

Topic 1: Proposal to open the Salcombe Estuary to fixed netting

Officers' Recommendation

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

Background

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

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

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

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

Summary

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

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

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

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

Public Consultation

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

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

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

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

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

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

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

Rationale for consultation.

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

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

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

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

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

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

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

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

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

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

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

The reported crab landings reflect declines in many other parts England including in adjacent IFCA Districts.

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

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

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

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

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

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

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

correct data shows that mullet landings across the D&S IFCA District were much lower than those commented on by the National mullet Club as set out in Annex 3.

Many respondents noted and D&S IFCA's Officers advise that the proposed net fishery is not compatible with the Sustainability Objective of the Fisheries Act. The site fidelity of grey mullet, their size of sexual maturity and slow growth makes them vulnerable to over exploitation, particularly when aggregating within estuaries. D&S IFCA's Officers have reviewed available scientific data to inform the Minimum Conservation Reference Size proposals. A summary report can be found in Annex 4.

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

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

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

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

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

Enforcement & Monitoring

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

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

Statutory Duties

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

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

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

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

Wider considerations

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

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

Background Papers

The Development of the Netting Permit Byelaw – Final Report – 26th September 2018 (D&S IFCA website Resource Library)

B&PSC papers and minutes from meetings (D&S IFCA website Resource Library)

Bass Fisheries Management Plan

Fisheries Act

Marine & Coastal Access Act 2009

ICES Advice