



Byelaw & Permitting Sub- Committee Meeting

Draft Minutes from 26th
June 2025

Version Control and Drafting

Date	Comments
Version 0.1 25 th July 2025	1 st Draft of minutes developed by PPO Townsend for circulation to Officer's present at the meeting for potential internal amendment and/or additions.
Version 0.2 13 th August 2025	Additions by CO Mander. Draft minutes V0.2 circulated to B&PSC Members for initial feedback.
Version 0.3	Comments received by Chair and Vice Chair of B&PSC – grammatical amendments applied. Draft minutes 0.3 published on D&S IFCA website.

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Minutes of the Byelaw and Permitting Sub Committee Meeting

Held at Exeter Racecourse on 26th June 2025

Present:	Dr Emma Bean (Chair)	Professor Mike Williams	Mark Day
	Felicity Sylvester	Dave Saunders	Charlie Ziemann
	Jon Dornom	Guy Baker	Wayne Thomas
	Didi Alayli	David Morgan	
	Rachel Irish (MMO)	Simon Toms (EA)	

Officers Chief Officer (CO) Mat Mander, Deputy Chief Officer (DCO) Sarah Clark, Principal Policy Officer (PPO) Neil Townsend.

Introduction:

All Members were welcomed to the meeting.

Agenda Item 1

Appointment of the B&PSC Chair

CO Mander introduced the agenda item, as per the Officer's paper. Mike Williams nominated Dr Emma Bean to continue her role as Chair of the B&PSC. There were no other nominations. With support from all Members, Dr Emma Bean agreed to continue as Chair of the B&PSC. A formal vote was not required, as there were no other nominations. CO Mander thanked Dr Emma Bean for her continued service as Chair.

Agenda Item 2

Appointment of the B&PSC Vice Chair

The Chair introduced the agenda item, as per the Officers' paper. Jon Dornom nominated Professor Mike Williams to continue his role as Vice Chair of the B&PSC. With support from all Members, Professor Mike Williams agreed to continue as Vice Chair of the B&PSC. A formal vote was not required as there were no other nominations.

Agenda Item 3

Apologies for Absence

PPO Townsend informed Members that apologies had been received from Simon Thomas, Jasime Rix (Natural England), Dr Pamela Buchan and Cllr McGeough (Devon County Council). PPO Townsend stated that in addition to Cllr McGeough, other new appointments were made for the B&PSC at the June Authority meeting, but it was recognised that those new Members had already clarified that they did not have enough notice to join the B&PSC meetings until later in 2025.

Agenda Item 4

Declaration of Interest

As per paragraph 9.40 of the D&S IFCA Standing Orders, CO Mander informed Members that Jon Dornom, David Morgan, and Charlie Ziemann had been provided with a dispensation to participate in discussions relating to agenda items 8 and 9, but not to vote on any motions relating to agenda item 9. Members acknowledged this decision by CO Mander. A general discussion on the role of General Members then

followed, in which it was emphasised that General Members are appointed for their specific knowledge and skills and not as representatives of a particular sector.

Agenda Item 5

To consider and approve the draft minutes of the B&PSC meeting held on 27th February 2025.

PPO Townsend explained that some corrections to grammatical errors had been provided by the Chair and Vice Chair of the B&PSC prior to the meeting and already applied in draft version 0.4 of the meeting minutes. The Chair invited those who were present at the last meeting to raise any issues associated with the accuracy and detail of the draft minutes (version 0.4) from the February B&PSC meeting and the minutes were examined page by page. No amendments were suggested.

That the minutes provide a true and accurate record.

Proposed: Mike Williams

Seconded: Wayne Thomas

In favour: 10

Against: 0

Abstain: 3

Agenda Item 6:

Matters requiring urgent attention.

The Chair consulted with the Chief Officer and there were no matters requiring urgent attention.

Agenda Item 7:

Members of the public – questions or comments for the meeting.

The Chair consulted with the Chief Officer and there were no questions or comments from members of the public for the meeting.

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Agenda Item 8:

Potting - Responses to the Formal Public Consultation

The Chair asked CO Mander to introduce the agenda item.

Presentation

CO Mander highlighted the report that had been prepared by Officers (Formal Consultation Report – Amendments to the Potting Permit Conditions - A Summary of Responses from the Formal Public Consultation). CO Mander said that the detailed report was to inform the Members of the B&PSC about the responses received, but also to demonstrate to a wider audience how responses received had been documented and summarised ready for consideration. CO Mander said that the report explained how the consultation was conducted and the different communication methods used. CO Mander added that all the responses received (with redacted personal data), had been made available to Members of the B&PSC by loading them onto the secure area of the D&S IFCA website.

CO Mander highlighted that there was a total of seventeen responses to the Formal Public Consultation, with fifteen informing the discussion. From these there were two identified objections to the B&PSC's proposal as set out in the Formal Public Consultation, with the other responses being supportive, but in most cases qualifying that support. CO Mander highlighted the objection responses set out on page five of the report. CO Mander said that the first objection was from a permit holder operating a vessel with a vivier tank exceeding an aggregate volume of 2m³, however the tank is only used for ballast (stability) and could not be accessed at sea. CO Mander explained that this vessel operator had met with him in person to highlight his objection and had then followed this up with their written response.

CO Mander highlighted that the person submitting the second objection would not be impacted by the proposal, but had raised some broad points of objection as set out in the report. At the request of the Chair, CO Mander paused to answer questions relating to the two identified objections.

Questions about Objections

Regarding the first objection, CO Mander answered several points relating to the construction of the vessel fitted with vivier tanks and clarified how the proposal (as written) would impact this permit holder and prohibit them from fishing. Members discussed Maritime and Coastguard Agency (MCA) certification and operational requirements for the vessel in relation to its vivier tank, and its use solely as a ballast tank. Members discussed what would constitute and what would not constitute a vivier tank. The Chair and Mike Williams informed the discussion by clarifying that the proposed permit condition wording included the words "capable of being used" presented an issue regarding this objection, but the wording could be amended. Regarding amendments, and the potential permit condition provisions to be introduced, Members recognised that care was needed not to introduce unintended consequences or to introduce loopholes in legislation.

Regarding the second objection, Mike Williams said that he did not fully understand all the points being made, in particular the point about protectionism. CO Mander said that Officers had examined this response and expanded upon the points made, as Officers had understood them.

Qualified Support

CO Mander focussed on the next section in the report and explained that the tables highlighted some key points, such as a call for grandfather rights, temporary exemptions, and alternative management measures. CO Mander said that the Officers' paper for agenda item 9 explored these points raised in the responses and further questions from Members about these points can be addressed in the next agenda item.

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Agenda Item 9:

Potting – Amendments to the Potting Permit Conditions

The Chair asked CO Mander to introduce the agenda item.

Presentation

CO Mander highlighted the background information leading to the proposal of the B&PSC as set out on page one of the Officers' paper. CO Mander explained to Members that Officers had looked at all the key points

from the responses received and how to potentially address them in relation to the proposal of the B&PSC as set out in the Formal Consultation. CO Mander said that Officers had provided two options for consideration; however, it was for the B&PSC to determine how to proceed.

CO Mander said that Officers supported Option 1 as it addresses multiple points raised, but also addresses concerns raised previously by the B&PSC regarding vivier type vessels operating in a different way (staying at sea overnight) to vessels that typically operate day to day (day trips). CO Mander highlighted that the key addition to the proposal of the B&PSC, as set out in the formal consultation, is the words “whilst fishing within the District”. CO Mander provided Members with an example of how these words already feature and are effective in the Potting Permit Conditions in relation to catch (Minimum Conservation Reference Sizes). CO Mander highlighted that this approach of including “whilst fishing” would provide equality as all vessels can operate in the District, but all must adhere to the same permit conditions. CO Mander highlighted the different sections of the Officers’ paper explaining how Option 1 addresses the points made, and importantly Option 1 would resolve complications that could develop regarding a reliance on policy (for the issuing of a permit), rather than legislation (the criteria to gain a permit as set out in the Potting Permit Byelaw).

CO Mander highlighted that Option 2 was closer to the proposal of the B&PSC as set out in the formal public consultation; however, the capacity of the tank/s in this potential provision had been increased from 2m³ to 4m³. CO Mander said that this amendment would address the first objection and result in the vessel with the vivier tank used solely for stability being able to continue fishing in the District. CO Mander said that it was the view of Officers that this amendment would not resolve the other points raised in the formal public consultation.

CO Mander informed Members that they could consider proceeding with their proposal as set out; however, Members were advised to set out how their views recognised or did not recognise the points made in the responses to the formal public consultation, so it could be documented in the B&PSC meeting minutes.

Discussion and Questions

Regarding the decision making at this meeting, the Chair said that she was supportive of Option 1 for the reasons set out by Officers. The Chair said that her personal view was that the potential change in permit conditions relating to vivier vessels could be the first of several potential changes to management, which could include pot capping to apply beyond vessels fitted with vivier tanks.

Mike Williams suggested that the Byelaw Technical Working Group (BTWG) could examine the proposed wording (for the permit condition) as set out in the formal consultation and potentially refine it and the definition of “vivier tank” to recognise the first objection. Members including Mark Day, David Morgan, and Jon Dornom informed other Members about vessel design, details of vivier tanks, and stability considerations and confusion that could exist with terminology. Acknowledging the complications, Mike Williams said that his preference would now be to support Option 1.

Jon Dornom said that Option 1 would not deliver his expectations as the objective was to exclude super crabbers from operating in the District. Jon Dornom informed Members that some super crabbers, that he is aware of, can carry over 500 pots on deck, can store 18 tonnes of crab in vivier tanks and approximately 6 tonnes of crab on deck/alternative tanks. Jon Dornom said that Option 1 would enable these types of vessels

(if already having a permit, or meeting criteria to gain a permit) to work around 2000 pots in the District and store the catch on board in locations other than the main vivier tanks.

CO Mander informed Members that it was important for the Members to recognise vessel capability, in relation to what could happen in theory and what activity is currently taking place. CO Mander said that the Officers had noted concern from Members relating to these types of vessels having capability to operate in the District for longer periods, many days, rather than operating in the District day to day. CO Mander explained that Option 1 would result in the fishing operation of vessels with large vivier tanks being closer aligned with vessels that operate day to day, but would not exclude these types of vessels completely. CO Mander said that a vessel of this type could, as highlighted by Jon Dornom, work a large number of pots within the District, but the permit conditions do not restrict the numbers of pots that any commercial operator can work in the District.

Simon Toms said that in his view he was surprised that the Officers were not recommending introducing pot limitation to the B&PSC. CO Mander responded and stated that the B&PSC had considered pot capping, but to date had not been in favour of this approach. The Chair said that regarding dismissing pot capping in the first instant, vessels fishing for long periods had been more of a concern for the B&PSC, and maybe the solution in the longer term would be a combination of management measures.

Didi Alayli said that in her view the B&PSC should consider going back a step to reconsider other management measures beyond restrictions related to vivier tanks, which could include pot capping and vessel size restrictions. Simon Toms highlighted that Cornwall IFCA were attempting to introduce a vessel size restriction (Byelaw) in their District limiting both vessel size and for different vessel design as well as prohibiting vivier tanks over a stated size. CO Mander said that different options had been considered by the B&PSC and, as the fleet in the District is different to that in Cornwall, vessel size limitation would be more challenging to introduce, and was an option not favoured by the B&PSC to date.

Guy Baker had the view that a potential management measure could be to limit crew numbers working on a vessel. Rachel Irish said that crew capacity could be a way of limiting super crabbers. Mike Williams suggested that the Byelaw Technical Working (BTWG) Group could look to re-draft permit conditions to provide options beyond the Officers suggestions of Option 1 and Option 2. CO Mander said that the BTWG had no delegated powers and therefore could only consider drafting requirements based on the decision making of the B&PSC – the scope of the intended management.

Mark Day said that care was needed defining vivier tanks (and the wording for the permit condition provision) as there are stability considerations to consider that could complicate any additional requirement beyond restricting the use of the main vivier tanks, for example MCA coding restrictions. Mark Day said that in his view Option 1 or Option 2, as set out, could be part of a range of potential management measures for more discussion in the future, but felt that a decision at the meeting based on the presented information was needed to avoid delays.

David Morgan said that having studied the consultation responses and the Officer's paper, before the meeting, he was initially in support of Option 1 as set out; however, David Morgan said that he now shared some concern about the amount of shellfish that could in theory be stored (not in the main vivier tanks) on vessels with those tanks, whilst they were operating in the District. It was the view of David Morgan that Option 1 could be refined to take account of these concerns.

The Chair agreed with Mark Day that, in her view, the options presented by Officers at the meeting were not the end of considerations for the B&PSC associated with a range of management options, but that decisions at this B&PSC meeting, relating to the scope of management measures to potentially apply, had to reflect what was put forward in the formal consultation.

(Comfort break)

Continuation of Agenda Item 9

The Chair summarised discussions and suggested Members examine the second option set out in the Officers' paper. Jon Dornom said that he was more supportive of Option 2, compared to Option 1, as it would prohibit vessels with a vivier tank (with a volume (in aggregate) that exceeds four cubic metres) from operating in the District. Mark Day said that this option had merit, as it would address one of the objections raised in the formal consultation and could be more easily enforced compared to Option 1 (or a variation of Option 1).

PPO Townsend said that it was for Members to determine which Option (if any) to support; however, it would be of value to record in the minutes how, in the view of Members, Option 2 would address, or not address, the other objection response and the other points made about grandfather rights or temporary exemptions.

Jon Dornom and Mark Day enquired if it was possible for the Chief Officer to issue temporary exemptions in a letter to enable a vessel with a large vivier tank to operate as cover for another vessel. PPO Townsend said that this was not possible, as the basis for exemptions must be set out in the Potting Permit Byelaw, not the Potting Permit Conditions. PPO Townsend said that if the Chief Officer had the authority to issue temporary exemptions to address this point of concern, that this would have been set out in the Officers' paper.

The Chair said that she would support Option 1 (or a variation of it) as it enables vessels to operate on an equitable basis. Regarding additional elements for Option 1, the Chair highlighted that Officers must have some direction how to proceed. CO Mander commented that if other factors need consideration, time would be needed for Officers to gather additional information, and present it to the B&PSC, which would delay decision making as another B&PSC meeting would be required. Both Simon Toms and Mark Day said they would prefer action is taken, rather than a delay. Mike Williams said that a delay would be frustrating, but it is better to delay and get it right.

Jon Dornom said he had concerns regarding the wording used for Option 1, including terminology for vivier tanks which in his view may introduce loop holes. David Morgan said that he had been in support of Option 1, but shared some concerns raised by Jon Dornom. How to add an additional element relating to additional carriage of sea fisheries resources (not in main vivier tanks) was unclear so, in the view of David Morgan, it should be resolved even if this delayed decision making.

Mike Williams suggested that Officers could seek out more information relating to the additional carriage of sea fisheries resources by a vessel fitted with a large vivier tank, so Members could determine if an additional restriction should apply (additional to Option 1) and what it would be. Regarding the presented Option 1, the Chair said that a vote could be taken to clarify if Members were in support of this option, with a potential second element to be discussed at the next B&PSC meeting.

Decision Making:

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**

There were no amendments put forward.

In favour: **10**

Against: **0**

Abstain: **0**

Agenda Item 10:

Potting for Cuttlefish on Seagrass with Torbay MCZ

The Chair asked the Officers to introduce this agenda item.

Presentation

DCO Clark highlighted the main sections of the 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. Although the assessment concluded that the activity has the potential to hinder the achievement of the conservation objectives of the sites, DCO Clark informed Members 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.

DCO Clark explained how research undertaken to date had been conducted with the use of cameras placed on cuttle pots to assess direct impacts on the seagrass beds based on two fishing scenarios:

- a) Impacts from a single pot
- b) Impacts from a string of four pots

DCO Clark highlighted the content of the Officers' paper about the findings from these two fishing scenarios and, regarding impacts from a string of pots, an identified need to gather more information to understand the fishing behaviour within the site. This included a need to establish a more accurate value regarding the number of pots being used, the exact location potting is taking place, and the makeup of strings being used. DCO Clark explained that D&S IFCA developed a Monitoring and Control Plan (M&CP) to gather this information.

As part of the M&CP, DCO Clark explained how Officers had arranged in person meetings and postal surveys with fishers identified as working cuttle pots in the site, with a summary of the findings set out in the Officers' paper. Based on the work undertaken by D&S IFCA to date, DCO Clark informed Members that D&S IFCA Officers submitted a revised MCZ assessment to Natural England in April 2025. DCO Clark confirmed that under this assessment it cannot be concluded that at current levels the cuttle potting activity is not having an impact on the seagrass bed and seahorse features of the Torbay MCZ.

DCO Clark said that Members will need to consider possible management options for the cuttlefish fishery which can be implemented in time for the fishery to begin again in March 2026. DCO Clark highlighted 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. Before those considerations by the B&PSC, DCO explained that the Officers' view is that there is potential for gear modifications to be applied that could reduce the risk of harm from the fishery. Depending on how effective gear modifications are at mitigating damage to seagrass, this may inform the best approach for management. DCO Clark said therefore that Officers intend to undertake additional research work during summer 2025, and highlighted the key steps to be taken, as set out in the Officers' paper. DCO Clark informed members that the findings of the work undertaken in the summer will inform a paper for the next B&PSC meeting.

Discussion and Questions

Jon Dornon said that, in his view, adapting how cuttle pot gear is set up and used could mitigate against damage to seagrass. Jon Dornom explained to Members what changes could be made by fishers, including adjusting lengths of pot rope and taking a different approach to the hauling of the gear. It was the view of Jon Dornom that an alternative hauling technique could reduce drag on the seabed. Mark Day agreed that additional efforts must be taken to work with fishers to see how fishing practices could be adapted.

David Saunders highlighted to Members that strong easterly winds in Torbay can also cause damage to seagrass beds and this could not be managed. Jon Dornom highlighted to Members that damage to seagrass could be caused by leisure craft anchoring in the site

DCO Clark confirmed that Officers were aware that anchoring by non-fishing vessels is occurring in the Torbay MCZ and the MMO, as the organisation responsible to manage this potential damage, are examining the issue in 2026/2027. DCO Clark highlighted that eco moorings are not being well used and that signs about the mooring of vessels are frequently being ignored.

Regarding the use of anchors for a string of pots, David Morgan informed Members that anchors may actually provide some benefit and explained why this could be the case. David Morgan suggested that the use of anchors in combination with strings of pots be added to the range of scenarios being tested. CO Mander said that regarding David Morgan's suggestion D&S IFCA could seek permission from Natural England.

With no other questions, the Chair said that Members noted the Officers' paper, without the requirement for a vote.

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Agenda Item 11:

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

The Chair asked the Officers to introduce this agenda item.

Presentation

DCO Clark provided Members with an overview of the Officers' paper, highlighting a trend for the "bloom" that is apparent about every fifty years. DCO Clark informed Members that "bloom" maybe not the best description of current affairs as it is more of an explosion or plague. As well as information about octopus

biology and history of recorded explosions in the abundance of octopus, DCO Clark informed Members about issues raised by fishers and how D&S IFCA had reacted with communications and engagement work. DCO Clark informed Members about a letter received from the leader of Plymouth City Council and the response provided by the Chair of the Authority (Professor Mike Williams), and Vice Chair of the Authority (Dr Pamela Buchan). DCO Clark informed Members about other numerous calls and emails from fishers, their representatives, and other Plymouth Council employees, to act urgently to change the regulations. DCO Clark explained how Officers had sought legal advice on the wording of the Potting Permit Condition relating to whether the requirement to have escape gaps fitted to pots that have an entrance constructed of net applied if the pots are targeting species other than crab, lobster, and spiny lobster.

DCO Clark informed Members that D&S IFCA then went on to produce and widely circulate clarification on the wording of the Potting Permit Conditions relating to the requirement to have escape gaps fitted, this clarification being circulated to all D&S IFCA Potting Permit Holders and those stakeholders who had communicated with D&S IFCA throughout the week raising their concerns. DCO Clark confirmed that recipients of the clarification included fishing representatives, Plymouth Council Members and employees, and members of the press who had sought information from D&S IFCA. DCO Clark informed Members that a News Item was also produced detailing the clarification on the applicability of Potting Permit Conditions with a view to addressing issues relating to predation by octopus and concerns raised by the fishing industry about the use of escape gaps, with this news item posted on the D&S IFCA website and Facebook. DCO Clark said that following the issuing of the clarification, D&S IFCA responded to follow up enquiries from local press, Sky News, ITV and the BBC and that D&S IFCA's Chief Officer gave an interview with the Fishing News, the resulting article being printed in the June 5th, 2025, edition.

DCO Clark informed Members about the next steps being taken by D&S IFCA, including a continuation of national discussions (involving Defra, MMO, Cefas, and other IFCA's), as well as the additional research outlined in the Officers' paper.

DCO Clark concluded her presentation by informing Members that, at this time, fishing representatives are not in favour of any immediate management interventions but would prefer that the year is used to gather as much information as possible.

Discussion and Questions

The Chair and Members thanked DCO Clark for the informative and detailed Officers' paper. Members, including David Saunders and Wayne Thomas, shared their own observations about recent changes to different fisheries with Members and Jon Dormon also highlighted the increased presence of dolphins on the South coast of the District. Members, including Simon Toms and Guy Baker, commented that there are a lot of unknowns about the influx at this time and that further evidence gathering will be of use.

Mike Williams enquired about Defra's potential input to provide support for fishers. DCO Clark responded and said that Defra are looking to gather data and looking at the crab and lobster FMP. CO Mander highlighted a fund of £360 million to support local communities, but said that there are uncertainties about how and when a framework will be in place to potentially use this fund.

The Chair said that Members noted the Officers' paper, without the requirement for a vote.

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Date of the Next B&PSC Meeting.

PPO Townsend explained that the next B&PSC meeting would be expected to take place in late September or in October, and an exact date would be confirmed via email correspondence.

End.

DRAFT