

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 16th October 2025 at Exeter Racecourse. The Officers' papers and the draft minutes from this B&PSC meeting are published on D&S IFCA's website. The next B&PSC is expected to take place in late February 2026, with an exact date and location to be confirmed.

Management of Potting – Changes to Permit Conditions

As set out in past reports to the Authority, D&S IFCA formally consulted on changes to the Potting Permit Conditions. The formal consultation included a proposal from the B&PSC to prohibit any vessel equipped with one or more vivier tanks below the uppermost continuous deck with a volume (in aggregate) that exceeds two cubic metres from operating within the District.

On 26th June 2025, the B&PSC considered the responses submitted in the formal consultation and advice from D&S IFCA Officers to amend their proposal and include the words "whilst fishing in the District". On 16th October 2025, the B&PSC agreed to the change to the Potting Permit Conditions as advised in the Officers' paper (B&PSC meeting - Agenda Item 6).

Amended Potting Permit Conditions were issued on 3rd November 2025, to apply from 7th November 2025. Along with the Permit Conditions, and Annexes, Potting Permit holders received an explanation of the changes. A news item was posted on the D&S IFCA website and Facebook to inform a wider audience. The D&S IFCA news item featured in the November 2025 edition of the All Party Parliamentary Group (APPG) on Fisheries newsletter.

Management of Potting – Co-Development of a Voluntary Code of Conduct

On 16th October 2025, the B&PSC were informed about the potential impact of potting on seagrass beds within the Torbay Marine Conservation Zone (MCZ). The B&PSC agreed with the recommendation that a Voluntary Code of Conduct is developed to minimise the impact of potting on defined areas of seagrass within the Torbay MCZ and that it is introduced in time for the start of the main cuttle fish pot fishery in 2026.

Members requested that the Voluntary Code of Conduct is co-developed with fishers. A news item, to inform a wide audience about the plan to develop the Voluntary Code of Conduct, was posted on D&S IFCA's website and Facebook on 31st October 2025. This was followed on 4th November 2025, with an invitation directly sent to fishers who have, or intend to set cuttlefish traps within the Torbay MCZ, with details of a workshop at the Painton Vista, Paignton Club. A reminder email about the workshop was sent on 24th November 2025.

Eleven fishers attended the workshop that was held at Paignton Vista, Paignton Club on 27th November 2025 and engaged with D&S IFCA Officers. Officers will continue to co-develop a Voluntary Code of Conduct, with further meetings planned over the winter prior to the fishery opening in the Spring.

Management of Mobile Fishing – Changes to Permit Conditions

On 16th October 2025, the B&PSC was informed that the Inshore Potting Agreement (IPA) Committee were expected to agree to a closure of an area known as 'the Corridor' which is located east of Start Point and is set out on the IPA Chart. On 10th November 2025 the closure of the Corridor was agreed by the IPA Committee.

D&S IFCA's management of mobile fishing in areas of South Devon is aligned with the IPA commercial fishing Licence Condition (Schedule and Chart). Action by D&S IFCA is needed to align the legislation, otherwise an ultra vires situation will exist. The B&PSC was informed about the two options that can be taken to amend D&S IFCA's Mobile Fishing Permit Conditions. One option is dependent on the confirmation of the new Mobile Fishing Permit Byelaw 2022 (MFPB 2022). If the MFPB 2022 is confirmed before January 2026, new Permit Conditions will be issued, along with notification of the change to management. If the MFPB 2022 is not confirmed before January 2026, formal consultation must be undertaken as part of the process to amend the current Category One Mobile Fishing Permit Conditions.

Mobile Fishing Permit Byelaw 2022

At time of writing the MFPB 2022 remains with Defra. Correspondence has indicated that the MFPB 2022 may be confirmed in early December 2025. The MFPB 2022 has a delayed commencement date, meaning that it will come into force 14 days after being confirmed by the Secretary of State. Officers are preparing for implementation by creating new Annexes that will accompany the new Category One and Category Two Mobile Fishing Permit Conditions. Other preparation includes amending application forms, planning for changes on the website, and preparing information to be used for communications.

Development of a new Netting Permit Byelaw

To assist Officers to draft the Netting Permit Byelaw, on 16th October, the B&PSC discussed some key components to include within the Byelaw. If the Byelaw is "made" by the B&PSC this will trigger formal consultation. A range of communications will be used to advertise the new Byelaw, however formal consultation of the Byelaw must include advertising in a selection of newspapers, at a considerable cost to the Authority (potentially over £3000).

B&PSC Members discussed and agreed to some of the content of the Byelaw, as well as some detail that will be set out within the accompanying Impact Assessment (IA). This includes an increase in administration fees for a permit from £20 to £40 (for a two year period).

Categories of Permit

The B&PSC was informed about wider issues relating to the use of non-powered fishing vessels (NPVs) and how the use of NPVs can undermine the regulatory framework. The B&PSC agreed that the Byelaw is developed on the basis that a Category One (commercial) Netting Permit will only be issued to owners of fishing vessels that have both a Certificate of Registry and a valid Fishing Licence.

The criteria to gain a Category One Netting Permit will therefore exclude commercial fishers using NPVs. The B&PSC recognised that some coastal commercial heritage fisheries exist within the District and these include the use of NPVs. Examples of coastal commercial heritage fisheries, involving NPVs, include the herring fishery near Clovelly and the use of a Mud Horse, unique to Somerset, which is used to access the fishing grounds. To recognise these heritage fisheries, the B&PSC agreed that a Category Three Permit could be developed that can include tailored management measures that are appropriate to manage the commercial coastal heritage fisheries.

Engagement to Inform Category Three Permit Conditions

Officers have begun some focussed engagement with permit holders that use NPVs, for commercial fishing, beginning with focus on the coastal heritage herring fishery. Four Permit holders, that list Clovelly as a base port, have been invited (Have your Say) to respond to some questions with the aim to understand more about the activity and to potentially inform appropriate management measures.

As well as providing the information to fishers by email/hard copy of information, a D&S IFCA Officer also attended the Clovelly Herring Festival on 16th November 2025. Notes were taken by the Officer of conversations held at the Festival, and fishers have been encouraged to

respond in writing by the end of December 2025. At time of writing, two fishers have emailed their responses to D&S IFCA. There is potential for some follow up meetings with fishers, to gather further information if required. Engagement work to discover more about the use of the Mud Horse, and to develop appropriate management measures associated with the use of the Mud Horse, is expected to begin shortly.

Other Content of the Netting Permit Byelaw

The B&PSC agreed that the exemptions part of the Byelaw is to include maintenance and educational purposes as well as the standard scientific and stocking and breeding purposes.

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](#))
- [Draft B&PSC meeting minutes \(16th October 2025\)](#)
- [Changes to D&S IFCA's Potting Permit Conditions](#) (pdf news item)
- [Torbay MCZ & Seagrass \(Voluntary Code\)](#) (pdf news item)