermore, three would not state what in their view would be an appropriate amount as they were not in agreement with this approach for management. Some people commented that the B&PSC had moved too far away from the original position of introducing a complete prohibition based on vessel design. Others from this group of five suggested that pot capping would be a better path to follow.

Three people had the view that, if they had to suggest a figure, **3 tonnes would be an appropriate amount**; however, the B&PSC should consider separation of the species, for example to include within the total amount of live marine resources a maximum of 100kg of lobster. Another said 200kg of lobster, and another suggested 250kg of cock crab. One of these three people was operating a vivier vessel and although he felt that 3 tonnes was more than enough as a maximum, he said that restricting the number of pots being used would in his view be a more logical approach for managing pot fisheries.

One fisher operating in North Devon (using a vessel without a vivier tank) said that **3 tonnes was not sufficient**. Based on the potential that in the future this restriction may apply to all

potting vessels, his suggestion was a total of 4.35 tonnes of which 350kg should be the maximum for lobster and 3 tonnes should be the maximum for whelk.

5. Inconclusive Findings

The limited numbers of fishers (and B&PSC Members) contacted (10 in total) highlight the wide range of views that most likely would exist if others had also been contacted. It is likely that the suggested figures are, and would be, based on fishers' own business operations and catch expectations, rather than determining an amount suitable for one type of vessel that has different capabilities. Some did share their concerns that this management approach could set a precedent to eventually include all potting vessels and not just those fitted with vivier tanks exceeding a volume of 2m³. Officers had the view that to continue reaching out to additional fishers, some typically catching/landing far less than 3 tonnes a day would not provide robust information that could help to inform the B&PSC. The views of some fishers may also be impacted by generally lower catches of crab due to the recent octopus bloom that has been advantageous to some, but not all.

6. Officer Advice

6.1 To Implement a Potting Permit Condition

Members have the option of doing nothing; however, having already supported Option 1 in the June 2025 B&PSC Meeting, Officers advise the implementation of a potting permit condition (and interpretation developed by D&S IFCA's Byelaw Technical Working Group) as follows:

Potting Permit Condition - Provision:

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.

Interpretation:

“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 new Potting Permit Condition can be implemented as soon as Officers can make the required amendments to the current Potting Permit Conditions and undertake the administration work. This would be possible before the end of 2025. Implementation of the above Potting Permit Condition, with no additional provision, does not prevent the B&PSC considering further options for management of pot fisheries at future B&PSC meetings.

6.2 Officer Advice - Not to add a second provision to the Potting Permit Condition

Officers do not advise the Members of the B&PSC to determine an appropriate amount of live marine resources to apply as a second provision to the above potting permit condition.

This advice from Officers is based on a mixture of factors as follows.

1. There were mixed and wide-ranging views from nine people that would not be impacted by the main provision (option 1) or an additional provision relating to carriage of live marine resources. Most found it hard, during the telephone conversations, to

quickly determine a level for those that may be impacted, recognising that they themselves would not be impacted. Some were open with their views that it would be a bit of guesswork on their part to determine a level. One fisher said that other factors could change their initial view for example if they changed their own vessel type. Others questioned what the B&PSC are trying to achieve and for the B&PSC to stop, reconsider the approach, and do something else.

2. Amongst Members contacted there were different views about the approach in general and how effective the second provision, or even the first provision would be. It is the view of Officers that if the B&PSC wish to add a potting permit condition based around a maximum level of live marine resources, additional and better data should be available to the B&PSC to determine this level, potentially including wider consultation.
3. Further wider ranging engagement is possible but time consuming and it would delay action as the findings of larger scale engagement would need documenting and a further B&PSC meeting would be required to discuss the findings. There is no guarantee that even with additional extensive engagement the B&PSC could be provided with more conclusive information based on the views of fishers.
4. Implementing the potting permit condition as recommended, with no second provision, will enable Officers to monitor the impact of this single management measure. Officers may be able to discover the level of live marine resources removed in a day from the District by the relatively few vessels fitted with vivier tanks with a volume exceeding 2m³ that already have permits to fish within the District. This monitoring can be used to inform the B&PSC at future meetings.
5. Over time Officers can inform B&PSC Members about any potential new entrants that have vessels fitted with vivier tanks exceeding a volume of 2m³ that acquire permits to fish in the District.
6. Officers are aware that some B&PSC Members stated in the June 2025 B&PSC meeting that, regardless of implementing a new potting permit condition for vivier vessels, this should not be the end of deliberations by the B&PSC. Members of the B&PSC have indicated that over time additional options for management that were not supported by the B&PSC in previous meetings may be appropriate to consider once again. Other management measures, beyond a focus on vessel type, may recognise the wider ranging concerns raised by fishers during engagement work carried out during the last twelve months about pot fisheries in the District.
7. As well as potentially returning to management options not supported to date by the B&PSC, Officers can monitor other developments, including the influx of octopus, research work relating to the effectiveness of escape gaps, the FMP South West Crab Fishery project and potential emerging fisheries such as scallop potting. All of these developments may produce considerations for the B&PSC at future meetings and potentially pre-consultation, and formal consultation on changes to the Potting Permit Conditions.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers

[Agenda Item 9 – Amendments to Potting Permit Conditions \(June 2025 B&PSC Meeting\)](#)

[Draft Minutes from the June 2025 B&PSC Meeting](#)