



Byelaw & Permitting Sub- Committee Meeting

Draft Minutes from 4th June
2026

Version Control and Drafting

Date	Comments
Version 0.1 6 th July 2026	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 & 0.3 13 th July 2026	Additional information added by CO Mander and DCO Clark. Edits of text.
Version 0.3 14 th July 2026	Draft minutes circulated to B&PSC Members for initial feedback prior to publishing.
Version 0.4 3 rd August 2026	Some amendments applied following feedback from Didi Alayli, Kate Sugar, and Cllr Wainwright. Amended draft minutes 0.4 sent to Chair of B&PSC for consideration. Draft 0.4 returned from Chair of B&PSC 9 th August 2026.
Version 0.5 10 th August 2026	Draft minutes (0.5) circulated to Members and to be published on the D&S IFCA website – as draft.

Contents

Apologies for Absence	3
Declaration of Interest	3
To consider and approve the draft minutes of the B&PSC meeting held on 26th February 2026.....	4
Matters requiring urgent attention.	4
Members of the public – questions or comments for the meeting.....	4
Netting – Amendments to the Netting Permit Conditions	4
Mobile Fishing – Amendments to the Mobile Fishing Permit Conditions.....	13
Potting and Octopus Update.....	19
Development of a Molluscan Shellfish Hand Gathering Byelaw	19
Date of the Next B&PSC Meeting.....	20

Minutes of the Byelaw and Permitting Sub Committee Meeting

Held at Exeter Racecourse on 4th June 2026

Present:

Dr Emma Bean (Chair)	Professor Mike Williams	Dr Pamela Buchan
Felicity Sylvester	Charlie Ziemann	Jon Dornom
Guy Baker	Wayne Thomas	Didi Alayli
David Morgan	Mike Spiller	Sarah Holmyard
Alistair Dewhirst	Cllr Louise Wainwright	Cllr Josh McCarty

Kate Sugar (Natural England)
Rachel Irish (Marine Management Organisation)
Mike Holland (Environment Agency) – deputising for Simon Toms

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

Members of Public: Two Members of the public.

Introduction:

All Members and members of the public were welcomed to the meeting.

Agenda Item 1

Apologies for Absence

PPO Townsend informed Members that apologies had been received from, Simon Toms (Environment Agency), Cllr Sara Wilson (Devon County Council), and Cllr Jayne Stansfield (South Gloucestershire County Council).

Agenda Item 2

Declaration of Interest

As per Paragraph 9.40 of the D&S IFCA's Standing Orders, CO Mander informed Members that Sarah Holmyard had been provided with a dispensation to participate in discussions relating to Agenda Item 7b (mariculture sites), but not to vote on any motions relating to the Agenda Item.

CO Mander also informed Members that Agenda Item 8 (Octopus and Potting Update) was a paper for Members to note; however, if a motion was to arise from the discussions that Jon Dornom, David Morgan, and Charlie Ziemann had a dispensation to participate in the discussions, but not to vote on any motions.

CO Mander said that work is progressing to expand the publishing of declared interests on D&S IFCA's website and up to date information from Members will be needed to complete this work.

Agenda Item 3

To consider and approve the draft minutes of the B&PSC meeting held on 26th February 2026.

The draft minutes (version 0.4) from the February B&PSC meeting were examined page by page. Didi Alayli highlighted that her name had been spelt incorrectly in three places on page nine. This was noted by PPO Townsend, with the correction to be applied in the finalised B&PSC minutes.

That the minutes (as amended) provide a true and accurate record.

Proposed:	Mike Williams	Seconded: Guy Baker
In favour:	13	
Against:	0	
Abstain:	3	

.....

Agenda Item 4:

Matters requiring urgent attention.

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

.....

Agenda Item 5:

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

The Chair informed Members that there were no questions or comments from members of the public for the meeting.

.....

Agenda Item 6:

Netting – Amendments to the Netting Permit Conditions

The Chair asked CO Mander to introduce the agenda item.

Presentation (general)

CO Mander highlighted that as there were five separate proposals for the B&PSC to consider, the Officers' papers had been separated to cover the five topics, with each Officers' paper containing a recommendation. CO Mander explained that the responses received by D&S IFCA in the formal consultation had been summarised into the report (Agenda Item 6 – Annex A – Netting Formal Consultation Report – May 2026). CO Mander informed Members that since the formal consultation report had been produced, an additional response had been received by Officers that had been sent before the consultation had ended, but it had been sent to an incorrect D&S IFCA email address. It had not been possible to include the additional response, that objected to four of the five proposals, in the report. CO Mander said it would be appropriate for Members to consider its content and the pre-printed response was provided to all Members, with time then allocated for all Members and Officers to examine its content.

Note: Ten minutes reading break.

Before resuming the main discussion, Rachel Irish commented that the term “UPV” used in the response could be assumed as being “NPV” (non-powered vessel), and Members agreed. Felicity Sylvester said that as each topic (Agenda Items 6a to 6e) was discussed, the additional consultation response could be referred to by Members. Pamela Buchan agreed; however, it was highlighted that the additional consultation response should not be given more attention than any of the other responses set out in the consultation report. The Chair asked CO Mander to present each of the Officers’ papers in turn.

Agenda Item 6a: Proposal (1) - Bass Authorisation

Presentation (Bass Authorisation)

CO Mander informed Members that their decision making should be based around what new information, if any, had been provided that would potentially change the proposed measure that Members had agreed to and consulted on. CO Mander highlighted the documented response (report) with all eight responses in support of the change as proposed and the recommendation of Officers for a change in the Permit Conditions. The single objection, not included in the consultation report or referenced in the Officers’ paper objected to proposal (1).

Comments and Questions

Mike Williams recalled that both D&S IFCA and CIFCA had asked both the Marine Management Organisation (MMO) and Defra to address the loophole in legislation that exists, and as action had not been taken, Mike Williams said that the opportunity remains for D&S IFCA to act. Regarding undermining the regulatory framework, Rachel Irish confirmed that a non-powered vessel has no Fishing Licence and that catch is recorded with one code (NPV 001). CO Mander informed Members that national legislation is focussed on powered vessels with a Fishing Licence, hence the loophole with bass, and other loopholes, that exist.

David Morgan said that fishers must determine if they are to be considered commercial or not, and those operating non-powered vessels are avoiding having to obtain a Fishing Licence and being managed to the same extent as fishers with a Fishing Licence. It was the view of David Morgan that, like the organisations that responded in the formal consultation, the opportunity was there to apply consistency in regulation and this was something he thoroughly supported.

Felicity Sylvester said that operators of non-powered vessels do not just fish for herring or in only one part of the District, and rely on fishing year round, in different locations and to fish for different species. It was the view of Felicity Sylvester that this is why they have a permit for using a non-powered vessel and apply for this type of permit. It was also the view of Felicity Sylvester that the use of a non-powered vessel helps to develop skills about how to fish in a traditional way and having a permit for a non-powered vessel assists with this.

CO Mander informed Members that although operators of a non-powered vessels declare use of such a vessel in the application form, the Category One Netting Permit Conditions apply to all commercial fishers using nets. PPO Townsend clarified that there was no such thing as a D&S IFCA Netting Permit for non-powered vessels, just a Category One Netting Permit for commercial fishers and a Category Two Netting Permit for recreational fishers. CO Mander said that the proposed change to the Category One Permit Conditions relating to the bass authorisation would apply to all fishers, and those fishers using powered or

non-powered vessels without the bass authorisation would have the same restriction; therefore, consistency in regulation.

Given the objection response setting out that a non-powered vessel does not affect conservation, Cllr Wainwright asked how the IFCA can counter this argument and also the potential accusation that B&PSC Members that are commercial fishers have a vested interest pushing others out of the netting sector. Cllr Wainwright also questioned whether the allegations that NPV are mis-reporting landings are true. CO Mander highlighted that to gain a commercial permit from D&S IFCA costs only £20, so is not a barrier for those wishing to be commercial. CO Mander emphasised that the proposal is more about having consistency in regulation rather than purely conservation objectives. The change, as CO Mander explained, would not prevent the operator of a non-powered vessel fishing around the coast and selling their catch, but like others without a bass authorisation, it will prevent the removal, and landing of bass. In the D&S IFCA District it will also prevent fishers, without an authorisation, declaring that bass caught was from a non-powered vessel being operated in the District.

Felicity Sylvester accepted that a loop hole does exist, but this is only when a person has both a powered and a non-powered vessel. Felicity Sylvester informed Members that in North Devon there are strong tides that already impact fishers and referring to the overall volume of consultation responses, was surprised more objections were not submitted as most small vessels on the North coast of the District are non-powered. Wayne Thomas disagreed and said that there are a lot of powered vessels based in ports such as Minehead, Ilfracombe, and Appledore.

CO Mander said that the B&PSC had already been informed that the proposal would impact some fishers and had agreed to formally consult on the change knowing this. CO Mander said that the proposal relating to bass was to re-enforce the national approach that bass should only be taken by those with an authorisation, with investment made by those fishers to have such an authorisation.

Cllr McCarty said that although there was objection, his view was that not to act was not an option given that there was an opportunity to apply consistency in legislation and support the wider national objectives for bass conservation. David Morgan reiterated his view that not to act when opportunity exists to apply fairness in management across the commercial netting sector would not be acceptable.

Felicity Sylvester said that she would favour a motion to introduce a Category Three Permit for non-powered vessels that can include both an authorisation for bass and a shellfish entitlement. CO Mander said that discussions about a Category Three Permit ended when the B&PSC agreed to suspend development of a new Netting Permit Byelaw that could have included a Category Three Permit. Furthermore, CO Mander said, that the basis for restrictions in any such Category Three Permit would be the same as the discussion points at this meeting – to apply appropriate and consistent management based on having a Fishing Licence with acquired bass authorisations, acquired shellfish entitlements and to reflect the differing needs of operators with powered and non-powered vessels.

Decision Making:

That Members agree to amend the Category One Netting Permit Conditions as proposed in the formal public consultation, and set out in the Officers' paper, with the changes to apply from 1st July 2026:

A Category One Netting Permit Condition will be introduced that prohibits the catch, retention of, and landing of bass by a Category One Permit Holder operating a non-powered vessel or a licenced fishing vessel without a bass authorisation.

And;

In addition to the proposed Netting Permit Condition an interpretation (as set out below or similar) will be added to the Netting Permit Conditions:

Licenced fishing vessel means a vessel that has been granted a licence under Section 15 of the Fisheries Act 2020.

Proposed: Mike Williams

Seconded: Pamela Buchan

There were no amendments put forward.

In favour: 15

Against: 1

Abstain: 1

Agenda Item 6b: Proposal (2) – Shellfish Entitlement

Presentation (Shellfish Entitlement)

CO Mander informed Members that this was a similar proposal to the bass authorisation, but now related to a shellfish entitlement. CO Mander said that the change in the Permit Conditions would once again provide consistency in regulation within the commercial netting sector regardless of having a powered vessel or non-powered vessel. CO Mander highlighted that, if implemented, the Permit Condition would not prevent the operator of a non-powered vessel catching shellfish, but it would limit the catch in the same way that an operator of a powered vessel with a Category One Permit but no shellfish entitlement is limited to five lobsters and 25 crabs.

Comments and Questions

Jon Dornom said that a fisher with no shellfish entitlement can take quite a lot of shellfish over the period of week. Felicity Sylvester said that the proposal presents a problem to some fishermen just trying to make a living and further restrictions are a barrier to young people getting started fishing and staying fishing. Pamela Buchan said that, including the additional response, there were only two objections, which lacked detail and strong rationale for their objection. Cllr McCarty said that in his view the rationale for achieving consistency as set out in the information accompanying the proposal is something he would support and there is nothing to suggest why he should not support the change in the Permit Conditions.

Decision Making:

That Members agree to amend the Category One Netting Permit Conditions as proposed in the formal public consultation, and as set out in the Officers' paper, with the changes to apply from 1st July 2026:

A Category One Netting Permit Condition will be introduced that prohibits the removal of more than five lobsters (including spiny lobster), and twenty five crabs (mixture of species as defined) in any calendar day from a fishery within the District from a non-powered vessel or a licenced fishing vessel without a shellfish fishing entitlement.

Proposed: **Alistair Dewhirst** **Seconded: Guy Baker**

There were no amendments put forward.

In favour: ***15***
Against: ***0***
Abstain: ***2***

Agenda Item 6c: Proposal (3) – Limits on Number and Lengths of Net

Presentation (Limits on Number and Lengths of Net)

CO Mander referred to the consultation response and said that most, other than the un-documented additional response, were in favour of the proposal. CO Mander said that the key consideration is operators of powered and non-powered vessels have different capabilities and needs when it comes to how much net is required, is suitable, and is possible to be worked.

Regarding the number of nets and the length of nets proposed, CO Mander said that the amounts had been derived from the discussions of Members when considering the information presented in February 2026. Although operators of non-powered vessels can declare the amount of net they use and the lengths of their nets in application forms to gain a Category One Permit, there is no way to verify the declarations. CO Mander said that a key aim of the B&PSC was not to prevent fishers with non-powered vessels continuing with their involvement in a traditional herring net fishery near Clovelly, and the lengths of net reflected information collected from some focussed engagement.

Comments and Questions

Alistair Dewhirst asked for confirmation that the total allowable amount of net would add to 710 metres which, in his view, was a considerable amount. Alistair Dewhirst suggested that potentially the word “or” should be used in the Permit Conditions to separate the different nets (with associated lengths), and prevent all the nets being used on one day. CO Mander said that if all four nets were used on the same fishing trip, the total would be 710 metres, however the nets are different types and used for different types of fishing, catching different species, and at different times of the year. Alistair Dewhirst retained the view that 710 metres of net worked from a “rowing boat” is too high. Jon Dornom informed Members that there is a need when using nets to also carry associated gear such as rope, anchors and floating markers. In his view the amount of net proposed was not excessive and said he would be surprised if a small un-powered vessel would have the capacity to carry and work all the nets (and associated equipment) on a single fishing trip. Felicity Sylvester agreed that the proposed amount of net was not excessive. In response to a question, David Morgan clarified that if the drift net was joined to the fixed net, it would be illegal (under the proposal) as it would become an additional fixed net.

Kate Sugar said she favoured a reduction in the amount of net. PPO Townsend commented that as it stands there is no limit on the amount of net that can be used by an operator of a non-powered vessel with a Category One Netting Permit, so the proposal would be a significant change. Mike Williams, Felicity Sylvester and Cllr McCarty all stated that they supported the proposal as set out. Mike Holland said that the Environment Agency had concern that the lack of manoeuvrability of a non-powered vessel working the proposed quantity of net could be an excessive risk to migratory species that could be entangled. Mike Holland said that due to the lack of an engine, speed would be lost to release unwanted catch. Mike Holland also highlighted past information submitted by the Environment Agency (SAMARCH Project) connected with nets set at different depths along the coast and the risks posed to migratory species in the water column (3 metre/5 metre above headlines). Mike Williams said that the Authority had adaptive management and that when new evidence is presented it can be considered. Mike Williams recalled that a past D&S IFCA Officer (Libby West) had produced a detailed report in response to information presented about headline clearance and that the information had been considered by the Authority.

PPO Townsend confirmed this and said that the information referred to by Mike Holland may be the same information previously also presented to the Authority and similar information also presented to the B&PSC. PPO Townsend informed Mike Holland and Members that information and evidence relating to coastal netting zones, water clearance above headlines, and fish tagging had formed part of discussions during a “three year review of the netting permit conditions”. PPO Townsend said that when another review of the Netting Permit Conditions is undertaken this would potentially be a more appropriate time to consider new information if it existed. CO Mander said that although the headline clearance provision of three metres, rather than five metres (in specified coastal zones) remained in place, D&S IFCA had strengthened the interpretation of “fixed nets” which had been of benefit for supporting the run of salmon in the District. CO Mander explained that the 260 metre of drift net length proposed reflected the higher amount of drift net being used in the Clovelly herring fishery by the fishers. In response to a question, CO Mander confirmed that the Permit Condition would clarify that the 200 metre length of fixed net would be per fixed net and the wording in the Permit Conditions (2.5.1 (a)) changed to reflect that if agreed by Members.

Decision Making:

That Members agree to amend the Category One Netting Permit Conditions as proposed in the formal public consultation, and as set out in the Officers’ paper (subject to clarification amendment “each net”), with the changes to apply from 1st July 2026:

A Category One A Category One Netting Permit Condition will be introduced that will limit the amount and length of nets that can be fished by a Category One Netting Permit Holder operating a non-powered vessel. The proposed Permit Condition is as follows (or similar wording):

A Category One permit holder or named representative operating a non-powered vessel at sea is only authorised under this permit to use:

- a) a maximum of two fixed nets, **each net** not exceeding 200 metres in length;
- b) a maximum of one drift net not exceeding 260 metres in length; and
- c) a maximum of one seine net not exceeding 50 metres in length.

Proposed: **Mike Williams**

Seconded: **Charlie Ziemann**

There were no amendments put forward.

In favour: ***16***

Against: ***0***

Abstain: ***1***

Note: Cllr McCarty left the meeting..

Agenda Item 6d: Proposal (4) – Supply of Data

Presentation (Supply of Data)

CO Mander said that the proposal had been formulated by Members during discussion in the February B&PSC meeting to add to the package of potential new management measures for operators of non-powered vessels. CO Mander referred to the consultation response and said that most, other than the un-documented additional response, were in favour of the proposal. CO Mander said that although there was strong support, and that Officers could see the merits of the proposal, Officers were not in favour of the mandatory requirement for operators of non-powered vessels to supply the data as a Permit Condition. CO Mander said that verifying supplied catch data, or nil returns, would be a challenge and be an excessive burden for Officers compared to the potential value of collecting the data. CO Mander highlighted the Officer's concerns set out in the Officers' paper, and also expanded why Officers did not support the suggestion in the consultation responses to widen the requirement for the supply of data for all Category One Netting Permit holders.

Comments and Questions

Charlie Ziemann said that in his view everyone who fishes commercially should have to supply catch data. Charlie Ziemann said that operators of commercial powered vessels must already supply catch data to the Marine Management Organisation and the proposal would result in consistency for all commercial operators. CO Mander said that Officers accept this principle and that sharing data between D&S IFCA and the Marine Management Organisation has benefits; however non-powered vessels present an extra difficulty. Regarding a "nil return", CO Mander said that past data gathering requirements for Devon Sea Fisheries Committee had identified difficulties verifying the accuracy of a "nil return" declaration. Jon Dornom said that given the explanation of the challenges that Officers could face, he would support dropping the proposal. David Morgan said that he was hopeful that the Marine management Organisation would look to resolve the complications that exist, and if over time it is not resolved there would still be the potential for D&S IFCA to examine the issue once again. CO Mander informed Members that on a national scale the difficulty arises from the Fisheries Act.

Wayne Thomas said he could see how valuable data could be; however, it must be good data. As Officers had less confidence with the proposal, he would support a motion to drop the proposal. Regarding excessive burden to collect and manage data, Wayne Thomas said that a lack of resources for D&S IFCA should continue to be highlighted and this is an example of insufficient resources impacting on the work of the Authority.

Felicity Syvester said that the proposal in the formal consultation only related to a small number of non-powered vessel operators. Given the small number of non-powered vessels with a Category One Netting Permit, and the explanation of Officers, she would support dropping the proposal.

Decision Making:

That the Authority does not proceed with the proposal that a Category One Netting Permit Condition will be introduced that will require all operators of non-powered vessels with a Category One Netting Permit to supply catch related data to the Authority each month.

Proposed: **Mike Williams** **Seconded: David Morgan**

There were no amendments put forward.

In favour: ***13***
Against: ***0***
Abstain: ***3***

Agenda Item 6e: Proposal (5) – Removal of the Requirement to Mark Fixed Nets with Flags

Presentation (Fixed Nets and Flags)

CO Mander said that proposal (5) had received the most interest in the formal consultation, with 20 objection points coming from both individual stakeholders and several organisations. CO Mander explained that Officers had addressed multiple points made within the objection responses within the Officers' paper, with the main objection theme based on health and safety. CO Mander said that the formal consultation had identified that some sea users (in particular divers) have the view that the flag gear marking requirement is always adhered to and therefore had potential over confidence that entanglement could be avoided based on this form of identification. CO Mander said that D&S IFCA was not equipped to fully enforce this specific gear marking requirement District wide and that the risks of entanglement are present regardless of the current Permit Condition being retained or not. CO Mander said that the intention of the current provision was partially to enable different fishing sectors to potentially differentiate between different gear types, in particular the angling sector that would want to avoid angling near nets. It was not, and could not, be introduced on the grounds of health and safety. CO Mander informed Members that D&S IFCA would take action to inform a wider audience not to rely on marking of nets with flags as a way to reduce their own need to consider personal risks of entanglement. CO Mander said that the basis of the objection response did not change the rationale for the removal of the provision - that being it is a challenge for many fishers to use flags and that the remaining gear marking requirements are sufficient for D&S IFCA's purposes.

Comments and Questions

Mike Williams said that the main objection was clearly based heavily on perceived risks, and highlighted that D&S IFCA cannot consider health and safety as a basis for regulation as it is beyond the Authority's Statutory powers set out in the Marine and Coastal access Act 2009. Many of the concerns raised would be for the Maritime and Coastguard Agency or the Royal Yachting Association to address. Mike Williams said that similar concerns had been raised to D&S IFCA in the past, for example a requirement for fishers to wear life jackets; however, to act based on health and safety would create an *ultra-vires* situation and potential legal challenge.

Mike Williams highlighted an extract from the response submitted by the Seal Research Trust requesting D&S IFCA investigate research by the Royal Society for the Protection of Birds (RSPB) relating to kite deterrents (simulated birds of prey) to help avoid birds and marine animals becoming entangled in nets. PPO Townsend explained that he had reached out to the RSPB; however, the response from the RSPB had been that they were not aware of other studies, other than kites, that have investigated the merits of using flags to deter seabirds or seals.

Members including Pamela Buchan, said that there would be advantages to explain to other organisations what D&S IFCA can or cannot do with legislation and to highlight the risks of entanglement. CO Mander said that Officers can try to reach out, and Mike Williams suggested contacting the MCA and diving organisations including PADI and the BSA. As a recreational diver himself, Mike Williams said that he would always carry a knife and be proactive in finding information about where to avoid diving to lower his own personal risk.

In response to questions about ghost fishing, CO Mander said that if nets were not clearly marked as per the remaining gear marking provisions, they can be removed if they are abandoned or not. For gear that is marked, but would appear to be abandoned, efforts can be taken to firstly identify who the gear belongs to with a view to it being removed.

Jon Dornom said that typically, after two days left in the water there is a build-up of weed on a net impacting its use, so it is in the interest of fishers to tend to the nets on a regular basis. Jon Dornom said there can be times, due to unforeseen circumstances, where nets may be left for longer but fishers would not intentionally abandon gear as the equipment is expensive to lose.

Mike Holland referred to the response by the Environment Agency relating to enforceability. Mike Holland said that the Environment Agency fully appreciates that illegally set fixed nets in prohibited locations, such as estuaries, would not be marked to avoid detection. Mike Holland said that enforceability, or a potential for reduced enforceability, by removal of the provision is relevant to coastal netting zones where a headline (depth of net) restriction is still a requirement. Retaining the flag marking requirement can potentially help identify nets from a distance and therefore closer inspection regarding how they are set in the water column. CO Mander said that coastal fixed surface nets remain visible due to headline floats, and Officer's knowledge of who typically fishes where along the coast, and the more popular locations for setting fixed nets, assists with inspection work.

Charlie Ziemann said that in his area of operation he does not find the use of flags a difficulty and that this form of marking helps others to avoid his gear to his benefit. DCO Clark said that fishers in stronger tidal areas have more complications and the removal of the provision will not stop fishers continuing to use flags on a voluntary basis if they choose to use them.

Decision Making:

That Members agree to amend the Category One Netting Permit Conditions as proposed in the formal public consultation, and set out below, with the changes to apply from 1st July 2026:

The current Category One and Category Two Permit Conditions include the following gear marking provision (paragraph 2.1(c)):

A permit holder or named representative is only authorised under this permit to use a net within the District, other than in any intertidal area, if:

- a) each net is clearly marked by at least one floating marker at either end of the net; and
- b) each of the markers must display clearly the port, letters and numbers of the vessel named on the permit or the permit number; and
- c) **in each case where a fixed net is used the fixed net consists of a flag on at least one end of the net.**

The proposal is to **remove** the requirement to mark a fixed net using a flag on at least one end of the net.

Note: Mike Holland (as a deputy) was not able to vote.

Proposed: **Mike Williams** **Seconded: Alistair Dewhirst**

There were no amendments put forward.

In favour: **16**
Against: **0**
Abstain: **0**

Agenda Item 7:

Mobile Fishing – Amendments to the Mobile Fishing Permit Conditions

The Chair asked CO Mander to introduce the agenda item.

Presentation (general)

CO Mander highlighted that as there were three separate proposals to consider, the Officers' papers had been separated to cover the three topics. CO Mander explained that the responses received by D&S IFCA had been summarised into a report (Agenda Item 7 – Annex A – Mobile Fishing Formal Consultation Report – May 2026). CO Mander said that the formal consultation report summarised all response received by the closing date of 7th May 2026, with all ten responses setting out objection to the opening of the razor clam dredge fishery.

Agenda Item 7a: Proposal (1) – Opening of a New Dredge Fishery for Razor Clams

Presentation (Dredge Fishery for Razor Clams)

CO Mander highlighted how the B&PSC had considered the potential opening of the razor clam dredge fishery in February 2026, receiving background information and a presentation by the fisher wishing to participate in it. Based on Members supporting the opening of the new fishery, limited to sandy habitats within areas classified for the harvesting of razor clams by the Food Standards Agency (FSA), Officers had set out proposals in the formal consultation set out in pages 7 – 10 of the formal consultation report. CO Mander said that there were ten objections and the Officers' paper had examined and reacted to the objection points. CO Mander highlighted the chart on page 7 of the report demonstrating the maximum extent of the

fishery, subject to smaller areas being defined within the larger area as part of the classification process. CO Mander said it was inevitable that the area of operation would include slightly different habitats and species; however, the area of operation would not be within the Marine Protected Areas set out in red within the chart. CO Mander informed Members that approximately 48% of the District is closed to demersal mobile fishing, and the area of operation for the razor clam fishery could only take place in areas already open for other forms of mobile fishing that include scallop dredging and trawling. CO Mander informed Members that, as explained in the February B&PSC meeting, the activity is expected to take place on sandy habitats where razor clams are located. CO Mander set out some key points for Members:

1. The complexity of the design of the fishing method making it very difficult for others to copy and operate successfully, and therefore join or diversify into the fishery
2. The plans to monitor the fishery, allowing for further consideration if the level of vessels engaged in the fishery increases.
3. The water classification process that will further limit the area of operation.
4. That REM will be a key part of the monitoring process, and the monitoring will include sediment discharge and , catch observations.
5. Officers would conduct, at sea observations and potential adjustment of cameras to best achieve monitoring objectives

CO Mander said that despite the objections received, it was the Officers' view that the level of monitoring will reduce risks and that Officers recommended going forward with the proposal.

Comments and Questions

Pamela Buchan enquired about the seabed condition and for further detail about this aspect of monitoring and information about the trials to date. CO Mander highlighted the trials undertaken near to Exmouth, with one initial problem being a raised smash rate which was resolved with adjustment to the fishing equipment in situ, resulting in a low damage rate. In addition, CO Mander said that, when in the CIFCA District, filming work had demonstrated the trenches made by the dredge quickly infilled; however, it had not been established how long these areas take to completely recover. CO Mander emphasised to Members that regardless of longer term recovery to the impacts of this method, the areas are already heavily modified, as they were open and regularly fished by other mobile fishing vessels – either scallop dredges or trawls.

Pamela Buchan said that the new fishery would still be added pressure, but accepted that seabed monitoring for its condition may not be technically possible. DCO Clark confirmed that this would be a challenge, as the areas are not pristine, and are regularly fished. DCO Clark said fishing activity in the non-MPA areas by scallop dredging is not monitored, and that particular activity involves the use of significantly more damaging equipment due to size (spread on seabed) and weight. DCO Clark confirmed that D&S IFCA does have a Remotely Operated Vehicle (camera) which may be of benefit for seabed observation, but forty years of scallop dredging has already highly modified the seabed in the potential areas of operation.

Kate Sugar explained that Natural England Officers do work closely and regularly speak with D&S IFCA Officers. Although Natural England did not formally respond to the formal consultation, they may do in future consultations. Kate Sugar highlighted that high energy sand does recover quicker than other types of substrate, but had concern that the potential areas of operation were not as yet clearly defined with this information only becoming available after water classification by the FSA.

Regarding mapping, CO Mander confirmed that in the initial stage it would be broad scale, but potentially adjusted later. CO Mander highlighted that the level of monitoring, and reporting back to the B&PSC, as part of the potential opening of the fishery and part of a M&CP would exceed anything done by the Authority before, even for fishing activity within an MPA. The intention, shared by the fisher, is for the activity to only take place in sandy habitats and to avoid other areas. DCO Clark informed Members that discussions are continuing with the Food Standard Agency to define the operational classified areas, which will be far smaller than the whole site shown on page 7 in the consultation report.

Kate Sugar referenced the response from Devon Wildlife Trust (DWT) and the potential to introduce a closed season. CO Mander said this was a valid point; however, this is something that can potentially be considered over time. The monitoring work, including the use of REM can help to inform those discussions. CO Mander said that in the view of Officers, the risks associated with the new fishery were low which is why Officers recommended the opening subject to the conditions. Although further trials had been suggested, this would not represent “real life” conditions, that can only be analysed correctly if the fishery was to begin. CO Mander said that it was inevitable that catches of razor clams will reduce after beginning the fishing operation, but it is still only one vessel equipped to undertake this specialised form of fishing. DCO Clark added that the quality of razor clams to be marketed is of high importance to the fisher, as is the size to be marketed, with both factors lowering risks of over exploitation.

Members, including Kate Sugar and Sarah Holmyard, commented how expensive it would be to undertake extensive seabed mapping, extending to grab sampling and Sarah Holmyard suggested that the fisher should fund the work. In the view of Sarah Holmyard, there are too many unknown factors associated with potential damage and the opening would not make sense. Sarah Holmyard commented that she was aware of additional information provided by Emma Sheehan of Plymouth University, that although not submitted during the formal consultation, had increased her own level of concern about the opening. CO Mander said that although Officers had also read the same information, not documented in the report, it remained the view of Officers that the fishery should still open.

Mike Williams summarised some of his thoughts.

- a) D&S IFCA faced a similar decision in the past with the opening of a new fishery (Live Wrasse Fishery), with unknown factors and approached this with use of a M&CP.
- b) The seabed in areas already identified, and to be further identified, are not in pristine condition after many years of mobile fishing activity
- c) The opening includes the use of new technology (REM), and with the Authority already championing greater use of technology, this new highly monitored fishery can act as a testing platform for the expansion of that technology with the benefit of providing better evidence to the Authority.

CO Mander added that the application of REM can be directed towards catch and bycatch monitoring. The Chair invited Didi Alayli to provide her thoughts. Didi Alyali said that she had objected to formally consulting on the opening of the razor clam fishery at the last B&PSC meeting on the grounds that she believed its sustainability had not been addressed in the evidence presented by Officers. Didi Alayli then read out a list of her views as follows:

1. There are 10 objections which must be taken more seriously by Officers and Members.
2. A similar very highly damaging method was observed in Ireland.

3. There are too many unknowns about habitat and the damage the method will have on the habitat.
4. Razor clams are slow growing and may be overfished - stock assessments are needed and minimum size considered.
5. There may be high rates of damage to both target and non-target species.
6. The commercial gain for one fisher appears to be outweighing the need to protect the environment
7. The Authority appears to be very commercial fishing driven, and there is incorrect balance between economic gain and the need for conservation
8. The fishery may begin with one fisher, but others might diversify adding greater pressure
9. Undertaking science in "real life" conditions is not a reason to allow the activity to take place – these are research questions and gear must be properly trialed, not just a rough idea to see how to minimise negative impacts.
10. D&S IFCA has already spent quite a bit of time and resources on this fishery reference the gear trial near the mouth of the Exe and in Cornwall.
11. What should our role be (in the sub-committee)? It should be to balance the social and economic benefits of exploiting fishery resources with the need to protect the marine environment or promote its recovery.
12. This form of dredging is not traditional and why risk adding another dredge fishery in the District.
13. Monitoring is important, but potentially it could be the monitoring of an environmental disaster.
14. There is no economic or social benefit for Devon, as the produce will be exported.
15. Allowing an experiment for one person to try it is not good enough - the fishery is a risky experiment which cannot be justified on social or economic grounds.
16. There are many people the Authority can ask to provide additional evidence and I have already reached out to an expert who is happy to share their own knowledge and expertise.
17. Given, the negative impacts of dredging, I would scrap the whole idea.
18. The only sensible way forward for this fishery is for it to be run as a time limited trial.

In response to Didi Alayli, CO Mander said that it was incorrect to compare the proposed fishery, and the method to be used in the fishery to the method used in Ireland. Regarding stock assessments, CO Mander said that D&S IFCA has not done stock assessments for any of the fisheries in its District and is not equipped to do so, for example the scallop fishery. Regarding balance, CO Mander said Officers had been mindful of the precautionary principle, but the precautionary principle should not be considered as a barrier to everything. It was the view of CO Mander that balance can be achieved with a regulated, restricted, and monitored approach, in the same way the Live Wrasse Fishery was able to begin and be managed under control conditions. If the monitoring shows there are problems, CO Mander said that this can and will be reported and adaptations can be made due to the flexible management approach that the Authority has in place. DCO Clark said that the opening of the fishery would not be an experiment, and said that steps would be taken by Officers to engage with Natural England to develop the M&CP which would be robust, even though the activity would be outside of a Marine Protected Area.

Cllr Wainwright supported the points raised by stakeholders and organisations that objected to the opening of the fishery. In her view the Authority were moving too quickly with decision making and also the time and money spent on monitoring this potential new fishery could be better spent on other work. CO Mander said that costs of monitoring would be modest due to the application of REM as part of the conditions for the opening. Referring to REM, CO Mander reported that the initial cost would be about £4000, plus an annual cost of £700, which he informed Members was far lower than the cost of having an independent observer on board the vessel.

Cllr Wainwright highlighted that there was no business plan from the fisher presented to the Authority. Mike Williams responded and said that it is not within the remit of the Authority to request one. Alistair Dewhurst said that he could not accept the argument of Officers that this potential new fishery would be significantly less damaging to the environment than scallop dredging, which in his view is horrendous.

In response to additional questions about immature species, DCO Clark said that all fishers catch undersize species, however the monitoring can be used to assess the level of return to the fishery. Given the time spent discussing Agenda Item 7a and that all members wanting to speak had already spoken on the agenda item, in accordance with the Standing Orders for the Committee, the Chair asked for the discussion to end. CO Mander ended the question and answer session by setting out two final points.

1. The areas intended to be fished are already highly modified by other mobile fishing methods
2. The new fishery should not be considered as being the lesser of two evils

Decision Making:

Given the desire to see more detail about the content of the M&CP, CO Mander said that the next Authority meeting is scheduled for 18th June 2026, and this would provide an opportunity for a M&CP to be presented to Members. Kate Sugar welcomed this suggestion and set out a motion for a vote.

Decision Making:

That subject to approval of the Authority of a Monitoring and Control Plan, Members agree that the razor dredge fishery is opened subject to:

- 1. Design of dredge (interpretation);**
- 2. Areas fished (that will be specified within the area outlined in Figure 2 as an Annex); and**
- 3. Installation on board of a REM system that remains fully functional at all times.**

Proposed: *Kate Sugar* **Seconded:** *Mike Williams*

There were no amendments put forward.

In favour: 8
Against: 4
Abstain: 3

.....

Agenda Item 7b: Proposal (2) – Introduction of Protective Measures for two Mariculture Sites

Presentation (Mariculture Sites)

CO Mander explained that Sarah Holmyard was not able to vote on any motion. CO Mander highlighted that there were no objections received in the formal consultation.

Comments and Questions

There were no comments or questions from Members.

Decision Making:

That Members agree to amend the Category One Mobile Fishing Permit Conditions as proposed in the formal public consultation, and set out in the Officers' paper, with the changes to apply from 1st July 2026.

To introduce protective measures, using the Permit Conditions, for mariculture sites that have already been licenced by the Marine Management Organisation (MMO) in Labrador Bay, South Devon and Bideford Bay, North Devon.

It is proposed to introduce Mobile Fishing Permit Conditions to prohibit the use of mobile fishing gear within the defined area of two mariculture sites.

Note: Pamela Buchan, Alistair Dewhirst, and Charlie Ziemann were not present for voting.

Proposed: **Mike Williams** **Seconded: Guy Baker**

There were no amendments put forward.

In favour: **12**
Against: **0**
Abstain: **0**

Agenda Item 7c: Proposal (2) – To Change the Requirement relating to the Transmission of IVMS Data to reflect the installation of Rewire Devices

Presentation (IVMS)

CO Mander provided background information from the Officers' paper and highlighted that no objections had been received.

Comments and Questions

Jon Dornom commented that in his view the ongoing complications with the national roll out of IVMS had a bearing on himself suffering gear loss, with those responsible not being able to be detected. CO Mander explained that some vessel owners switch their IVMS devices off. Switching devices off is illegal and D&S IFCA has taken action against fishers that have done so in the past but nevertheless this does lead to some vessels operating in the District that cannot be detected remotely. David Morgan had the view that the change in Permit Conditions can only improve the situation. In response to a question, CO Mander confirmed that at present all vessels fitted with Rewire devices are visible to D&S IFCA Officers. There were no other questions or comments.

Decision Making:

That Members agree to amend the Category One Mobile Fishing Permit Conditions as proposed in the formal public consultation, and set out in the Officers' paper with the changes to apply from 1st July 2026:

To change the requirement relating to the transmission of IVMS data to reflect the installation of Rewire devices.

It is proposed to amend paragraph 4.2 (b) so that Permit Holders with a Nemo (CLS UK (Fulcrum Maritime Ltd)) and a Rewire Security Vessel Monitoring Device fitted to their vessels are compliant with the requirements relating to the transmission and availability of relevant data.

It is proposed to add the words highlighted below to Paragraph 4.2 (b).

5.2 A permit holder or a named representative must not operate a relevant fishing vessel over 6.99 metres in overall length within the District unless:

- a) a permit holder has provided in writing a copy of the manufacturer's approved engineer's installation report for the vessel monitoring device containing the information specified in paragraph 6.1; and
- b) subject to paragraph 4.3, the relevant data is received by the UK VMS hub, or is received by the vessel monitoring device supplier and made available to the Authority via the supplier's platform, at least every three minutes except when a relevant fishing vessel is within an area as defined by the co-ordinates set out in the attached Annex 13 to these permit conditions.

Proposed: **Mike Williams**

Seconded: David Morgan

There were no amendments put forward.

In favour: 14

Against: 0

Abstain: 1

Agenda Item 8:

Potting and Octopus Update

Chair's Advice

The Chair explained that the Officers' paper was to note. However, it was possible that Members may wish to have an extended discussion relating to this Agenda Item, and this may result in a motion for a vote. As allocated time was running short for the meeting, the Chair suggested that the Officers' paper be re-presented at the Authority meeting to be held on 18th June 2026 as this deferral would provide more time to discuss the development of a Molluscan Hand Gathering Byelaw. Members agreed.

Agenda Item 9:

Development of a Molluscan Shellfish Hand Gathering Byelaw

Presentation

The Chair said that the Officers' paper was to note. CO Mander said that the development of the new Byelaw was included in the Annual Plan, and the Officers' paper was to inform Members how Officers intended to approach the work.

Comments and Questions

Mike Williams asked for some clarification relating to planned bag limits. CO Mander said that the intention was to base a recreational bag limit on a combined amount of 5Kg. CO Mander said that 5Kg is comparable to the Sussex IFCA Hand Gathering (Restrictions and Permitting) Byelaw 2021 and is an amount set out in some voluntary codes.

DCO Clark answered questions associated with oysters and their inclusion in the Byelaw. Regarding separation of user groups, CO Mander confirmed that recreational gathering will be for personal consumption only, with shellfish taken by recreational fishers not entering the wider food chain. There were no further questions or comments and Members noted the Officers' paper.

Date of the Next B&PSC Meeting.

PPO Townsend explained that the next B&PSC meeting would be expected to take place in about three months' time, and an exact date would be confirmed via email correspondence.

END.