



Review of the Netting Permit Conditions

Formal Public Consultation Proposals

- Amendments to Commercial Permit Conditions (Category One)
- Amendments to Recreational Permit Conditions (Category Two)

What is this about?

D&S IFCA is inviting you to respond to the formal public consultation on proposed amendments to existing commercial and recreational Netting Permit Conditions. To make changes to the Permit Conditions, D&S IFCA must follow a process that includes formal public consultation.

We are directly contacting everyone on our (email) mailing list to lay out how to respond. We are also writing to permit holders that have not provided us with an email address. Your view is important, and we also encourage you to forward this information or to notify others that may have an interest in the formal public consultation.

All stakeholders (for example fishermen with permits, recreational anglers, organisations, or anyone with an interest in the marine environment) can respond to each part of this formal public consultation (sections 1, 2 and 3) even if they do not conduct commercial or recreational netting within the D&S IFCA's District. Information is available on the D&S IFCA's website to support this formal public consultation together with details on how you can respond. The formal public consultation begins on 1st December 2023 and will end on **19th January 2024**. This circular includes a privacy notice relating to the protection of personal information.

Summary of Proposed Changes

Each of the proposed changes are explained in more detail within this circular; however in summary, the formal public consultation focuses on the following:

Proposed Changes: Commercial fishermen using nets.

- The opening of a six-month fixed net fishery within Salcombe Estuary (subject to range of management measures).
- The prohibition of commercial netting in the area defined as the Emsstrom Angling Code of Conduct, in the Torbay area.

Proposed Changes: Recreational fishermen using nets.

- This includes a series of changes including the introduction of bag limits, an increase in the authorised net length, and requirements relating to combining nets (from a single vessel).
- The prohibition of recreational netting in the area defined in the Emsstrom Angling Code of Conduct, in the Torbay area.

Other Content - Seeking Your Views:

This formal public consultation will also gather your views on the following:

- Maximum soak times for nets at sea to address the issue of abandoned or lost gear.
- The introduction of Minimum Conservation Reference Sizes for selected finfish species.

The Process for Change

The Permit Conditions are flexible and can be amended by following the process set out in the Netting Permit Byelaw. The D&S IFCA's Byelaw and Permitting Sub-Committee (B&PSC) has the responsibility of reviewing the management of fishing activities and byelaw permit conditions. A list of B&PSC Members can be found on D&S IFCA's website or by clicking [here](#).

Information provided to the B&PSC

During this review, the B&PSC has been presented with information and evidence, including the documented findings of previous engagement work (pre-consultation responses gathered from 19th May 2023 to 30th June 2023). At Sub-Committee meetings held in public on 31st August 2023 and 16th November 2023, Members of the B&PSC determined what would be proposed in the formal public consultation that may result in changes to the Netting Permit Conditions. Officers' papers, reports and the minutes from B&PSC meetings are published on D&S IFCA's website ([Authority Meetings Tab](#) and Section B of the website [Resource Library](#)).

The findings of this formal public consultation will be documented and discussed by the Members of the B&PSC before any changes are made to the Netting Permit Conditions. If changes are agreed, by the B&PSC they will come into force during 2024.

Your Response

We have included some prompts to help you set out your response, but this is not a questionnaire. Your response can be as detailed as you wish and relate to all or any of the proposed changes. We very much encourage you to explain the reasons for your views and provide supporting information, if you have any, so that all the information can be considered in the decision-making process.

Responses sent by email or letters are preferred, however you can also telephone us or meet with us in person if you prefer.

It is useful for us if every response contains the following information:

- A) Your name and contact details (if not already on our mailing list).
- B) What interest do you (or your organisation) have in netting activity and this review?
- C) How were you made aware of this formal public consultation? (e.g., by this circular, D&S IFCA's website, D&S IFCA Facebook, from someone else, or other source).

Sending in your response/contacting us

1. Contact us via email – consultation@devonandsevernifca.gov.uk
2. Write to us: D&S IFCA, Brixham Laboratory, Freshwater Quarry, Brixham, TQ5 8BA.
3. Call us to find out more about the formal consultation – 01803 854648 (Extension 856)

- **This information gathering exercise begins on 1st December 2023 and ends on 19th January 2024.**

The Proposed Changes – Detailed Information

The proposed changes are split into three sections and are accompanied with the B&PSC's rationale for change. The first section focusses on commercial netting, the second section relates to recreational netting, and the final section is to seek your views on potential changes, that are not as yet clearly defined, but may be introduced and potentially apply to both fishing sectors.

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

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

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

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

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

B&PSC's Rationale for Change

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

- **That the B&PSC considers that a mortality rate of 18.8% of bass, caught during the netting trials within Salcombe Estuary is acceptable.**
- **That the B&PSC recognises a reported decline in profitability in pot fisheries.**
- **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.**
- **That the B&PSC recognises that sea trout are present at an unknown scale, for feeding purposes, in the Salcombe Estuary but it is not a known migratory route.**

The Proposed Management Measures (A to J):

- A. The maximum size of vessel shall be six metres in overall length.
- B. The net fishery will be open from 1st October to 31st March.
- C. The net fishery will include the whole of Salcombe Estuary within the current estuary closing line.

- D. Bass caught in fixed nets within Salcombe Estuary during January can be landed¹ providing the bass is above 42cm in length.
- E. A maximum of two nets can be fished from a permitted vessel in the Salcombe Estuary.
- F. Each net shall not exceed 200 metres in length.
- G. The minimum mesh size for each net is 100 mm.
- H. The maximum soak time for each net is 60 minutes.
- I. All vessels must have a IVMS unit fitted that is fully functioning at all times.
- J. All nets must be tagged (potentially blue tooth sensors placed on each end of the nets).

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

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

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

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

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

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

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

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

| | | | |
|--------------|---------------|--------------|---------------|
| 50° 28.17' N | 003° 24.86' W | 50° 28.10' N | 003° 24.76' W |
| 50° 28.03' N | 003° 24.86' W | 50° 28.10' N | 003° 24.97' W |

¹ A bass authorisation for netting from the Marine Management Organisation is required.

B&PSC's Rationale for Change

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

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

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

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

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

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

The current recreational netting permits authorise the use of one net at sea that must not exceed 25 metres in length, which must be clearly marked and tagged. The recreational netting permit conditions also include bag limits for shellfish species (lobster, spiny lobster, edible crab, and spider crab). Recreational netters can take sand eel at sea and in an estuary (a single seine net of 20 metres in length is authorised within an estuary), but there is no bag limit in place for sand eel.

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

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

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

B&PSC's Rationale for Change

At the time of writing, there are 64 Category Two (recreational) permits that are valid. The Members of the B&PSC recognise that the needs of commercial and recreational netters are different and the existing measures for recreational netters are relatively restrictive. The current bag limit for shellfish

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

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

Topic 3: The Proposed Management Measures:

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

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

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

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

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

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

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

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

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

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

B&PSC's Rationale for Change

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

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

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

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

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

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

Topic 5: Introducing Additional Minimum Conservation Reference Sizes

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

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

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

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

Grey Mullet Species

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

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

Gilthead Bream

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

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

Do you have any other comments relating to topic 5?

Topic 6: Soak Times for Nets (at sea)

This is the final topic in this formal netting consultation.

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

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

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

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

Topic 6: Your Response – Maximum Soak Times for Nets

1. What is your specific interest in the proposed introduction of maximum soak times for nets at sea?
2. What is your view on what would be the maximum soak time for nets and why?
3. What is your view on applying this permit condition to both the commercial and recreational netting sector?
4. Will you be impacted (positively or negatively), financially or otherwise, by this change – how and why?
5. In what ways will the commercial and/or recreational fishing sector be impacted (positively or negatively) by this change – how and why?
6. In what ways will the natural environment and/or fish stocks be impacted (positively or negatively) by this change – how and why?
7. Do you have any other comments relating to topic 6?

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

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What do we do with your information – Privacy Policy.

We protect any personal data that you may provide. Any personal data submitted in this information collecting process will not be shared with other organisations or placed in the public domain. The content of responses will be summarised and anonymised where appropriate for documenting in reports that will be presented to the Byelaw & Permitting Sub-Committee and published on our website.

D&S IFCA has a privacy policy which can be found by visiting our website (home page) www.devonandsevernifca.gov.uk

- You can change your preferences at any time.
- We have a duty to consult with D&S IFCA Permit Holders.
- You can manage your preferences by contacting D&S IFCA.

Background Reports & Papers (Links) and keeping you informed.

Reports and Officers' papers of most significance to this review of the Netting Permit Conditions are available on D&S IFCA's website:

- [The Authority Meetings Tab](#)
- [Section B of the D&S IFCA Website Resource Library](#)

We regularly post information about our work on our website/Facebook. Direct communication is often the best way to help you stay informed about our work and to highlight the opportunities for you to have your say on a range of topics or issues. If you are not already on our mailing list, then you can get yourself added by contacting D&S IFCA. You will then be directly notified of all our consultations.

End.