



Number: WG44002

November 2021

Dear Stakeholder

PROPOSED WHELK PERMIT CONDITIONS 2022-23 (SUBJECT TO MINISTERIAL APPROVAL OF THE WHELK FISHING PERMIT (WALES) ORDER 2021)

Subject to Ministerial approval the Welsh Government intend to introduce new whelk fisheries management measures in the Welsh zone.

In response to concerns about overexploitation of whelk, the purpose of these measures is to conserve whelk stocks and ensure the sustainability of the fishery.

Subject to Ministerial approval, we anticipate the Whelk Fishing Permit (Wales) Order 2021 will come into force in December 2021.

As a result the following measures will apply to all UK and foreign licensed fishing vessels who wish to take whelk with pots in the Welsh zone:

- An authorisation scheme (**permit with conditions (see below)**) for all vessels taking whelks with pots in the Welsh zone,
- An **annual catch limit (ACL)** on the total amount of whelk that can be taken from the Welsh zone based on evidence, and
- A flexible **monthly catch limit (MCL)** for authorised vessels.
- A permit fee (2023 onwards).

Once the Order is made, we will inform you of the date when the first permit application window is due to open in December this year. Permits will be issued to all those who apply during the application window before the first permit period commences on 1 March 2022.

Further details can be found in the following link to the 2020 consultation.

<https://gov.wales/sites/default/files/consultations/2020-09/whelk-consultation-document.pdf>

I am therefore writing to seek your **comments** on the following **proposed** permit conditions:

PROPOSED WHELK PERMIT CONDITIONS FOR THE PERMIT PERIOD BEGINNING MARCH 2022. (SUBJECT TO MINISTERIAL APPROVAL OF THE ABOVE ORDER)

1. This permit is valid from 00:01 on 1st March 2022 until the 23:59 on 28th February 2023. (Proposed)
2. The activities authorised by this permit must be undertaken in accordance with the provisions of The Whelk Fishing Permit (Wales) Order 2021.
3. This permit only entitles the permit holder (the authorised person) and/or vessel skipper/master on behalf of the owner(s)/charterer(s) named in this permit to take whelk (*Buccinum undatum*) with pots using the vessel named in this permit.
4. This permit is not transferable.
5. The permit holder is responsible for checking and relaying to the vessel skipper/master and crew the flexible Monthly Catch Limit (MCL) when it becomes available on the Welsh Government website each month.
6. The Monthly Catch Limit (MCL) must not be exceeded.
7. The permit holder must make a full and true report (“Catch Return”) of all Whelks (*Buccinum undatum*) fished for and taken with pots from the Welsh zone by 23:59 on the last day of each month, even if they have not fished.
8. The Catch Return must be completed using the link provided on Gov.wales. For each day fished this must include: weight of retained catch (Kg), number of pots lifted, soak time (days) and location of fishing activity (ICES Sub-Rectangle).
9. If during a single fishing trip a vessel fishes inside the Welsh zone and outside the Welsh zone, all whelk taken on that trip must be included in the Catch Return and will be deducted from the vessels Monthly Catch Limit (MCL).
10. The permit holder must retain and land only whole whelk in their shell.
11. A copy of this permit (paper or electronic) must be available for inspection by Marine Enforcement Officers on the named vessel.
12. The permit holder must notify the Welsh Ministers using the “Whelk Permit - Change of Vessel” form using the link provided on Gov.wales. If the details relating to the named vessel identified in the permit change at any time during the permit period.
13. The permit holder must comply with any suspension of fishing notices in the Welsh zone issued by the Welsh Government.

We will notify you of any further conditions which are required by the Habitats Regulatory Assessment which will be undertaken taking account of the Conservation of Habitats and Species Regulations 2017 SI 2017 No.1012 and the Conservation of Offshore Habitats and Species Regulations 2017 SI 2017 No.1013. Any conditions which are required as a result of this assessment must be included and are not offered for consultation.

To Note: Although in the first whelk permitted period a vessel monitoring system will not required under the proposed whelk legislation, it may be required by other legislation being considered.

How to respond

If you wish to respond, a response is welcome in any written form and can be emailed to us at MarineandFisheries@gov.wales or sent to the postal address given below. If emailing please include the phrase "Proposed Whelk Permit Conditions 2022-23" in the subject box.

Responses will be received for a period of **two weeks**, and must arrive no later than **Sunday 5 December 2021**.

If you would like any further information or to request a paper copy of the consultation or further information on the contents of the consultation itself, please contact the Marine and Fisheries division using the details provided below.

Yours faithfully,

Mark Tilling

Fisheries Policy

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General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation. If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:
Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF CF10 3NQ
e-mail:
Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 745 or 0303 123 1113
Website: <https://ico.org.uk/>