

From: Chief IFCO

To: Kent and Essex Inshore Fisheries and Conservation Authority –  
28 January 2025

Subject: An English Whelk permit – Seafish draft discussion paper

Classification: **Unrestricted**

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**Summary:**

Following the introduction of the Whelk FMP, Seafish have developed a draft discussion paper that proposes initial management measures for a proposed English Whelk Permit. This paper highlights the impacts of the proposal and provides an opportunity to feedback the views of the Authority to Seafish and DEFRA.

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**Recommendation:**

This report is for **COMMENT** and **NOTING** only.

**Introduction**

The Whelk Fisheries Management Plan (FMP) was published in December 2023 after two years of development and has been designed to set out both a longer-term vision and goals for the fishery, together with the policies and management interventions necessary to achieve these goals in the shorter-term.

The plan includes actions to improve the evidence base for whelk stocks as they are currently classed as data limited because there is insufficient scientific information available to assess stock abundance. The FMP also sets out the steps to create a strong data-gathering system to assess abundance and health of the stocks, and to make informed interventions.

The plan also includes initial management measures that are designed to address immediate sustainability concerns, in line with the Fisheries Act's precautionary objective. The key proposal is the introduction of a permit scheme or licence entitlement with conditions. The purpose of this scheme is to allow adaptive management to reflect the local characteristics of whelk stocks and fleets, with the aim of controlling effort in whelk fisheries over the long term. Minimum Conservation Reference Size (MCRS) variations, pot limits and seasonal closures

are some of the interventions under consideration that will be developed in collaboration with the Whelk Management Group (WMG) and relevant partners.

### **Developing the detail of an entitlement/ permit**

Building on initial discussions within the WMG prior to the publication of the FMP, the actions and engagement below were taken by Seafish to develop the draft discussion paper (Appendix 1)

<i>March</i>	Seafish publish updated management proposal paper
<i>April</i>	WMG workshop to review the updated management proposal paper and further discuss how the permit should function
<i>July</i>	IFCA Workshop to explore the interface with existing IFCA permits
<i>August/ September</i>	Targeted industry discussions in areas / sectors not previously engaged
<i>30 August</i>	Seafish held meeting in Whitstable with whelk fleet
<i>2 December</i>	Published Draft discussion paper (Proposed initial management measures for Whelk in English Waters: Whelk permit)
<i>10 January</i>	Online discussion of the discussion paper with the Whelk Management Group

The ambition from DEFRA and Seafish is that following this round of engagement the proposed paper would be finalised and delivered to Defra and MMO with the intention of it being made into legislation.

### **Key points from the paper**

#### **Rationale and structure of the discussion paper**

The principal aim of the whelk permit, as outlined in the discussion document, is to safeguard stocks against unsustainable exploitation and stock collapse in line with the Fisheries Act Sustainability Objective and the Precautionary Approach. The paper outlines the fluctuations in vessel numbers targeting whelks and its analysis shows that there was a 16% increase in fleet size from 2010 (307 vessels) to 2016 (356), followed by a 30% decline between 2016-2022 (248), and 3% increase in 2023 (255).

As part of the rationale for management intervention, the argument is made that “there is a broad consensus across published literature is that open access fisheries create challenges for sustainable management, both from an environmental standpoint (a ‘tragedy of the commons’ scenario often results in overexploitation and stock decline) and from a socio-economic standpoint (each user can take away from the benefits to others)”.

The paper suggests that limiting access (restricting the number of vessels/individuals) in the whelk fishery is therefore a standard management intervention that has been successfully applied in whelk and other shellfish

fisheries across the UK, and globally (e.g. in the Isle of Man, Wales, Granville Bay).

The discussion paper lays out a series of options for key components of the proposed permit, and in most cases does not make recommendations. Whilst this allows the reader to consider the text that lays out the 'pros and cons' of each option, it does make it harder to project and understand what the final permit might look like and how DEFRA and the MMO might take this forward.

### **Who would be eligible to get a whelk permit? (pg 15-19)**

In the Eligibility section (pg.15), the paper outlines examples of possible reference period options (the estimated number of vessels eligible for the permit in italics at the end of each option).

Eligibility Option 1 – Open access approach: An application-led system where any fisher can apply for and secure a permit. Under this option there is no limit on the number of whelk potting vessels that may be granted a permit.

*No change – Fleet size in 2023: 220 vessels*

Eligibility Option 2 – Deadline approach: Any fisher capable of providing evidence that their vessel has landed more than 1 tonne of whelk using pots, up to the point of the FMP publication (14 December 2023) will be eligible to apply for a permit.

*Possible maximum fleet size applying option - 454 vessels*

Eligibility Option 3 – Track record approach: Any fisher capable of providing evidence that their vessel has landed more than 1 tonne of whelk using pots during a time-limited historic reference period will be eligible to apply for a permit.

#### *Examples of possible reference period option*

(A) 1 Jan 2016 – 31 Dec 2019 Pre-Covid and Brexit: Those vessels that moved into whelking during periods of market instability will not be eligible. In reality, many of these 'covid' vessels have since exited the fishery following the recovery of more valuable markets (e.g. whitefish).

*Possible maximum fleet size applying option - 352 vessels*

(B) 1 Jan 2016 – 31 Dec 2019 and 1 Jan 2022 – 31 Dec 2023 Pre-Covid and Brexit (as above) but would also address latent capacity by limiting the permits to only those vessels which are still actively whelking.

*Possible maximum fleet size applying option - 114 vessels*

(C) 1 Jan 2019 – 14 Dec 2023 Most recent five years, aligning with approaches taken to define reference periods for other similar permit schemes (e.g. shellfish permit). This approach would limit the application of the permits to those fishers that have recently fished for whelks, including those who temporarily entered the

fishery during Covid. This proposed track record could increase the potential for latent capacity but may best provide for inshore vessels which move in and out of whelk fisheries more frequently.

*Possible maximum fleet size applying option - 327 vessels*

### **Ownership and sale of permit (pg 9)**

Administration Option 1 - Permit is sold with vessel and other permits/ track records.

Administration Option 2 - When the vessel is sold, the permit returns to the government. A new owner has exclusive opportunity to apply for the permit. If the new owner does not wish to use the permit goes back into a pool of permits.

### **Options for Whelk Permit management units (pg 11-12)**

Spatial Option 1 – ICES sub-rectangles

Spatial Option 2 – Inshore (0-12nm) and offshore (12nm-EEZ) zones within ICES rectangles

Spatial Option 3 - Inshore (0-12nm) within ICES areas and offshore (12nm-EEZ) no sub areas.

Spatial Option 4 – Whole English water no sub-areas,

### **Options to integrate the Whelk Permit with IFCA byelaws (pg 21-22)**

Alignment Option 1 - Duality approach. Existing IFCA permits are retained, and the national permit is implemented across all English waters (0nm-EEZ). (implied preference of the report).

Alignment Option 2 - Outside-only approach. Existing IFCA permits are retained, and the national permit is implemented outside 6nm only (i.e. 6nm-EEZ) and IFCA jurisdictions currently without a whelk permit.

### **Proposal for new entrants (pg 26-27)**

A fixed allocation could be made available each year exclusively for new entrants. This will allow for new entrants in a controlled and measured way whilst balancing the risk of increased fishing pressure on the stock.

Permits made available to new entrants each year could be based on X% of the initial fleet capacity, up to a maximum Y% increase over the first five years of the permit period up to an agreed limit. Percentage allowance may be calculated following initial allocation of permits to ensure that the provision is reasonable for both stocks and fleets.

The allocation set aside for new entrants may initially be moderate, then as more information becomes available on how much fishing pressure stocks can sustain, adjustments can be made accordingly. In the interim, decision-makers must be responsive and use best-available information. If evidence becomes available

suggesting that current fishing pressure is too high, the allocation for new entrants should decrease or be frozen until the health of the fishery improves.

Vessel owners could be required to return their permit to the government when they die or retire, and the vessel is no longer in use (e.g. it is decommissioned).

### **Feedback from the local whelk fleet**

In an effort to make sure that inshore fishers needs and views were included, KEIFCA officer helped arrange a meeting between the Seafish Whelk Permit leads and local whelk fishers at Whitstable on the 30 August 2024. IFCA officers also met with fishers from Whitstable on the 8 January 2025 to discuss this paper.

#### **Very strong opposition to any form of limited permit or entitlement.**

- Restricts critical movement between fisheries for local fishers.
- Would impact new or young fishers coming into the industry, this is a vital entry route for young or new fishers to our district as it is a low-cost way of entering the fishery.
- The management measure is pointless, limiting vessels alone does not control effort or help protect the stocks as fishers can still increase the amount of gear they can use.
- Death nail to local fishing, fishers need to be able to access all the fishing opportunities possible to make a living and react to changing fish stocks.
- The problem is in the 6-12 not in our district. Why do we need additional management?
- All that will happen is that the big operators will buy up or control large numbers of permits and smaller scale local fishers will be priced out and lose any opportunity to move between fisheries.
- The paper does not give an idea of the economic impact the proposals would have on local fishers.
- Limiting entry or access to a fishery should be a last resort in management rather than first resort.

#### **Is there another way?**

Whilst being critical of the proposals local fishers, through discussion, suggested an alternative approach that they think would avoid the problems of a permit and help make the fishery more sustainable in the long-term.

- Use licence conditions rather than a specific permit to bring in any short-term management measures if required.
- Use licence condition requirements and the catch-app to gather more specific granular information that can help assess fishing grounds, landings but most importantly Catch Per Unit Effort (CPUE). The information could be reviewed and action could be taken if the data shows the stocks are not in a good place.

- Introduce an increase in minimum size in English waters from 45mm to 50mm. This simple measure can help protect brood stock and help ensure that whelks have breed at least once before they are caught.

### **The development of the proposals** (pg 26-27)

Fishers expressed concern and frustration with the meeting that was held with Seafish officers on the 30 August 2024.

- Local fishers feel that their needs and views have not been adequately taken into consideration in the current paper.
- Fishers were not happy with the reporting back and summary of their views at subsequent Whelk Management Group meetings.
- They have not had minutes from the meeting in August.

### **Online Whelk Management Group (WMG) meeting to discuss the paper**

On the 10 January 2025 Seafish held a Teams meeting gathering feedback on the paper. The meeting was well attended with fishers from around the country and included representatives from the whelk fishing fleet. The Whitstable fleet reiterated their opposition to a limited entry fishery and felt it should be called an entitlement rather than a permit. Seafish staff addressed the points made by the Whitstable fishers and highlighted the options included in the paper that they felt represented their views.

The meeting ran out of time and only addressed the ownership and sale of the permit, the eligibility options and how the permit would integrate with IFCA byelaws. There are plans to hold another meeting to discuss the other aspects of the proposal. We are waiting on the minutes of the meeting.

### **Next steps**

The intention outlined in the Whelk FMP is to introduce a whelk permit in the 'short term' or within a one to two year period after the FMP is published (by the end of 2025). The next step is likely to be DEFRA and the MMO reviewing the discussion paper and feedback from interested parties and then running a public consultation process. Gathering views from KEIFCA and its members will help shape this process. Officers will continue to feed into the process and work with local fishers. Views from KEIFCA members and the Authority as a whole will be passed on to Seafish, DEFRA and the MMO.

#### **Recommendation:**

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