

Developing and Introducing a Voluntary Code for Potting on Seagrass in Torbay Marine Conservation Zone (MCZ)

Officers' Recommendation

That Members agree to the development and implementation of a Voluntary Code of Conduct to minimise the impact of potting on defined areas of seagrass within the Torbay MCZ

1. Background

On 26th June 2025 the B&PSC was presented with an Officers' paper detailing background information 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 (*Hippocampus guttulatus*). The MCZ assessment undertaken by Officers was based on evidence from a combination of stakeholder engagement, experimental trials and the scientific literature, and considers the potential impacts of the active cuttlefish fishery in Torbay.

The Officers' paper, presented in June 2025, highlighted to Members the conclusions of the MCZ assessment (TOR-MCZ-005 Version 4) that potting for cuttlefish may hinder the achievement of the conservation objectives of the site. Evidence from the D&S IFCA's previous gear trials showed that hauling of strings of cuttlefish pots, which have more than two pots attached, can cause them to drag across the seagrass and cause damage through abrasion and uprooting of seagrass. However, evidence suggests that single pots or pairs of strings of two pots may not cause this damage as they tend to lift directly upwards into the water column during hauling.

The MCZ assessment therefore concluded that management measures need to be implemented relating to cuttlefish pots to ensure the conservation objections of the site are furthered. This would fulfil D&S IFCA's duty under S.154 Marine and Coastal Access Act (MaCAA). Natural England has provided formal advice agreeing with this conclusion. Regarding potting impacts within the whole of the Torbay MCZ, it is important to recognise that the placement of other types of pots and traps, the levels of activity, and implementation of a Control and Monitoring Plan, has had a bearing on the formal advice provided by Natural England for other MCZ assessments. Regarding pots and traps, other than cuttlefish pots, Natural England agreed with D&S IFCA's conclusions that current low levels of activity for fish traps, crab and lobster pots/creels offer no significant risk of the activity hindering the conservation objectives of the seagrass features assessed. Natural England also agreed with D&S IFCA's conclusion that potting for whelk would not hinder the achievement of the conservation objectives for the mud feature.

Members were informed that management measures could include spatial or gear restrictions under revised Potting Permit Conditions, and/or informal measures such as a voluntary code of conduct. However, Officers had also identified that additional research into fishing practices and gear modifications would be beneficial to inform the best approach to management that will protect the MCZ, whilst minimising economic and social impacts.

The paper presented to Members at the B&PSC meeting on 26th June 2025 was an item for Members to note, and no decision making was required. However, Members provided feedback on some potential options for gear modifications, which was useful in informing Officers' later work.

Officers, therefore, proposed to undertake additional stakeholder engagement and boat-based survey work to establish how gear and activity modifications may reduce the impacts of potting on protected features, as part of a potential future management approach.

2. Additional Research Undertaken in Summer 2025

2.1 Stakeholder Engagement

Officers undertook additional stakeholder engagement to inform any potential management of the cuttlefish potting activity in Torbay MCZ.

Officers created a questionnaire to use as the basis for structured phone interviews with relevant Permit Holders. The relevant Permit Holders were based in Torbay ports and had indicated on their permit application that they use cuttlefish pots. At the end of June and beginning of July 2025, phone calls were made to a total of 16 Permit Holders. Of these, nine responded to the phone calls, three of which no longer fish for cuttle, leaving six to be interviewed. Several attempts were made to reach those Permit Holders that did not initially respond, with no success.

In the interviews, the participants were made aware of the past research that Officers had carried out to determine whether potting for cuttlefish had an impact on seagrass, and the findings of this work. Participants were asked questions about their current cuttlefish potting operations and then about any potential changes to how fishing is carried out to reduce any impact on the seagrass.

2.2 Proposed At-Sea Survey Work

After the phone call interviews were completed, an email was sent on 10th July 2025 to the relevant Permit Holders (excluding those who stated they no longer fish for cuttle) regarding an opportunity to participate in survey work with Officers. The e-mail outlined the relevant context regarding the Torbay MCZ assessment and highlighted previous research which indicated that the 1st and 2nd pots on a string are hauled straight up but that pots further along on a string can initially drag across the seabed before lifting. The e-mail then stated that:

“To finalise D&S IFCA's assessment on the interaction of cuttle pots on seagrass Officers are planning some research to test ways of reducing this drag of pots along the seabed. Ideally this work would be conducted from a commercial fishing vessel in a way that is representative of normal fishing, and it would involve placing cameras on pots to see which factors reduce drag.”

The e-mail set out that Officers were proposing a set day rate of £300 to charter vessels to undertake this work with an Officer on board and sought expressions of interest to participate in the work.

2.3 Further Literature Review

Finally, a further literature review was undertaken to gain a better understanding of pot drag across different fisheries. This was undertaken to see if any more recent peer reviewed

papers, relevant to the impacts of cuttlefish potting on seagrass and the potential impact of pot dragging, were available to help inform the management of the activity.

3. Findings from Additional Research Work

3.1 Findings from Stakeholder Engagement 3.2 Proposed At-Sea Survey Work

The headline finding was that interviewees agreed that any pot drag in Torbay's cuttlefish fishery is determined far more by hauling technique and environmental conditions during hauling than by gear configuration.

Responses from fishers regarding pot spacing

Respondents stated that, changing the spacing between pots offered little benefit and, in some cases, could potentially to worsen seabed impact.

Some fishers' responses to the questions on spacing of pots, were as follows:

"Shorter spacing between pots could be dangerous to haul. Longer spacing could cause more drag potentially as 12 fathom seems to be the correct distance to get the boat in the right place between pots. Would have to steam to them rather than rely on tide and if you didn't steam to them then you would be dragging them more. Need to be above the pot when hauling starts as either you will be dragging on the pot or on the boat depending on what side of the pot you are in relation to the tide. Would have to have heavy lead line to stop it moving around the seabed if its longer line."

"Doesn't think that spacing between pots would make any different and enforcing the spacing of pots would be impossible."

"Can't see that spacing would make a difference. It is the hauling that makes the difference."

"Spacing wouldn't make a difference."

"10-20 fathom. Mostly to do with depth on water. Never want more than 2 pots on the hauler at a time so spacing is such that when one is coming over the rail the next is just lifting off the seabed. Uses lead line. Floating line for the up rope but never on the line between pots. Would cause a hazard to other vessels in the Bay."

"Uses lead line. Floating line for the up rope but never on the line between pots. Would cause a hazard to other vessels in the Bay."

Responses from fishers regarding the potential to reduce drag

All respondents stated that the vessel must be directly above the pot when hauling to stop it from dragging, and that vessel positioning for this depends on wind, tide, and the ability of the vessel to steam to the location. This may be more difficult when a vessel is single-handed, and the fisher is responsible for both operating the vessel and hauling the gear.

Respondents highlighted that issues would occur when the wind/tide direction is different from the direction the pots were set (e.g. if there is a crosswind across the string orientation), and that drag will increase if they have limited control on vessel positioning in these conditions. Officers conclude that it might not always be possible for fishers to be above the pot whilst hauling, despite their best efforts. Below are some comments made by fishers:

"The way to stop the drag is to be on top of the next pot on the string. This either has to be by tide/wind or steaming to the next pot. If you aren't on top of the next pot then it will drag. I always move to the next pot, but others might not."

“All the drag is to do with conditions of the day and whether you can move towards the pot or fighting any wind that day. If you shot east to west if there is a west wind you work with it, if it is a south wind that day you are going to drag on the pot.”

“Working the gear slowly and also moving towards the gear. Have to move that way or it will drag more. On a small vessel so doesn't go out in any weather so have more control.”

“Maybe end weights but then there is a risk of the end weight dragging and thinks this would dig in more than a pot.”

“Always works with the tide so that I move towards the next pot while dealing with the previous pot,”

“Thinks that slower haulers would cause less drag. Also, lighter vessels cause less drag than heavy vessels as less weight against the pot when not able to work with conditions.”

One fishes stated that they feel like they are always above the next pot when hauling so they aren't dragging. They have two crew though with outside and dual steering so can always control where the boat is. However, he did say that sometimes you might get a little bit of drag in come conditions, maybe up to 10 feet.

Fishers' responses regarding number of pots per string

Officers ask fishers where changing number of pots per string and other gear modifications would be considered in areas of seagrass. Some fishers suggested that in practice this may be difficult and pose a navigational hazard; however, some fishers already fish singles and are happy with this approach. None of the interviewees currently work pairs of pots, as the setup is more complicated than just fishing two single pots, with no real advantage during hauling. With regard to questions on number of pots per string used the following answers were received:

One fisher stated that he has “a mix of singles, 3 strings and 5 strings. Works the single strings in shore tight and works the strings in the deeper water up to 45/50 foot. Strings help with space on vessel but not fixed on using them and prefers singles. Just makes more sense in deeper water.”

“Would be happy to fish less pots in certain areas.”

“There would be a navigation hazard if everyone went to single pots or 2 pots on string. You would still want the same amount of pots in the same area because of cuttle density so if you normally had 6 pots in that area instead of 2 buoys you would now have 6 buoys in the same space.”

“Singles and strings of 3. Smaller strings so they can be spread out across the ground better. Don't use 2's as this is more hassle with line etc than just using singles. Would rather use singles than 2's.”

“Already works with 3's and would never get around all the gear if singles as he has 120 pots”.

“3 pots on string. This is the amount that fits nicely on the vessel. Singles would be a lot of buoys out plus there would be more chance of them washing up on the beach in an east wind.”

“Single pots possible but they are harder to work and there are the issues that they can move when there is wind/swell. Easier to move a string of pots slightly off when you know there is an east wind coming rather than trying to move lots of singles out.”

“Wouldn't want to fish fewer pots on string. If half the amount it would take double the time to haul them and then the cuttle would start to degrade.”

Responses from fishers regarding the placing of pots on seagrass

When fishers were asked if they set pots on the seagrass the following responses are some examples received:

“not sure where the pots are exactly as doesn't use a plotter. Has filled out chart from questionnaire though and works strings in deeper water.”

“Pot in Shoalstone and the scallop ranch at Torquay. Doesn't think there is seagrass there. Used to fish Broadsands in seagrass but others now fish there.”

“Probably seagrass in some of the areas he fishes but doesn't know for sure without a chart of the seagrass.”

“Not at the moment. Those areas are already fished by others.”

“Some in seagrass but the majority on the edges. Doesn't see a lot of seagrass and thinks it's shallower than where he's working. Wouldn't work in close because of the risk of the pots washing up in an east wind.”

“Rely on being near and on seagrass. Best place for the cuttle. Don't know exactly where the seagrass is but assumes they are on it at least some of the time.”

Additional comments made by fishers:

“Doesn't think that the pots are impacting on the seagrass. Never see seagrass on the pots and if they were covered in seagrass the cuttle wouldn't see the lure so you wouldn't keep fishing in those areas. Thinks that easterly winds would do harm than potting ever would.”

“Limit number of pots close inshore. Or tonnage of vessel changes inshore as he thinks the heavier vessels cause more drag than lighter vessels”.

“The seagrass has been increasing in the Bay over the last 20 years so doesn't think the potting is hurting it. Not happy with the recreational anchoring on the seagrass.”

3.2 Proposed At-Sea Survey Work

There was one expression of interest in chartering for survey work. However, after the initial expression of interest unfortunately this Permit Holder did not respond to follow up phone calls, email or text messages to undertake this work. Due to the lack of response, it has not been possible for Officers to undertake additional at-sea potting impact studies.

3.3 Additional Literature Review

A further literature review was undertaken to gain a better understanding of pot drag across different fisheries.

The relevant research papers assessed different pots being fished on different habitat types to those studied by D&S IFCA Officers for the cuttlefish fishery. However, the research supports the finding that the process of hauling increases pot contact with sometimes sensitive seabed habitats, and that drag time increases for pots further down the string. A study was

found that tested the effect of doubling the length of line between the pots. Although this did reduce drag time somewhat, the pots still dragged in a way that was considered to have an impact on habitats; the study authors therefore did not recommend changes to pots spacing as an approach to reduce drag and habitat impacts.

4. The Seagrass Beds

Seagrass beds within the Torbay MCZ have been mapped on multiple occasions and their extent is susceptible to change for a range of reasons, including depth of water limitations and adverse weather, in particular, easterly winds. There are risks to the health of seagrass beds from natural impacts such as weather, turbidity, smothering and disease, as well as poor water quality. Other potential impacts include anchoring by recreational vessels in the seagrass.

The seagrass beds change in size over time and survey work and mapping of seagrass has shown these changes. The Environment Agency undertook a survey, using camera drops and echosounder monitoring in the seagrass beds in areas within the Torbay, in June 2025 and D&S IFCA has requested sight of the outputs for his survey work as soon as they are available. Due to variations in size and locations of the seagrass beds in the Torbay MCZ, establishing boundary lines to create formal zones for management as Potting Permit Conditions will be complex. The locations of seagrass beds are shown below in Figure 1 (next page).

The chart in Figure 1 shows that the some of the areas of seagrass are very small in size and extend all the way to the rocky shoreline. This has a bearing on what types of management are appropriate, how practicable they would be to implement, monitor, and if they were formally introduced through the Potting Permit Conditions, to enforce effectively.

It is not known exactly how many pots are used within the whole of the Torbay MCZ, but for the Assessment¹ this described as being a medium level. This level includes all types of pots on features including mud, rock and the reef feature of the Torbay part of the Torbay and Lyme SAC, which co-locates with the MCZ. Pots other than cuttlefish pots will be, or very likely to be present in the areas around the seagrass, particularly close to the rocky headlands. Due to this, zoning of management areas to protect the seagrass would be challenging to implement as proportionate management measures.

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¹ D&S IFCA MCZ Assessment (TOR-MCZ-005 Version 4)

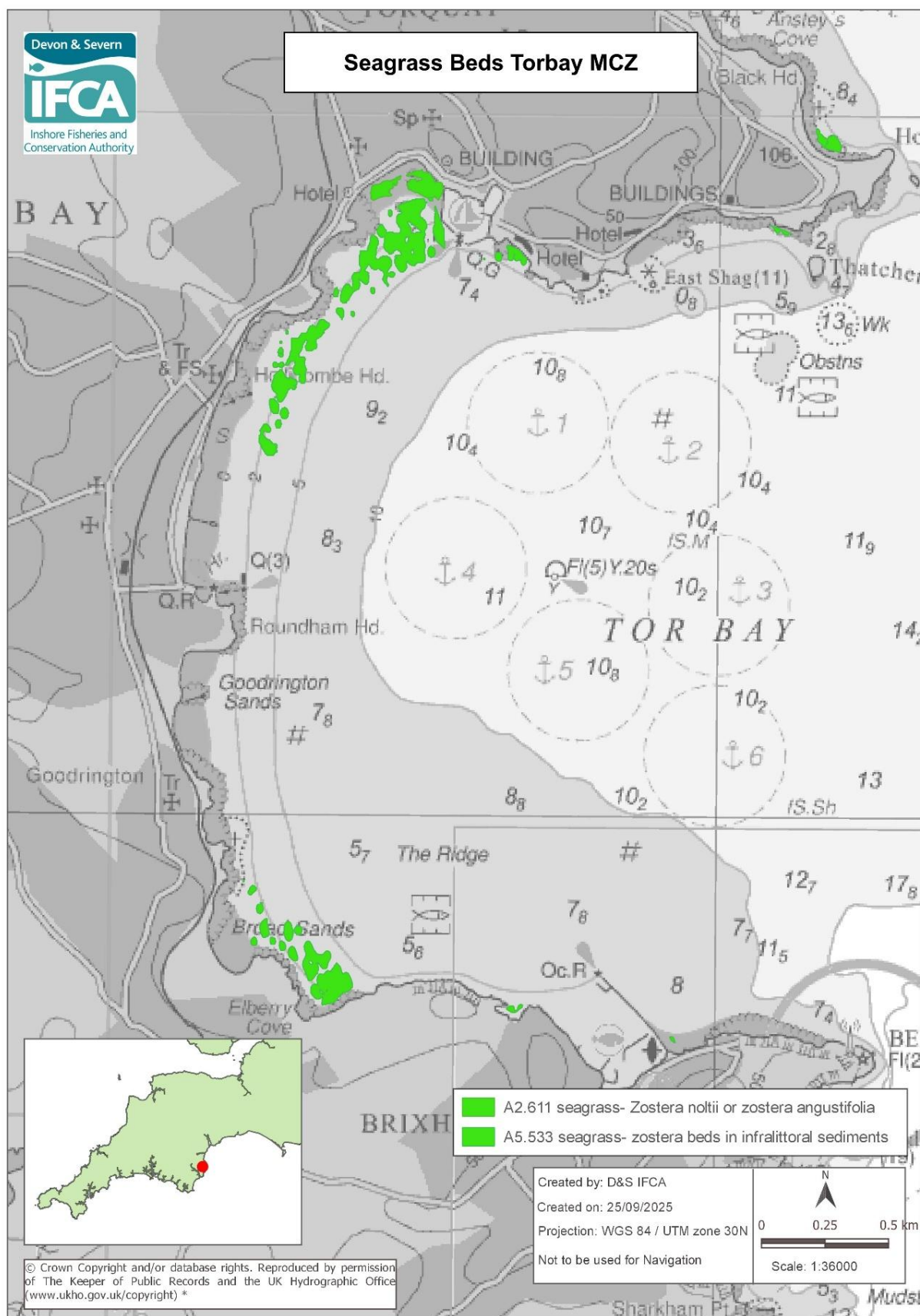


Figure 1 - Chart of the Seagrass Feature within the Torbay MCZ

5. The Management Approach

The best available evidence concludes that cuttlefish pots are present, or likely to be present on or in close proximity to areas of seagrass. However, the numbers of cuttlefish pots that may have an impact are relatively low, and importantly the numbers of fishers operating this gear is low. The recent engagement suggests that 13 fishers in the Torbay area operate cuttlefish pots, with at least six fishers already engaging with D&S IFCA. Due to a range of factors set out in this paper, pot drag can potentially be reduced, but it is the view of Officers that avoiding all pot drag is not possible. In addition, it is not possible for other potential damaging activity, such as anchoring, or damage caused by natural events to be managed by D&S IFCA. The action that D&S IFCA can take is restricted to managing fishing activity; however formal regulation is not the only option.

D&S IFCA implemented a Monitoring and Control Plan (M&CP), but it is relatively new being introduced in August 2023. Natural England, in their formal advice dated 23rd October 2023 and further advice dated 30th May 2025, supports the introduction of a M&CP for cuttlefish potting in the Torbay MCZ. The M&CP includes gathering of data and filling information gaps, and time is needed to achieve these core aspects of it. The absence of boat-based surveys during summer 2025 (with focus on gear deployment and recovery) has unfortunately not helped to fill information gaps and the monitoring process itself has been compromised by the delayed national implementation of IVMS on all potting vessels.

The M&CP was developed on the basis that D&S IFCA will review the information from the M&CP and that any formal management of the commercial fishing industry would need to be proportionate, in particular in relation to the level of recreational anchoring taking place on the seagrass beds and documented as having an impact on this feature.

The M&CP does highlight that engaging with fishers in this small-scale fishery will allow D&S IFCA to understand any changes to the activity that could be made to minimise the potential impact, whilst supporting the small-scale fishery. A voluntary code is built upon engagement, knowledge of an issue, willingness to achieve a common aim, and trust. Fishers interviewed to date are aware that seagrass beds are a feature of the Torbay MCZ and have all indicated that they have no intent to cause damage. Development of a voluntary code provides the opportunity for the identified fishers, and a wider audience, to better understand the importance of seagrass beds as a feature and how interaction can be minimised with a series of voluntary conditions. Although some parameters must be set by D&S IFCA within the voluntary code, fishers themselves may input into its development and the publicity of it as a way of achieving the aims to protect the feature, whilst not over regulating the industry.

D&S IFCA understands that the MMO is looking to undertake an assessment of the impact of recreational anchoring on the seagrass within the Torbay MCZ in 2026. This provides the opportunity to raise awareness of seagrass and how different users can impact the feature of the MCZ.

Voluntary codes are susceptible to failure over a longer term, but not always. Their effectiveness is related to support by those governed by it but also knowing that the voluntary code can be monitored effectively. Regarding effective monitoring, circumstances are changing for the better. Not only does D&S IFCA now have availability of drone technology, but the national roll out of vessel monitoring is on the horizon, both of significant use for this monitoring. The use of IVMS to monitor the activity in the seagrass beds was highlighted by

Natural England in their formal advice as a key way to fill some of the information gap and uncertainties and will critically inform ongoing adaptive risk management.

The consequences for non-adherence to voluntary codes is likely to be regulation; however, regulation still requires effective enforcement. A voluntary code can act as a potential forerunner to formal regulation, where monitoring can be tested before potential implementation.

In June 2024, the B&PSC agreed to a series of byelaw making/byelaw review principles that are also relevant to potential implementation of permit conditions (or not implementing formal management) and introducing a voluntary code.

- To consider alternative management approaches to legislation;
- To drive behavioural change to achieve higher compliance
- To make the best use of technology.

A key principle is to draft legislation to facilitate effective enforcement. At present it is the view of Officers that drafting Permit Conditions to address all the issues of cuttlefish pots interacting with seagrass beds is challenging. There are multiple sites, with some very small in area. Defining all beds with a view to creating legally controlled areas, may be excessive and overly precautionary.

Key Parameters of the Voluntary Code for Potting on the Seagrass within Torbay MCZ

The following parameters are those that Officers have identified would be included in a Voluntary Code of Conduct:

1. Creation of zones that encompass the extent of the seagrass beds from the most up to date survey work;
2. Where possible potting on seagrass should be avoided;
3. Preferably single pots are used within the seagrass areas;
4. Limitation on the number of pots deployed in the seagrass to a maximum of two pots per string;
5. Fishers endeavour to make gear adaptations where possible to avoid any drag of pots;
6. Where possible and practicable fishers endeavour to position their vessels directly over the pots when hauling;
7. Avoid using anchors or end weights when fishing in seagrass areas;
8. Where practicable, pots and traps, that become encrusted with cuttlefish eggs, are left in the sea until the cuttlefish eggs have hatched to maximise survival;
9. Fishers engage regularly with D&S IFCA to improve collective knowledge and understanding of the cuttlefish fishery and to help inform the M&CP;
10. To attend an annual meeting with D&S IFCA to discuss potting within Torbay MCZ;

D&S IFCA Officers will draft the Voluntary Code of Conduct for potting in the Torbay MCZ based on the point listed above. D&S IFCA will:

- liaise with the commercial cuttlefish potters to discuss and finalise the Code of Conduct;
- contact all the Commercial and Recreational Potting Permit Holders to promote the Code of Conduct;
- highlight the importance of supporting and adhering to the Code of Conduct , to avoid the need to introduce formal management of potting in the Torbay MCZ;

- through this engagement and the introduction of a Code of Conduct raise awareness of the importance of seagrass and seek to ensure its protection.

Officer Recommendation

That Members agree to the development and implementation of a Voluntary Code of Conduct to minimise the impact of potting on defined areas of seagrass within the Torbay MCZ

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](#)

[Marine Conservation Zone Assessment \(TOR-MCZ-005-V4 – April 2025\)](#)

[NE Formal Advice May 2025 on D&S IFCA Torbay MCZ Assessment Static Pots vs Seagrass 2025 V4](#)

[Monitoring and Control Plan – Torbay MCZ – Potting on Seagrass V1 \(August 2023\)](#)