



Responses to KEIFCA Vessel Length and Engine Power Byelaw Consultation – June 2018 to 17 August 2018

The scope of the byelaw

- 5) **Do you have any general views about the scope and remit of the proposed byelaw?**
- a) *Any advantages or disadvantages of a vessel length and engine size byelaw?*
 - b) *Do you think other fishing vessel descriptors (length and width, or vessel capacity units) would be better for the Authority to use in a byelaw?*

Kent Wildlife Trust: Kent Wildlife Trust welcomes the rationalisation of the current situation whereby the Authority has to manage four byelaws with different limits and parameters. A single byelaw to replace the existing four will have the advantage of simplifying an overly complex system for both the Authority and the fishing industry, and align management with county boundaries

a) There are advantages to this proposal. These metrics have long been used in the majority of the KEIFCA district, providing a continuity of approach to the local vessels, and in the case of vessel length, a common approach across all IFCAs. Kent Wildlife Trust favours complementing vessel length restrictions with a maximum engine power, since this helps to limit the use of large, heavy gear types with greater potential to damage seabed habitats.

b) No. Kent Wildlife Trust welcomes the continued use of vessel length and engine power as a reasonable combination of metrics to help limit use of heavier, more damaging fishing gear types across the district

Terry Stimpson skipper/owner 'Sea Glory TT' ST2 :

When the old byelaw was first introduced (1997) when the majority of commercial fishing vessels were of mono hull designs. The byelaw was designed to protect the inshore fleet from larger more powerful vessels. The fishing fleet is now greatly reduced.

Some vessel owners have redeveloped their vessels to catamaran (twin hull) for better working platforms, carrying different equipment and being able to change fishing methods without having to return to port for change over of gear, also the ability to diversify for carrying passengers to do paid work (wind farm work, surveys etc). on newer vessels it's a requirement to have twin engines for safety reasons.

I believe there should be a byelaw description for mono hulls relating to horsepower and length as the vessel reacts differently when powered in comparison to twin hulls.

The byelaw for twin hulls should have a dispensation as each hull should be treated separately for propulsion as proven even with the fishery patrol vessel that you own;

Tamesis has 350hp per side. Nerissa has 800hp aside to reach its desired propulsion.

ENGINE SIZE

Your pamphlet states that engine size is very closely correlated to the size and weight of fishing gear (the more powerful the total engine power, the heavier and larger gear it can operate and this is especially true for vessels using towed gear such as trawls and dredges (beamers were the main culprit as needed more horsepower to tow the heavier chain matt gear at speed typically 8 knots. The Dutch fleet and a few others have engaged in pulse beaming to save on fuel with less horsepower (even though this method is banned by the EU and local fishermen find that this method is having a damaging effect to our own inshore fishery)). This might have been correct when the byelaw was first conceived but technology has advanced since then. It is now down to gear box, propeller size and propeller pitch.

It's about running an engine that is now more efficient when towing heavier gear, so a suitable gear box is selected to the length of vessel, its draft, size and pitch of propeller that suits the shape of the hull.

Not all IFCA districts operate the same engine size and vessel length byelaw when operating trawl gear in its district this increase in horsepower would also help particularly if this was standardised across all districts.

GEAR BOXES

One other factor that should also be taken into account is gear boxes and propellers – gear boxes are designed either for speed or for bollard pull.

1:1, 1:1.5 gear boxes are designed for speed on planing hulls, propellers are then designed for speed

2:1 gear boxes semi planing hulls and displacement hulls less pitch in the propeller

3:1 gear boxes smaller vessel normally with displacement hull for trawling swinging a larger propeller with more surface area to give the vessel bollard pull at slower speed

4:1 gear boxes normally for trawling vessels about the 10m pulling one large trawl or twin trawls in some cases triple rig normally a lot larger surface area propeller.

5:1, 6:1, reserved for larger vessels normally over 12m

Second factor also that should be looked at is the definition of de-rating. Most manufacturers only produce one block say 6 cylinder which can range from 130hp to 350hp (as in the case of Perkins 8 models (the situation when I bought mine). Steyr engines (10 models) and Yanmar marine diesel engines have a higher horsepower range) The different configurations of add on's can increase or decrease its horsepower. (eg electronic governors turbos, twin turbos increase in fuel delivery inline pumps, rotary pumps and electronic delivery pumps. Changing pistons, rebores or new liners gets more technical after this. One company that I know of is Eurotech who specialise in increasing the horsepower even further without the cost of buying a more expensive engine.

Third factor to consider is vessel length and distance it can travel with the amount of fuel it can carry (safety, safe haven from port). Small twin hull vessels under 9m are very limited to the distance they can travel before fishing can begin. When we leave the EU it is suggested that the Kent and Essex district could be included 12 n.miles out to sea – this would be detrimental to my ability to operate and cause safety issues for my vessel.

When the new byelaw is to be standardised (well overdue) there are other factors that should be taken into account

- MMO rules for trawled gear (to which I comply)
- MCA code of practice for small vessels (areas to look at)

MGN 280 (M) – safety regulation for small vessels

3.9 / 7.2 diesel engines, 11.2 multi hull, 11.3.9 permitted areas of operation

11.7 vessels engaged in towing, 11.10 sailing multihull vessels

26.7 single handed operations (such as myself),
annex 3 manning of small vessels, 7. single handed operation (such as myself).

- MCA rules on de-rating (engines over 120kw to be certified on new builds under 25% de-rating can be done without certification (by one of the approved methods) over 25% de-rating certified provided complies with manufacturers guidelines upto 75% can be achieved.

Matthew Barnes Skipper 'Seiont-A' BM114: with regards to the areas A-B-C-D these should be made uniform areas and treated as a single rule, e.g a vessel that can fish B is able to fish A for ease of management or the other way around- making Kent and Essex area exactly that rather than complex pointless lines and unnecessary admin.

Your usage of terms to define the `what does a vessel length and engine power byelaw do` is grossly inaccurate, longer larger vessels do not always have to possibility to reach further fishing grounds and fish for 2 to 7 days-my vessel which is an original 1960s 16.99m overall with 145kw power compared to a newbuild 14 meter vessel usually built with 221kw is by far more limited to near shore fishing than these new shorter vessels, many of which are now rigged for 8 a side scallops for example when we are only able to use 6.

Potential options for a new byelaw

Vessel length		Engine Power		
1 Overall length of which does not exceed 14m	Applies to all methods of fishing	A Engine power restrictions just apply to trawl nets, dredges or other towed fishing instruments	i)	total engine does not exceed 221 kilowatts.
			ii)	total engine does not exceed 221 kilowatts or, in the case of derated engines, did not exceed 243 kilowatts before derating
			iii)	total engine does not exceed 221 kilowatts or, in the case of derated engines, did not exceed 300 kilowatts before derating
		B Engine power restrictions apply to all vessels	i)	total engine does not exceed 221 kilowatts.
			ii)	total engine does not exceed 221 kilowatts or, in the case of derated engines, did not exceed 243 kilowatts before derating
			iii)	total engine does not exceed 221 kilowatts or, in the case of derated engines, did not exceed 300 kilowatts before derating
2 Overall length does not exceed 14m	Applies just to trawl nets, dredges or other towed fishing instruments	A Engine power restrictions just apply to trawl nets, dredges or other towed fishing instruments	i)	total engine does not exceed 221 kilowatts.
			ii)	total engine does not exceed 221 kilowatts or, in the case of derated engines, did not exceed 243 kilowatts before derating
			iii)	total engine does not exceed 221 kilowatts or, in the case of derated engines, did not exceed 300 kilowatts before derating

6) From the potential options do you have any comments on:

- a) *A preferred option and rationale for your option preferred option*
- b) *Any advantages or disadvantages of the options presented*
- c) *Any costs that could be incurred from any of the options?*

Russell Pitt, Owner/Skipper 'Trojan' MN103: Preferred option 2. No new builds over 300kw. No vessel over 14mtr inside 6 mile. No new build over 10 metre after 1.1.18

Matthew Smith, Skipper/Owner 'Matty Jay' LO541, 'Paul Patrick' H1103: Preferred option 2. No new builds over 300kw. All vessels under 14 metre only must be in UK owned

John Smith Skipper 'Paul Patrick' H1103: Preferred option 2. As from Jan 2018 all vessels inside the 6 mile limit restricted to 14 mtr and under

Kent Wildlife Trust: Kent Wildlife Trust would favour a vessel length restriction of 10m, which would help reduce the weight of gears being operated and potential damage to seabed habitats. This restriction would not affect the majority of the local fishing fleet, and would prevent larger vessels from coming into the district. However, of the options put forward in this consultation, we would favour option 1Bi). This option matches the neighbouring Sussex IFCA's maximum vessel length of 14m, and we would anticipate this restriction being widely accepted since it would have no impact on 99.5% of the current local fishing fleet. Management and enforcement by the Authority is simplified if the restrictions apply to all methods of fishing and to all vessels, and this also avoids changes to vessels being required when changing between gear types

Matthew Barnes Skipper 'Seiont-A' BM114:

If any engine power byelaw is reduced from 221 to any smaller then this must be reflected to the whole fleet and not just towed gear vessels- a gill netter that has 240kw for example may have a speed of 20 knots and cover twice the area in a single day compared to a less power gill netter with a slower speed that is limited by range for a single day fishing - 221kw is a uniform uk accepted power and should be maintained.

Option B is the only sensible option on my grounds stated above. It is not acceptable to have high power and high capacity static gear vessels- engine power applies to all or to none.

David Breedon: I think your idea of under 14m and 221 kws is perfect for the Thames must surely it must be for all vessels and not targeted to just trawlers

Interfish Ltd - owners of 3 over 17m vessels with grandfather rights under the current vessel length byelaw:

As an observation the arbitrary length of 14m LOA seems odd – given MCA – skippers and vessel regulations are designed around <15m LOA this would seem a more sensible level – there is a danger of forcing folk to operate in smaller and increasingly unsafe vessels at lengths where stability books are not mandatory.

There should be a more sensible basis which gives consideration to other LoA regulations re. standards of vessels construction and crewing –

specifically <15m LOA

It should also be regrettable if there is any future boundary change to 12nm that may result in small vessels primarily designed for near shore coastal waters to be forced to operate in waters where safety may be compromised and additional conflicts may occur with respect to channel shipping and increased voyage times.

Grandfather rights/ sunset clause

7) Do you have any views on any grandfather rights/ sunset clause?

- a) *How should any grandfather rights/ sunset clause be applied?*
- b) *Do you have a view on what kind of information KEIFCA should consider when reviewing applications for grandfather rights/ sunset clause?*

Russell Pitt, Owner/Skipper 'Trojan' MN103: Grandfather rights on vessels over 14mtr only. No transfers to new vessels

Matthew Smith, Skipper/Owner 'Matty Jay' LO541, 'Paul Patrick' H1103: Vessels over 14 metre fishing before January 2018 may stay active not transferable to new owners same as Eastern IFCA. Must be landing fish and shellfish. After this track record date on vessel or person no grandfather rights at all.

John Smith Skipper 'Paul Patrick' H1103: Vessels fishing over 14mtr landing fish/shellfish will have grandfather rights on vessels only in same ownership not transferable if vessel sold under new ownership

Kent Wildlife Trust: Kent Wildlife Trust considers it essential to prevent the continued use of any vessels which exceed these proposed restrictions in the minimum time possible. Any grandfather rights should be limited to an individual fisher in their current vessel and not be transferable between people or vessels.

Terry Stimpson skipper/owner 'Sea Glory TT' ST2 : With very few vessels that are now left in the fishing industry, with any new byelaw introduction or amendment, someone's vessel will fall foul of the new changes – therefore this rule should stand.

With the 10 IFCA's that are placed around the country most fishery officers should be in a position to identify the vessel that is going to fall foul of any new rule.

My fishing vessel was allowed to trawl/net for a few years from day one of commissioning to when IFCA's were formed and the old bylaw was inherited (2011). Without review or amendments the bylaw was suddenly enforced and because of new commercial fishing vessel designs, mine fell foul of the bylaw even though I believed I was operating legally.

1. I am classed as a day boat for 35 years I have fished no other way.
2. MMO said I was still legal to trawl as my licence permits
3. I am also restricted under MCA rules of operating from safe haven
4. There are restrictions on my skippers ticket were I can also operate (5 yearly inspection where rules seem to change each renewal). I was not allowed to trawl with in Kent and Essex district even though as I have said above I had been doing so for a few years previously there was no sudden change of method as suggested in your consultation pamphlet).

Sunset Clause

With new development byelaws should be reviewed every 5 years as environmental changes seem to develop more quickly than before. The advances in hull, engine and electrical propulsion systems everything needs to be reviewed and I would have thought a 5 year time period would be beneficial for all.

Matthew Barnes Skipper 'Seiont-A' BM114: Grandfather rights must be granted to any vessels that can demonstrate track record.

A fair simple option would be to demonstrate fishing over the last 5 years in the area, address and base port of any vessel must also be taken into account with most local being given any priority.

Grandfather rights must be attached to the vessel and not the owner.

Grandfather rights must be transferable to a vessel of the same or less capacity even if over 14 meters, through accidental loss- no owner should have to suffer not being able to replace a boat through circumstances out of their control.

Interfish Ltd - owners of 3 over 17m vessels with grandfather rights under the current vessel length byelaw: I see from the details of the consultation (and I believe page 9) that existing rights would continue to be honoured. Our vessels are already >17m LOA so can I assume that we will not be affected by this process?

