



Review of the Netting Permit Byelaw Permit Conditions

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

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Version Control

Version & Date	Comments
Version 0.1 – 31 st July 2023	1 st draft of report prepared. Internal review, additions and editing.
Version 1.0 – 22 nd August 2023	Report finalised for presentation to the Byelaw & Permitting Sub-Committee for use at their meeting on 31 st August 2023.

1. Aim of Report

This report (22nd August 2023) 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.

The report demonstrates how the consultation (Review of the Netting Permit Conditions – Have Your Say – May 2023) was conducted and summarises the responses received. It provides the opportunity for the stakeholders who responded to see how their views have been documented. This report includes embedded information (Hyperlinks) that give readers access to additional information and all additional information embedded in this report is freely accessible within different sections of [D&S IFCA's Website Resource Library](#).

The report includes comments by Officers (in blue italic font) that are intended to clarify different aspects of the responses received or provide additional information relevant to the subject matter. The report also includes extracts from different responses (in purple font).

Process

This report provides information that will inform the B&PSC regarding potential changes to the Netting Permit Conditions. If the B&PSC identify changes that are appropriate, further focussed consultation will be undertaken that demonstrates what the changes could consist of and how (if agreed) they would be implemented via the Netting Permit Conditions and associated Annexes. In addition, during this review, 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. The B&PSC will ultimately determine if there are to be any changes to the existing Category One (commercial) and Category Two (recreational) Netting Permit Conditions.

Executive Summary of the “Have Your Say” and its Findings.

The “Have Your Say” consultation began on 19th May 2023 and ended on 30th June 2023. The key aims of the consultation were to reach a large and mixed audience as well as being completely “open” in nature. There were no pre-determined potential changes to the existing Netting Permit Conditions highlighted in the consultation.

The “Have Your Say” exercise was simply that – an opportunity for all interested parties to examine the current management measures and provide their views, including suggesting any potential changes to the Netting Permit Conditions that should be considered. Making changes to the Netting Permit Byelaw (revocation and re-making it) is not part of this review.

Communication initiatives by D&S IFCA included direct circulation of information and use of its website, and social media platforms. 1,444 contacts on D&S IFCA's contact data base directly received the Mailchimp email circular. D&S IFCA's contact data base includes 1,310 permit holders and 211 of these have a Netting Permit (146 commercial & 65 recreational). 31 permit holders that have not provided D&S IFCA with an email address were sent the information about the review in the post.

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 (30th 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.

2. Background Information

The Netting Permit Byelaw was introduced by D&S IFCA in 2018 with the provisions coming into effect on 1st March 2018. The Netting Permit Byelaw provides the mechanism for D&S IFCA to manage netting activity within the District. Netting Permit Conditions are issued to both commercial and recreational fishers that conduct this fishing activity.

At time of writing, there were 211 Netting Permits issued by D&S IFCA.

- 146 Category One (commercial) Netting Permits
- 65 Category Two (recreational Netting Permits)

As with all of D&S IFCA’s Permit Byelaws, the Permit Conditions are subjected to a review. Due to reasons including limited resources (Officer time) and the disturbance to working due to Covid-19, the review has begun later than planned.

Development of the Netting Permit Byelaw (and Permit Conditions)

There were multiple considerations, and information, considered by D&S IFCA’s Byelaw and Permitting Sub-Committee during the development of the Netting Permit Byelaw (and by extension the management measures – the Netting Permit Conditions). Some key drivers for the introduction of the Byelaw and the management measures within the Permit Conditions included the following:

- Protection of bass
- Balancing the needs of others catching sea fish species
- Protection of salmon and sea trout
- Achievement of sustainable development of the recreational angling sector

The Netting Permit Byelaw (and the Permit conditions) replaced or absorbed several inherited Devon Sea Fisheries Byelaws. The prohibition of netting (fixed and drift nets) within all estuaries in the District was a significant change at this time and recognised multiple factors.

Officer Comments

The development of the Netting Permit Byelaw has been fully documented into a single report – The Development of the Netting Permit Byelaw (26th September 2018) – which is available on D&S IFCA’s website and can be viewed and downloaded [here](#).

The above report includes the Impact Assessments that were produced at the time, consultation responses, B&PSC principles, and has links (page 124) to multiple supporting documents considered by the B&PSC during the making of the Netting Permit Byelaw.

Many of the consultation responses, as summarised in this report, have commented on the need to protect salmon and sea trout. Salmon and sea trout are recognised for their conservation status and socio-economic importance particularly to the recreational sector. In 2016, D&S IFCA along with Cornwall IFCA sought Counsel’s opinion on the extent of the IFCA’s responsibility for salmon and sea trout. The advice indicated that IFCA’s had a responsibility to consider the conservation of salmon and sea trout when making the Netting Byelaw but did not have a duty to consider the economic importance of salmon and sea trout.

D&S IFCA is not directly responsible for managing freshwater species and it is the Environment Agency (EA) that manages activity that directly targets Salmon and Sea Trout (such as licenced salmon nets and rod licences).

The implementation of the Netting Permit Byelaw (and the Permit Conditions) recognised a range of factors including balancing the needs of different sectors. Angling 2012 built on findings from other reports that Recreational Sea Angling (RSA) was a key economic sector involved in the exploitation of sea fisheries resources. D&S IFCA’s District is a key location for both local and visiting anglers. When the Netting Permit Byelaw was introduced, it was expected that the removal of netting in estuaries would develop RSA opportunities and may lead to an increase in the RSA economic value of each estuary.

At the same time, the submission from the Environment Agency (EA) in the formal consultation (when consulting on the introduction of the Byelaw) highlighted the estimated value of the rod and line salmonid fisheries in key estuaries within the District. It was concluded that the restriction of netting in estuaries and the maintenance of the existing restrictions (from legacy measures) along the coast should support the continuation and possible growth of this sector.

Development opportunities for other fishing methods (other than netting) can be diminished by failure to appropriately manage netting. Different fishing methods present different levels of risk and provide different management challenges. At the time of implementing the Netting Permit Byelaw (and permit Conditions), it was the view of the B&PSC that netting activities in estuaries were a barrier to achieving sustainable development. It is also important to note that health and safety considerations, such as where fishermen could work (or still can work) with less risk to their personal safety did not influence decision making – it can’t, as health and safety considerations are not the remit for the organisation.

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3. How the Pre-Consultation was Conducted.



The “Review of the Netting Permit Conditions – Have Your Say” began on 19th May and ended on 30th 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 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 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
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 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 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?**

Officers Comments: Communications

- *The communications conducted by D&S IFCA are the same regardless of the geographical location of stakeholders.*

- *Port visits for engagement events are not possible due to limited resources.*
- *Most responses did not indicate how they found out about the review.*
- *It is assumed that most learned of the review because of the direct circulation of information sent by D&S IFCA.*
- *Three responses indicated that they had been passed the information indirectly from others (friends, being a club member) or from another website – the North Devon Angling News.*
- *Nobody unsubscribed from the mailing list.*
- *Two people who responded asked to be added to the mailing list.*

4. Who Responded?

The tables that follow demonstrate the mixture of stakeholders that engaged and provides an insight into the main points they wished to raise. Table 1 groups together responses that represent the angling sector and Table 2 includes the remaining stakeholders including responses from both the commercial and recreational netting sector.

Table 1 – Recreational Angling

Officer Ref:	Sector/Interest	Focus/Comments
05	Recreational Angler	Maintain estuary restrictions.
07	Recreational Angler	Maintain existing restrictions & concern regarding 3 metre headline restriction.
11	Recreational Angler	Maintain estuary restrictions – observations focussed on the Taw Torridge.
10	Recreational Angler & PhD Researcher	Requests that a pre-cautionary approach is taken including no netting zones. Concern regarding 3 metre headline restriction.
13	Recreational Angler	Maintain existing restrictions, including estuary restrictions. – Observations regarding increase in mullet populations in Exe and Axe.
03	Unknown Interest	Maintain estuary restrictions. Commented that estuaries are nursery areas and species such as mullet & gilt-head bream need protection.
20	Recreational Angler	Response focussed on the Taw Torridge. Commented that the ban on netting is helping the estuary & the recovery of mullet and bass.
09	Bass Angling Conservation Limited	Maintain estuary restrictions as estuaries are essential fish habitat. Commented that Cefas evidence shows low survivability of bass when released (bycatch). Concern regarding the 3-metre headline restriction and cited SAMARCH project.
17	Angling Trust	Multiple observations including view of maintaining estuary restrictions. Included suggestions regarding other aspects of the Permit Conditions including the bag limit allowance for recreational fishers. Extended comments included those about Hinkley Point C Power Station and fish mortality.
15	National Mullet Club	A large response focussed on estuaries and the benefits of introducing and maintaining the netting restrictions within estuaries.
01	Recreational Diver	Main concerns related to abandoned fishing gear/ghost fishing and excessive rubbish in the marine environment – observations focussed on South Coast.

19	South West Rivers Association	A large response. Observations included a need to maintain estuary restrictions. Concerns raised regarding the 3-metre headline restriction.
18	River Otter Fisheries Association	Maintain estuary restrictions. Concern regarding the 3-metre headline restriction and cited SAMARCH project. Highlighted observations of others (divers) that have seen sea trout in water > 3 metres deep near the river Otter.
08	Charter Boat Operator (Angling)	Suggested a strengthening of the Skerries Bank Angling Zone by making it a National Fishing Zone – an angling area and protected area for breeding of flatfish. Commented that there is a disregard for Voluntary Code of Practice which is failing – Highlighted issues with gear marking and suggested measures could align more with MCA advice for gear marking.
02	Charter Operator and recreational fisherman – mixed methods	Main observations are of netting in the Plymouth area with nets capturing undersize fish being retained and landed. Ineffective enforcement action and un-balanced restrictions. Suggested volunteers to assist with enforcement. Concerns regarding marking of gear.

Table 2 – Other Stakeholders

16	Wembury Marine Conservation Area Advisory Group	Supportive of all current restrictions and would like no netting in the Wembury area and potentially other areas. Would like to see increased enforcement of measures.
14	Commercial Fisherman	Detailed response focussed on gaining access within Salcombe estuary to undertake netting including suggested amendments to the current management measures.
04	Commercial Fisherman	Comments focussed on recreational netting activity – bag limits and a need for balanced enforcement activity.
21	Recreational Netter	Start Bay focussed. Raised issues with net length restrictions and concerns regarding ineffective enforcement. The response demonstrates a lack of clarity within the Permit conditions.
06	Recreational Netter	Raised issues associated with length of nets. A 25-metre net is not long enough. Highlighted his own experience of reduced catches as compared to pre-Byelaw (net length restriction).
12	Recreational Shore Fisherman	Mixed content, with main concern focussed on crab claws.

5. The Responses – In Detail

5.1 Estuary Netting

Observations, comments, and opinions regarding the current restrictions for netting activity within defined estuary areas was the dominant theme within the responses received. It is not possible to determine if all stakeholders understand the extent of the estuary closures as a district wide form of management, and it is possible that the main interest for some stakeholders relates to a particular area of the District. For example, some responses included comments such as “the Taw Torridge netting ban” must remain in place. Some responses did indicate that they learned of the review through friends or other websites, and therefore may not have read all the background information in full.

It is also unclear from all responses about the level of understanding some stakeholders have about the specific restrictions. Not all forms of netting within estuaries are currently prohibited or “banned”, as small-scale seine netting for sand eel is authorised within each estuary; however, it can be assumed with high probability that the prohibition regarding the use of fixed and drift nets within estuaries is the point being raised in the responses that included comments such as “*maintain the current estuary netting ban*”.

The responses from organisations generally contained more detail than the responses by individual stakeholders, and the National Mullet Club demonstrated background knowledge regarding when the Netting Permit Byelaw was introduced and had researched or recalled (from past formal consultation) the documented objectives relating to its introduction.

Several of the responses highlighted the Salmonid Management Round the Channel (SAMARCH) project and the need to protect salmon and sea trout within estuary and coastal areas was a repeating theme. It was evident that some stakeholders had knowledge about D&S IFCA’s research work in the Salcombe estuary regarding the survivability of bass taken from nets, tagged, and then returned. There were mixed views on what these studies are trying to potentially achieve with a view to potential access in estuaries (or one estuary) to target other species such as grey mullet. Several responses highlighted the need to protect bass and it is well known that many estuaries are designated Bass Nursery Areas (BNA’s). One commercial fisherman submitted a response including suggestions for alternative management within the Salcombe Estuary to allow netting to take place. This response is explored in more detail later in this section of the report.

Maintaining the Existing Restrictions

Regardless of differing levels of detail in the responses, the angling sector has provided a clear message of support for the current restrictions that apply to the estuaries. The National Mullet Club applauded D&S IFCA for the introduction of estuary restrictions and another individual response warned that there would be a large vocal push back from the angling community if there were relaxations regarding the management of netting within the estuaries.

The need to protect salmon and sea trout was a repeating theme and the advantages to the economy driven by angling (including visiting anglers to the District) was mentioned. Selected comments from individuals (angling sector) are set out below:

Taw Torridge

“I wish the current no netting permit conditions to remain in force on the Taw/Torridge estuary.for over 30 years I have observed the damage the previous drift netting operations had. I think the ceasing of netting in the estuary was the single most important conservation measure ever introduced. It protects the bass and mullet stocks but as important has allowed Allis and twaite shad to run the rivers to spawn, shad were always caught as a bye catch to the bass and mullet but even when returned their survival was almost zero. There has been a noticeable increase in numbers of shad that fly fishers have been catching up river and returning safely in recent years. The no netting has also allowed the salmon and sea trout which are in a terrible decline to have a clear run up the rivers too, again even if returned alive the science confirms that over 70% of mono drift net caught gamefish do not survive to spawning.

Although the ban on drift netting may have effected some commercial netsmen the fact that the main joint estuary is out of the bass nursery areas they can if they wish rod and line from boats and use live Sandeel in safety of inside of the bar. I used to observe up to 6 drift net boats on a flood tide with 400m plus of mono gill nets stretched across the channel from one side to the other ,then on high water the same up the two rivers .

One excellent consequence of a total ban is the massive reduction in illegal netting in the estuary because any boat with a net out is obviously illegal”.

.....

“.....the estuary needs to be preserved as a conservation area and the netting ban is vital for the ongoing health of the fish stocks in the estuary. I am also very concerned about the impact netting will have on the gilt head bream stocks that are just becoming established in the two rivers and on the nursery bass stocks”.

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“The number and size of the Mullet has increased. Once a 4lb fish was rare, I’m now catching them over the 6lb mark. At low water the pool I fish in is black with thousands of fry, a month later shoals of baby mullet and finger Bass abound. I feel any netting would contribute to the destruction of this important site and requires strict protection”.

All Estuaries

“.....the only comment I would make is to implore you to maintain the ban on drift or fixed nets in all of the estuaries. Estuaries are nursery areas for juvenile bass, and the last refuge of adult bass from commercial exploitation. Should netting be reintroduced, even in a limited way, this could lead to significant losses of both juveniles and adults from widespread abuse, since it would be much harder to enforce and control a situation where some netting was allowed than where none is. Mullet and gilthead bream also need protection”.

.....

“The introduction of the netting bylaw has been positive, and I support its retention without any changes. The rationale for introducing the netting ban in estuaries is still relevant. The grey mullet population appears to have increased in the Exe and Axe, following a steady decline in years prior to the 2018 introduction on netting restrictions. In 2022 mullet numbers in the Axe were the highest I have witnessed in 30 years of fishing the river, plus sea trout were noticeably more prevalent. Recreational angling for mullet is a fast-growing sport, largely due to increasing interest in fly fishing for the species. The south-west is a prime destination for visiting anglers, which benefits the local economy”.

.....

“I amaware of trials being carried out to test netting within the Salcombe estuary to target mullet and gilthead bream. This is alarming on a number of levels, given the ecological and recreational value of this system. The trials were carried out during times of cold-water temperatures and as such the survival rates of released bycatch is likely to be overestimated, with lower oxygen and higher respiratory rates with increasing water temperatures”.

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There were other comments from individuals (angling sector); however, the responses from the Angling Trust, the Bass Angling Conservation Limited, and the South West Rivers Association picked up these points. Selected quotations from some of the organisations are set out below:

Angling Trust

“No drift or fixed nets are authorised within any of the estuaries. This restriction must remain in place. Estuaries serve as crucial bass nurseries and aggregation zones for thick and thin lip grey mullet, which are often in a heavily spawned condition in these areas. Allowing netting activities would contradict the principles outlined in the draft bass fisheries management plan

and pose a severe threat to the recovery of mullet and other estuary fish stocks, including flounder. Moreover, these inshore areas offer tremendous opportunities for recreational water users, including anglers, whose activities contribute significantly to the local economies. By restricting netting, we not only maximise fish stocks for recreational anglers but also reduce the risks of entanglement and ghost gear, benefiting other activities like wild swimming and paddle boarding. The protection of estuaries from commercial fishing activities is essential for the growth of the angling sector, particularly in hosting multi-day competitions that bring hundreds of anglers to local communities during off-peak tourist seasons”.

South West Rivers Association

“Current conditions prohibiting netting within estuaries protect salmonids as they migrate through these waters during the juvenile and adult stages of their migrations. It is essential that prohibiting netting in these areas remain in place. In support of this stance, we also understand that recent netting trials have shown sea trout are present in the Salcombe estuary although it has no rivers that salmonids might be expected to use on their migrations”.

Bass Angling Conservation Limited

“Estuaries are essential fish habitat and netting should not be allowed in estuaries, particularly since there is a high risk of killing juvenile fish. Cefas evidence on netting bycatch indicates that bass have a very low survival rate when released from nets. Accordingly, D&S IFCA should not consider allowing netters to operate where there is a high chance of bass bycatch”.

National Mullet Club

The longest response in favour of maintaining the current restrictions for netting within estuaries came from the National Mullet Club (NMC). The response set out that the restrictions protect salmonids, bass, grey mullet, and other species that use these inshore areas for migration, as nurseries or for refuge. Although a large part of the response was focussed on the protection of mullet, the NMC commented that bass are afforded extra protection (over and above BNA legislation) but that also good “access” (expectation of catching a mix of species – often catch and release) for recreational anglers within estuaries is of huge benefit to local communities both financially and socially. The response included landing data sourced from the Marine Management Organisation. The data were used to demonstrate total landings of mullet into D&S IFCA’s District, with their view being stated that low landings over a five-year period (mainly less than 40 tonnes per year) coupled with it being a low value species, represents a level of income that would not have been missed by the commercial sector. The response highlighted that, according to the MMO landings data, commercial catches of mullet were recovering from steep declines and in 2021 and 2022 the landings were higher than in 2018 when the estuary closures came into effect. The NMC produced a chart of the MMO landings into D&S IFCA Ports – see Figure 1.

Officers have reviewed the landings data from the MMO for all vessels landing mullet into Devon Ports. The data can be seen in Figure 2. The landings are quite different in scale to those provided in the NMC response. Officers, when analysing the data, filtered out red mullet and surmullet, which potentially was not undertaken by the NMC. The maximum landings into Devon ports, the majority of which were by the under 15.24m vessels, was 36.901 tonnes in 2014 compared to 130 tonnes provided by NMC. Landings into Devon ports since 2017 have been under 10 tonnes, with many years recording landings under 5 tonnes. Figure 2 does not show a significant increase in mullet catches since the Netting Permit Byelaw came into being. The graphs indicate a significant decline in landings from 2015 and a more gradual reduction since 2017 with total landings being under 10 tonnes for all Devon ports. The slight increase in 2021 is likely due to the effects of COVID in 2020 leading to increased effort to maximise earnings following the economic impacts of COVID. Figure 3 shows the catches into some of

the ports in Devon. It can be seen that the main port into which mullet are landed is Plymouth, and these landings, on average since 2015, make up over 44% of the total mullet landings into Devon. In fact, in some years landings into Plymouth make up over 55% of the total Devon landings of mullet. It should be pointed out that most of the vessels landed into Plymouth of small inshore towable vessels which operate across the South West peninsula. This graph also shows the decline in mullet landings from the Taw Torridge (into Bideford) since the Netting prohibition was put in place in 2018.

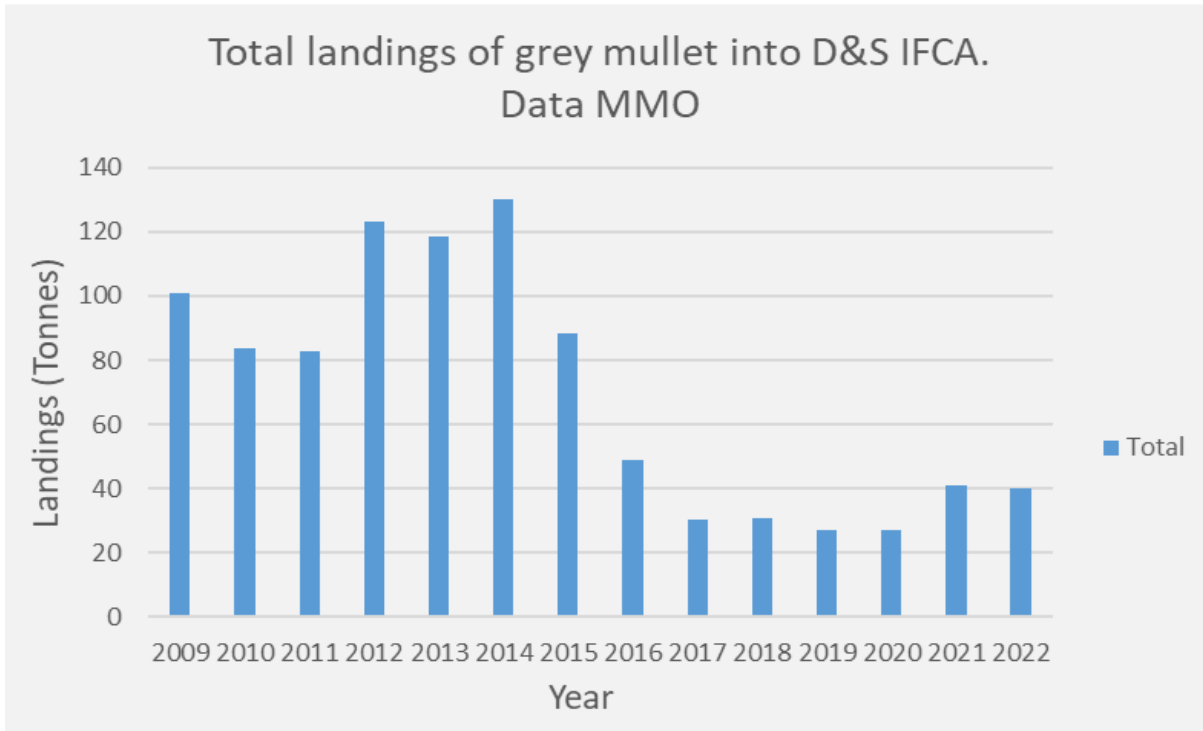


Figure 1: NMC analysis of MMO Landings data for mullet 2009-2022

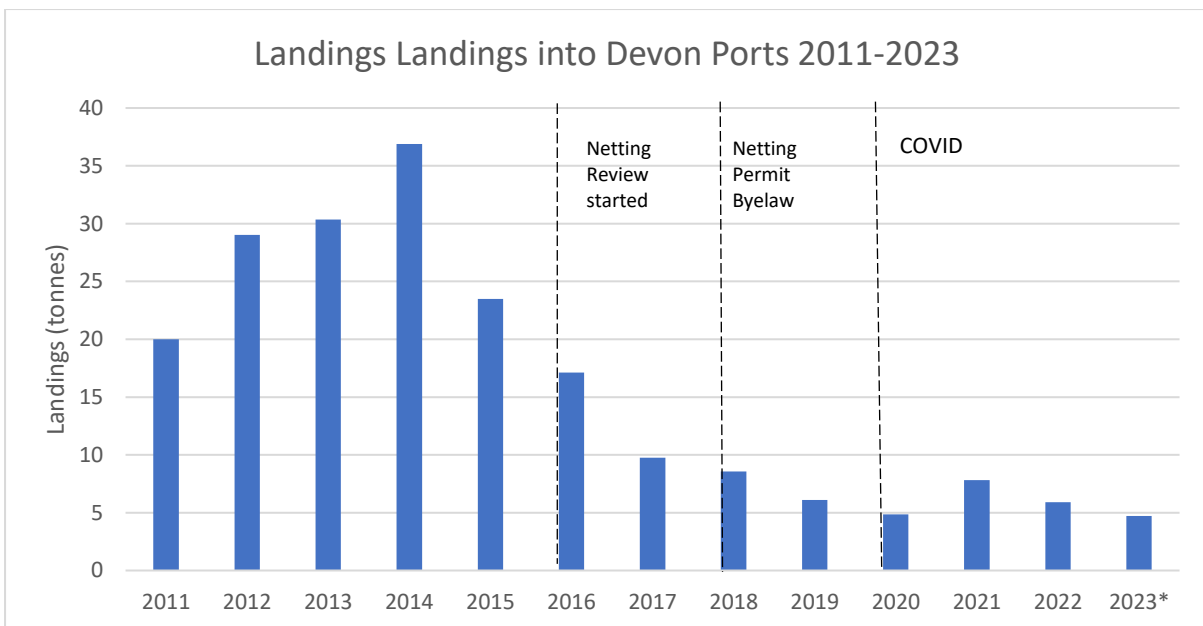


Figure 2 D&S IFCA Officers' Analysis of MMO landings data for mullet 2011-2023

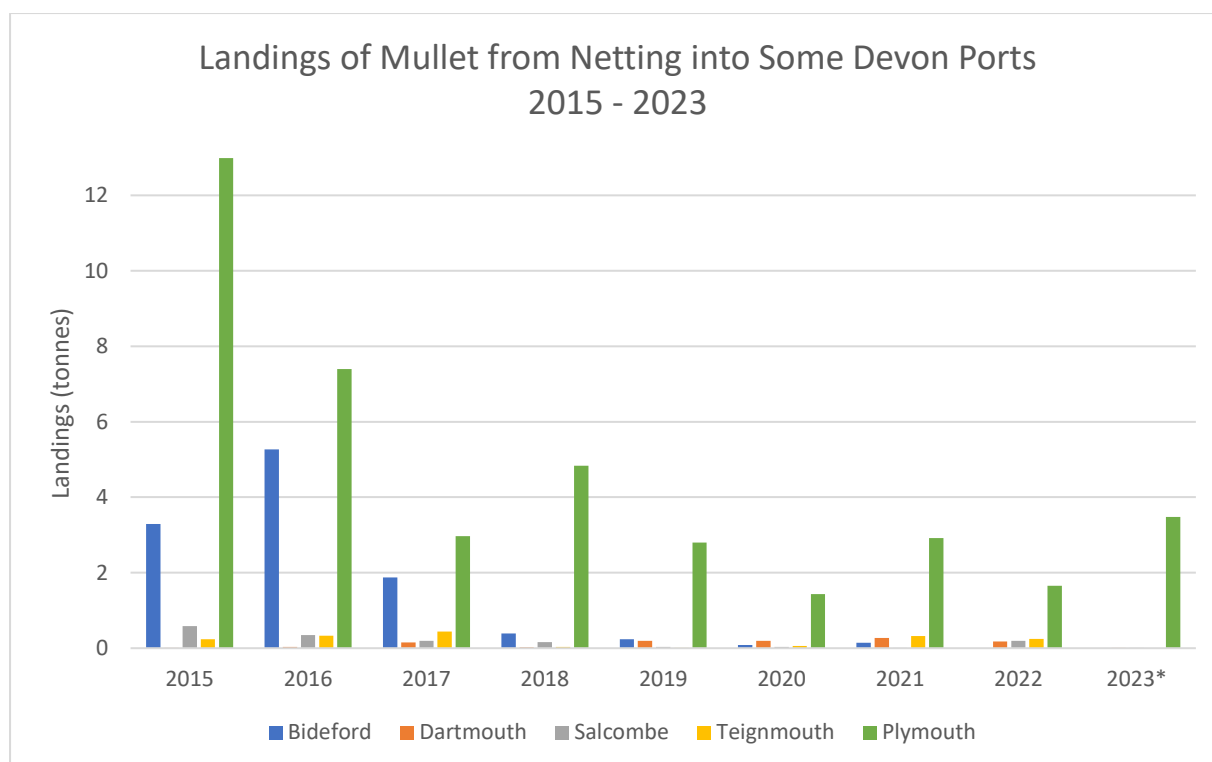


Figure 3: Landings of mullet into some Devon Ports 2015-2023

Some selected extracts from the NMC response are set out below:

“The harbours and estuaries are home to all three native UK grey mullet species, particularly thick and thin lipped. These two species use these areas throughout the juvenile stages and then adulthood. It can take a thick lip mullet 10 – 12 years to reach maturity before they can breed for the first time. Often aggregating in large shoals and demonstrating a high site fidelity (often returning to the same places) they are particularly vulnerable to overfishing. During winter months they are known to aggregate in particularly large shoals prior to spawning; this makes them extremely vulnerable to commercial exploitation at the time when they are most in need of protection”.

It should be noted that much of the recreational fishing is catch and release, it is estimated that over 95% of grey mullet caught recreationally are returned alive (who would want to eat a fish that has spent 10 – 20 years eating detritus including raw sewage anyway?). Impact is extremely low for bass and grey mullet species, recreational anglers are severely restricted as to how many bass may be retained, currently two per day per angler.

Netting aggregations especially when fish are preparing to or have just spawned, is far from good practice. Countries such as New Zealand and the USA have put in legislation to protect spawning aggregations of grey mullet after the practice caused massive crashes in the population. Currently, mullet caught by gill nets are most likely caught in a mixed fishery, as such would be far more sustainable and more profitable as the fish is worth more money”.

Estuary Netting – Access for Netting

An alternative consideration to maintaining the restrictions in the estuaries (district wide) was submitted by one commercial fisherman who focussed his response on the Salcombe estuary. The response contained some alternative suggestions for management instead of the current prohibition on the use of fixed and drift nets. This stakeholder recalled the development of the

Netting Permit Byelaw and documented the suggestions made at that time to enable controlled and limited netting to take place within the Salcombe estuary. This response offered multiple revised suggestions for managing netting within the estuary and cited D&S IFCA's research work (bass survivability) as supporting evidence that the suggestions are a credible option.

- A presentation to D&S IFCA Members (16th March 2023) with annotated slides is available to view and download on the D&S IFCA website and can be viewed [here](#).
- The report - Understanding Mortality of European Sea Bass (*Dicentrarchus labrax*) in Small-Scale Inshore Netting – has now been published and can be read [here](#).

The response highlighted that the research involved netting in a way described in his current proposal (i.e., short nets, maximum 60 minutes soak time (net in the water)). The response detailed parts of the methodology undertaken in the research work, including tagging of the fish that were returned to the water. The stakeholder commented that the tagging had allowed for fish movement to be monitored by receivers in place in the estuary and out at sea and from this study 83% of bass caught in the net survived after they had been returned to the water.

It is the view of this stakeholder that a 83% is a high survival rate and explained that in normal netting activity the bass would be returned immediately to the estuary as soon as they are seen in the net and therefore would not go through the handling and tagging process. It was his view that less handling would very likely increase the survival rate as the fish would not be out of the water for as long and would not suffer protracted handling and thermal shock.

The full list of new suggestions has been transcribed below:

1. To reopen the Salcombe Estuary to a limited net fishery. The Salcombe Estuary has no freshwater input /rivers that allow for migratory fish to move up the estuary to the rivers to spawn and therefore the catch of salmonids is very minimal or totally absent (in the case of salmon). Therefore, opening a net fishery will not impact salmonids. Any sea trout, if caught, can immediately be returned to the sea. I believe there is no concern relating to the stocks of sea trout.

2. The fishery would predominately target grey mullet species with a bycatch of bass, Gilthead bream and a few other non-pressure stock fish species. As Salcombe Estuary is a Bass Nursery Area, there are only a few months where bass could be landed – January to April - although February and March are currently closed for bass removal under the Bass Compliance Directive.

3. A maximum of two nets per fisherman can be set and each net must be no more than 200m in length.

4. Each net should be tagged with an RFID tag so that D&S IFCA officers can monitor compliance of these measures.

5. All vessels operating must have a netting permit and whilst fishing in the Salcombe Estuary must have IVMS fitted which should be fully operational and functioning so they can be tracked and monitored by D&S IFCA Officers

6. The maximum soak time of each net is 60 minutes to increase the survivability of fish that need to be returned i.e. bass (or sea trout if ever caught).

7. Vessels operating in the limited fishery should be under 7m in overall length (similar to the restrictions for the Salcombe Scallop Fishery)

8. Landing figures of fish caught and retained are provided to the IFCA. This should help provided data to calculate landings per unit effort.

9. The fishery should operate seasonally on a six-month basis and be open during the months of October, November, December, January, February and March. During the months of October, November and December the Bass Nursery restrictions are in place where fishing for bass by any fishing boat within the Salcombe Estuary is prohibited. During these months any bass caught will be returned immediately to the water. Other species caught such as mullet and gilthead bream can be retained.

During January bass can be retained with the other species caught. Currently there is a prohibition on the retention of bass by commercial vessels during February and March and therefore if bass are caught in the nets during these months, they would be returned immediately to the water.

10. The fixed net restrictions should not apply to the limited netting fishery proposed in the Salcombe estuary as the mechanism of setting short nets in the estuary may require the nets to sit on the estuary bed.

11. The mesh size for the nets should be 100mm.

12. All nets set in the fishery must be hand-hauled. No mechanical or electrical device can be used.

Officer Comments: Estuary Restrictions

At the time the Netting Permit Byelaw was being developed, consultation responses demonstrated strong support for the implementation of the Byelaw (and Permit Conditions). 329 responses were received, and 263 responses were in favour of the proposed Netting Permit Byelaw, with the prohibition of netting within estuaries (district wide) being the main point of interest.

66 responses were recorded as having at least some form of objection to the proposed Byelaw or elements of it, although not all of these objected to the estuary closures. Netting within estuaries was such a significant point of interest that additional work was conducted by the B&PSC to examine the objections and to clarify and document the rationale of the B&PSC for their decision making. The "Access for Netting within Estuaries Report" is embedded within the final development report for the making of the Netting Permit Byelaw.

Alternative suggestions (by stakeholders and Officers) to a netting prohibition within all estuaries were documented and discussed by the B&PSC. The Salcombe Estuary is a ria and therefore offered some different considerations in relation to the conservation of migratory species and this was recognised by Members; however, this difference was not enough for the B&PSC to consider tailored management for this specific estuary.

Before the prohibition on fixed and drift nets in all estuaries, it was legal for drift netting to be conducted in some estuaries. Drift netting for species such as mullet was used as a disguise by some to target and catch bass illegally. Nationally, this has been recognised as a continued problem. Annex 6 of the draft bass FMP highlights that "According to numerous stakeholders, the existing [sea bass] bycatch regulations have been too easy to exploit. In practice, it is often difficult to prove a difference between purposefully targeting bass and unavoidable bycatch."

Legislation was potentially confusing for stakeholders that monitored and sometimes reported netting activity within estuaries; with it often being legal but viewed as being illegal or highly suspicious. Simplifying and making legislation so that is better understood and assists with enforcement action was a consideration for the B&PSC.

Allowing access for netting within estuaries (or a single estuary) would potentially involve multiple conditions of use being developed and then introduced. There may be challenges legally drafting the specific conditions, and although technology, including monitoring technology, has moved forward, the technology has not been trialled in estuary conditions and there would be costs associated with the monitoring of this activity to reduce risks of non-compliance. The use of new technology is embraced by the Authority; however, increased monitoring would potentially place a burden on D&S IFCA resources. The current fee for a permit is £20 (for two years) and this fee is for administration only. The fee for a permit is not an attempt at full cost recovery which would potentially be more appropriate for a heavily monitored fishery. The effective enforcement of current measures, or (as set out in a later section in this report) a lack of effective enforcement action by D&S IFCA Enforcement Officers is a concern for some stakeholders.

Some key summary points relevant to **past** observations, considerations, and decision making by the B&PSC are as follows.

- *Estuaries are places of fish aggregation such as bass and bass less than 36cm in length spend their entire life inside estuaries.*
- *The D&SIFCA has funded a PhD study into bass. The overall aims of the research are strongly management-focused and resulted from questions surrounding the boundaries of bass nursery areas and the level of protection offered to different ages of bass.*
- *The minimum conservation size of bass has increased to 42cm significantly reducing the amount of bass available to the fishery.*
- *Advice has been offered to suggest that the minimum conservation reference size of grey mullet should be over 42cm; populations of mullet are also found in estuaries.*
- *The restrictions on bass fishing may increase effort on other species such as grey mullet that like bass are vulnerable to over exploitation due to their use of estuaries and slow growth.*
- *It is considered impossible to target mullet in estuaries without catching bass.*
- *Removing un-wanted catches of bass from nets may lead to significant stress and mortality.*
- *Handling of unwanted fish caught in nets can damage the fish (gills & scales).*
- *Mesh size increase is required to reduce bycatch of undersize bass.*
- *Increases in mesh sizes (for estuary nets) conflict with EA advice for the protection of Salmon and Sea Trout.*
- *The economic value of estuarine netting fisheries is very low, as indicated by MMO landing data analysed over a 5-year period.*

Officer Comments: Past Information & Considerations.

More information has now become available relevant to the above bullet points.

Estuaries are places of fish aggregation such as bass and bass less than 36cm in length spend their entire life inside estuaries. From approximately May-June juvenile sea bass actively migrate into defined coastal nursery habitats, which in the UK largely take the form of estuaries on the east, south and west coasts. Individuals are then thought to maintain residency or dependency to a specific nursery area for the first two–four years. Previous studies have reported juvenile sea bass (<32cm total length) generally remained within 16km of their nursery area, with sub-adults thought to disperse more widely. Research by Dr Thomas

Stamp (see below for more information) has demonstrated that sea bass 25 – 60 cm in length demonstrate a high degree of residency behaviour to the estuaries in which they were caught and tagged with acoustic transmitters. Based on a year of tagging data, these fish were only predicted to move within an area of 2.4–20.1 km, from the estuary in which they were tagged, for 42.9–75.5% of the year

The D&SIFCA has funded a PhD study into bass. *In 2022, Dr Thomas Stamp completed this PhD thesis, titled “The Ecology and Distribution of European Bass (*Dicentrarchus labrax*) in Inshore and Coastal Waters of the UK”. Due to the localised/restricted movement characteristics and estuarine dependence of this species, the research focussed on identifying movement, feeding and growth within estuarine habitats, with a particular emphasis on measuring the effectiveness of designated Bass Nursery Areas within the D&S IFCA’s District. As part of the research, 146 sea bass (25 – 60 cm fork length) were tracked using acoustic telemetry for up to 370 days across three sites, from tagging locations in the Dart, Tav-Torridge and Salcombe estuaries. Tagged fish displayed high residency to the estuary in which they were tagged, and were only predicted to move within an area of 2.4–20.1 km, from the estuary in which they were tagged, for a 42.9–75.5% of the year. This behaviour may introduce spatial structuring, in which local processes may affect local survival rates. Dr Stamp found that in sites with limited freshwater input e.g., coastal rias and/or natural harbours, sea bass may maintain residency throughout winter. Dr Stamp therefore concluded that seasonal protection within designated nursery sites may not adequately protect local sea bass populations. Some individuals were however also detected making long-range movements to other coastal sites e.g., between Dart Estuary and South Wales (312 km), 81% of which returned to their original capture site. In a publication on this research, Stamp et al. suggested that fisheries management should account for the high site fidelity displayed by this species and coastal nursery sites (such as the estuaries studied) should be considered essential fish habitat.*

Dr Stamp’s research also explored the historic loss of estuarine habitats, and the consequences of this loss for fish species. Dr Stamp revealed that 58% of the most economically important finfish to the UK commercial fishing industry and recreational sector, highly utilise estuaries or estuarine habitats at a variety of life stages, but that ~2500 km² of intertidal habitat (such as saltmarsh) has been lost from estuaries in England and Wales since 1843. Dr Stamp’s research then outlined the implications of this large-scale habitat loss and continued anthropogenic disturbance within estuaries for a variety of fish, and suggested that further research attention should investigate the spatial ecology of fish and their habitat. Dr Stamp’s research further revealed that compensatory habitat (e.g. managed realignments) can provide feeding habitats for species such as mullet and sea bass, but that these habitats are not as suitable for fish feeding and success as natural undisturbed habitats. Dr Stamp’s research suggests that holistic fisheries management policies should account for the habitat requirements of the fished species.

Advice has been offered to suggest that the minimum conservation reference size of grey mullet should be over 42cm; populations of mullet are also found in estuaries. *Southern IFCA has implemented this size for thin and thick-lipped grey mullet, with some research being written up by the University of Plymouth supporting the need for a MCRS for thin-lipped and thick-lipped grey mullet that is at least 42 cm.*

It is considered impossible to target mullet in estuaries without catching bass. *D&S IFCA’s recent research would agree with this, especially given the high bycatch rate of bass and larger overall catch of bass compared to mullet (although the research team were targeting areas that would have been fished for mullet specifically in the past).*

Handling of unwanted fish caught in nets can damage the fish (gills & scales). In D&S IFCA's bass survivability study, 98% of sea bass bycatch received some form of injury, including bruising, fin fraying and scale loss. The implications of these injuries for later sea bass mortality are unclear, but it is known that scale loss can lead to delayed mortality by compromising osmoregulation (internal fluid/salt balance) or due to the onset of infection (which is made worse as the stress of capture can compromise natural immunity).

Mesh size increase is required to reduce bycatch of undersize bass.

In D&S IFCA's bass survivability study, 12% of sea bass caught by the 100 mm mesh gillnets were undersize (<42 cm total length), with a modal length across all sea bass of 42 cm. This is less than the modal length of 46 cm found to be caught by 100 mm mesh gillnets in a study in Jersey, which caught fewer undersize individuals (Government of Jersey, 2023). The relatively reduced selectivity demonstrated by the nets used in D&S IFCA's bass survivability study likely stems from the fact that the nets were used in shallow water, in which the meshes were able to bunch up rather than hang vertically, encouraging capture of some undersize individuals. The Government of Jersey study demonstrated that using meshes of 105 mm instead of 100 mm increased the modal length of sea bass caught without drastically reducing the overall catch of sea bass, while also reducing the bycatch of species such as cat sharks (dog fish).

Officer Comments: D&S IFCA's Bass Survivability Research

D&S IFCA has been undertaking site-specific research to understand the mortality of bass in small-scale inshore netting activities that would otherwise target species such as mullet and gillhead bream. Work by Officers, supported by a commercial fisherman, was undertaken in Salcombe Estuary in January 2022 and in January 2023. Operating under exemptions, this work involved using 100 mm mesh gill nets up to 200 metres in length (2 metres deep) with up to 80-minute soak time (gear deployment time). This represents the small-scale netting for species such as grey mullet which has previously taken place locally. The sea bass caught were assessed to quantify the short- and medium-term impacts of netting on condition and mortality. A subset of these fish was then implanted with acoustic tags to investigate longer-term impacts of netting on mortality and behaviour.

Catch composition was unpredictable in the 32 net hauls conducted in this study, with an unreliable catch of grey mullet that varied between hauls. In 2023, 52% of the total catch was sea bass, while only 39% was mullet. The recent draft Fisheries Management Plan (FMP) for sea bass recognises that that sea bass should only be considered as 'bycatch' up to a certain proportion of the catch (potentially < 50%), and that many stakeholders consider the existing bycatch regulations have been too easy to exploit as it can be difficult to prove a difference between purposefully targeting sea bass and unavoidable bycatch. In this study in 2023, 44% of the net hauls which caught any fish included sea bass as >50% of the catch (while 55% of hauls included sea bass as >40% of the catch).

In this study, the sea bass experienced an injury rate of 98% and a mortality rate of 18.8% due to netting. The 18.8% mortality rate is much higher than the mortality rate observed for catch and release angling (5%), and higher than commercial hook and line fisheries (10.7%), but lower than estimates for static nets, drift nets and otter trawls when those gears are used with much longer soak times than tested here. However, taking into account all sources of uncertainty it is likely that the true mortality would be higher in real-world fishing conditions. As outlined in the report, the handling experienced by fish in this study (by both the fisher and

observers) is likely to be gentler than in real-world fishing conditions, while the water conditions experienced by discarded fish during recovery were considered to be as close to optimal for recovery as would be experienced in the estuary. Therefore, the 18.8% mortality rate is likely to be an underestimate.

Mortality was slightly higher when the net took longer to haul, suggesting that discard mortality would increase as the catch size (and hence profitability) increases. Previous netting activity in Salcombe is known to have occurred at night, in part because the fish are thought to be less able to see the monofilament gillnets in the dark. Catch rates are therefore likely to be higher at night, potentially increasing bycatch mortality further.

Most (67%) of the sea bass that died in the D&S IFCA study showed delayed mortality that would not have been immediately evident at the point of capture. This agrees with previous studies which demonstrated that most post-release mortality occurs within a few hours or days of release. This indicates that mortality is unlikely to be seen by fishers at the vessel during normal discarding processes, and therefore anecdotal observations of discard survival may be unreliable.

The tagged sea bass showed a high degree of site residency to the Salcombe-Kingsbridge Bass Nursery Area for most of the year, implying high exposure to the kind of small-scale estuary-based netting activity studied here. The draft sea bass FMP has several proposed actions to achieve efficient sea bass stock replenishment, including considering a prohibition of fixed netting in designated Bass Nursery Areas. This prohibition is already in place in D&S IFCA's District via the Netting Permit Byelaw and associated Permit Conditions, demonstrating D&S IFCA's commitment to sustainable fisheries management.

5.2 Coastal Netting

Six of the responses raised concern regarding the clearance above the headlines of fixed nets set in coastal areas and would like to see change. In their view changes could include increasing the clearance or prohibiting commercial activity completely in specific coastal zones. The Salmonid Management Round the Channel (SAMARCH) was cited in all but one of these six responses with hyperlinks provided to the project overview (website) or blog news about aspects of the project. The responses recognised that previous advice had been provided to D&S IFCA from the Environment Agency to introduce a minimum of 5 metres clearance above the headline of a fixed net. The following extracts from selected responses cover the points being made.

Individual Stakeholder

".....in light of very little evidence it is presumed that sea trout only swim in the upper 3M goes against simple common sense, in favour of the exploitation of fish stocks rather than their conservation (or of an impact on by-catch). I have caught sea trout off beaches whilst fishing for other species - mostly with hard metal lures - and have caught them at all depths from just under the surface to close to the seabed.

The SAMARCH evidence would support this (<https://www.gwct.org.uk/blogs/fisheries-blog/2018/december/samarch-%E2%80%93-shedding-light-on-sea-trout-at-sea/>). Therefore, the changes I believe should be made is to significantly restrict the use of nets in zones known to contain vulnerable species such as sea trout and salmon".

Bass Angling Conservation Limited

“SAMARCH evidence indicates that Salmonids are travelling back and forth between shallow and deeper water at different times of the day. This means the 3 metres of water above the headline of a fixed net rule is not an effective means of protecting Salmonids. Consideration should be given to spatial protection. If the water over the net headline rule is retained, D&S IFCA should clarify what it means by “at any state of the tide” since this is a source of confusion”.

South West Rivers Association (SWRA)

“It must be noted that the SAMARCH project has shown that salmon numbers across the North Atlantic basin have reduced by two-thirds in just twenty years. This is a catastrophic crash. IFCA’s are a primary means by which this terrible situation might be brought under control and should be as rigorous as possible in their efforts to achieve the protection needed.

The recent SAMARCH project has made it clear that sea trout frequently swim at depths below 3 metres from the surface in areas where nets are set. The permit conditions should reflect the findings of the SAMARCH project to protect salmonids in the juvenile and adult stages of their lives. Key to this will be to increase the headline depth of set nets to 5 metres.

The current permit condition (3.4 a)) also requires that the headline depth is taken “at any state of the tide”. It is essential that this term is maintained in the conditions in relation to headline depth to provide clarity for enforcement.

River Otter Fisheries Association (ROFA)

“ROFA would like to see the recent findings of ‘The Salmonid Management Round the Channel (SAMARCH)’ taken into account within the Netting Permit Conditions. In particular the findings that Sea Trout regularly dive below 3 metres. See [HERE](#). We understand under the current Headline rule to protect salmon and sea trout, the minimum depth that gill nets can be set in areas where sea trout and salmon at sea is present is 3 metres. We further understand that the Environment Agency’s advice that a minimum 5m depth for gillnets was rejected the last time the Netting Permit conditions were reviewed. The SAMARCH data has clearly shown that the current minimum depth of 3m - as is 5m - is insufficient to protect sea trout at sea. We therefore believe the D&S IFCA as it has a duty to protect sea trout stocks should consider the SAMARCH data and to fulfil its duty consider introducing net free zones for periods sea trout are present in that zone”.

Officer Comments: Coastal Netting

The current permit conditions do set a minimum clearance of 3 metres above a headline of a fixed net in different coastal areas. These coastal areas are defined in Annexes and the areas were based on inherited control measures. The coastal zones are areas close to the entrances to estuary areas.

Strengthening Legislation:

The introduction of the Netting Permit Byelaw added restrictions for coastal netting. The legacy measures (Devon Sea Fisheries Byelaw) enabled commercial netters to set a limited number of fixed surface nets within the defined coastal zones via the issue of a Devon Sea Fisheries Fixed Netting Permit. These permits enabled nets of differing mesh size, and 100 metres in length, to be set at different times of the year. Tags were issued for fixed surface nets in the defined coastal areas. This derogation was removed when the Netting Permit Byelaw Permit Conditions were implemented. It is also important to note that the introduction of the Netting Permit Byelaw resulted in a strengthening of the interpretation of a fixed net as set out in the Permit conditions – Interpretations.

“fixed net” means a net that comes into contact with any part of the foreshore or sea bed or any object or structure thereon or therein;

This interpretation has a bearing on the use of drift nets. It means that drift nets must be operated in such a manner (and a location) as to avoid becoming fixed nets and the permit holder must be, for the entire duration, be within a 100m of the net. This has reduced the level of surface drift nets worked close to shore.

Past Consideration:

The B&PSC did consider the information by the Environment Agency relating to a 5-metre headline clearance when creating the Netting Permit Byelaw and the Permit Conditions. The report – Review of protection measures for Atlantic salmon and sea trout in inshore waters (Dr Katie Sumner – October 2015) was highlighted in the formal response submitted by the EA. D&S IFCA Officers reviewed the information and were not convinced with all the findings, highlighting evidence gaps.

A key evidence gap was salmonid depth use between 3 and 5 m. Dr Sumner suggested that “A 5 m depth restriction below which the headline of all nets must be set would offer the greatest level of protection for salmon and sea trout”, though the Officer response highlighted that 5m is generally not known to be an ecologically important threshold, but is used in studies of depth use as an arbitrary “binning” of data into depth bands (e.g. 0–5m depth). The officer response highlighted that a re-analysis of data storage tag data, which explicitly tests the amount of time spent in the 0-3 m and 3-5 m depth bands, would provide more useful evidence for a management measure which may have large socio-economic consequences. Such an analysis has now been possible. D&S IFCA officers re-analysed raw data presented by Godfrey et al. (2015). Data were available for 31 salmon (all > 70 cm length) tagged in June 2013 in northern Scotland, with an average tagged time of approximately 62 hours per fish (range 9 – 204 hours). Using these data, D&S IFCA officers have been able to demonstrate that the tagged salmon spent an average of 66 % of their time between 0–3 m depth and only 6 % of their time between 3– 5 m depth. The remaining 28% was spent at depths greater than 5 m. The proportion of time spent in each depth band varied substantially between fish, but only 2 (6%) of the 31 tagged fish spent more than 15% of their tagged time between 3 – 5 m. Overall, individuals tended to be deeper during the night than day.

Lack of Clarity:

The Bass Angling Conservation Limited commented that more clarity is needed regarding wording within the Permit Conditions.

Regarding the current permit condition wording and its meaning, the intended purpose of the management measure is to provide at least 3 metres of water above the headline of a fixed net (in specific areas) to assist the passage of Salmon and Sea Trout. This clearance of 3 metres is relevant whilst the fixed net is being used. D&S IFCA has received legal advice from its prosecution solicitor, which supports the application of the legislation as set out above and is consistent with CIFCA approach.

In practice the current restriction, and how it is interpreted, means that if a net is set (positioned) at low water there must be 3 metres of clearance above the headline of that net. There is a large tidal range in the District and therefore there may be several more metres of water above the headline depending on where it is set and at what time it is in position.

Current wording included such as “set” and “any state of the tide” can be read and interpreted in different ways. More clarity is required and the BTWG can work with Officers to amend the

wording set out in the Permit Conditions. The redraft of the Permit Conditions will not be a material change but will result in wording that is more easily understood by all.

Officer Comments: SAMARCH

As set out on their website, this is the SALmonid MAnagement Round the CHannel (SAMARCH) project which is a multi-year project (2017-2023) part funded by the EU Interreg VA France (Channel) England programme. The project has collected new transferable scientific evidence to inform the management of salmon and sea trout (salmonids) in the estuaries and coastal waters on both the French and English sides of the Channel. One aspect of the project is to study the movement and mortality of migrating salmon and trout in freshwater, through estuaries and in transitional coastal water.

Regarding the information and evidence linked in the responses (the SAMARCH project and the link to the blog news about some findings), the following is an extract from the blog which can be viewed in full [here](#). Officers examined the blog post which was thin on detail.

“In the winter of 2017, we trialled the catching and tagging procedure on 16 sea trout kelts and in the summer of 2018 recovered four DST’s. We have started to analyse the data and the preliminary results suggest that all our four-sea trout spent much of their time at depth, undertaking multiple daily dives of up to 50m. Indeed, one tag analysed from a fish tagged on the Tamar revealed that the fish spent 80% of daylight hours at depths greater than 10m”.

“Clearly, the data thus far, shows how ineffective the three- or five-meter headline rule is at protecting sea trout at sea. The only option is to have net free zones/periods around our coastline, depending on where fish spend their time at sea”.

Officers attempted to seek further information from Bangor University and the Environment Agency, following the consultation, to determine the status of sea trout stocks. Additional limited information was provided relating to the behaviour of sea trout, and no further information was provided on sea trout stock status.

5.3 Restrictions for Recreational Fishers

Two responses were received from the recreational netting sector and both of their main issues related to the current length of nets that they can use at sea. The response submitted by the Angling Trust commented that the bag limit for recreational netters was too restrictive and a commercial netter offered a different view.

Angling Trust – Bag Limit

“Whilst this restriction excludes shore/green crab, often used as bait by recreational anglers, we believe that a marginal increase in the allowance for edible and spider crabs is warranted. It is essential to preserve individuals' rights to gather and hunt for their own food. Considering families that rely on these resources, the limits of 3 lobsters and 5 crabs per calendar day would strike a more appropriate balance without undermining sustainability. The proposed change is not significant but acknowledges the potential prohibitive nature of the current limits”.

Commercial Netter – Bag Limit

“There appears to be no catch limit on [fish](#) for personal consumption, maybe this should be introduced, although throwing back dead fish is not conservation. The shellfish limit per day for personal consumption seems very high, the current limit allows you, and I assume your

immediate family only, to live very well on shellfish, surely 1 lobster and 2 crab is enough as a daily take. You may get sick of this after a few days”

Recreational Netter (1) – Length of Nets

This recreational netter commented that he had engaged in formal consultation during the making of the Netting permit Byelaw. At that time, his view was that the limit on one net of 25 meters in length would be a significant barrier to him enjoying his leisure activity. His view remains the same and now, with the benefit of trying to fish under this condition for several years, has observed low catches of fish each time his net is set and hauled. In his view the net length restriction makes his hobby un-workable and almost a waste of time. Although making a different point in their response, the recreational net length was highlighted by a commercial netter who stated in their own response *“I see very few recreational fishers netting in the Plymouth area whilst we are out working, however a 25m net probably not worth shooting in the first place”*.

The recreational netter commented that the permitted net length of 25 meters can be quickly reduced with holes and snags from spider crabs and suggests an increase to 200 meters.

“I have been a recreational fisher for a great number of years. It has been a way of life that I am very reluctant to give up and I sadly miss the fresh fish I should be able to catch to feed my family”.

In addition, this stakeholder raised concern that his sector was not represented appropriately within D&S IFCA's B&PSC. The following is an extract from the response:

“You may recall my previous concern that your committee (2016) did not appear to have any representation of recreational fishers. Consequently, I am sure the professional fisher representatives would try their best to clear away any competition from us recreational. Also, the Anglers (who were represented) and generally regard all netting as unsporting would not have helped our case. The other lay members would no doubt follow this lead”.

Recreational Netter (2) – Length of Nets

The second response focused on seine netting at sea for the capture of sand eel. Operating in the Start Bay area, this stakeholder highlighted the challenges of deploying, working, and recovering a 25-meter seine net from a steep sided shingle beach. Having been a past commercial operator, this stakeholder explained how he had experience operating differing fishing gear and nets, some of which he still had at his disposal. He wished to make use of his bespoke nets and said that to operate a seine net effectively in his chosen location would require a net of between 35 and 50 meters in total length. This stakeholder raised an issue associated with the wording within the Permit Conditions that lacks clarity.

Officer Comments: Length of Recreational Nets & Bag Limits

When developing the Netting Permit Byelaw (and the Permit Conditions), the B&PSC recognised that some stakeholders questioned whether any recreational netting should be allowed and if it should be considered as a hobby activity. The Authority believed that netting as a recreational activity should continue but on a proportionately restricted basis, that reflects its recreational, non- commercial, nature.

When developing the existing restrictions for recreational netting, the B&PSC had no certainty on the numbers of people who undertake the activity and the level of netting effort. The Authority originally had concerns that some recreational fishers, particularly on the south coast, were using significant amounts of nets and catching far more fish than can reasonably be utilised for personal consumption. Each Category Two Permit (recreational) holder can use one net at sea and the maximum length of net (at sea) is 25 metres.

There are currently 65 Category Two (recreational) netting permits issued by D&S IFCA, although it is not known exactly how many of these permits are actively used on a regular basis. As a recreational activity, netting is undertaken less frequently than potting and as a comparison currently there are 474 valid recreational potting permits.

Every recreational net must be marked with a tag and the permit number. Regarding the level of fishing effort with nets, and for context, on any calendar day (assuming compliance with the Permit Condition) there will be a total of 1,625 metres of recreational nets set at sea within the District. The application forms for gaining a netting permit include fields for applicants to estimate the amount of gear that they expect to use. Although their needs are different, many commercial operators will use more than 1,625 metres of net per vessel, per fishing trip.

The B&PSC recognised that there are differences between bottom gill nets and other forms of nets and there were differences in which species were targeted. The B&PSC stated that care was needed in managing this activity due to the potential to aggregate nets and the fact that several permit holders may attempt to work fishing equipment together from one vessel.

The aggregation of nets is possible, and this has been set out in separate policy and guidance approved by the B&PSC; however, aggregation of recreational nets is only possible if all recreational permit holders are in attendance.

Regarding the length of nets, paragraph (3.3) in the current Netting Permit Conditions is relevant and reads as follows:

In the areas to the seaward of the coordinates set out in the attached Annex 2 of this permit, a Category Two permit holder is only authorised under this permit to use a single net, not exceeding 25-metres in length.

Annex 2 sets out estuary closing lines and therefore “seaward” of this is “at sea”. The Permit Conditions do not specify if the 25-metre length restriction includes or excludes any attachments. The position taken by Officers is that the length restriction does not include any attachments. The recreational netter (2) has been informed that this lack of clarity is something which will be discussed and addressed by the B&PSC. The Permit Conditions can be amended if the B&PSC determines that the length of all recreational nets at sea is too restrictive.

The Permit Conditions do include a “bag limit” for recreational netters. The Authority believes that the separation of different users (and appropriate restrictions for different groups) is not discriminatory; instead, it is a justified approach to secure the correct balance for different fishery users. The present bag limit for recreational netters is limited to shellfish species (3 crab and 2 lobster per calendar day). The bag limit (as set in the Permit Conditions) does not include finfish.

The species included in this bag limit (brown crab, spider crab, lobster and spiny lobster) is generally more suited to other fishing activity such as potting or diving; however, the limits harmonise with those in the Permit Conditions that manage those activities. It should also be noted that stakeholders conducting other fishing activity under multiple permits issued by the Authority are not able to increase their personal bag limit per calendar day. It is not possible for Category Two Netting Permit Holders to aggregate the bag limits set out in different permits. Recreational netters can only remove sea fisheries resources for personal consumption.

It is possible to add other species to the bag limit and/or adjust the bag limits. The proposed re-make of the Mobile Fishing Permit Byelaw (at time of writing undergoing quality assurance

by the Marine management Organisation) includes a schedule for sand eel trawling. Rather than setting a length for a recreational sand eel trawl (including or excluding attachments), the B&PSC determined that a catch limit of 15kg per calendar day would be an appropriate control measure for this recreational activity, rather than setting the maximum length of a trawl (net).

5.4 Gear Marking & Lost Gear

Many responses indicated that they support a continuation of the existing management measures, and by extension the current gear marking requirements set out in the Permit conditions. The South West Rivers Association stated *“The current conditions for permits, marking and tagging of nets are a foundation for effective management and enforcement of fishing activities. It is essential to maintain these conditions”*. The caveat to this statement, and potentially similar views in other responses, is that D&S IFCA can effectively enforce the current measures. Effective enforcement and concern relating to D&S IFCA’s capability to enforce regulations is explored in a separate section in this report.

Four responses raised issues associated with gear marking and lost or abandoned fishing gear. This included:

- Dangers for other water users (navigation).
- Problems associated with ghost fishing.
- Avoidance of gear marking to disguise illegal netting.
- Abandoned or lost gear being comparable to fly tipping.

The direction (North, South, East, West) that gear is set was an issue for some, who commented that not knowing which way a net is set can be a hazard to navigation or personal safety, if for instance diving underwater.

Some of the responses highlighted gear marking issues within specific areas of the District, including the Skerries Bank Angling Zone. Regarding lost gear, one stakeholder highlighted that satellite sonar images are available that show the extent of discarded fishing equipment in parts of the south coast of Devon, particularly Lyme Bay. Some responses included suggestions for gear marking requirements. The extracts below from a selection of responses demonstrate the points being raised.

“I frequently observe illegal fishing carried out by commercial boats on the Devon coastline - particularly the placement of unmarked nets (that are) close to shore under the cover of darkness”.

.....

For recreational divers and recreational fishing, ghost nets are becoming a wider spread and more hazardous problem in the whole of Lyme Bay and nearby waters of the Exe and Teign. So much so that diving groups and fisherman alike are considering commencing legal action against governing agencies for lack of action/duty of care.

“.... if a netting vessel loses net to the environment, it should be declared and an attempt to retrieve or clear it made. Currently it appears tantamount to fly tipping, with no penalty”.

.....

“Often the nets are not marked with flags and are a danger to divers - these need to be more clearly marked. Although not in your areas, the Eddystone reef creates an annual issue that is not well administered by the MMO and should be a joint policing venture with IFCA as the

nets used are not marked correctly and create massive problems for recreational divers and commercial rod and line anglers.

.....

“It has been reported on several occasions that there is a complete disregard for the code of practice (Referring to a Maritime & Coastguard Agency (MCA) Code of Conduct) for marking set nets correctly. NO FLAGS/DHANS on the North or West end of the nets, nor sufficient buoyancy in the buffs to mark pots and nets, in fact, they disappear under the water at the height of the tide, which is a danger to navigation”.

.....

Some responses suggested changes to the current requirements such as mandatory larger marker flags and one response highlighted the wording within the MCA Code of Conduct for Gear marking as follows:

Fishing Gear should be clearly marked for all states of visibility. Fishermen also need to comply with local byelaws, and practice when setting gear. The dhan should be placed at the North or West end of the fleet to indicate its general direction, and there should be generous use of fluorescent strips and two bands of retro-reflective tape on the dhan. It is recommended that a minimum size of a 1 metre (40 inches) circumference high visibility buoy be used at the other end of the fleet. Fishing Gear Markers must always be marked with the Port Letter Number of the vessel to which they belong 1 and must also comply with any local marking requirements laid down by Sea Fisheries Committees, Harbour Authorities and Devolved Administrations. It should be remembered that Local Byelaws are legally binding. For any non-commercial fishing vessels which may be unregistered, gear should be marked with the owner’s name and contact telephone number.

Officer Comments: Gear Marking & Lost Gear

There are specific gear marking requirements in the Netting Permit Conditions. Every net must be marked by at least one floating marker at either end of a net and these marker buoys must display appropriate markings (PLN or a permit number). Fixed nets must be marked with a flag. The Skerries Bank Angling Zone of Conduct was introduced before the Netting Permit Byelaw. The Code of Conduct includes gear marking requirements, which have been effectively superseded and strengthened by the introduction of legislation. The current permit conditions do not extend to all the gear marking measures set out in the MCA Code of Practice.

Commercial fishermen do not always set gear based on directions of the compass and factors such as tide and proximity to other fishing gear or vessels has relevance. It is likely that a marker buoy of 40 inches in diameter would be considered excessive by many that undertake netting activity. At present it is not mandatory for applicants for a Category Two Netting Permit to provide a telephone number; however recreational nets should be marked with the permit number.

Enforcing gear marking requirements has been a challenge for D&S IFCA’s Enforcement Officers, and communication initiatives such as notices to permit holders have attempted to increase awareness and compliance. Gear retrieval is also a challenge for D&S IFCA, both logistically and legally.

Lost, discarded, and abandoned gear is a concern to many and there has been an increase in reports relating to this issue. The determination of what is “lost”, or abandoned gear is a consideration.

Officers can haul and inspect gear; however, the vessels operated by D&S IFCA are relatively small and lack mechanical aids to haul fishing gear. Vessels can be chartered for focused work relating to gear marking (hauling and potential removal); however, storing and the disposal of un-marked and un-claimed fishing gear can be another logistical and financial difficulty.

Officers can explore funding opportunities to help with retrieval and disposal; however firstly the powers D&S IFCA has at its disposal by way of additions to the Permit Conditions need to be strengthened to effectively tackle the issue. The national roll out of vessel monitoring can assist with monitoring and enforcement if the Permit Conditions are amended to include provisions for a maximum soak time of nets.

5.5 Skerries Bank Angling Zone

One response was received from the operator of an angling charter vessel that commented directly about the Skerries Bank Angling Zone. The response (also on behalf of their customers) highlighted issues associated with netting in this area. Issues associated with gear marking have already been explored; however, the other points raised were as follows:

“Anglers are unanimous in wanting the Skerries Banks to become a National Fishing Zone set aside for recreational anglers and a safe breeding area for Flatfish species.

It is well known that the commercial sector has increased its activity on the Skerries banks with many more drift and tangle nets being set, targeting, not only Plaice, but also Bass, Turbot, and all of the Ray species.

This is evident by the continuing fall off of catches by recreational anglers. recreational anglers are in general not greedy (under the watchful eye of the Skipper) taking only reasonable-sized fish for the table”.

Officer Comments: Skerries Bank Angling Zone

Although not apparent in the responses in this consultation, the response has some similarity to some responses submitted in a “Call for Information” relating to the Skerries Bank Angling Zone that was undertaken in late 2022. The summary of responses (April 2023) from that consultation has been published on D&S IFCA’s website and can be read [here](#).

The executive summary from that report is as follows:

In November 2022, D&S IFCA determined that a “Call for Information” consultation should be undertaken in order to establish whether the Skerries Bank Angling Zone has been of any benefit to the RSA sector and whether additional formal management is potentially required. The consultation began on 9th November 2022 and ended on 9th December 2022, though several additional responses were received in early January 2023 and have been taken into account. Stakeholders from the commercial, charter boat and recreational sectors were directly contacted about the call for information and were invited to respond.

The consultation consisted of a questionnaire for each sector. The first half of the questionnaire focused on awareness of D&S IFCA and the Angling Zone, as well as the amount, location and type of fishing being conducted, whilst the second section of the questionnaire focused on management and compliance.

A total of 15 responses were received across all three sectors. There were mixed responses to the questions, but some main themes/topics were highlighted.

There are some similarities in the temporal and spatial use of the Angling Zone between the three user groups. Fishing takes place during most of the year for all sectors, with the recreational and charter sectors apparently being less active here in the winter months. Across the Bank itself is a popular hotspot for all sectors, with the commercial and recreational sectors also operating close to the shore and in the north-western section of the Zone. The locations fished do not appear to have changed much since the baseline report, apart from self-reported expansions in areas fished, with charter boats apparently fishing across more of the Bank and recreational anglers apparently fishing the entire site at some points in the year.

Plaice and rays are still the main species targeted by the recreational and charter boat sectors, while rays, spider and brown crab and lobster are important for the commercial sector. Bass was identified as an important species for all sectors. All sectors raised concerns that the size of plaice has declined over the years.

The site is socially important for all three user groups and is reportedly economically vital for some in the commercial sector. The amount of charter boats that visit the Angling Zone has declined over the years due to many operations closing down as a result of COVID-19. One respondent also advised that the decline in charter boats was due to the reduction in available fish stocks.

Despite the introduction of certain restrictions on netting via the Netting Permit Byelaw since the baseline report, the amount of netting taking place in the Angling Zone still seems to be an issue for the recreational and charter boat sector, with some respondents suggesting that netters are not marking their gear correctly in accordance with the Netting Permit Byelaw Permit Conditions. Another concern raised was the issue of some potential illegal trawling within the Angling Zone that is occurring at night. In addition, there were also concerns that recreational users do not adhere to the bag limits as set out in the Voluntary Code of Conduct and that they catch and retain bass during the closed season. Unlicensed boats fishing and selling fish was also highlighted as an issue.

In terms of management, it was highlighted that there may be a lack of awareness of the Angling Zone Code of Conduct and therefore more education and promotion of the Angling Zone may be required. Most sectors advised that there should be more patrols of the area to check compliance with the code of conduct and the Netting Permit Byelaw Permit Conditions. Some of the respondents feel like the Angling Zone doesn't really prioritise the RSA sector as there is still too much commercial activity taking place inside the Zone. Respondents' suggestions for management included: seasonal closures for netting, dedicated Zones for recreational anglers where no commercial activity can take place, reducing the amount of plaice that can be kept under the Voluntary Code of Conduct, increasing the plaice landing size from 27 cm to 30 cm, and mandating the use of circle hooks, which are thought to prevent plaice from swallowing the hook.

Overall, the responses suggest that there is still conflict between the groups, particularly between the commercial and recreational sector in terms of fishing gear, spatial access, and fish stocks.

5.6 Enforcement

Many that support the current regulations do so with the understanding that they can be enforced and are being enforced. For some, there is concern that this may not be possible, or enforcement action is not balanced between the commercial and recreational netting sector.

Loopholes within legislation is an issue raised by some, with examples used about the deliberate targeting of species as a "bycatch". Difficulties delivering joint agency enforcement

work, not making best use of resources, and not reacting well enough to reports of illegal activity were mentioned in one response.

Individual responses, and those by the differing organisations, set out different points of view relating to enforcement action and how the enforcement capability of D&S IFCA should potentially be reflected in the Permit Conditions.

One response suggested that local people could be trained as volunteer enforcement officers and would expect there to be plenty of interest if such an opportunity became available.

The Wembury Marine Conservation Area Advisory Group highlighted that if netting is to be permitted in specific areas (such as a continuation in their area of main interest), it should only be done so if additional criteria is met – *“... catches should be monitored and evaluated for relevant species and bycatch, with results reported to the appropriate conservation bodies. There should also be additional checks that any netting is fully compliant with permit conditions”*.

The response from the South West Rivers Association makes the point about balancing permit conditions with resources available to D&S IFCA.

“... netting permit conditions are only of any use in protecting fish stocks if there are sufficient resources available to carry out effective enforcement. Should this not be the case, we see there are two options. The first and obvious option is to obtain sufficient resources for enforcement. The second is to formulate simpler permit conditions that achieve at least the same level of protection with fewer enforcement resources. One way to do this would be to prohibit all netting within, say, one kilometer of the coastline. Simple to understand and much easier to enforce compared to more complicated boundaries, especially with the aid of modern tracking and observational technologies”.

Another response indicated that in their view more focus is placed on policing commercial activity, rather than recreational activity.

“...all licensed vessels have a greater responsibility to stay within the rules as there are many opportunities to be caught, either at sea or during landing, as they generally return to a designated harbour, that offers easy access to the policing authorities. Most recreational fishers operate from marinas, coastal estuaries and off slipways in an array of unmarked vessels leading to a difficult policing task.

You alone as the IFCA know where to best target:- the easy pickings of the fishing fleet returning to harbour, who run the risk of inspection that night, so everything is likely to be in order, or the single dory with 25m of net landing back onto a slipway at the end of a long winding road loaded with bass and mullet from that cove just around the corner from the slip that’s always good for a bass or three boxes”.

Officer Comments: Enforcement

Given D&S IFCA’s funding difficulties, it is not surprising that its enforcement capability does not meet the expectations of some stakeholders. D&S IFCA is funded primarily from Central Government with additional contributions from eight relevant funding Local Authorities; however, the base levy (Revenue Budget) is the lowest of the nine mainland IFCAs. Following the recent resignation of an Enforcement Officer, and a freeze on recruitment, D&S IFCA has five Enforcement Officers to cover the whole District.

More enforcement work is directed towards the mobile gear as compared to enforcing restrictions associated with netting and there are reasons for this. Although as highlighted in the responses the IFCA may know where and what to target, this is not always the case. D&S IFCA encourages all stakeholders to report suspicious fishing activity. The out-of-hours duty phone number (07740 175479) is advertised in a range of ways, for example, the website, publications, flyers and reports.

D&S IFCA operates an intelligence - led and risk-based approach to enforcement. The approach meets recommendations set out in the Hampton Review and makes best use of D&S IFCA's limited resources. This is in line with the National Intelligence Model followed by other enforcement agencies and improves the sharing of intelligence throughout the organisations, giving a better overview of potential illegal activities. This intelligence is monitored by an appointed Intel Officer and fed into regular Tasking and Control Group meetings from which Officers are expected to develop enforcement plans that reflect the predicted risk and also reports of suspicious activity.

The damaging interaction of demersal towed gears with the designated features within D&S IFCA's Marine Protected Area network represents the greatest environmental risk that D&S IFCA has a responsibility to manage. Illegal incursions reduce the natural capital value derived from these important habitats and can significantly impact static gear fishers through the loss of pots and nets towed away by illegal fishing.

Illegal coastal and estuarine netting continues to pose a high risk to the environment (gear abandonment) and species of fish that are known to use these areas of D&S IFCA's District. It poses challenges to the Enforcement Team, as the netting is normally undertaken by small, less than six metre vessels that operate at night, with no lights, and manoeuvre at high speeds. It is hoped that the expected completion of the national roll out of IVMS to all licensed commercial fishing vessels will provide improved intelligence on this activity and improve detection rates. D&S IFCA may consider its own requirements for use of IVMS on netting vessels, similar to the approach it has taken with the mobile gear fleet.

D&S IFCA produces an investigation table that is displayed on its website ([Investigations Tables page](#)). The table demonstrates the different investigations undertaken by D&S IFCA's Enforcement Officers and the status (including outcomes) of those investigations. The table demonstrates that action is taken for offences relating to different fishing activity and both the commercial and recreational fishing sector.

The suggestion of the use of volunteers that has been raised is neither practical nor appropriate because of the resources required to train and equip volunteers effectively and to ensure their safety at all times. The key role of members of the public to help D&S IFCA's enforcement role is to report potential illegal activity on the D&S IFCA duty phone.

5.7 Other Comments in the Responses

There were some other comments within the responses that have not been examined in the above sections. These include:

Crab Claws

The Netting Permit Conditions (paragraph 1.2 (c)) set out a prohibition on the removal from a fishery any part of an edible crab or lobster or spiny lobster which is detached from the carapace of the crab or lobster. There is an exception, which is set out in paragraph 1.3.

The Angling Trust and one individual stakeholder commented about the permit conditions relating to crab claws as follows:

Angling Trust:

“If our interpretation of the bye-law is correct, no parts of crabs should be taken; however, an allowance of 30kg per calendar year is accepted if the crabs were intact at the time of catching. To clarify this point, the wording could be strengthened. Alternatively, these parts could be landed but deemed of no commercial value, ensuring that the 30kg allowance is not exploited whilst prioritising the careful handling of the catch”.

.....

Individual Response:

“I very specifically object to the derogation offered to section 1.2 c -no take of crab claws. Crabs are sentient beings, I don't think we would approve ripping the rear leg off a sheep, but this is what is happening with 'claw harvest'. Crabs use their claws for protection from predation and for feeding. Ripping the claws off subsize crabs to increase commercial gain is inhumane, and also limits the retention and growth of the stock. There should be no exemption to this practice as specified in sections 1.3. I have no idea what sections 1.3a means, BUT the allowance of 30 kg of claws per day is totally wrong. I don't know what the proportion of weight is in a crabs claw, but at a minimum this is 30, more like 60 and potentially 90 crabs per day. What does section 1.3c mean?”.

Officer Comments: Crab Claws & Permit Conditions

During the development of the Netting Permit Byelaw the provision for a bycatch of crab was included within the Permit Conditions. From the consultations, at that time, there was not overwhelming support for the introduction of a bycatch of crab claws from the commercial sector. Those supporting the bycatch proposals highlighted that by having no allowance it was a potential waste of a resource. A weight limit was seen as preferable to a maximum number of claws. Suggested levels ranged between 30kg and 60kg per trip to an unlimited weight.

The Authority (B&PSC) recognised that Cornwall IFCA has a 30kg allowance for crab claws (edible crab or spider crab) taken in defined nets while clearing the net. European Legislation applies either a maximum of 1% bycatch by weight of the total weight landed from pots and 75kgs from other fishing methods.

At the time of introduction, fishermen commented that crab does get tangled in nets which are impossible to clear without crab losing some claws. D&S IFCA believed that it was necessary to introduce the measure at a level to reflect in part the concerns raised by some of the commercial fishermen. To answer the question relating to paragraph 1.3 (c), the provision for 30 kg of crab claw allowance only applies where netting has been the only activity whilst fishing in the District. If other activity, such as potting, has taken place on a calendar day, the allowance would not apply. To clarify the provision is 30kg of claws is per calendar day and not “calendar year” as stated by the Angling Trust.

During the review the Byelaw Technical Working Group will be examining the Permit Conditions and references to Council Regulation 850/98 can be amended as this legislation has been appealed.

Other Mixed Topics

The following quotations complete the range of issues highlighted in the consultation responses.

“Nets don't destroy the seabed like trawling - which should be banned within 6nm”.

.....

“It is hard to see how any approach other than no-netting zones would be effective in avoiding unwanted by-catch”.

.....

There is”a presumption in favour of commercial fishing, in light of significant declines in vulnerable fish stocks and in the absence of robust scientific evidence”.

.....

“Furthermore, given our (Wembury Marine Area Advisory Group) aims, we would like to see no netting at all authorised in the Wembury MCA (as in the Lundy area) and potentially in other areas to strengthen their conservation”.

.....

Hinkley Point C - Angling Trust

“The Hinkley Point development has resulted in a disastrous level of fish mortality, with daily discarding of fish in large skips. Whilst recent reports describe this take as a small percentage of the stock, questions remain regarding which stock this refers to, the timeframe considered, and the impact on fish stocks without a quota. It is notable that the review only provides figures for fish with a quota. Regardless, it is evident that this issue persists and that fish deterrents, even if installed, are ineffective and unsustainable over time. Therefore, it is crucial to limit any further impact on these fish stocks. The Bristol Channel, already challenging for commercial fishing due to tide fluctuations, strong currents, and suspended sediment, should not accommodate an increase in fishing capacity. Instead, measures should be introduced to reduce fishing effort over time, mitigating the impact on fish stocks”.

.....

6. Background Information (Hyperlinks to Information)

Officers’ reports and papers for B&PSC meetings can be found in [Section B](#) of the D&S IFCA Resource Library.

Minutes from B&PSC meetings can also be found in [Section B](#) of the D&S IFCA Resource Library.

Specific Reports and Information:

[The Development of the Netting Permit Byelaw – Final Report \(26th September 2018\)](#)

[Coastal netting impacts on salmon and sea trout: a review of available evidence](#) (Annex 5 of the Impact Assessment during the making of the Netting Permit Byelaw)

[Review of protection measures for Atlantic salmon and sea trout in inshore waters – Dr Katie Sumner \(October 2015\).](#)

[PDF version of the Review of Netting Permit Conditions “Have Your Say” Mailchimp circular](#)

[D&S IFCA News Item highlighting the “Have Your Say” consultation](#)

End.