

Defining a Limited Net Fishery in Salcombe Estuary – For Formal Consultation

1. Background & Process

On 31st August 2023, Members of the Byelaw & Permitting Sub-Committee (B&PSC) examined a range of information relevant to the review of the Netting Permit Conditions. This included the responses submitted during the pre-consultation (A Summary of Responses from the - Have Your Say (A Review of the Netting Permit Conditions) Consultation – 22nd August 2023) which was the initial phase for the review of the Netting Permit Conditions.

In addition, Members considered the Officers' recommendations set out in Agenda Item 7 (b) (Review of the Netting Permit Conditions) and the content of a research report that had been prepared by D&S IFCA Officers (Understanding Mortality of European Sea Bass (*Dicentrarchus labrax*) in Small-Scale Inshore Netting – V1.0).

2. Discussion Sections in this Officers' Paper

The Officers' paper is divided into different sections:

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

Please be aware that the decision making for one section may have a bearing on a following section. It is recommended that before discussions begin, Members have a clear understanding of all the sections.

3. Drivers & Rationale

Existing Management Measures for Netting

On 31st August 2023, Officers set out the original policy drivers for the making of the Netting Permit Byelaw (and development of the Netting Permit Conditions) which included:

- 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 B&PSC were tasked with examining the information provided to them and to determine what potential changes to the management of netting activity would go forward to formal consultation. Formally consulting on potentially re-opening Salcombe Estuary for a limited net fishery was not supported by the Officers in the paper presented to the B&PSC at the meeting.

B&PSC Decision Making & Rationale for Potential Change

One response submitted in the pre-consultation (page 15 & 16 of the consultation report) focussed on potentially introducing a range of management measures to authorise a limited net fishery within Salcombe Estuary (applicable to commercial fishermen).

From the minutes of the B&PSC meeting on 31st August 2023, Officers have concluded that the rationale of the B&PSC for a potential change in management (limited net fishery) consists of the following:

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

A motion put forward by a Member was seconded and agreed by the B&PSC as follows:

To consult on the re-opening of the Salcombe Estuary to a limited net fishery.

For: 8
Against: 4
Abstain: 3

Members’ Discussion – Rationale for Potential Change:

- 3.1 Members need to clarify if (a), (b), (c) and (d) as listed above, are representative of the B&PSC’s rationale for potentially introducing a limited net fishery in Salcombe Estuary?
- 3.2 Members need to determine if they have any further rationale for the potential change in management that can be reflected in the formal consultation information to be circulated to stakeholders?

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The Formal Consultation

The formal consultation on the above decision, as it is worded, will result in stakeholders’ responding to the principle of having a limited net fishery in Salcombe. To make better use of the formal consultation process it is important for the Members to set out their rationale and vision for a limited net fishery in Salcombe and how this would translate to specific management proposals.

The suggested management measures relating to a limited net fishery in Salcombe Estuary, submitted during the pre-consultation, are transcribed in full at the end of this Officers’ paper (**Annex 1**). This Officers’ paper explores key elements of the suggested management measures to aid discussion and enable Members to establish the detail of what a limited net fishery would look like.

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4. Species & Seasonal Access

Related sections of the Consultation Response (purple italic font):

“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”.

*“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”.

*“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”.*

Officer Comment – Species & Seasonal Access:

Although bass is not the proposed targeted species, the suggestion in the pre-consultation response is that the fishery would operate seasonally for six months – October to March inclusive, and this has a bearing on the potential removal of bass.

Regarding the targeting and removal of bass, the current Netting Permit Conditions focus more on spatial management for the activity of netting, rather than species taken; however, the Permit Conditions do include a minimum conservation reference size for bass of 42cm in length. Currently the Permit Conditions (Category One and Category Two) do not include a minimum conservation reference for other species such as grey mullet; however, this is a discussion point in this Officers’ paper.

National legislation is also applicable for bass. Bass Nursery Areas (active in Salcombe between 30th April and 1st January), prohibit fishing for bass from a vessel. There is also a requirement for commercial fishermen to have an authorisation from the Marine Management Organisation to catch, retain, and land bass. National legislation prohibits any bass to be taken commercially or recreationally in February and March¹.

During the suggested opening time for the limited net fishery (October to March inclusive), the combination of current legislation means that bass above 42cm in length can only be landed during January from a vessel. Members have discussed and noted survivability/mortality rates of bass returned to the water in periods where they cannot be legally landed. Authorising the removal and landing of bass in the month of January would result in 100% fishing mortality for those bass of 42cm or more in length caught in the nets during that month and undermine further the original rationale of protecting bass in estuaries (section 3).

¹ Council Regulation (EU) 2020/123 as amended.

Grey Mullet

In the pre-consultation, the National Mullet Club highlighted the importance of estuaries as a home for juvenile mullet that are a slow growing species. At this time the Netting Permit Conditions do not include a minimum conservation reference size for grey mullet species.

Although there is not a minimum conservation reference size, juvenile grey mullet is afforded some protection within estuary areas in the District, as the use of fixed and drift nets are prohibited from being used in those areas.

In 2021, Southern IFCA introduced a 42cm Minimum Conservation Reference Size (MCRS) for thick-lipped and thin-lipped mullet. For golden grey mullet the MCRS is 36cm. Southern IFCA based the MCRSs on the minimum size of sexual maturity data of the different species.

Members' Discussion – Species & Seasonal Access:

- 4.1 Members need to determine the opening time for the limited net fishery in Salcombe Estuary? (the suggestion was October to March inclusive)
- 4.2 Members need to determine if a limited net fishery in the Salcombe Estuary would include or exclude bass from the range of species that can be removed?
- 4.3 Members need to determine if the formal consultation includes the introduction of a MCRS for grey mullet species to apply to the limited net fishery?

5. Extent of the Fishery

Related sections of the Consultation Response (purple italic font):

“To reopen the Salcombe Estuary to a limited net fishery”.

Officer Comment – Extent of the Fishery

Salcombe Estuary is located on the south coast of Devon, between Bolt Head and Prawle Point (Chart 1). The response indicates an opening of Salcombe Estuary as a whole.

The current Netting Permit Conditions define the extent of estuaries areas. They are areas to the landward of the coordinates set out in Annex 2 of the Permit Conditions. The closing line for Salcombe Estuary is from Splatcove Point to Limebury Point (Chart 2).

Chart 1

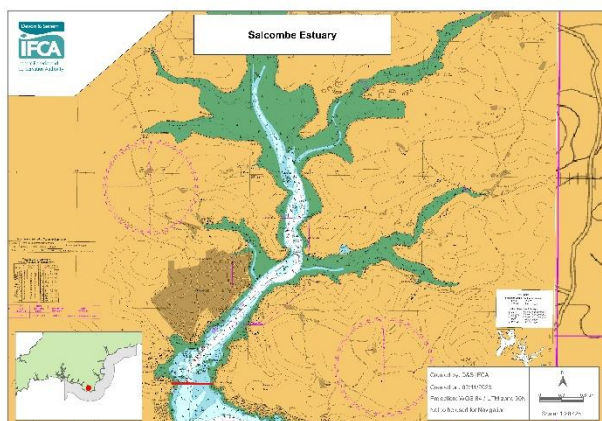


Chart 2



Defining Sub - Areas Within Salcombe Estuary

On 31st August 2023, haul data from the bass research work were examined and discussed by Members. During those discussions it was suggested that grey mullet can be targeted independently of bass and that pockets of mullet can be found in the estuary away from areas where bass aggregate.

It may be possible to define areas where the limited net fishery could take place and target specific species, but in reality this may not be practicable. Defining areas within the estuary has a potential bearing on the need for the use of fixed nets – as explored in Section 6)

To aid discussions to potentially identify and define specific areas within Salcombe Estuary, Officers have prepared an additional chart showing the full extent of Salcombe Estuary in greater detail - set out as **Annex 2** of this Officers' paper.

Duchy of Cornwall's Several right to fisheries within Salcombe

The Duchy of Cornwall (the Duchy) own the rights to the Several Fishery in the Devon Avon, Salcombe and Dart estuaries, known collectively as the Water of Dartmouth. Prior to the making of the Netting Permit Byelaw, Officers consulted with the Duchy, and they were supportive of the approach to prohibit drift and fixed netting in their estuaries, in particular in relation to illegal netting and concerns about bass stocks.

Officers have recently notified the Duchy regarding the Authority's intention to consult on opening up Salcombe Estuary to a limited net fishery. Officers have provided the Duchy with the background information and will have further discussions in the coming weeks.

If the Duchy was supportive of the limited net fishery, then the commercial fishers would need to receive the Duchy's consent and net under a licence (with or without restrictions) issued by the Duchy. The Duchy suggested that they are able to restrict the number of licences they issue and determine who they are issued to.

Members' Discussion – Extent of the Fishery:

- 5.1 Members need to determine if specific areas within the Salcombe Estuary are to be identified (and therefore defined) for netting or should the whole estuary inside the closing line (Chart 2 above) be included for a limited net fishery?
- 5.2 Subject to 5.1, Members need to determine the extent and location of the specific areas that will be highlighted in the formal consultation?

6. Fixed Nets & Drift Nets

Related sections of the Consultation Response (purple italic font):

“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”.

Officer Comment – Fixed and Drift Nets:

The suggestion in the pre-consultation response highlighted that a limited net fishery in Salcombe would require the use of fixed net.

Prior to the prohibition on all netting² in estuaries in 2018 through the introduction of D&S IFCA's Netting Permit Byelaw, only drift nets were permitted in some estuaries, including Salcombe, as they were considered less effective in catching fish than fixed nets.

In reality, a form of fixed netting was carried out in Salcombe and other estuaries, albeit without anchors attached to the nets for the specific purpose of anchoring the nets. The net would be fixed either by piling net on top of itself to weight it down in very shallow water or intentionally snagging one end on rocks or other structures. To prevent this type of netting practice that undermined the intended management, both in estuaries and at sea, the Authority agreed to following definitions.

The definition in the Netting Permit Byelaw Permit Conditions for fixed nets is as follows:

“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;

The definition in the Netting Permit Byelaw Permit Conditions for drift nets is as follows:

“drift net” means a net which remains throughout the entirety of its use free of any contact with any part of the foreshore or seabed or any object or structure thereon or therein;

It is the view of Officers that it would be possible, (with re-drafting and a different use of Annexes) to exclude Salcombe Estuary (or parts of the Salcombe Estuary as discussed in other sections) from the prohibition on fixed and/or drift nets.

(Note: national legislation prohibits the use of drift nets to catch bass).

Legacy Byelaw 17 (inherited from Devon Sea Fisheries)

Although the Authority has introduced the Netting Permit Byelaw, it has retained legacy Byelaw 17 (Fixed Engines). Byelaw 17 was introduced in 1988 and was updated in 2001 (amended for a change in mesh size). Byelaw 17 prohibits the placing of fixed engines in many estuary areas within the District, including Salcombe Estuary.

For the purposes of Byelaw 17 “fixed engine” has the same meaning as in the Salmon and Freshwater Fisheries Act 1975. Although not immediately obvious, along with fixed nets, the definition includes longlines and therefore the use of longlines is prohibited in many estuary areas including Salcombe Estuary. The Netting Permit Byelaw Permit Conditions cannot be used to manage longlines.

When developing the Netting Permit Byelaw (introduced in 2018), Members, including representation from the Environment Agency, recommended that Byelaw 17 remain in place until D&S IFCA develops a “Hook and Line” Byelaw, that could accommodate the management of longlines. Developing a Hook and Line Byelaw remains as a longer term aim for the Authority.

Currently Byelaw 17 does not conflict with the Netting Permit Byelaw as the Permit Conditions are aligned with the restrictions in Byelaw 17. To allow fixed netting in Salcombe Estuary, will require Members to reconsider revocation or amendment to Byelaw 17.

If revoked, the Authority will lose its ability, at least in the short term, to manage (prohibit) longlines in many estuaries. If amended, Salcombe Estuary could potentially be an estuary removed from a re-made Byelaw 17. Regarding the management of longlines, the

² Defined nets, excluding small scale seine nets as per the Permit Conditions

Environment Agency is likely to be best placed to comment on the potential impact of such action. Amending and replacing Byelaw 17 will require drafting work and consultation.

Members' Discussion – Fixed & Drift Nets:

6.1 Members need to determine if fixed nets are to be authorised as part of the limited net fishery in the Salcombe Estuary?

7. The Scale of the Limited Net Fishery

Related Sections of the Consultation Response:

The suggested management measures relating to the scale of the fishery are covered in this section – for example vessel size, number of nets, mesh size, soak times and more.

Officer Comment – Scale of the Limited Net Fishery:

Officers have added additional discussion points relating to the scale of the fishery, that were not highlighted in the consultation response.

The netting effort would be limited to commercial fishermen that have a Category One Netting Permit³. It should be recognised that some commercial operators can transport vessels by road using a trailer and launch vessels on slipways within the Salcombe Estuary.

The table below provides an indication of the permit holders with vessels operating from different home ports (relatively near Salcombe) that, subject to a vessel size limitation, may have an interest in participating in a limited net fishery within Salcombe Estuary.

Vessel size	Total no. of permit holders	Salcombe	Dartmouth /Hallsands	Plymouth
<6m	17	5	5	7
<7m	23	6	7	10
<8m	37	7	11	19
<9m	39	7	11	21
<10m	47	11	13	23

The Authority does not limit the issue of permits, rather it applies management measures applicable to all permit holders. For example, the Live Wrasse Fishery (which is no longer active) was managed using a total number of pots (480) that could be used to target live wrasse – 480 pots were therefore the total effort directed towards that fishery. The individual effort was limited to a maximum of 120 pots per fisherman as a Permit Condition. If new entrants wanted to target live wrasse, there was a process to register an interest and the effort (tags issued) per permit holder would have been reduced to accommodate a greater number of fishermen able to benefit from the limited fishery.

The consultation response highlighted several management measures to limit the scale of the fishery. The following is not an exhaustive list but can help Members to determine the scale of the fishery for the formal consultation. The original suggestions in the consultation response are shown in *purple italic font*.

³ Subject to potential Duchy of Cornwall consent to net under a licence

Member's Discussion – Scale of the Limited Net Fishery:

- 7.1 The number of nets per permitted vessel? (there was no suggestion in the consultation response)
- 7.2 Number of nets per fisherman? (*the suggestion was two*)
- 7.3 The length of each net? (*the suggestion was a maximum of 200 metres*)
- 7.4 the maximum number of nets that can be fished at any one time? (there was no suggestion in the consultation response)
- 7.5 Size of vessel? (*the suggestion was seven metres in overall length*)
- 7.6 A maximum soak time of the net/s? (*the suggestion was 60 minutes*)
- 7.7 Mechanical assistance for hauling? (*the suggestion was none – hand haul only*)
- 7.8 Mesh size? (*the suggestion was 100mm mesh*)
- 7.9 Any other restrictions? (other than monitoring, technology, and enforcement that is explored in section 7)

8. Monitoring, Technology, & Enforcement**Related sections of the Consultation Response (purple italic font):**

“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”.

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

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

Officer Comment – Monitoring, Technology & Enforcement:

As set out in the Netting Permit Byelaw, any person that uses nets (as defined) must have a permit issued by the Authority – to operate in accordance with the management measures set out in a Permit. The Netting Permit Byelaw allows for only two categories of permits – commercial (Category 1) and recreational (Category 2). There are also prohibitions relating to the carriage of nets on board vessels where a permit has not been issued.

- The Permit Conditions allow for the fitting of a remotely accessed electronic reporting device (Inshore Vessel Monitoring Systems).
- The Netting Permit Byelaw allows for the fitting of tags to be a requirement in the Permit Conditions.
- The scope of Netting Permit Byelaw does not allow for the requirement of using cameras on board permitted vessels.

- The Netting Permit Byelaw includes a provision where the Permit Holder must provide any relevant fisheries information required by the Authority for the discharge of its functions.

At this time (November 2023), there is no requirement in the Netting Permit Conditions for any vessels to have an Inshore Vessel Monitoring System (IVMS) fitted. D&S IFCA's requirements for the fitting of this equipment is limited to mobile fishing vessels (at sea and over 6.99 metres in length) and for vessels operating under a Category One Diving Permit (if removing scallop during July, August, and September).

There is an expectation that the national requirement to have IVMS on board all English vessels under 12m in overall length will be introduced in 2024. Irrespective of whether the national requirement is implemented, D&S IFCA can introduce the requirement to have a fully functioning IVMS to reflect the specific needs of the fisheries in the District.

The suggested management measures in the pre-consultation response are that all vessels, when operating nets in Salcombe, must have IVMS fitted which should be fully operational and functioning at those times. In addition, all nets being used within the estuary should be tagged using RFID tags.

Officers have highlighted that, although technology provides advantages for monitoring; weakness exists in an estuary setting. Regarding RFID tags, they will support compliance monitoring with respect of the number of nets and net length limitations but will not show when the nets are deployed and recovered, what is caught, and how discarded fish are returned from a net. Neither will RFID tags demonstrate if nets are used illegally that have no tags fitted.

Further enquiries by Officers have identified that both suppliers of type approved IVMS devices can supply Bluetooth sensors that can be attached to nets and provide the necessary gear in gear out technology similar to the sensors used in D&S IFCA's mobile fishing (REM) project.

The consultation response included the suggestion that landings data should be submitted to the IFCA. Officers suggest that D&S IFCA gathers data through the national Catch app.

Members' Discussion – Monitoring, Technology, and Enforcement:

8.1 Members need to determine if D&S IFCA consults on the fitting and use of IVMS as a Permit Condition to enable access for the limited net fishery?

8.2 If not, is it the view of members that access for the limited netting fishery is dependent on the national roll out of IVMS?

8.3 Members need to determine if RFID tags will be a requirement for placement on nets used within the Estuary?

8.4 Members need to determine if Bluetooth ('gear in gear out') sensors will be a requirement for placement of nets within the Estuary?

8.5 Members need to consider if there is a need for bespoke data collection?

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Annex 1:

The full transcript (purple font) of suggested management measures from the pre-consultation.

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.*

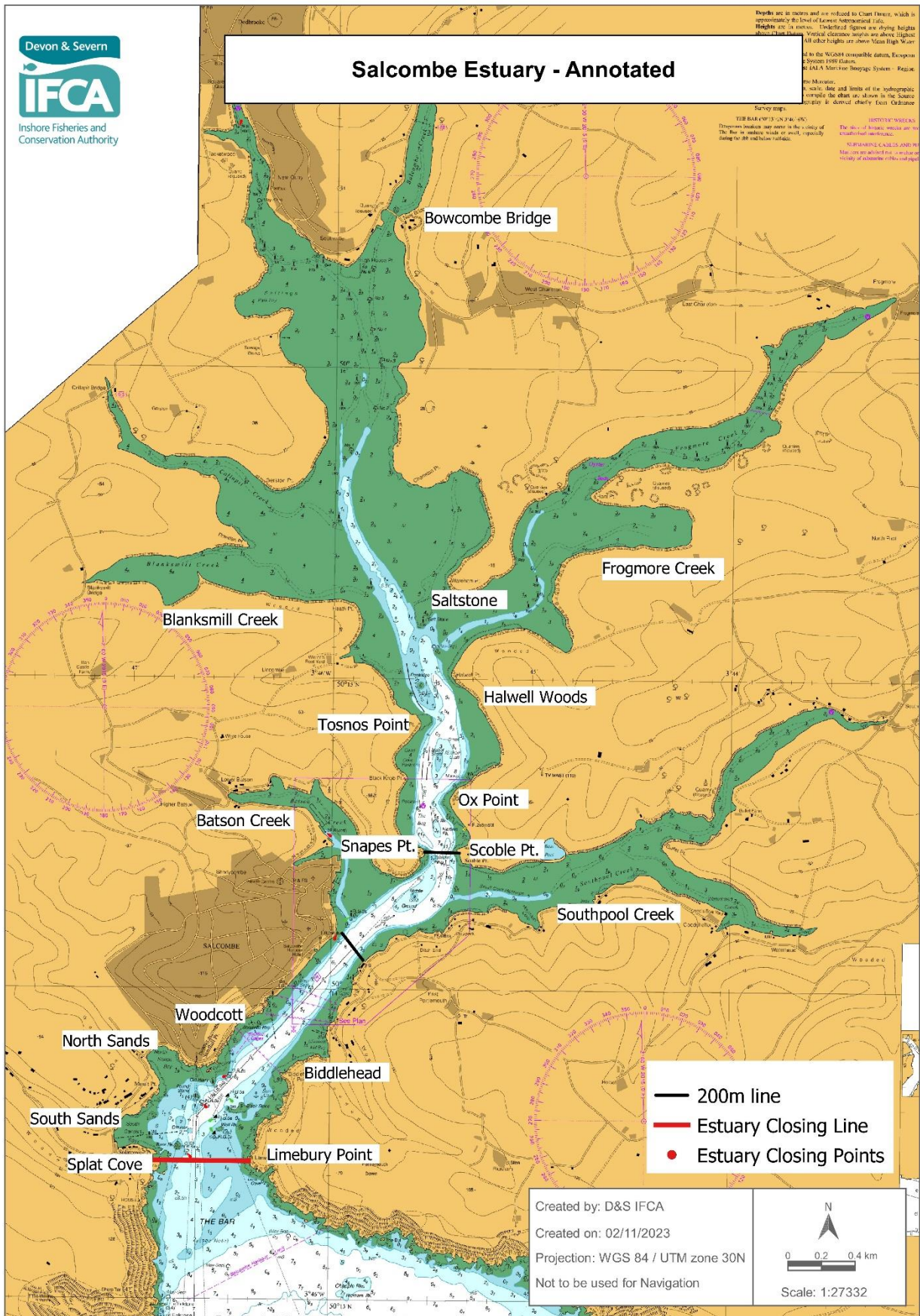
During January bass can be retained with the other species caught. Currently there is a prohibition on the retention of bass by commercial vessels during February and March and therefore if bass are caught in the nets during these months, they would be returned immediately to the water.

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*

Annex 2:



Background Papers

B&PSC Meeting (31st August 2023):

[Agenda 7a - A Summary of Responses from the - Have Your Say \(A Review of the Netting Permit Conditions\) Consultation - \(19th May 2023 to 30th June 2023\) - 22nd August 2023.](#)

[Agenda 7b – Officers’ Paper - Review of the Netting Permit Conditions.](#)

[Research Report: Understanding Mortality of European Sea Bass \(*Dicentrarchus labrax*\) in Small-Scale Inshore Netting – Research Report – V1.0 \(22nd August 2023\).](#)

Draft Minutes from the B&PSC meeting – 31st August 2023.

End.