



# Netting Permit Byelaw

---

## The Review of the Netting Permit Conditions 2023/2024

### **Process and Decision Making**

**Final Report:**

**7<sup>th</sup> August 2024**

## Contents

1.	<b>Executive Summary</b> .....	3
2.	<b>Notes to Readers and Using this Report:</b> .....	4
3.	<b>Timetable of Events</b> .....	4
4.	<b>Pre-Consultation</b> .....	5
	<b>4.1 The Pre-Consultation Response Report</b> .....	6
	<b>4.3 B&amp;PSC – Discussion &amp; Decision-Making following Pre-Consultation</b> .....	8
5.	<b>B&amp;PSC Meeting (16<sup>th</sup> November 2023)</b> .....	9
	<b>5.1 Content of Officers’ Papers (16<sup>th</sup> November 2023)</b> .....	10
	<b>5.2 B&amp;PSC Decision Making (16<sup>th</sup> November 2023)</b> .....	11
6.	<b>Formal Consultation</b> .....	12
	<b>6.1 The Six Topics</b> .....	13
	<b>6.2 Formal Consultation – Detailed Information</b> .....	13
	<b>6.3 Formal Consultation – Effectiveness of Communications &amp; Outreach</b> .....	20
	<b>6.4 The Formal Consultation Response Report</b> .....	21
7.	<b>Decision Making – Changes to the Netting Permit Conditions</b> .....	24
	<b>7.1 Officers’ Recommendation - Netting in Salcombe Estuary</b> .....	25
	<b>7.2 B&amp;PSC Discussion and Decision Making – 22<sup>nd</sup> February 2024</b> .....	30
	<b>7.3 B&amp;PSC Decision Making – Netting in Salcombe Estuary</b> .....	30
	<b>7.4 B&amp;PSC Decision Making – Emsstrom Angling Zone</b> .....	30
	<b>7.5 B&amp;PSC Decision Making – Changes Relevant to Recreational Netting</b> .....	31
	<b>7.6 B&amp;PSC Decision Making – Minimum Conservation Reference Sizes (MCRS)</b> ..	31
	<b>7.7 B&amp;PSC Decision Making – Maximum soak times of nets at sea</b> .....	31
8.	<b>Implementing Amended Netting Permit Conditions &amp; Annexes</b> .....	31
	<b>8.1 The Amended Netting Permit Conditions &amp; Annexes</b> .....	31
	<b>8.2 Permit Circulation and Communication</b> .....	32

## Version Control

<b>Edition</b>	<b>Author</b>	<b>Date</b>	<b>Comment</b>
Draft Report	Neil Townsend	July 2024	Created to document process and decision making of the B&PSC in the review of the Netting Permit Conditions 2023/2024.
Final V 1.0	Neil Townsend	7 <sup>th</sup> August 2024	Report finalised and published on D&S IFCA's website after internal review of content.

## 1. Executive Summary

D&S IFCA manages the fishing activity of netting using a permit-based model which is both flexible and adaptive. The Netting Permit Conditions set out tailored management measures for both the commercial (Category One Permits) and recreational (Category Two Permits) netting sector.

The Permit Conditions can be amended, by undertaking the review process as set out within the Netting Permit Byelaw. Engagement with all stakeholders, especially the fishers that operate within D&S IFCA's District that are affected by legislation, is a cornerstone of this fisheries management approach.

The review of the Netting Permit Conditions was anticipated to begin far earlier than 2023/2024; however, a combination of factors including Covid-19 delayed the start of the process. The review included different phases of action and communication, including pre-consultation (Have Your Say), meetings of D&S IFCA's Byelaw and Permitting Sub-Committee (B&PSC), formal consultation, decision making of the B&PSC, and finally the re-issue of amended Netting Permit Conditions to apply from 1<sup>st</sup> July 2024.

The review of the Netting Permit Conditions during 2023/2024 resulted in changes to management measures. As well as changes to the management measures, non-material changes were made to the Netting Permit Conditions to provide additional clarity relating to different provisions, and presentational improvements were made to the Annexes that accompany the Netting Permit Conditions.

### ***Changes to Management Measures:***

Some of the changes relate to both Category One (commercial) and Category Two (recreational) permits, and some only apply to Category Two Permits.

#### 1. The Emsstrom Angling Zone

The Netting Permit Conditions now include a new Annex (6) that sets out the co-ordinates for the Emsstrom Angling Zone. It is now prohibited for commercial or recreational fishermen to use nets in this area. This new restriction replaces a voluntary agreement.

#### 2. New Catch Restrictions for Category Two (recreational) Netting Permits

There are new daily bag limits for a selection of finfish species and sand eel. The new restrictions for finfish and sand eel add to the bag limits for shellfish species. In any calendar day it is prohibited to remove any bass and no more than:

- a total of two lobsters (from the species of lobster or spiny lobster)
- a total of three crabs (from the species of edible crab and spider crab)
- a total of ten plaice
- a total of three rays
- a total of five sole
- a total of 15 kilogrammes of sand eel.

#### 3. New Gear Restrictions for Category Two (recreational) Netting Permits

There is a new restriction prohibiting Category Two permit holders from joining their nets to those operated by other permit holders.

## 2. Notes to Readers and Using this Report:

The Authority created the B&PSC to undertake its byelaw related work and the B&PSC has delated powers for decision making. All decision making relating to the review of the Netting Permit Conditions was undertaken at B&PSC meetings, rather than Authority meetings.

This report contains embedded information (hyperlinks) and is more suited for reading in electronic format, rather than hard copy. This report uses a combination of hyperlinks and transcribed information (in purple font), with no attempts made to correct any inaccuracies that may have been present in the original material developed and presented during the review.

All information that is presented to the B&PSC is published on D&S IFCA's website. In the event that the embedded hyperlinks in this report fail, the source information can be located in different sections of D&S IFCA's Website [Resource Library](#) as follows:

- [Section B:](#) **All B&PSC papers and minutes from the meetings**
- [Section E:](#) **Current permit conditions and annexes**
- [Section F:](#) **Consultation circulars and archived permit conditions**
- [Section G:](#) **News Items relating to the review**
- [Section H:](#) **Environmental reports discussed during the review**

## 3. Timetable of Events

Date	Action	Information
19 <sup>th</sup> May 2023 to 30 <sup>th</sup> June 2023	Pre-consultation	An "open" phase on pre-consultation was undertaken. A range of communications were used including direct circulation of information. No specific changes were set out in the pre-consultation. Findings assembled in a report – "A Summary of Responses from the - Have Your Say (A Review of the Netting Permit Conditions) Consultation.
31 <sup>st</sup> August 2023	B&PSC Meeting	Findings of pre-consultation presented to the B&PSC. Officers' papers presented including the findings of research - Bass Survivability Report. B&PSC determined the extent of formal consultation which included consulting on access for netting in Salcombe Estuary.
16 <sup>th</sup> November 2023	B&PSC Meeting	B&PSC meeting was used to establish detail regarding intended management measures relating to access for netting in Salcombe Estuary and Members' rationale for changes to be set out in formal consultation.
1 <sup>st</sup> December 2023 to 19 <sup>th</sup> January 2024	Formal consultation	Specific changes to management measures set out in formal consultation. A mixture of communication methods was undertaken including direct circulation of information. Process and findings assembled into a report – "A Summary of Responses from the Formal Public Consultation (1st December 2023 to 19th January 2024).
22 <sup>nd</sup> February 2024	B&PSC Meeting	Formal consultation report and multiple Officers' papers presented to B&PSC Members including Officers' recommendations. B&PSC determined what changes to apply to the Netting Permit Conditions.
March – June 2024	Officer work	Drafting and creation of new Annexes. Circulation of information and new Netting Permit Conditions & Annexes (late June 2024).
1 <sup>st</sup> July 2024	Legislation	The amended Netting Permit Conditions came into force.

## 4. Pre-Consultation



The pre-consultation, “Review of the Netting Permit Conditions – Have Your Say”, began on 19<sup>th</sup> May 2023 and ended on 30<sup>th</sup> June 2023.

Information was directly circulated to 1,475 contacts on the D&S IFCA contact data base, with 1,444 of these contacts receiving the information via email (Mailchimp). All permit holders<sup>1</sup> with an email address were sent the information as well as those that have not provided D&S IFCA with an email address.

A Mail Chimp platform was used for the direct circulation, with the pdf version of it available to view in Section F of the website Resource Library. 824 of the (Mailchimp) emails were opened by recipients.

The Mailchimp circular explained the purpose of the information gathering exercise and how the collected information would be used.

Options were provided for engagement as follows:

1. Contact us via email – [consultation@devonandsevernifca.gov.uk](mailto:consultation@devonandsevernifca.gov.uk)
2. Write to us.

Contact telephone numbers were also provided for stakeholders to ask questions or provide a response. Several stakeholders contacted the lead officer to ask questions and one response (a request for it to be noted) was provided via a telephone call.

In addition to the Mailchimp circular, a [news item](#) was produced for the website (published 19<sup>th</sup> May 2023) which was duplicated on Facebook. The headlines about the review and the opportunity to engage were placed on Twitter. The key information about the review was placed on the “Engagement & Have Your Say” website display page.

The “Have Your Say” was not a questionnaire and had no pre-determined potential changes highlighted within it. The communication material included links to the Netting Permit Conditions and the Annexes (version control March 2018), so they could be examined by all stakeholders. The following prompts were included to help stakeholders submit their view and to help officers summarise the information received.

1. **What is your interest in the review?**
2. **How did you find out about this review?**
3. **What changes do you think should be made (if any) to the Permit Conditions and why should there be changes?**
4. **What works well from your point of view and why?**
5. **What doesn't work so well and why?**
6. **Please provide any supporting information or evidence to support your response.**
7. **Are you on our mailing list and would you like to be added if not already?**

---

<sup>1</sup> All permit holders include those holding a permit for netting, potting, mobile fishing, or diving for specified shellfish.

## 4.1 The Pre-Consultation Response Report

The responses to the pre-consultation were summarised into a thirty-three-page report.

### **A Summary of Responses from the - Have Your Say (A Review of the Netting Permit Conditions) Consultation (19<sup>th</sup> May 2023 to 30<sup>th</sup> June 2023) - 22<sup>nd</sup> August 2023**

The pre-consultation report provided all readers with a summary of responses as well as other information. The additional information included officers' comments that were intended to clarify different aspects of the responses received or provide additional information relevant to the subject matter.

The pre-consultation report set out a range of information, going beyond the responses received. This included:

- Background information relating to the original drivers for the introduction of the Netting Permit Byelaw (and associated permit conditions)
- Analysis of landings data
- Information about D&S IFCA's funded PhD study into bass.
- Information about D&S IFCA's bass survivability research
- Information relating to D&S IFCA's enforcement capabilities

The pre-consultation report was presented to Members of the B&PSC at their meeting on 31<sup>st</sup> August 2023 as part of agenda item 7. The report can be in read in full [here](#), and is located in Section B of the website Resource Library.

#### ***Pre-Consultation Report - Executive Summary***

An extract from the Executive Summary is transcribed below in **purple font**.

Although many stakeholders received first-hand information via D&S IFCA communication channels, it was apparent in the responses that some stakeholders learned about the review by receiving information from other sources such as other websites, friends, or from being a member of an organisation that highlighted the review to its members.

Twenty-one responses were received by the closing date (30<sup>th</sup> June 2023). All but one response was received in writing (email), with the single exception being a request by the caller for Officers to take notes of their views during a telephone conversation.

Regarding responses by the Netting Permit Holders, two responses were received that are representative of the commercial netting sector, one of which (relating to estuary netting) is explored in significant detail in this report. The other (a commercial fisherman from the Plymouth area) included a mixture of points in a relatively small response that indicated the existing permit conditions are generally working well. Issues were raised in this response regarding the policing of regulations and the exploits of recreational netters and their management measures. Two responses were received by Category Two (recreational) netting permit holders, with length of nets being their point of interest.

Telephone enquires during the consultation suggested that more anglers would comment on the Skerries Bank Angling Zone and their concerns in relation to netting activity in this specific area. This didn't transpire and only one response focussed on this area in Start Bay. However, it should be noted that in late 2022 there was a separate engagement opportunity - a "Call for

Information” relating to the Skerries Bank Angling Zone. The responses from that exercise feed into the review of the Netting Permit Conditions.

The key drivers for the introduction of the Byelaw and the management measures within the Permit Conditions in 2018 included the protection of bass, the protection of salmon and sea trout, achieving sustainable development of the recreational angling sector and balancing the needs of others catching sea fish species. These drivers were cited in some of the responses.

Sea fish are a public resource. D&S IFCA has a duty to try and find the correct balance between the commercial and recreational sectors. D&S IFCA has recognised that the needs of those targeting sea fish are different. There is an in-direct relationship between netting activity, how it is managed, and other fishing activities. The consultation responses demonstrate that the review of the Netting Permit Conditions is of interest to a range of stakeholders.

The “angling sector” dominated the responses with responses received from organisations including the Angling Trust, the South West Rivers Association, the Bass Angling Conservation Limited, the National Mullet Club and the River Otter Fisheries Association. Responses were received from commercial fishermen, recreational fishermen and those with a general interest in the marine environment and conservation, including the Wembury Marine Area Conservation Group.

Netting within estuaries, or as it stands the prohibition of fishing with fixed and drift nets within estuaries, dominated the content in many responses. Amongst the responses there was little support for any changes relevant to netting opportunities within estuaries. D&S IFCA were applauded by the National Mullet Club for the introduction of the Netting Permit Byelaw (and existing Permit Conditions). A different perspective was provided by a commercial fisherman that suggested amendments to the management measures to enable limited and controlled netting to take place in the Salcombe Estuary.

The Have Your Say information set out the key management measures in the existing Netting Permit Conditions. All these measures have been commented on in the consultation in one way or another and in mixed levels of detail. The main topics and responses are explored in more detail within this report; however, in summary the following list provides an insight into the points raised within the responses.

- The need for a continuing prohibition of fixed and drift netting within estuaries.
- Suggestions for access for netting with estuaries (with a focus on Salcombe Estuary).
- Concerns relating to the protection of Salmon and Sea Trout in coastal areas (headline restrictions for fixed nets) / bycatch taken in nets.
- Excessive restrictions relating to recreational netting – net length and bag limits.
- Concerns relating to the marking of nets - non marking of nets.
- Concerns relating to non-adherence to the Skerries Bank Angling Zone Code of Conduct.
- Issues with lost gear, “ghost fishing” and the dumping of gear.
- Ineffective policing of current legislation by D&S IFCA.



### 4.3 B&PSC – Discussion & Decision-Making following Pre-Consultation

The B&PSC had a meeting on 31<sup>st</sup> August 2023. Agenda items relevant to the netting review included the following, all of which can be read by using the links below or by visiting Section B of the website Resource Library.

#### Agenda Item 6:

[Understanding Mortality of European Sea Bass \(\*Dicentrarchus labrax\*\) in Small-Scale Inshore Netting V1.0 \(22<sup>nd</sup> August 2023\).](#)

#### Agenda Item 7a:

[A Summary of Responses from the - Have Your Say \(A Review of the Netting Permit Conditions\) Consultation \(19th May 2023 to 30th June 2023\) - 22nd August 2023](#)

#### Agenda Item 7b:

[Officers' paper – "Review of the Netting Permit Conditions", which included advice and recommendations from officers.](#)

#### *Officers' Recommendations*

The officers' paper (Agenda Item 7b) set out recommendations and advice.

#### No Changes:

- Officers did not recommend changes regarding access for netting within estuaries (including Salcombe Estuary).
- Officers did not recommend changes regarding the headline clearance above fixed nets in coastal waters.

#### Changes:

Officers did recommend that formal consultation be undertaken on the following changes to the Netting Permit Conditions as set out below:

- Extending the bag limit for Category Two Netting Permits to include the species of sand eel with limits applied per calendar day of 15kg.
- Extending the bag limit for Category Two Netting Permits to include a finfish bag limit of ten plaice, five sole, and three rays, per calendar day.
- That the maximum length of net that can be operated at sea by a Category Two Permit Holder be increased from 25 metres to 50 metres.
- That the combined net length used by Category Two Permit Holders on any single vessel is limited to 100 metres.
- To prohibit commercial and recreational netting in the area defined in the Emsstrom Angling Code of Conduct.
- To develop permit conditions relating to maximum soak times of nets.



### ***Decision Making of the B&PSC – August 2023***

The minutes from the B&PSC meeting held on 31<sup>st</sup> August 2023 can be read in full by using this [link](#) or by visiting Section B of the website Resource Library.

The outcomes of the B&PSC meeting were as follows:

#### ***Agenda Item 6 – Bass Survivability research***

The B&PSC determined that the author of the report (Senior Environment Officer Dr James Stewart) have further dialogue with a B&PSC Member to discuss some elements of the report where they had differences and potentially make amendments to the report.

#### ***Agenda Item 7b – Netting review – Netting Permit Conditions***

The B&PSC voted separately on a series of items for inclusion in the formal consultation. The B&PSC agreed to the following:

- ***To consult on the re-opening of the Salcombe Estuary to a limited net fishery.***
- ***That formal consultation is undertaken on introducing a bag limit (Category Two Netting Permits) for sand eel with limits applied per calendar day of 15kg.***
- ***That formal consultation is undertaken on introducing a bag limit (Category Two Netting Permits) for finfish species with limits applied per calendar day of 10 plaice, 3 rays, and 5 sole.***
- ***That formal consultation is undertaken on introducing a maximum length of nets at sea (Category Two Netting Permits) of 50 metres and that the combined net length be limited to 100 metres.***
- ***That formal consultation is undertaken on prohibiting commercial and recreational netting in the area defined in the Emsstrom Angling Code of Conduct.***
- ***That formal consultation is undertaken regarding the introduction of maximum soak times of nets.***

---

## **5. B&PSC Meeting (16<sup>th</sup> November 2023)**

Following the B&PSC meeting on 31<sup>st</sup> August 2023, officers required more detail regarding one of the B&PSC's decisions; that being the decision by the B&PSC to formally consult on the re-opening of the Salcombe Estuary to a net fishery. An additional B&PSC meeting was arranged for 16<sup>th</sup> November 2023.

The officers' papers presented at the November 2023 B&PSC meeting can be read by using the links in this report or by visiting Section B of the website Resource Library.

The officers' papers for the November B&PSC meeting included a paper explaining what changes had been made to the bass survivability research report. The updated report (Research Report: Understanding Mortality of European Sea Bass (*Dicentrarchus labrax*) in Small-Scale Inshore Netting – Research Report – V1.1 (31st October 2023) can be read in full [here](#) or visiting Section H of the website Resource Library (H/Finfish/Bass).

Agenda Item 7 focused on the review of the Netting Permit Conditions.

## 5.1 Content of Officers' Papers (16<sup>th</sup> November 2023)

### Agenda Item 6 - Officers' Paper:

#### [Amendments to research report 'Understanding Mortality of European Sea Bass \(\*Dicentrarchus labrax\*\) in Small-Scale Inshore Netting'](#)

This officers' paper set out background, aims of the research, comments received from Members in August 2023, and the details of the amendments made to the report to create version 1.1. The officers' paper explained that the main findings and conclusions of version 1.1 report had not materially changed and were as follows:

- The research identified a mortality rate of 18.8% for sea bass caught in shallow-set gillnets with short (12–80 minute) soak times.
- This mortality estimate is lower than for nets or trawls with longer soak times, but higher than in commercial or recreational hook-caught fisheries.
- When accounting for all sources of uncertainty associated with the study, it is likely that the mortality rate would be substantially higher than 18.8% in real-world fishing conditions.
- The evidence shows that mortality is often delayed, such that mortality is unlikely to be seen by fishers at the vessel during normal discarding processes. Therefore, anecdotal observations of discard survival may be unreliable.
- The best-case 18.8% discard mortality is likely to be a cause for concern given that estuaries represent highly-used essential habitat for juvenile and adult sea bass, and that the sea bass spawning stock biomass remains depleted relative to past levels and below the MSY threshold.

### Agenda Item 7 – Officers' Paper

#### [Defining a Limited Net Fishery in Salcombe Estuary](#)

The officers' paper (Agenda Item 7) provided the basis for the B&PSC to clarify their rationale for potential changes regarding access for netting within the Salcombe Estuary.

The officers' paper did not include recommendations; rather it set out background information and discussion topics divided into different sections as follows:

- Drivers and Rationale
  - Species & Seasonal Access
  - Extent of the Fishery
  - Fixed Nets and Drift Nets
  - The Scale of the Limited Fishery
  - Monitoring, Technology & Enforcement
-

## 5.2 B&PSC Decision Making (16<sup>th</sup> November 2023)

The minutes from the B&PSC meeting held on 16<sup>th</sup> November 2023 can be read by using this [link](#) or by visiting Section B of the website resource Library.

### *Decision Making of the B&PSC – Rationale*

Regarding the B&PSC's proposal for a re-opening of Salcombe Estuary for netting, the B&PSC agreed to the following as their rationale for the change in management to be highlighted in the formal consultation:

- a) **That the B&PSC considers that a mortality rate of 18.8% of bass, caught during the netting trials within Salcombe Estuary is acceptable.**
- b) **That the B&PSC recognises a reported decline in profitability in pot fisheries.**
- c) **That the B&PSC supports providing opportunities for commercial fishermen to diversify and boost their winter income by participating in a limited netting fishery within the Salcombe Estuary.**
- d) **That the B&PSC recognises that sea trout are present at an unknown scale, for feeding purposes, in the Salcombe Estuary but it is not a known migratory route.**

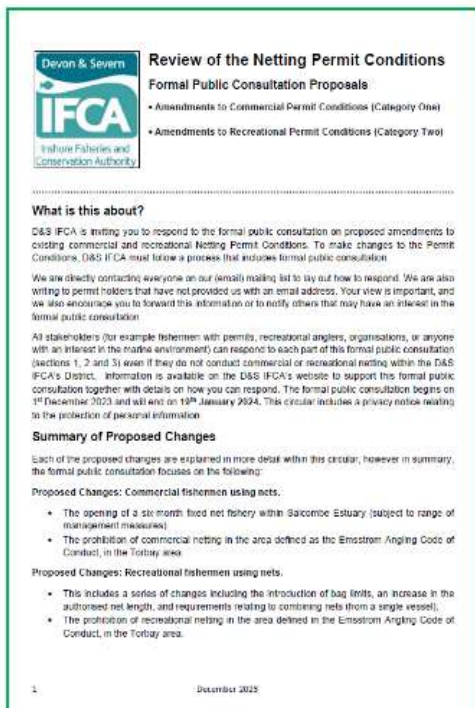
### *Decision Making of the B&PSC – Proposals for Formal Consultation (Salcombe Estuary)*

Regarding the proposal relating to netting in the Salcombe Estuary, the B&PSC agreed that the word "limited" should be excluded and that the words "open" should be included. Regarding the specific management measures for netting to apply in Salcombe Estuary, the B&PSC agreed that the following to be set out in the formal consultation:

- ***That the B&PSC proposes to open the net fishery in the Salcombe Estuary between October to March inclusive.***
- ***That the B&PSC proposes to allow the landing of bass caught as a bycatch in January.***
- ***That the B&PSC proposes to apply a MCRS for mullet and consult on what size or sizes should be applied.***
- ***That the B&PSC proposes to apply a MCRS for gilthead bream and to consult on what size should be applied.***
- ***That the B&PSC proposes that the fishery includes all waters within the closing lines of the Salcombe Estuary as set out in Annex 2 of the paper.*** (Annex 2 set out the existing closing line for Salcombe Estuary – Splatcove Point to Limebury Point)
- ***That the B&PSC proposes that fixed nets are to be authorised as part of the net fishery in Salcombe Estuary.***
- ***That the B&PSC proposes that only two nets are permitted per vessel.***

- ***That the B&PSC proposes that the length of each net shall not exceed 200 metres.***
- ***That the B&PSC proposes that the maximum size of vessel shall be six metres in overall length.***
- ***That the B&PSC proposes that the maximum soak time for any net should not exceed 60 minutes.***
- ***That the B&PSC proposes that only hand hauling of nets is permitted.***
- ***That the B&PSC proposes that the minimum mesh size for each net shall be 100mm.***
- ***That the B&PSC proposes that all vessels operating in the Salcombe net fishery must have a fully functioning IVMS device at all times.***
- ***That the B&PSC proposes that nets must be tagged as determined by the Authority.***

## 6. Formal Consultation



The Formal Public Consultation began on 1<sup>st</sup> December 2023 and ended on 19<sup>th</sup> January 2024.

Information was directly circulated to **1,688** contacts on the D&S IFCA contact data base, with **1,650** of these contacts receiving the information via email (Mailchimp). All permit holders with an email address were sent the information as well as those that have not provided D&S IFCA with an email address.

A Mail Chimp platform was used for the direct circulation, with the pdf version of it available to view [here](#). **824** of the (Mailchimp) emails were opened by recipients.

The circulated information explained the purpose of the formal consultation, a summary of proposals, information about process (including links), prompts to help people respond, and then the six topics set out in more detail including specific management measures and rationale for the proposals.

A privacy notice explained how personal data is protected and how it would be used.

## 6.1 The Six Topics

- **Topic 1: The opening of a fixed net fishery in the Salcombe Estuary**
- **Topic 2: A Prohibition of Commercial Netting – Emsstrom Angling Zone**
- **Topic 3: Net length (at sea), Bag Limits and Combining Nets (all recreational netting)**
- **Topic 4: A Prohibition of Recreational Netting – Emsstrom Angling Zone**
- **Topic 5: Introducing Additional Minimum Conservation Reference Sizes**
- **Topic 6: Soak Times for Nets (at sea)**

Options were provided for engagement as follows:

1. Contact us via email – [consultation@devonandsevernifca.gov.uk](mailto:consultation@devonandsevernifca.gov.uk)
2. Write to us.
3. Call us to find out more – 01803 854648 (Extension 856)

In addition to the Mailchimp circular, a [news item](#) was produced for the website which was duplicated on Facebook. The key information about the review was placed on the “Engagement & Have Your Say” website display page.

.....

## 6.2 Formal Consultation – Detailed Information

The formal consultation circular included detailed information about all the proposals, split into three sections and all were accompanied with the B&PSC’s rationale for change. The relevant section of the formal consultation circular has been transcribed below in [purple font](#).

### Section 1: Changes Relevant to Commercial Netting Activity (Category One Netting Permits)

#### Topic 1: The opening of a fixed net fishery in the Salcombe Estuary

The Salcombe Estuary is located on the south coast of Devon, between Bolt Head and Prawle Point. The Salcombe Estuary is a ria (having very little freshwater input). The current Netting Permit Conditions (introduced in 2018) define the extent of this estuary and to the landward of the closing line (Splatcove Point to Limebury Point) no fixed or drift netting is permitted.

The Members of the B&PSC are proposing the opening of a fixed net fishery to target grey mullet species, with a bycatch of bass, gilthead bream and a few other fish species. The bycatch of bass can only be landed in January.

The Members of the B&PSC are aware that Salcombe Estuary is a bass nursery area (active between 30<sup>th</sup> April and 1<sup>st</sup> January), and that other legislation is applicable including a requirement for commercial fishermen to have an authorisation from the Marine Management Organisation to catch, retain, and land bass. National legislation prohibits any bass to be taken commercially or recreationally in February and March.

#### **B&PSC’s Rationale for Change**

The rationale of the B&PSC Members for the opening of a fixed net fishery within the Salcombe Estuary is as follows:

- a) That the B&PSC considers that a mortality rate of 18.8% of bass, caught during the netting trials within Salcombe Estuary is acceptable.
- b) That the B&PSC recognises a reported decline in profitability in pot fisheries.
- c) That the B&PSC supports providing opportunities for commercial fishermen to diversify and boost their winter income by participating in a limited netting fishery within the Salcombe Estuary.
- d) That the B&PSC recognises that sea trout are present at an unknown scale, for feeding purposes, in the Salcombe Estuary but it is not a known migratory route.

#### The Proposed Management Measures (A to J):

- A. The maximum size of vessel shall be six metres in overall length.
- B. The net fishery will be open from 1<sup>st</sup> October to 31<sup>st</sup> March.
- C. The net fishery will include the whole of Salcombe Estuary within the current estuary closing line.
- D. Bass caught in fixed nets within Salcombe Estuary during January can be landed<sup>2</sup> providing the bass is above 42cm in length.
- E. A maximum of two nets can be fished from a permitted vessel in the Salcombe Estuary.
- F. Each net shall not exceed 200 metres in length.
- G. The minimum mesh size for each net is 100 mm.
- H. The maximum soak time for each net is 60 minutes.
- I. All vessels must have a IVMS unit fitted that is fully functioning at all times.
- J. All nets must be tagged (potentially blue tooth sensors placed on each end of the nets).

Note: D&S IFCA's Officers have been tasked to test the performance of electronic tags in an estuary setting and will report this information to the B&PSC.

The Members of the B&PSC are also seeking your views on their proposal to introduce minimum conservation reference sizes (MCRS) for mullet species and gilthead bream, which is detailed in section 3 (topic 5).

#### Topic 1: Your Response – Fixed netting in the Salcombe Estuary:

You can choose how to set out your response; however, the following questions (any or all) act as prompts and may help you set out your response and may help Officers to collate your views. Please provide any information that may support your view.

1. What is your specific interest in Salcombe Estuary?
2. Will you be impacted (positively or negatively) financially or otherwise, by this change – how and why?
3. In what ways will the commercial and/or recreational fishing sector be impacted (positively or negatively), by this change – how and why?
4. In what ways will the natural environment and/or fish stocks be impacted (positively or negatively) by this change – how and why?
5. Do you have any other comments relating to topic 1?

---

<sup>2</sup> A bass authorisation for netting from the Marine Management Organisation is required.



## Topic 2: A Prohibition of Commercial Netting – Emsstrom Angling Zone

The MV Emsstrom is a 77m vessel which sank in 2013 approximately 2.5 nautical miles east - northeast of Hopes Nose, Torquay in 23m of water. In recognition of the significance of the MV Emsstrom to the local recreational sea angling (RSA) community, the Authority established this site as one of the Angling Zones using the boundaries set up by the original exclusion zone. The code of conduct introduced voluntary restrictions to exclude recreational and commercial netting and potting, leaving the relatively small area open to anglers and divers. Members of the B&PSC are aware that, despite the voluntary code of conduct, commercial netting activity is now taking place on the wreck.

Members of the B&PSC are proposing that all netting activity (commercial and recreational) is prohibited in the area defined as the **Emsstrom Wreck Angling Zone**. This would be reflected in the Netting Permit Conditions. The co-ordinates of the site as are as follows:

50° 28.17' N 003° 24.86' W                      50° 28.10' N 003° 24.76' W

50° 28.03' N 003° 24.86' W                      50° 28.10' N 003° 24.97' W

### **B&PSC's Rationale for Change**

The B&PSC has taken the view that it is not economically vital to the commercial sector to continue netting on the wreck. The voluntary code is not being recognised and therefore the voluntary measures should be replaced with enforceable measures as conditions in the Netting Permit Conditions.

### **Topic 2: Your Response – A Prohibition of Commercial Netting – Emsstrom Angling Zone:**

The questions below may help you with your response and may help Officers to collate your views.

1. What is your specific interest in the proposed prohibition of commercial netting in the Emsstrom Angling Zone?
2. Will you be impacted (positively or negatively), financially or otherwise, by this change – how and why?
3. In what ways will the commercial and/or recreational fishing sector be impacted (positively or negatively) by this change – how and why?
4. In what ways will the natural environment and/or fish stocks be impacted (positively or negatively) by this change – how and why?
5. Do you have any other comments relating to topic 2?

## **Section 2: Changes Relevant to Recreational Netting Activity (Category Two Netting Permits)**

### Topic 3: Net length (at sea), Bag Limits and Combining Nets

The current recreational netting permits authorise the use of one net at sea that must not exceed 25 metres in length, which must be clearly marked and tagged. The recreational netting permit conditions also include bag limits for shellfish species (lobster, spiny lobster, edible crab, and spider crab). Recreational netters can take sand eel at sea and in an estuary



(a single seine net of 20 metres in length is authorised within an estuary), but there is no bag limit in place for sand eel.

The Members of the B&PSC are proposing to increase the length of net that can be used at sea from 25 metres to 50 metres. The recreational netting permit conditions will clarify that the length of net excludes any attachments. The Members of the B&PSC are proposing to introduce bag limits for sand eel and selected finfish species to add to the shellfish bag limits that are already in place. The bag limits will apply per permit holder, per calendar day.

Some recreational netters work with others that also have a recreational netting permit, such as friends or family members and operate from the same vessel. It is possible for recreational netters to work together on a single vessel. It is possible to join nets together to make longer lengths, providing all recreational permit holders are present and tags are used as required. D&S IFCA has produced Policy & Clarification documentation relating to the use of multiple recreational netting permits on a single vessel.

The Members of the B&PSC are proposing that recreational netters should be able to work nets together from a single vessel and combine the nets; however, this would be limited to a maximum joined length of 100 metres.

### **B&PSC's Rationale for Change**

At the time of writing, there are 64 Category Two (recreational) permits that are valid. The Members of the B&PSC recognise that the needs of commercial and recreational netters are different and the existing measures for recreational netters are relatively restrictive. The current bag limit for shellfish was an Authority decision and based on a reasonable take for personal consumption. The level of crab and lobster that can be removed each calendar day has been applied across other recreational permits – potting and diving. The proposed Mobile Fishing Permit Byelaw (currently undergoing quality assurance) includes a recreational bag limit for sand eel taken by a sand eel trawl of 15kg per calendar day, and this is an opportunity to be consistent by amending the recreational netting permit conditions. The Members of the B&PSC also recognise that the number of plaice and rays being proposed as a bag limit aligns with the level set in the Skerries Bank Angling Code of Conduct.

Regarding groups of species, the B&PSC has accepted that a tighter definition of species is not required, for example, sole will include dover sole, lemon sole, and sand sole. The same approach applies for ray species. Members recognised that national restrictions for small eyed ray are only applicable to commercial fishers. The B&PSC considers the proposals to represent a balanced package of management measures for those conducting netting on a recreational basis.

### **Topic 3: The Proposed Management Measures:**

- A. A maximum length of net of **50 metres** per permit holder.
- B. Combined nets will be a maximum of **100 metres** in total length.
- C. **10** plaice per permit holder, per calendar day.
- D. **3** rays (any species) per permit holder, per calendar day.
- E. **5** sole (any species) per permit holder, per calendar day.
- F. A limit of **15kg** for sand eel per permit holder, per calendar day.

(The Permit Conditions will be amended to clarify that net lengths do not include attachments)

### **Topic 3: Your Response – Net length (at sea), Bag Limits and Combining Nets**

The following questions may help you set out your response and may help Officers to collate your views.

1. What is your specific interest in the proposed management measures for recreational netting?
2. Will you be impacted (positively or negatively), financially or otherwise, by this change – how and why?
3. In what ways will the commercial and/or recreational fishing sector be impacted (positively or negatively) by this change – how and why?
4. In what ways will the natural environment and/or fish stocks be impacted (positively or negatively) by this change – how and why?
5. Do you have any other comments relating to topic 3?

### **Topic 4: A Prohibition of Recreational Netting – Emsstrom Angling Zone**

The MV Emsstrom is a 77m vessel which sank in 2013 approximately 2.5 nautical miles east - northeast of Hopes Nose, Torquay in 23m of water. In recognition of the significance of the MV Emsstrom to the local recreational sea angling (RSA) community the Authority established this site as one of the Angling Zones using the boundaries set up by the original exclusion zone. The code of conduct introduced voluntary restrictions to exclude recreational and commercial netting and potting, leaving the relatively small area open to anglers and divers. Members of the B&PSC are aware that, despite the voluntary code of conduct, commercial netting activity is now taking place on the wreck.

Members of the B&PSC are proposing that all netting activity (recreational and commercial) is prohibited in the area defined as the **Emsstrom Wreck Angling Zone**. This would be reflected in the Netting Permit Conditions. The co-ordinates of the site as are as follows:

50° 28.17' N 003° 24.86' W                      50° 28.10' N 003° 24.76' W

50° 28.03' N 003° 24.86' W                      50° 28.10' N 003° 24.97' W

#### **B&PSC's Rationale for Change**

The voluntary code is not being adhered to and therefore the voluntary measures should be replaced with enforceable measures as conditions in the Netting Permit Conditions. The Members of the B&PSC have taken the view that if the site is potentially restricted to commercial netting, the same should apply to the recreational netting sector.

### **Topic 4: Your Response – A Prohibition of Recreational Netting – Emsstrom Angling Zone:**

The questions below may help you with your response and may help Officers to collate your views.

1. What is your specific interest in the proposed prohibition of recreational netting in the Emsstrom Angling Zone?
2. Will you be impacted (positively or negatively), financially or otherwise, by this change – how and why?
3. In what ways will the commercial and/or recreational fishing sector be impacted (positively or negatively) by this change – how and why?

4. In what ways will the natural environment and/or fish stocks be impacted (positively or negatively) by this change – how and why?
5. Do you have any other comments relating to topic 4?

---

### **Section 3: Seeking Your Views – MCRS and Soak Times of Nets (at sea)**

The introduction of additional Minimum Conservation Reference Sizes (MCRS) and a maximum soak time of nets (at sea) could be applied to both commercial and recreational netting permits. The Members of the B&PSC are seeking your views on both topics. The inclusion of MCRS for the species set out below could be limited to the proposed commercial netting within the Salcombe Estuary or potentially applied across the whole District.

#### **Topic 5: Introducing Additional Minimum Conservation Reference Sizes**

The current Netting Permit Conditions do include Minimum Conservation Reference Sizes (MCRS) for a range of shellfish species and include a MCRS for bass (42cm). In determining the proposal to open a commercial fixed net fishery in the Salcombe Estuary, the Members of the B&PSC are proposing to implement a MCRS for grey mullet species and gilthead bream. A MCRS could be limited to the Salcombe Estuary or applied District wide.

There are different MCRS for finfish that apply around the coast and in different IFCA districts. The Byelaws (restrictions) that apply are of different ages, with some inherited from preceding Sea Fisheries Committees. The evidence used to introduce the different MCRS also varies.

D&S IFCA Officers will gather evidence relating to sexual maturity and examine the different approaches used to determine the most appropriate MCRS and report this to the B&PSC. However, your view is welcomed as set out in the questions below.

#### **Topic 5: Your Response – MCRS for Grey Mullet Species & Gilthead Bream**

##### **Grey Mullet Species**

1. What is your view on introducing MCRS for grey mullet species in the Netting Permit Conditions?
2. What is your view on applying the MCRS to:
  - a) the net fishery in the Salcombe Estuary as proposed in Topic 1; or
  - b) the whole District?
3. What is your view on applying a generic MCRS for grey mullet or applying different MCRSs for each of the grey mullet species? (thin lipped, thick lipped and golden grey mullet).
4. What in your view should the size or sizes be and why?
5. Will you be impacted (positively or negatively), financially or otherwise, by this change – how and why?
6. In what ways will the commercial and/or recreational fishing sector be impacted (positively or negatively) by this change – how and why?
7. In what ways will the natural environment and/or fish stocks be impacted (positively or negatively) by this change – how and why?

Please provide any supporting information or evidence if you have any.

## Gilthead Bream

8. What is your view on introducing MCRS for gilthead bream into the Netting Permit Conditions?
9. What is your view on applying the MCRS to:
  - a) the net fishery in the Salcombe Estuary as proposed in Topic 1; or
  - b) to the whole District?
10. What in your view should the MCRS for gilthead bream be and why?
11. Will you be impacted (positively or negatively), financially or otherwise, by this change – how and why?
12. In what ways will the commercial and/or recreational fishing sector be impacted (positively or negatively) by this change – how and why?
13. In what ways will the natural environment and/or fish stocks be impacted (positively or negatively) by this change – how and why?

Please provide any supporting information or evidence if you have any.

Do you have any other comments relating to topic 5?

## Topic 6: Soak Times for Nets (at sea)

This is the final topic in this formal netting consultation.

Lost, discarded, and abandoned gear is a significant environmental concern to many, and the B&PSC has been informed that there has been an increase in reports relating to this issue. Abandoned, lost, or discarded fishing gear is associated with sensitive species entanglements and ghost fishing, and tackling this issue is recognised in the draft Bass and Crab and Lobster Fisheries Management Plans.

The B&PSC has recognised that Officers will explore funding opportunities to help with retrieval and disposal and the Members of the B&PSC have agreed that it would be appropriate for D&S IFCA to address the issue through the Netting Permit Conditions.

- **The B&PSC is proposing to introduce a maximum soak time for nets.**

If the Permit Holder, who is operating the net is identifiable, it would be their responsibility to retrieve the net. The national roll out of vessel monitoring will assist monitoring and enforcement of any such measure applied to Category One Netting Permit Conditions.

### **Topic 6: Your Response – Maximum Soak Times for Nets**

1. What is your specific interest in the proposed introduction of maximum soak times for nets at sea?
2. What is your view on what would be the maximum soak time for nets and why?
3. What is your view on applying this permit condition to both the commercial and recreational netting sector?
4. Will you be impacted (positively or negatively), financially or otherwise, by this change – how and why?
5. In what ways will the commercial and/or recreational fishing sector be impacted (positively or negatively) by this change – how and why?

6. In what ways will the natural environment and/or fish stocks be impacted (positively or negatively) by this change – how and why?
7. Do you have any other comments relating to topic 6?

(Please provide any supporting information or evidence if you have any)

The formal consultation circular ended with a privacy notice, as well as an invitation for stakeholders to be added to D&S IFCA's mailing list, further information about background reports and where to find information on the D&S IFCA website.

---

### **6.3 Formal Consultation – Effectiveness of Communications & Outreach**

The Angling Trust were very active during the formal consultation providing their readers with information via their own website and social media. Media interest grew and news about the formal consultation found its way into newspapers, angling orientated websites and Facebook pages, and BBC Television. Word of mouth informed others, and the formal consultation was discussed in meetings of interested parties, for example, angling clubs, environmental groups, and Kingsbridge Town Council.

The Angling Trust (AT), along with the Bass Anglers Sportfishing Society (BASS), National Mullet Club (NMC) and Angling Trades Association (ATA) collectively engaged with a wide range of stakeholders with recreational and other interests in Salcombe Estuary. It is very likely that this additional engagement work helped to reach a far greater audience than would otherwise have been the case.

#### ***Effectiveness of D&S IFCA Communications***

Although D&S IFCA's produced information asked how people were made aware of the formal consultation many didn't provide that level of detail. Some did ask to be added to the D&S IFCA mailing list. Given D&S IFCA's resources and limitations, Officers remain confident that direct circulation of information to a growing list of contacts is effective communication. Officers have the view that the high response rate is far more likely to be reflection on the content of the formal consultation rather than any aspect of D&S IFCA's communication initiatives.

#### ***Lost Messaging/Information***

As news spread about the formal consultation, and its content, it is likely that few went back to the source information provided by D&S IFCA. This may be one reason why topics 2 to 6 seeming generated relatively little interest or potentially were not recognised at all by many engaging in the process.

Although netting in Salcombe Estuary is clearly a topic of interest to recreational anglers (and others), relatively few people responded about topic 2 and 4 related to prohibiting commercial and recreational netting in the Emsstrom Wreck site. In both cases, the proposals were developed as recognition that the site is significant to recreational anglers and would replace voluntary measures of no netting, with legislation. Another example is that some commented on a need to avoid the risk of lost fishing gear in an estuary, but did not comment on topic 6, soak times of nets at sea, a proposal aiming to tackle lost, discarded, and abandoned gear.

Although the formal consultation circular explained that some conduct recreational netting under a Netting Permit issued by D&S IFCA, some responses, and posts on social media,

commented that no recreational anglers do netting – a potential indication that at least some of D&S IFCA's information had not been fully read.

---

## 6.4 The Formal Consultation Response Report

The responses to the formal consultation were summarised into a twenty-one-page report.



### **A Summary of Responses from the Formal Public Consultation (1st December 2023 to 19th January 2024) - 5th February 2024**

This report was presented to Members of the B&PSC at their meeting on 22<sup>nd</sup> February 2024 as part of a bundle of papers relating to agenda items 6 and 7.

The report can be read in full [here](#), and is located in Section B of the website Resource Library.

The formal consultation report is divided into sections covering different points and themes raised. The majority of the content relates to Topic 1 (Netting in the Salcombe Estuary).

#### Topic1: Summary of Response

- Level of Detail in the Responses and Analysis of the Responses
- Immediate Reaction/Shorter Responses
- Why formally consult at all?
- Economic & Social Considerations
- Environmental Concerns
- Fisheries Impacts and Evidence
- Bass and Mortality
- Migratory Species
- Enforcement
- Support for the proposal

#### Topics 2 to 6: Summary of Response

- Level of Detail in the Responses and Analysis of the Responses
- Emsstrom Wreck Site – Prohibition of Netting (Topics 2 & 4)
- Net length (at sea), Bag Limits and Combining Nets (recreational netting)
- Introducing Minimum Conservation Reference Sizes (seeking views)
- Soak Times for Nets (at sea) – Topic 6

### **Formal Consultation Report – Transcript**

Extracts of the formal consultation report have been transcribed below in purple font, including the Foreword Section and the Executive Summary.

### **Transcript of Formal Consultation Report – The Foreword**

This report (5th February 2024) has been prepared for Members of the Devon and Severn Inshore Fisheries and Conservation Authority's (D&S IFCA's) Byelaw and Permitting Sub-Committee (B&PSC) and for all stakeholders to examine via its publication on the D&S IFCA website. This report is part of a package of information to inform discussion and the B&PSC's



decision making relating to potential amendments to commercial (Category One) and recreational (Category Two) Netting Permit Conditions.

D&S IFCA Officers have produced separate papers, all available on D&S IFCA's website, to present to the B&PSC on 22nd February 2024. The separate papers include recommendations for the B&PSC relating to each of the six topics set out in the formal consultation. Regarding the Officers' paper for topic 1 (Salcombe Estuary), the separate Officers' paper highlights relevant information and evidence, much of which was already available before the formal consultation was undertaken. However, the responses submitted in the formal consultation have assisted Officers to create their recommendations for the B&PSC.

This report does not answer questions embedded within the responses relating to the six topics set out in the formal public consultation. The report does not seek to justify the rationale for the proposals and neither does it verify, or challenge points made within the responses.

This report demonstrates how the formal public consultation - Review of the Netting Permit Conditions - was conducted and summarises the responses received. There was a huge response to the formal public consultation consisting of 364 responses received by the closing date of midnight 19th January 2024. The responses relate to six topics in the formal consultation and the report recognises that the majority of responses relate to Topic 1 – The opening of a fixed net fishery in the Salcombe Estuary. Every response submitted by email was acknowledged by Officers who also provided additional information in email replies.

In their deliberations, the B&PSC must limit their considerations and decision making in line with the Authority's Statutory Duties set out in the Marine and Coastal Access Act 2009. For this reason, some elements of the responses are not relevant. This is not because they lack merit or have no importance, but because they are outside of the remit of the Authority. Examples include, but are not limited to, concerns raised about navigation & potential difficulty avoiding nets, heightened health and safety risks due to entanglement with nets, poor water quality and a lack of testing potentially impacting on the quality of fish caught for human consumption, and concerns about increased noise pollution in Salcombe Estuary.

This report is intended to blend responses together to demonstrate the views, statements, and questions of those that responded and to highlight the key themes raised in the responses that were submitted by both individuals and organisations. This report includes extracts from selected responses that are set out in purple font.

If the B&PSC identify changes that are appropriate, they will be implemented via the Netting Permit Conditions and associated Annexes. In addition, Officers, with the assistance of the Byelaw Technical Working Group (BTWG), will examine the existing wording in the Permit Conditions with a view to making changes for clarity and presentation, rather than material changes that would impact fishers.

### ***Transcript of Formal Consultation Report – The Executive Summary***

The total response of **364** separate responses represents the largest response that D&S IFCA has ever received in a consultation. For context, Defra received a total of 255 responses to its national Bass Fisheries Management Plan consultation. D&S IFCA Officers have examined



every response, and Members of the B&PSC were given the opportunity to examine the responses that were uploaded to a secure access “Members Area” of D&S IFCA’s website.

The bulk of responses from individual members of the public were submitted by those that undertake or have an interest in recreational angling (RSA sector) or have a connection to angling/tourism from a business perspective or have a wider general interest in the marine environment. Eleven responses were received by commercial fishermen, one being a retired commercial fisherman. Multiple organisations responded to the formal consultation. The combination of individual responses, and those submitted by various organisations, represent the views of huge numbers of people, potentially thousands of people.

Officers have triaged the responses, and points made in the simplest of responses were often repeated and expanded in other responses. Although many of the simplest responses were similar in length and content, a petition (template letter) did not develop.

As a result of D&S IFCA’s own communication initiatives, and that of others, awareness of the formal consultation rapidly grew. The formal consultation was reported on other websites, newspapers, angling forums, Facebook pages and on local BBC television. How much of the original information, as set out in the formal consultation, was read by all those that responded is unclear, however the formal consultation soon became the “Salcombe Estuary Consultation”.

Of the **364** responses, **48** included comments relating to the topics two to six; however, many of these also commented on topic 1 (Salcombe Estuary).

The level of detail within the responses differed and as would be expected, the responses by organisations contained the most detail. As a collective the responses included, but were not limited to, content relating to the points below. Within the responses opposing the proposal, some highlighted a perceived failure of the B&PSC to adequately consider the depth of the points below when establishing their proposal for estuary netting and the rationale for change.

- D&S IFCA’s statutory duties
- Drivers for making of the Netting Permit Byelaw (and the permit conditions)
- Decision making, process and use of evidence.
- Sustainability
- Biodiversity
- Wider social and economic considerations
- Goals in the Bass Fisheries Management Plan
- Objectives in the Fisheries Act.
- Ability to effectively enforce the proposed management measures.

#### **General Results:**

- **6** responses were in **favour** of the B&PSC’s proposal - The opening of a fixed net fishery in the Salcombe Estuary. There was support by **4** commercial fishermen.
- **354** responses were **opposed** to the B&PSC’s proposal - The opening of a fixed net fishery in the Salcombe Estuary. There was opposition by **6** commercial fishermen.

The remaining topics (2 to 6) were completely overshadowed by topic 1. Comments relating to the other topics were generally short, with some not much more than simple messages of “I support this” or “I am against this”. Some responses commented on more than one topic. The table below gives a general idea of how many comments were received for each topic.

Topic	Number of comments in responses
<a href="#">Topic 2: Emsstrom/commercial netting</a>	17
<a href="#">Topic 3: Management Measures – recreational netting</a>	20
<a href="#">Topic 4: Emmstrom/recreational netting</a>	15
<a href="#">Topic 5: Minimum Conservation Reference Sizes</a>	12
<a href="#">Topic 6: Soak times of nets at sea</a>	11

.....

## 7. Decision Making – Changes to the Netting Permit Conditions

The B&PSC had a meeting on 22<sup>nd</sup> February 2024. Members were presented with a bundle of papers that were relevant to the review of the Netting Permit Conditions. The officers' papers included recommendations for Members to consider.

### ***Presented Officers' Papers – February 2024***

All papers presented to the B&PSC are published on the D&S IFCA website. The papers listed below can be read in full by using the links or by visiting Section B of the website Resource Library.

#### **Agenda Item 6:**

[Topic 1: Proposal to open the Salcombe Estuary to fixed netting](#)

#### **Agenda Item 7.1:**

[Topic 2 & 4: Prohibition of commercial and recreational netting at the Emsstrom Angling Zone](#)

#### **Agenda Item 7.2:**

[Topic 3: Changes Relevant to Recreational Netting Activity – Net Length, Combining Nets, and Bag Limits](#)

#### **Agenda Item 7.3:**

[Topic 5: Minimum Conservation Reference Sizes – Grey Mullet Species and Gilthead Bream](#)

#### **Agenda Item 7.4**

[Topic 6: Maximum Soak Times for Nets \(at sea\)](#)

### ***Presented Background Papers – February 2024***

Background papers (Annexes) were also prepared for the B&PSC meeting as follows:

- Information Annex 1: [The formal consultation report](#)
  - Information Annex 2: [Rationale for Change – Decline in Profitability of Pot Fisheries](#)
  - Information Annex 3: [Discrepancies in MMO Landings data for Grey Mullet](#)
  - Information Annex 4: [Size of Maturity in Mullet Species and Gilthead Bream](#)
  - Information Annex 5: [Trials of gear in gear out sensors](#)
- .....

## 7.1 Officers' Recommendation - Netting in Salcombe Estuary

The officers' paper (Agenda item 6) has been transcribed below in purple font and included the following recommendation for Members:

### **The prohibition on fixed and drift netting should remain in place in the Salcombe Estuary**

#### **Background**

Authority Members at the Byelaw and Permit Sub-Committee meeting, held on 31st August 2023 agreed to consult on opening a fixed net fishery in Salcombe. A further meeting of the Byelaw and Permitting Sub-Committee on 16th November 2023 was held in order for the Members to set out their rationale for consulting on the proposal to open Salcombe Estuary to fixed netting from 1st October to 31st March.

The pre-consultation conducted by D&S IFCA in 2023 provided an indication that many stakeholders supported maintaining the status quo in regard to the prohibition of fixed and drift netting within all of the estuaries within the District. Notwithstanding the pre-consultation response, Members decided to explore the benefits and disadvantages of the proposal to open a six months fixed net fishery in Salcombe through formal consultation using the following rationale.

- a) That the B&PSC considers that a mortality rate of 18.8% of bass, caught during the netting trials within Salcombe Estuary is acceptable.
- b) That the B&PSC recognises a reported decline in profitability in pot fisheries.
- c) That the B&PSC supports providing opportunities for commercial fishermen to diversify and boost their winter income by participating in a limited netting fishery within the Salcombe Estuary.
- d) That the B&PSC recognises that sea trout are present at an unknown scale, for feeding purposes, in the Salcombe Estuary but it is not a known migratory route.

The Members' decision to consult on the proposed opening Salcombe to fixed netting has meant that a comprehensive review of D&S IFCA's estuary netting management has been undertaken. It is important that regardless of how the final outcome reflects any particular individual, organisation, or sector position, that D&S IFCA takes every opportunity to encourage all stakeholders to engage in its consultation processes and that all those with direct and indirect interest have confidence that a robust and thorough review had been achieved.

#### **Summary**

Officers have been able to obtain additional information to aid the Members' decision regarding the proposed netting in Salcombe from the public consultation response, MMO data on crab, lobster and mullet landings, and gear in gear out trials.

The Members identified their rationale for consulting on the net fishery proposal. It is the Officers' opinion that if Members intend to allow netting in Salcombe their considerations need to be much broader.

The Officers' advice remains that that the prohibition on fixed and drift netting in Salcombe should not be lifted for the reasons set out below;

- The proposed net fishery in Salcombe is not consistent with the response to the public consultation;

- The proposed net fishery in Salcombe is not consistent with many of the objectives set out in the Fisheries Act 2020;
- The proposed net fishery in Salcombe is not consistent with many of the goals set out in the national Bass Fisheries Management Plan;
- The proposed net fishery in Salcombe is not consistent with the principles of the Bass Nursery Area legislation;
- The proposed net fishery in Salcombe is not consistent with D&S IFCA's Statutory Duties set out in the Marine and Coastal Access Act 2009;
- The proposed net fishery in Salcombe is not consistent with scientific advice;
- The proposed net fishery in Salcombe is not consistent with advice from D&S IFCA's Officers.

### **Public Consultation**

The results of the formal public consultation indicated that there was overwhelming opposition to the proposal to reintroduce netting in Salcombe. In complete contrast to the netting proposal, the response to the public consultation represented a clear public endorsement of the Authority's aims when the decision was taken to remove all fixed and drift netting in estuaries within D&S IFCA's District. The original intention of the Authority when closing the estuaries to fixed and drift netting was to protect and support recovery of bass stocks, seek to balance the needs of others catching sea fish species, seek to achieve the sustainable development of the recreational angling sector and support protection of salmon and sea trout.

In summary, D&S IFCA received 360 responses to the proposal to open a fixed net fishery in Salcombe. To provide some perspective of the received response, Defra received a total of 255 responses to its national Bass Fisheries Management Plan consultation. The full consultation report is set out in Annex 1.

Six responses were in favour of the B&PSC's proposal which included four commercial fishermen. 354 responses were opposed to the B&PSC's proposal which included six commercial fishermen, the Environment Agency, Natural England, Angling Trust, and University of Plymouth. 43 organisations representing statutory bodies, conservation interests and recreational angling interests responded. The remainder were from concerned individuals.

Those objecting to the proposal highlighted a perceived failure of the B&PSC to adequately consider the depth of the points below when establishing their proposal for estuary netting and the rationale for change:

- D&S IFCA's statutory duties;
- Original drivers for making of the Netting Permit Byelaw (and the permit conditions);
- Decision making, process and regard and use of available scientific evidence;
- Sustainability;
- Biodiversity;
- Wider social and economic considerations regarding sea angling and other users' interests;

- Goals in the Bass Fisheries Management Plan;
- Objectives in the Fisheries Act;
- Ability to effectively enforce the proposed management measures.

The purpose of this paper is to consider the netting proposal in respect of the Members' rationale adopted in November 2023, relevant national drivers, and the formal consultation response (Information Annex 1).

### **Rationale for Consultation.**

***a. That the B&PSC considers that a mortality rate of 18.8% of bass, caught during the netting trials within Salcombe Estuary is acceptable.***

The Members' determination that a mortality rate of 18.8% was acceptable drew considerable criticism from the respondents to the public consultation. Many referenced D&S IFCA's recent netting trial and supported the Officers' conclusion that mortality rates of discarded bass would be higher in a commercial fishery. In University of Plymouth's objection response, they stated that 'a mortality rate of 18.8% will result in a disproportionately high mortality rate on the fish that live within Salcombe harbour. This is a result of the localized movement characteristic that these species display'.

ICES advice for bass in 2024 is that stocks remain below MSY and recruitment remains low. Additional scientific evidence from D&S IFCA's netting trial results and University of Plymouth's six years fish monitoring programme in Salcombe do not support the creation of a net fishery in Salcombe.

The scientific evidence objective in the Fisheries Act sets out that the management of fish and aquaculture activities is based on the best available scientific advice. Officers are not aware of any scientific evidence that would support the Members' rationale.

Officers and many respondents could not support the creation of a fishery with an identified significant bycatch of juvenile bass throughout the duration of the proposed fishery and adult bass in five out of the six months. The Bycatch Objective in the Fisheries Act sets out that the catching of fish that are below minimum conservation reference size, and other bycatch, is avoided or reduced.

The Bass Fisheries Management Plan sets out nine goals including minimising discarding of bass bycatch where survival rates are low. The Plan also sets out that sustainable harvesting of bass stock is in line with scientific advice and there should be ongoing protection of juvenile and spawning bass stock.

Salcombe Harbour is designated as a Bass Nursery Area and the proposed net fishery will undermine the principle of the legislation to protect bass by removing fishing pressure from boats. Salcombe was designated as a Bass Nursery Area in 1990. University of Plymouth's monitoring shows that bass are present in the Bass Nursery Area all year round so applying the restriction on bass fishing to between April and December is out of step with the way in which bass use the area in 2024.

***b. That the B&PSC recognises a reported decline in profitability in pot fisheries.***

Many respondents questioned why D&S IFCA was not prioritising its response to the crab fishery decline and considering the introduction of additional management measures that might support recovery of crab stocks instead of focussing on creating an alternative fishery for a relatively small number of affected fishermen.

The MMO data cannot be used to separate out the influence of the offshore fleet in the landings and value of the fishery. To remove the unknown influence of the offshore crab vessels in the data, the under 10 metre vessel data is more representative of the inshore fleet with only 18 vessels over 10m out of a total of 184 vessels that are permitted to fish within the District.

A summary of the crab and lobster landings is set out in Annex 2. MMO's crab landings for the under 10 metre vessels between 2008 and 2023 show fluctuations in landings, with a marked decline since peak landings in 2013-2016. The landings in 2022 were lower than those recorded in 2008. First sale value of landings has increased in some years (2019 and 2021) as landings have decreased, which may indicate that in these years with less supply prices have increased. However, the trendline of the data indicates that the value of landings has been level over the 15 years of data. The reported crab landings reflect declines in many other parts England including in adjacent IFCA Districts.

Annex 2 sets out that whilst crab landings and first sale value have declined significantly since the peak landings in 2013-2016, lobster landings for the under 10m vessels have increased significantly since 2010 and 2022 recorded a peak in landings and value of the lobster fishery.

Officers are not economists and determining how the value of landings translate to profitability across the sector has not been possible. However, inflationary pressures on fuel, fishing gear, maintenance, wages, and bait mean that profitability of the pot fisheries is likely to have reduced but by how much is not known.

***c. That the B&PSC supports providing opportunities for commercial fishermen to diversify and boost their winter income by participating in a limited netting fishery within the Salcombe Estuary.***

The opening of a limited net fishery would provide an opportunity for some commercial fishermen to boost their winter income.

When considering the economic drive to provide some commercial fishermen with an opportunity to receive additional income, many respondents to the public consultation questioned at what cost to the wider marine environment, the sustainability of bass, mullet and gilthead bream stocks and impact on the social and economic benefits derived from the recreational angling sector.

The Angling Trust objection set out that 'In our view, the evidence indicates that this significantly outweighs any economic value created by allowing netting in these waters and critically, that these recreational activities are sustainable and therefore offer a lasting benefit to the community'.

Notwithstanding the already documented impact on bass from the proposed net fishery, evidence from MMO landings identify that grey mullet stocks had already declined sharply prior to 2018 when the prohibition on netting in estuaries was introduced. The National Mullet Club objection to the proposal set out that 'where commercial netting has increased in these areas fishing has deteriorated quickly, this has occurred in several fisheries for instance, Poole Harbour which was once considered the premier thick lip mullet fishery and is now no longer fished for this species.' The National Mullet Club queried the differences in data on grey mullet landings that had been provided to D&S IFCA from the MMO. D&S IFCA has received confirmation from the MMO that the data set provided was correct and there was an identified error in data provided to the National Mullet Club. The correct data shows that mullet landings across the D&S IFCA District were much lower than those commented on by the National mullet Club as set out in Annex 3.

Many respondents noted and D&S IFCA's Officers advise that the proposed net fishery is not compatible with the Sustainability Objective of the Fisheries Act. The site fidelity of grey mullet, their size of sexual maturity and slow growth makes them vulnerable to over exploitation,



particularly when aggregating within estuaries. D&S IFCA's Officers have reviewed available scientific data to inform the Minimum Conservation Reference Size proposals. A summary report can be found in Annex 4.

Natural England and many other respondents set out its concerns for the impact on the wider environment and ecosystem. Natural England set out that 'Salcombe Estuary is a special place for biodiversity. It is notified as a Site of Special Scientific Interest (SSSI) and is a Local Nature Reserve.....opening of Salcombe Estuary to netting could set a precedent and pose a future risk to other estuaries and the important biodiversity and ecological functions that these sites provide'.

D&S IFCA has submitted a Request for Pre-Application Advice on Salcombe to Kingsbridge Estuary SSSI to Natural England.

***d. That the B&PSC recognises that sea trout are present at an unknown scale, for feeding purposes, in the Salcombe Estuary but it is not a known migratory route.***

The Environment Agency challenged the Members' rationale setting out in their response that 'There is strong evidence that migratory species use the Salcombe Estuary for feeding and spawning meaning a precautionary approach is required.....We disagree with the inference that sea trout do not spawn in Salcombe Estuary freshwater tributaries'. In the detailed response, the Environment Agency provide evidence in support of their opinion.

Many respondents used the example of sea trout to highlight their concerns for other species that were at risk from accidental capture in the proposed net fishery.

## **Enforcement & Monitoring**

D&S IFCA's Officers have conducted trials of gear in gear out sensors that were identified in the detailed proposed management measures. A summary report can be found in Annex 5. The trials demonstrated that it was possible to identify the position and time that sensors were deployed and recovered.

Officers remain concerned that monitoring of the fishery will still be challenging given that most of the fishing is likely to be carried out during darkness and unless inspections are carried out on the water it won't be possible to ensure additional nets without sensors are not used or to monitor how fish is removed from the nets and returned to the sea.

## **Statutory Duties**

Many respondents noted, and Officers advise that the net fishery proposal does not align with D&S IFCA's Statutory duties set out in section 153 of the Marine and Coastal Access in that it cannot be demonstrated that the exploitation of sea fisheries resources is carried out in a sustainable way if fixed netting is allowed in Salcombe.

Many respondents noted and Officers advise, the balance between social and economic benefits of exploiting sea fisheries resources and protecting the marine environment is best achieved in Salcombe by maintaining the current access to fish and shellfish by the commercial and recreational sectors.

When D&S IFCA decided to close the estuaries to netting it was intended to provide an opportunity for the recreational sea angling sector to be developed and make a contribution to the achievement of sustainable development. The response to the public consultation has indicated that this has been achieved. A return to netting in Salcombe is seen by many to be



a regressive step and the progress in developing the recreational sector, in this location, will be lost.

D&S IFCA has a duty to seek to balance the needs of persons engaged in the exploitation of sea fisheries resources. Officers and many respondents consider that the current closure of estuaries to fixed and drift netting achieves this.

### **Wider considerations**

Officers advise that the information set out above provides a very strong basis on which to determine that Salcombe should not be opened to any level of fixed or drift netting.

However, if the Members disagree with the Officers' advice and formally agree to open a fixed net fishery in Salcombe, then Officers would need to undertake further work before the fishery could open including considering Natural England's formal advice regarding the SSSI, consulting further with the Duchy of Cornwall and amending D&S IFCA's Byelaw 17 – Fixed Engines.

### **Background Papers**

- The Development of the Netting Permit Byelaw – Final Report – 26th September 2018 (D&S IFCA website Resource Library)
- B&PSC papers and minutes from meetings (D&S IFCA website Resource Library)
- Bass Fisheries Management Plan
- Fisheries Act and Marine & Coastal Access Act 2009
- ICES Advice

---

### **7.2 B&PSC Discussion and Decision Making – 22<sup>nd</sup> February 2024**

The minutes from the B&PSC meeting held on 22<sup>nd</sup> February 2024 can be read in full [here](#) or by visiting Section B of the website Resource Library.

---

### **7.3 B&PSC Decision Making – Netting in Salcombe Estuary**

Regarding topic 1 (netting in the Salcombe Estuary), Members agreed to the following:

***That the prohibition on fixed and drift netting should remain in place in the Salcombe Estuary.***

---

### **7.4 B&PSC Decision Making – Emsstrom Angling Zone**

Regarding topics 2 and 4 (Prohibition of commercial and recreational netting at the Emsstrom Angling Zone), Members agreed to the following:

***That Category One and Category Two Netting Permit Conditions are implemented to prohibit fixed and drift netting in the Emsstrom Angling Zone.***

---

## 7.5 B&PSC Decision Making – Changes Relevant to Recreational Netting

Regarding topic 3 (Changes relevant to recreational netting activity – Net length, combining nets, and bag limits), Members agreed to the following:

***That Category Two Permit Conditions are amended in accordance with (b), and (c) of the officers' recommendations (below); but that the net length is not increased from 25-metres to 50-metres in length.***

- b) that there is a prohibition on the combining of recreational nets***
- c) That bag limits are introduced per calendar day – plaice (10), rays (3), sole (5), and sand eel (15kg).***

---

## 7.6 B&PSC Decision Making – Minimum Conservation Reference Sizes (MCRS)

Regarding topic 5 (Minimum Conservation Reference Sizes (MCRS)), Members agreed to the following:

***That officers monitor the landings of mullet and gilthead bream for the next three years and recommend the inclusion of gilthead bream in the Bream FMP.***

---

## 7.7 B&PSC Decision Making – Maximum soak times of nets at sea

Regarding topic 6 (Maximum soak times of nets at sea), Members agreed to the following:

***That the permit conditions specifically for setting a maximum soak time of nets are not included in the netting permit conditions.***

---

## 8. Implementing Amended Netting Permit Conditions & Annexes

Following B&PSC meeting held on 22<sup>nd</sup> February 2024, officers began drafting amended Netting Permit Conditions and preparing Annexes (1-6) that accompany the Netting Permit Conditions.

---

### 8.1 The Amended Netting Permit Conditions & Annexes

The agreed changes to management measures were incorporated into the Netting Permit Conditions (version control 1<sup>st</sup> July 2024). Non-material changes included the addition of a new Schedule 1 (Guidance on the Measurement of a Marine Organism). The Annexes were presentational improved and expanded to include Annex 6 (Emsstrom Angling Zone – No Netting Area).

The current Netting Permit Conditions and Annexes can be found on the D&S IFCA website page "[Current Permit Byelaws & Permit Conditions](#)", as well as within [Section E](#) of the website Resource Library.

An archive of past permit conditions is also available on D&S IFCA's website – [Section F](#) of the Resource Library, in a sub-folder within the main Byelaw Development & Reports folder.

---

## **8.2 Permit Circulation and Communication**

Amended Netting Permit Conditions and Annexes (1 to 6) were directly circulated to all existing Netting Permit holders on 28<sup>th</sup> June 2024. The circulation was a combination of email and hard copies sent in the post. A covering letter/email explained the changes made and that the new management measures would apply from 1<sup>st</sup> July 2024.

On 28<sup>th</sup> June 2024, a news item blog was posted on D&S IFCA's website and repeated on D&S IFCA's Facebook page. D&S IFCA's news items are also created in pdf format, with these versions available to read by visiting Section G of the website Resource Library. The pdf version of the news item can be read [here](#).

**End.**