

**NWIFCA Technical, Science and Byelaw  
Committee**

**15th May 2018: 10:00 a.m.**

**AGENDA  
ITEM NO.  
10**

**NWIFCA POTTING PERMIT BYELAW 2018**

- Purpose:**
- i) to provide an update on a proposed flexible permitting byelaw for potting for a number of specified species, including crab, lobster and whelk;
  - ii) to provide Members with a copy of Sussex IFCA's flexible permitting byelaw for shellfish and the guidance for information.

- Recommendation:**
- i) that Members approve the report;
  - ii) that Members approve the approach taken through a specified species flexible permitting potting permit byelaw;
  - iii) that Members approve the circulation of the draft byelaw by email to TSB for comment.

**Background:**

1. There are currently different management measures for lobster fisheries in the Cumbria and North Western SFC parts of the District. These measures cover both commercial and recreational (hobby) potting.
2. As part of the byelaw review process a 'Lobster Protection' Byelaw was drafted in 2017 to amalgamate these measures. At the time this was seen as an 'easy win' as it was understood that the measures were considered to be sensible conservation management and had overall agreement with the fishing industry.
3. During internal consultation with NWIFCA officers it became apparent that there were a number of insurmountable issues with this approach, which in effect would impact on other types of potting activity – eg. prawns, nephrops, whelks – and that it was not workable. The outcome of these discussions and the acceptance by Defra of flexible permitting byelaw regulation was to change approach to a NWIFCA gear (ie. potting) specific byelaw.
4. The Senior Scientist researched other IFCA's for examples on which to base this new approach. A number of IFCA's had introduced flexible permitting byelaws, and an example of such a byelaw made by Sussex IFCA for shellfish is attached for information as Annex A. Annexes B and C provide further guidance and information on Sussex's byelaw.

**Progress to Date:**

5. Using SIFCA's byelaw as an example Ms Knott has drafted a NWIFCA Potting Permit Byelaw that includes all species for which potting currently occurs commercially and/or recreationally. It also includes provision for issuing permits in the future for species which, due to climate change or other environmental influences, may become more abundant in the District.

The specified species are:

- i. cuttlefish (*Sepia officinalis*);
- ii. edible crab (*Cancer pagurus*);

- iii. lobster (*Homarus gammarus*);
- iv. prawn (*Palaemon spp.*);
- v. spider crab (*Maia squinado*);
- vi. velvet swimming crab (*Necora puber*);
- vii. whelk (*Buccinum undatum*);
- viii. Norwegian lobster (*Nephrops norvegicus*).

6. This approach enables a fee for permits to be charged and a suite of conditions to be attached to permits which can include some or all of the following:
- i. General Permit Conditions that apply to both commercial and recreational permit holders. such as:
    - Requirement for escape gaps in pots;
    - Use of riddles to separate undersize individuals;
    - Restrictions of types of bait.
  - ii. Commercial Permit Conditions that apply only to commercial potters.
  - iii. Recreational Permit Conditions that apply only to hobby potters.
  - iv. Flexible Permit Conditions that can provide the NWIFCA with a mechanism for flexible management – with specified procedure for changing these conditions - which may include such measures as:
    - Catch restrictions;
    - Gear restrictions – eg. pot limitation or configuration of gear;
    - Spatial restrictions;
    - Temporal conditions.
7. The Senior Scientist had intended on tabling the first draft of the byelaw at May's TSB meeting. However on circulating it internally to Officers she received a number of very useful comments and suggestions, which need to be incorporated before further consideration.
8. On approval by TSB, Ms Knott will continue to work on the first draft with the aim of then sending it to Members via email for perusal, comment, suggestion and question. This would enable a second draft to be produced in time for August's TSB.

**Mandy Knott**  
**Senior Scientist**  
**27<sup>th</sup> April 2018**