

## Octopus and Potting Update

### Officers' Recommendation

**That Members agree to note the contents of the report**

### Background

The offshore fishery for octopus increased throughout 2025 and has seen significant landings since November 2025. This offshore fishery has exerted significant additional fishing effort predominantly by the vivier potting vessels. Due to the success of these boats, netting vessels have joined the fishery, and beam trawlers are increasingly involved too.

Officers are aware of numerous reports of conflict between the towed gear vessels and the potting vessels competing for the same grounds offshore, but the high landings of octopus mean that there is further interest from vessel owners from Scotland, Northern Ireland, Northern England and vessels moving from the North Sea crab fishery into the South West and Western Channel.

Inshore vessels fishing along the south coast of Devon started to land octopus in February this year. The landings had begun earlier than in 2025 and by the time of this report, significant landings have been reported. The distribution of the octopus appears to be closer inshore than was experienced in 2025. Some landings have been reported from North Devon and Lyme Bay, but the focus remains west of Berry Head, Torbay

D&S IFCA Officers have continued to analyse landings and value of landings of crab, lobster and octopus by 23 Potting Permit Holders and will continue to do so throughout 2026. These data have been presented to the Octopus Management Group which consists of Defra, MMO, IFCA's and members of the fishing industry, as well as to the Shellfish Association of Great Britain's Crustacea Committee. Officers have also engaged with fishers at several industry meetings where concerns were raised about the impact of the octopus on the crustacea stocks and fishers' livelihoods.

### Data Gathering

D&S IFCA has encouraged commercial potters and the large recreational diving sector to report catches and sightings of octopus to support building a picture of the fishery this year. Reports received to date suggest that the fishery is changing and the behaviour of octopus is evolving to include other prey species such as spider crab and clams. Other shellfish species are responding to the presence of octopus, with indications that brown crab is aggregating and moving to grounds away from the octopus. Divers are reporting significant numbers of juvenile spiny lobster. They are reporting sightings of octopus

from Hope's Nose, Torbay to Start Point and along to Plymouth in waters less than 15m. Octopus eggs were sighted off Prawle Point in April.

D&S IFCA's Annual Plan for 2026/27 had identified the need for better fisheries data gathering to help inform potential future management of the octopus and crustacea fisheries. In recent discussions with IoS IFCA and CIFCA, fishermen's associations (North Devon Fishermen's Association, South Devon and Channel Fishermen Ltd, Plymouth Fishing and Seafood Association and Cornish Fish Producer Organisation) and SW Seafood Sustainability Hub, plans are being developed to deliver a significant at sea data gathering programme over multiple years.

The plans involve paying the owners of commercial potting vessels to gather data on the species caught in their pots. The return of large numbers of octopus on the ground this year are adding to the pressure on already significantly depleted crab and lobster stocks. Since 2025 the predation of octopus has accelerated the documented decline in crab stocks and has significantly impacted the previously stable lobster fishery. It is hoped that the inshore regional data from the proposed project will help inform what is the best way to respond to the situation.

It is important that the offshore fishery is also managed appropriately and D&S IFCA has been engaged with the MMO and Cefas as part of a wider Octopus Management Group. The approach to management needs to be co-ordinated at a regional level to avoid potential problems caused by shifting fishing effort to other areas.

### **Developments in the Potting Fishery and Decision Making**

The concerns regarding the potential for increase in effort, in particular from the offshore vessels, on the inshore grounds became a focus point for the Authority and the B&PSC from 2022. Engagement work included port meetings and structured pre-consultation to gain the views of Potting Permit holders, reported to the B&PSC in September and December 2024.

In December 2024, the B&PSC did not support the Officers' recommendation for pot capping, in part due to Members not having the same confidence as Officers in their abilities to effectively enforce this approach.

The B&PSC deferred a decision on how to proceed and requested a full range of options for management and detailed information about the make-up of the potting fleet - types of vessel, size of vessel, landings information, pot numbers, and locations of activity.

In February 2025, Officers presented the requested detailed information and a range of options for management along with strengths and weaknesses of each option based on impact to current Potting Permit holders. The Officers' recommendation remained as pot capping, with different capping levels per pot type, and different levels for the South and North coast. This option was recommended by Officers as it would not impact on

existing operators but would provide a ceiling in the amount of pots that could be used by any vessel operating in the District. The Officers' recommendation was not supported, and the discussions resulted in the formal consultation on a proposal to prohibit the use of vessels that have vivier tanks fitted (capacity over 2m<sup>3</sup>) as part of their design from fishing in the District. Following objections based on protectionism and existing vivier vessels being impacted by this proposal, the B&PSC modified their decision making and restricted the use of vivier tanks (capacity over 2m<sup>3</sup>) whilst fishing in the District. The matter was deferred with a view to adding a further restriction relating to a catch limit on deck. The findings from further engagement were inconclusive. In October 2025, the B&PSC agreed to the "tank only" restriction which was introduced in November 2025.

The basis of this decision was so that all potting vessels less than 15 metres in length would operate in the District in a similar way – an equitable basis for management. A vivier vessel cannot fish in the District and place any catch in its tanks. A vivier vessel that has fished outside of the District and placed any catch in its tanks cannot fish in the District.

It was foreseen that vivier vessels (active in the District) could remain and new vivier vessels, or any type of vessel, could join the fishery and in doing so add to pot numbers in the District. The current situation is that all but two of the vivier vessels active in 2025 in the District are now fishing in locations such as Scotland, outside 12 miles, off the French coast. Of the two vessels that continue to fish in the District is under 10m in length and has a vivier tank greater than 2m<sup>3</sup> which it uses for ballast only. The other is a 14.95m vivier vessel with a larger integral tank that fishes out of Dartmouth and periodically fishes in the District. This demonstrates the nomadic nature of these vessels and that the level of pots being operated in the District can fluctuate. Although the B&PSC selected one pathway involving vivier vessels and integral tanks to manage the concerns raised, there was general acceptance that the B&PSC may consider alternative options in the future.

### **New Concerns**

The past considerations of the B&PSC to manage potting activity in the District have overlapped with the influx of octopus, further increasing the impacts on brown crab, and now lobster. The octopus fishery is now in its second year with fishers, in particular west of Torbay, experiencing mixed levels of success and earnings from this new fishery, but experiencing very poor catches of brown crab and lobster.

It has previously been reported that there was a decline in the brown crab fishery not only on a local but regional and national scale, and that the potting sector were becoming more reliant on the good lobster fishery in Devon and the South West. The predation from octopus has significantly increased the on-going decline in brown crab stocks and

reports across the District, and from data analysed by D&S IFCA Officers indicate that the lobster fishery has been severely affected too.

It is the view of Officers that a further review of management will be required to understand how to support recovery of the stocks and to maintain a sustainable octopus fishery. This review should consider the whole potting sector.

In addition, concerns regarding risk of increased gear conflict have been raised with the Chief Officer and the Chair of the Authority. The specific concern was that visiting vivier vessels (after permit issue) would set their gear across the gear set by other vessels. This potentially would result in existing fishers being unable to haul their gear, damage to loss through gear being cut away, time taken by fishers affected to try and recover gear, and loss of earnings in an already uncertain fishery.

In preparation for the June B&PSC meeting, on 15<sup>th</sup> May 2026, the Chair and Vice Chair of the Authority and the Chair of the Byelaw and Permitting Sub-Committee met with D&S IFCA's Senior Management Team to discuss a range of factors, one of which was the different actions that were available to address concerns raised. One discussion subject was an emergency byelaw.

#### **Emergency Byelaw – Officers' View**

There are no grounds for D&S IFCA to introduce an emergency byelaw to prohibit vivier vessels from operating in the District. The risk of increased effort being introduced by these vessels has recently been considered and it was an accepted risk by the B&PSC. D&S IFCA has no management in place to restrict increased potting effort being applied by any Potting Permit holder, and an agreed principle of not limiting the numbers of Potting Permits that are issued.

Although potential increased gear conflict caused by new entrants is a concern for those fishers currently fishing in the District, gear conflict amongst single fishing sectors and across fishing sectors is not a new concern. There have been numerous examples of gear conflict in different parts of the District over many years, and this is a risk all fishers face. D&S IFCA recognises the benefits of reduced gear conflict and the existing Gentlemen's Agreements to avoid or minimise gear conflict, such as been demonstrated in the Inshore Potting Agreement Area. D&S IFCA can support ways to reduce gear conflict such as communication with fishers, including new applicants for a permit, regarding the locations of gear and differing methods that may be present in parts of the District. However, this is not a basis for regulation, either as an emergency byelaw or a permit condition.

An emergency byelaw should be used to address an unforeseen issue, with a longer standing management measure formulated, such as a Permit Condition or new byelaw and introduced to replace an emergency byelaw. The immediate issue driven by the

octopus fishing season is not unforeseen and may cease in the next two months as the fishery ends, as was experienced in 2025. It is the view of Officers that what happens next, with a view to managing the octopus fishery and thoughts on how to manage a potential recovery of brown crab and lobster if the octopus fishery disappears, should become the focus for the Authority.

If the concerns are such that additional potting effort being applied by new entrants, or current operators, is a threshold for action, there is a case for emergency action. However, it is the view of Officers that any such action should be driven towards managing potting effort across the whole of the District, regardless of vessel type, existing vessels, and new entrants.

Officers have the view that action taken in haste and moving away from the documented decision-making pathway which includes the rationale for the approaches taken to date, could result in reputational damage to the Authority.

The D&S IFCA Chief Officer has the delegated responsibility, through the Scheme of Delegation, to make an emergency byelaw after consultation with the Chair and Vice Chair of the Authority. However, in this instance the Chief Officer does not agree with the use of an emergency byelaw in D&S IFCA's District.

### **Cornwall IFCA**

CIFCA has reported that they intend to make an emergency byelaw at its next quarterly meeting on 12<sup>th</sup> June 2026. The Emergency Byelaw has the aim to manage the impact of octopus potting on crustacean (crab and lobster) stocks inside the CIFCA's District, The Emergency Byelaw will:

- **Prohibit over 10 metre multi-hull vessels and over 12 metre mono-hull vessels from using pots to fish for octopus within the Cornwall IFCA District. It will come into force on 1<sup>st</sup> July 2026 and it will last for 12 months.**

CIFCA has made a wider audience aware of its intentions and invited a response to a series of questions that will be set out on the CIFCA website that aim to gather more information about potting activity in its District and to assess the potential impacts on businesses affected by the Emergency Byelaw. Responses to their questionnaire must be submitted by 17.00 hours on 9<sup>th</sup> June 2026.

### **Moving Forward**

In the meeting involving D&S IFCA's Senior Management Team, the Chair and Vice Chair of the Authority, and the Chair of the B&PSC, it was decided that Officers should monitor the situation, focus on engaging with the commercial potting sector to introduce the "at sea" data gathering project and discuss potential management options for the whole of

the D&S IFCA potting fleet to address the developing situation and support recovery of stocks.

The Chief Executive of the South Devon and Channel Shellfishermen has recently attended an Octopus Conference in Spain and has shared the notes and presentations from the Conference, which include information on octopus fisheries across the world. D&S IFCA. Officers will collate this information which may help to inform the data collection project and potential management measures.

It is too early to know but it would seem to be appropriate to consider future management that looks to manage octopus sustainably and support recovery of the shellfish stocks. In both cases this may mean it is necessary to reduce fishing mortality through effort control. Effort control can include input controls such as pot limitations or seasonal closures, and output controls such as catch limits or landing sizes.

How this effort control is achieved will be best developed in partnership with the commercial fishing community, scientists and regulators. It is likely that a flexible approach to management will be necessary and D&S IFCA is well placed to introduce and amend its management through permit conditions.

If the octopus behave in a similar way to last year, the main inshore fishery will peak in the next two months and decline rapidly. It is hoped that the “at sea” surveys will be in place before or soon after the peak in the fishery and will start to generate important data to help discussions on potential management for 2027 onwards.

Whilst the B&PSC had previously decided that additional effort management of the crab and lobster fisheries was not needed, with the influx of octopus and the impact this has caused on these stocks, it may be appropriate to reconsider management of potting effort.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

### **Background Papers**

B&PSC Papers and meeting minutes ([Section B of D&S IFCA Website Resource Library](#))

### **September 2024**

- [B&PSC Meeting \(5<sup>th</sup> September 2024\) – Agenda Item 10 – Management of Pot Fisheries in D&S IFCA District – including a recommendation to begin informal consultation](#)
- [B&PSC Meeting \(5<sup>th</sup> September 2024\) – Agenda Item 10a \(Annex to Agenda Item 10\) – Outputs from District Wide Port Meetings](#)
- [Final B&PSC Meeting Minutes \(5<sup>th</sup> September 2024\)](#)

### **December 2024**

- [B&PSC Meeting \(5<sup>th</sup> December 2024\) Annex 1 \(Agenda Item 6\) – Informal Consultation Report \(26<sup>th</sup> November 2024\)](#)
- [B&PSC Meeting \(5<sup>th</sup> December 2024\) Annex 2 \(Agenda Item 6\) – Pot Numbers reported by Category One and Category Two Potting Permit Holders on Permit Applications](#)
- [B&PSC Meeting \(5<sup>th</sup> December 2024\) Agenda Item 6 – Formal Consultation on proposed management measures \(capping potting effort\) for pot fisheries](#)
- [Final B&PSC Meeting Minutes V 1.0 \(5<sup>th</sup> December 2024\)](#)

### **February 2025**

- [B&PSC Meeting \(27<sup>th</sup> February 2025\) Agenda Item 7 – Options for Management](#)
- [B&PSC Meeting \(27<sup>th</sup> February 2025\) Agenda Item 7 – Discussion Presentation \(Potting management\)](#)
- [Final B&PSC Meeting Minutes V1.0 \(27<sup>th</sup> February 2025\)](#)

### **June 2025**

- [B&PSC Meeting \(26<sup>th</sup> June 2025\) Agenda Item 8 – Potting Permit Conditions Formal Consultation Report](#)
- [B&PSC Meeting \(26<sup>th</sup> June 2025\) Agenda Item 9 – Amendments to Potting Permit Conditions](#)
- [Agenda Item 11 – Influx of Octopus into Devon and South West](#)
- [Final B&PSC Meeting Minutes V1.0 \(26<sup>th</sup> June 2025\)](#)

### **October 2025**

- [B&PSC Meeting \(16<sup>th</sup> October 2025\) Agenda Item 6 – Amendments to Potting Permit Conditions](#)
- [Final B&PSC Meeting Minutes V1.0 \(16<sup>th</sup> October 2025\)](#)

### **February 2026**

- [Agenda Item 11 – Octopus Update](#)
- [Annex 1 Agenda Item 11 – Analysis of Landings Data for South Devon Vessels 2023 and 2025](#)

### **Other**

- [D&S IFCA Scheme of Delegation \(V 1.1\) - June 2025](#)