



Review of the Netting Permit Byelaw Permit Conditions

A Summary of Responses from the Formal Public Consultation

(1st December 2023 to 19th January 2024)

5th February 2024

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Version Control

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1. Foreword - This Report & its Purpose

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

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

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

This report demonstrates how the formal public consultation - Review of the Netting Permit Conditions - was conducted and summarises the responses received. There was a huge response to the formal public consultation consisting of **364** responses received by the closing date of midnight 19th January 2024. The responses relate to six topics in the formal consultation and the report recognises that the majority of responses relate to Topic 1 – **The opening of a fixed net fishery in the Salcombe Estuary**. Every response¹ submitted by email was acknowledged by Officers who also provided additional information in email replies.

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

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

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

¹ Received by D&S IFCA by the closing date of 19th January.

2. Executive Summary of the Formal Public Consultation

The total response of **364** separate responses represents the largest response that D&S IFCA has ever received in a consultation. For context, Defra received a total of 255 responses to its national Bass Fisheries Management Plan consultation. D&S IFCA Officers have examined every response, and Members of the B&PSC were given the opportunity to examine the responses that were uploaded to a secure access “Members Area” of D&S IFCA’s website.

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

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

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

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

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

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

General Results:

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

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

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

3. Who Responded

Not all responses set out exactly what their interest group is, and some potentially would not wish to be categorised as belonging to one particular group or another. It is clear that many individuals could be considered as being part of the Recreational Sea Angling (RSA) sector. Others include, but are not limited to, fishermen that use nets, divers, campaigners, academics, local residents, people with a general interest in the marine environment, people with an interest in leisure activities, people with a financial interest/connection to tourism including retail outlets and restaurants.

- 11 commercial fishermen (including one retired), responded to the consultation.
- 2 responses were received by people that stated they either conduct recreational netting (with a permit) or have an interest in conducting recreational netting.

The tables that follow set out the organisations that responded, that represent different groups, different interests, and differing numbers of people.

The Duchy of Cornwall were made aware of the formal consultation and have followed events. They have stated that they will provide their views after a decision is reached by the B&PSC.

No.	Organisation	Commented on Topic 1	Commented on Topics 2 to 6	Number of Members Declared
01	Environment Agency	Opposed	Yes (topics 2 – 6 no objection)	
02	Natural England	Opposed	No	
03	Angling Trust	Opposed	Yes - all	
04	Dart Harbour	No comment	Yes (topic 6)	
05	Cornwall Bass Investigations Group	Opposed		
06	Devon Wildlife Trust	Opposed	Yes - all	
07	Brixham Sea Angling Club	Opposed	No	50
08	Salcombe & District Sea Anglers Association	Opposed	No	
09	Rodbenders Sea Angling Club	Opposed	No	
10	River Otter Fisheries Association	Opposed	No	50
11	Salcombe Yacht Club	Opposed	No	1000
12	Seal Research Trust	Opposed	Yes - all	
13	South Coast Angling Club	Opposed	Yes – (topic 5)	

No.	Organisation	Commented on Topic 1	Commented on Topics 2 to 6	Number of Members Declared
14	Kingsbridge Climate Action	Opposed	No	8
15	Devon Environment Foundation	Opposed	No	
16	Honiton Sea Angling Club	Opposed	No	130
17	University of Plymouth	Opposed	No	
18	Shark Trust	Opposed	Yes - all	1300
19	Wyvern Region – Angling Trust	Opposed	No	
20	Teign Diving Centre	No comment	Yes (topic 2 & 4)	
21	Wembury Marine Conservation Area Advisory Group	Opposed	Yes (topic 3 & 6)	
22	Department of Environment Sea Angling Club	Opposed	No	50
23	Teignmouth Sea Angling Society	Opposed	No	90
24	South Hams Society	Opposed	No	
25	Wild About Kingsbridge	Opposed	No	
26	South Devon National Landscape Estuaries Partnership and South Devon National Landscape	Opposed	Yes (topic 3 & 6)	
27	Bass Anglers Sportfishing Society	Opposed	No	
28	South West Rivers Association	Opposed	No	
29	Salcombe Harbour Authority – South Hams District Council	Opposed	No	
30	National Mullet Club	Opposed	Yes (topic 6)	
31	British Spearfishing Association	Opposed	No	
32	WildFish, formally Salmon & Sea Trout Conservation	Opposed	No	
33	Westcountry Rivers Trust	Opposed	No	
34	Bass Angling Conservation	Opposed	Yes (topic 6)	
35	Ilfracombe Harbour	No objection	Yes – no objection to all topics	
36	Plymouth Sea Angling Club	Opposed	No	
37	Paignton Sea Anglers	Opposed	No	54
38	Triple Hook Fishing Club	Opposed	No	
39	Mevagissey Sea Angling Club	Opposed	No	30
40	Salcombe RNL	Opposed	No	
41	Kingsbridge Town Council	Opposed	No	
42	Combe Martin Sea Angling Club	Opposed	No	41
43	Colchester Sea Angling Club	Opposed	No	30

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4. Topic1: Summary of Response

The pre-consultation conducted in 2023 provided an indication that many supported maintaining the status quo in regard to the prohibition of fixed and drift netting within all of the estuaries within the District. If there was any doubt regarding the level of support, or opposition to a change in management for estuary netting, the Formal Public Consultation (1st December to 19th January 2024) has removed any uncertainty.

- **6** responses were in **favour** of the B&PSC's proposal - The opening of a fixed net fishery in the Salcombe Estuary, which included **4** commercial fishermen.
- **354** responses were **opposed** to the B&PSC's proposal - The opening of a fixed net fishery in the Salcombe Estuary, including **6** commercial fishermen.

In terms of the formal consultation being a being a platform to provide the B&PSC with new information and evidence, this was limited as much of the information used to challenge the proposals and rationale was information already available to the B&PSC. Both Natural England and the Environment Agency (that have statutory representation on the Authority) objected to the proposal. The Duchy of Cornwall were made aware of the formal consultation and have followed events. They have stated that they will provide their views after a decision is reached by the B&PSC.

The decision by the B&PSC to formally consult on the proposal, as part of the review of the Netting Permit Conditions, became a talking point in itself with references to the use of evidence by the B&PSC and a need for the B&PSC to recognise multiple factors. The responses in the formal consultation have helped D&S IFCA Officers to set out their recommendations to the B&PSC, with advice to Members to consider the Salcombe Estuary netting proposal and the B&PSC's rationale for change, when balanced against past considerations, relevant national drivers, evidence, and the formal consultation response.

4.1 Level of Detail in the Responses and Analysis of the Responses

D&S IFCA Officers have examined every response, and Members of the B&PSC were given the opportunity to examine the responses that were uploaded to a secure access "Members Area" of D&S IFCA's website. One of the longest responses was submitted by the Angling Trust and it can be read in full on their own website - [here](#). Officers consider it to be an inefficient use of time to transcribe it in full in this report; however, the points made have been recognised by Officers and many points made within that response reflect those also made by many individuals as well as angling clubs and other organisations.

The response from the Angling Trust is significant, in terms of its level of detail and its structure, setting out multiple points, relating to many points of concern. The response by the Angling Trust was constructed with support from both the National Mullet Club and Bass Anglers Sportfishing Society, who also submitted their own independent responses. The publication of the Angling Trust's response in January 2024 gave others that examined it a basis (potentially inspiration) to create and send their own responses. This became more evident in the responses received after its publication with messages in some responses such as "as well as my support for the response by the Angling Trust on their website, I want to add/say...." etc.

Officers have triaged the responses, and points made in the simplest of responses were often repeated and expanded in other responses. Although many of the simplest responses were similar in length and content, a petition (template letter) did not develop. The objection related responses from individuals were mixed in terms of detail and content, with some more of an instant reaction and others well researched and detailed.

4.2 Immediate Reaction/Shorter Responses

The simplest form of messaging was a combination of astonishment, disappointment, and anger that the proposal had made it to a formal consultation. Many objected to the opening of the estuary for netting in general and did not go on to comment on the related management measures (A to J) to apply for the net fishery. Many of the shortest responses included short statements or question type of points:

- ***I am shocked to hear that you are even thinking about this.***
- ***Why propose a change and take a step backwards?***
- ***This idea shouldn't even be up for discussion, its scandalous***
- ***How it is even being considered in a Bass nursery area and SSSI is beyond me.***
- ***Nothing about this proposal makes any sense to me when you factor in impact to the environment, the need to protect fish stocks, capture of non-target species, economic and social impact.***

Other objection related responses, still relatively short in nature, picked up other points relating to the importance of keeping the estuary free of nets, the advantages this has to the local economy and to express views about the need to recognise all users of Salcombe estuary.

- ***Why ruin an estuary that is held in such high esteem by recreational anglers and visitors?***
- ***Why is short term financial gain for a few commercial fishermen given priority over protecting fish stocks and wildlife and preserving a beautiful estuary?***
- ***Salcombe is an important habitat for gilthead bream, flounder, trout, and mullet.***
- ***Netting in the estuary would destroy the area for anglers.***
- ***Visiting anglers boost the local economy, far more than commercial fishers do.***
- ***Salcombe estuary should be rigorously protected for future generations to enjoy – different users - and not for very few making a short-term profit.***

4.3 Why formally consult at all?

Why? - This was a question for many, especially those that had followed D&S IFCA's work over time, including the implementation of the Netting Permit Byelaw in 2018. Some have followed events and D&S IFCA's work by examining D&S IFCA's Officers' papers, including recommendations, and presented evidence to the B&PSC, as well as minutes from B&PSC meetings. There was confusion and concern about how and why the proposal had made it to formal consultation.

Given that the findings of the pre-consultation demonstrated little support for change regarding the management of netting within estuaries, responses questioned why D&S IFCA went on to formally consult with the inclusion of a proposal to open the Salcombe Estuary to netting. The National Mullet Club included their response from the pre-consultation (an attachment annex to their submission) as part of their formal consultation response, with a request that every B&PSC Member reads it. It was noticed by some that D&S IFCA Officers had advised the B&PSC in the published papers not to formally consult on the opening of Salcombe Estuary.

Some took the view that decisions had been taken, and assumptions made, without considering sufficient evidence. It was not clear to some, how Members had considered broader issues, including background information relating to the development of the Netting Permit Byelaw, and how this had translated into their decision making. There were question

marks surrounding declaration of interests at meetings, voting protocol at meetings, and either insufficient or unbalanced representation at B&PSC meetings for decision making.

The Netting Permit Byelaw – Drivers & Statutory Duties

The development of the Netting Permit Byelaw (and by extension the Permit Conditions) was based on several drivers, including protection of bass, balancing the needs of others catching sea fish species, protection of salmon and sea trout and achievement of sustainable development of the recreational angling sector. These drivers, and how they translated into management measures, including a prohibition of netting within all estuaries, had a documented explanation. The drivers, and the closure of all estuaries to fixed and drift netting, were considered to be aligned with D&S IFCA's Statutory Duties within section 153 Marine and Coastal Access Act 2009. This background information was used in responses, challenging the proposal.

The estuary netting prohibition was in itself a development of legacy Byelaw 17 (most recently updated in 2001), that prohibits fixed nets within many estuaries, including Salcombe Estuary. The preservation of Byelaw 17 (as it has not been revoked) has recognised its extended scope (management of long lines), and this was a point made by the Environment Agency (EA) in its formal response. The legacy byelaw, and the Netting Permit Byelaw, are aligned regarding a prohibition of fixed netting in estuaries and both provide support for other national legislation, including Bass Nursery Area legislation. This supportive relationship of legislation (or non-alignment if netting is permitted in Salcombe Estuary) was recognised in responses, in particular within responses with focus on the B&PSC's rationale based around "acceptable" bass mortality in an estuary location.

In addition, the implemented management aligned with principles developed by the B&PSC relating to byelaw development and enforcement of legislation. Since its implementation, the specific netting permit conditions are now seen to be compatible with many of the goals in the Bass Fisheries Management Plan and many of the objectives of the Fisheries Act. How much of the background information was known by a wider audience that responded is not clear; however, it was apparent in the responses that there was surprise that the proposal had made it to consultation, either as an instant and angry reaction, or as part of a greater understanding of why the original measures had been implemented and how they can have benefits moving forward.

Some questioned how the proposal for change would be aligned with D&S IFCA's Statutory Duties. It was not understood how the proposal would align with original drivers, or current factors, or if and why there was seemingly a change of direction by the B&PSC away from the original objectives for creating the Byelaw and establishing the Permit Conditions.

Response Extracts:

Angling Trust:

"The AT, BASS and NMC consider it alarming that a fishery be proposed on such weak arguments when considering the overwhelming response that the Devon and Severn IFCA received to the prior consultation".

"We are further concerned by the questionable process to arrive at this point. Not only does it appear that the consultation has not been listened to, but the IFCA minute meetings strongly suggest that the officers have not been listened to either".

South Coast Angling Club

*“In reference to the original policy drivers for the making of the Netting Permit Bylaw and Netting Permit Conditions - **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 DSIFCA B&PSC proposal to allow the introduction of a six-month limited commercial net fishery in Salcombe Harbour, for up to seventeen commercial vessels will have a devastating long-term impact on all four policy drivers”.*

Environment Agency:

“The proposal to allow the resumption of netting in the Salcombe Estuary goes entirely against the policy principles that were used by Devon and Severn IFCA when designing and implementing the Netting Permit Bylaw in 2018. At that time, the principle agreed through the Committee was to ensure the protection of estuaries to protect migratory fish species, juvenile fish of commercial importance and to provide for the development of recreational angling which is a key policy driver for all IFCAs following the implementation of the Marine and Coastal Access Act in 2009”. “We are concerned that protections currently afforded by the D&S IFCA’s 2018 Netting Permit Bylaw and legacy Bylaw 17 (Fixed Engines) which may have unintended consequences in terms of, for example, long-lining”.

Individual response:

“I am strongly against these proposed changes. I cannot understand why they are even being considered, when the original bylaw, which stopped netting in Devon estuaries, was so well supported, and the pre-consultation responses were so clearly against any changes. D&SIFCA Officers themselves appear to be of the opinion that these changes are not justified. D&SIFCA have gained a reputation for being balanced and progressive; these proposals are anything but”.

Bass Angling Conservation:

“The D&SIFCA report on the “Have Your Say (A Review of the Netting Permit Conditions) Consultation notes “the angling sector has provided a clear message of support for the current restrictions that apply to the estuaries.....It is puzzling that D&SIFCA decided to hold a further consultation when it is clear there is little support for the proposed netting and considerable opposition”.

4.4 Economic & Social Considerations

Some responses focussed on the B&PSC’s rationale based around a reported decline in profitability in pot fisheries but questioned the connection between potting and netting. Many questioned why there should be efforts to potentially boost the income for some commercial fishermen in only one location at the expense of creating new wider ranging risks by establishing a netting fishery in Salcombe. There was alarm that instead of taking steps to address a failing pot fishery, D&S IFCA is seemingly avoiding its responsibility to effectively manage that activity. If plugging a financial hole is the basis of the proposal, some highlighted that mullet is of little value anyway, potentially only of use for pot bait. It was suggested that fishermen with falling incomes could seek seasonal employment doing something else other than netting in an estuary. Three commercial fishermen, not local to Salcombe, set out that the opportunity to use nets in an estuary should recognise their own struggles and that (based

on the rationale) D&S IFCA should therefore have extended the proposals for netting to include the Teign and Exe Estuaries and not limited it to Salcombe.

Officers have produced a separate Officers' paper for the B&PSC based upon shellfish landing data between 2008 and 2023 sourced from the Marine Management Organisation (MMO).

Many of those opposed to the proposal used their own responses to demonstrate the value of recreational angling from both a financial and social perspective. The Angling Trust set out a significant amount of detail under the heading of socioeconomics (and an Appendix), setting out examples of visitations to festivals, competitions, and how this (although difficult to quantify) translates into an economic boost to the local area. The response also picked up considerations regarding mental health benefits of angling, and access and safety benefits an estuary can offer less experienced anglers.

Angling Trust:

“Quantifying the importance of Salcombe estuary to recreational angling and other water-based recreations is a tricky exercise; however, as the leading estuary in the country for Gilthead bream, mullet, bass, and flounder - four of the most targeted recreational species - it is without doubt worth a substantial proportion of the overall recreational angling economy”.

The South Coast Angling Club was another example of a response highlighting the economic importance of angling, and a need for the sector to be recognised as per D&S IFCA's statutory duties.

“Clubs like ours spend vast sums of money on UK fishing holidays each year (average spend £8,000 for a seven-day club holiday), bringing money to coastal communities, in hotels, B&B's, restaurants, tackle, shops, fuel stations, small convenience stores etc. The same can be said for other local angling clubs and different water sport users who enjoy what Salcombe Harbour has to offer. I think the DSIFCA needs to consider 'Balancing The Needs' of these stakeholders as their worth to the local communities far outweighs that provided by commercial fishing”.

Many individual responses also indicated that Salcombe is held in high esteem by the recreational angling community with numerous visitors from far and wide each year generating economic benefits to the local economy, including the purchase of angling supplies and a spend on accommodation. Amongst the individual responses were statements that Salcombe is considered by some to be a prime destination for flounder fishing, and frequent competitions are held in the location. Others highlighted how interest has grown visiting the area to fish for gilthead bream. Several of the responses indicated that the implementation of netting in the estuary would compromise the value for anglers visiting the estuary, with associated economic consequences that would result from the change.

Individual Responses

- *“Netting in the estuary would destroy the area for anglers!!”*
- *Recreational fishermen play a vital role in supporting local businesses in Salcombe, Kingsbridge, Chillington, and East Portlemouth. Their contributions, both through events and economic support, are integral to the community's vitality.*
- *“I understand that they (commercial fishermen) need to make a living but the amount of money that 100 anglers put into the local economy a week fishing the estuary,*

buying bait, tackle, food for the trip and so on would far out way the short term peak the commercials would create.”

- As a keen mullet angler, who spends yearly family holidays in the Salcombe area, I'm in agreement with the arguments offered by the Angling Trust and others who oppose the proposal. Permitting netting would be a mistake, and will inevitably impact recreational sea angling, and by extension, visitor spending in the local economy.
- (Group of eight) *“Our visits to fish the Salcombe estuary involve substantial expenditure in the area (travel, accommodation, food, shopping, boat hire, tackle etc.) which will be lost to the community if, as is likely, our group moves elsewhere as a result of adoption of this proposal. This may be multiplied many times by other visiting anglers to the financial detriment of the community.”*

4.5 Environmental Concerns

Many responses highlighted wider environmental concern, in particular as the Salcombe Estuary is both a Site of Special Scientific Interest and a nature reserve. There was more than likely an expectation by some individuals that organisations with a strong environmental remit would also respond and articulate their points, or similar, in more detail. This proved to be the case with responses submitted from organisations including, but not limited to, Natural England, Devon Wildlife Trust, the Seal Trust, and South Devon National Landscape Estuaries Partnership and the South Devon National Landscape. Natural England has representation at B&PSC meetings and opposed the proposal as they consider it to be a regressive step.

Natural England

“Natural England does not support the opening of a six-month fixed net fishery within Salcombe Estuary. We believe this would be a regressive step and would not align with management measures in place within other estuaries in Devon and Cornwall. Salcombe Estuary is a special place for biodiversity.”

“Salcombe Estuary is a bass nursery area and is likely to provide a nursery habitat function to other fish and shellfish species. We are concerned that the potential bycatch of bass would be unsustainable, and difficult to regulate. Grey seals are known to frequent this estuary and are vulnerable to entanglement; Sea Mammal Research Unit data shows 85% of UK seal bycatch occurs in the South West mostly in fixed nets.”

Devon Wildlife Trust also commented on the proposed management measures.

Devon Wildlife Trust

“Allowing 200m long nets within an estuary would allow almost complete netting closure of entire creeks. As each vessel could set two nets, every creek could be closed through activity of just 3-4 vessels. Netting of this scale would likely have significant impacts and result in high likelihood of seal, cetacean, seabird, wildfowl, and other non-target species bycatch. This scale of activity is clearly unacceptable within this setting.”

4.6 Fisheries Impacts and Evidence

Responses highlighted a likely negative impact on both “targeted” and non-targeted fish populations that reside in the estuary. A lack of formal stock assessments, unacceptable risks to the overexploitation to slow growing species, a lack of data, uncertainty regarding the level

and intensity of fishing activity, sustainability concerns; and therefore, an expectation that the B&PSC be precautionary in its decision making. Although more responses generally focussed on bass, rather than mullet (the intended target species), some responses did raise sustainability concerns for this species. It is difficult to summarise all of the points made about fisheries impacts and evidence into greater detail within this report; however, these points have been recognised and filtered into accompanying Officers papers. The selected quotations below show some of the mixed points made, other than for bass.

Individual Response

Mullet, the target species, are not sexually mature until they are 10 years old or more. Netting of the estuary over several years will almost certainly prevent many mullet reaching spawning age either by removal or mortality after release (including cumulative mortality) for undersized fish. All this prompts several questions:

- *What is the total stock of mullet in the estuary that will be targeted by the netting?*
- *What will be the annual mortality on the mullet stock?*
- *What is the forecast stock of mullet in the estuary over the years with netting taking place?*
- *Will the mullet fishery in the estuary be sustainable in the medium and long term?*

National Mullet Club (Annex A)

“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.”

4.7 Bass and Mortality

The B&PSC’s rationale drawn from discussion on the published D&S IFCA bass research work and its findings provided a platform for the views set out in many responses. Many took the view that capture of bass in Salcombe Estuary would be inevitable, regardless of what species was being targeted with nets. Some cited a published news item by D&S IFCA about an illegal net to emphasise their point. Some suggested that netting activity for mullet is nothing more than a smoke screen to provide access to bass and gilt head bream, both being prized fish for the RSA sector.

Individual Response:

“I draw to your attention to a recent report of illegal gill netting in the Salcombe estuary in September. This report of illegal netting on your web site details a catch of 47 mullet and 17 bass (some undersize) the by catch of bass equals a 36% by catch of bass in one net. How many do you think will be caught with regular netting for mullet if this crazy proposal goes ahead?”

There was alarm that given the status of bass spawning stock and the aims and basis of other legislation (such as bass nursery area legislation), that the B&PSC set out their own rationale based around an “acceptable” mortality rate of bass caught and released. Many highlighted that this rate would be unlikely in a real-life setting. Comments about bass mortality was a

repeating theme, including the knowledge that bass could be captured and landed in January. Responses highlighted that when being returned, bass would have delayed mortality or mortality caused by being caught and released more than once. Questions and points were embedded in many responses along the following lines:

- **Why do the B&PSC think that a bass mortality rate of 18.8 % is acceptable – what is the basis for that statement?**
- **The goals in the Bass Fisheries Management Plan need to be recognised.**
- **The bycatch directive in the Fisheries Act needs to be recognised.**

The movement of bass and use of habitat was highlighted in a response by the University of Plymouth, who also opposed the proposal. Research work, as well as rationale for the development of bass nursery areas, was included in the response by Bass Anglers Sportfishing Society.

University of Plymouth

“Plymouth university strongly oppose the opening of a fixed net fishery in the Salcombe Estuary. The evidence we have collected over the past 6 years, on European bass movement and habitat use suggest the proposed net fishery would have a devastating impact on the local fish populations. In particular, the localized nature of the fish’ movements within Salcombe harbour would result in a disproportionately high local impact and would take fish out of the water which will not be quickly replenished from fish outside of the harbour.

The 6-month net fishery will also result in a high amount of European bass by-catch. If these fish are only allowed to be landed for 1 month of the fishery, this will result in an unnecessary/avoidable level of by-catch mortality within a designated Bass Nursery Area.

Within the IFCA report and associated B&PSC minutes the 18.8% bycatch mortality is reported as a minimum figure i.e. if allowed to open, the mortality of European bass from nets is likely to be higher. The fisherman used in the IFCA netting study, often cut fish loose of the net, whereas in reality these fish would be pulled out of the net and result in higher mortality rates.”

Bass Anglers Sportfishing Society (BASS)

“Studies by Dr T Stamp (2018) show that Salcombe harbour is of high importance due to holding sea bass for 12 months of the year. Furthermore, these sea bass have been recorded leaving and entering other local estuaries / waterways and on some occasions even navigating their way into Welsh waters. Commercial pressure on the bass stocks within the Salcombe harbour will most certainly have a negative impact on sea bass stocks within surrounding areas and even potentially far reached waters within the UK.

Referencing Government publications, we would like to remind you of the purpose of BNA’s.

Juvenile sea bass occupy nursery grounds in estuaries and coastal areas for up to their first six years of life during which time they are subject to being bycatch in fisheries. Bass Nursery Areas (BNAs) were designated in England and Wales in the 1990s to reduce the impact of commercial and recreational fishing in areas where the majority of sea bass were likely to be below the minimum conservation reference size (MCRS – formerly, minimum landing size (MLS)) established in UK and EU legislation. In total, 37 estuaries and other coastal sites were designated as BNAs and additional restrictions on commercial and recreational fishing were imposed. These are thought to have played an important role in protecting the stock, possibly generating changes in size distribution, increased juvenile survival, and improvements in the productivity of the stock.

The Salcombe Bass Nursery Area designation needs to be respected and protected, not undermined by statutory agencies such as the D&S IFCA.”

The response from BASS then went on to list other key information such as ICES advice, goals in the Bass Fisheries Management Plan and comment on how the proposal seemingly fails to recognise these factors.

4.8 Migratory Species

It was set out in the formal consultation that Salcombe estuary is a ria, and one response emphasised that Salcombe does geographically have a very small freshwater catchment area and is technically a “dendritic ria” Responses, including that of the Environment Agency, challenged the rationale developed by the B&PSC regarding sea trout.

Environment Agency

The Consultation Proposal states 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’. We disagree with this statement and the inference that sea trout do not spawn in Salcombe Estuary tributaries. While we have no formal survey data for the area, anecdotal evidence suggests that sea trout are present year-round within the estuary and run into the freshwater tributaries to spawn. This is corroborated by angler catch reports of sea trout to 7lb from the Bowcombe Stream and reports that we have received from anglers that have directly observed sea trout.

Eight of the eleven streams flowing into the estuary have a clear migratory route and the principal tributaries such as the Bowcombe Stream contain significant areas of suitable spawning and nursery habitat (see Appendix 1 for example photos). As part of its conservation remit, D&S IFCA should therefore consider the estuary as both an important feeding habitat AND migratory route for sea trout. This is critical given the status of migratory salmonid populations in the region with the majority of rivers where stock assessment take place, including the neighbouring Rivers Dart and Avon, exhibiting long-term declines with the majority now classified as At Risk for Atlantic salmon and declines also apparent for sea trout. Sea trout are likely to migrate into freshwater tributaries and leave as kelts from October to January therefore interacting directly with the proposed fishery.

Responses, including one from a commercial fisherman, highlighted that migratory species are present in the estuary, and many cited D&S IFCA’s own research work which reported on the accidental capture of sea trout. There is a view that the Salcombe Estuary supports sea trout from larger neighbouring river catchments such as the Dart, Teign, Yealm, Erme, Avon, and Tamar complex and will feed or spawn in the estuary. Some have the view that netting in an estuary heightens the risks to this species. In the absence of evidence relating to this, the Environment Agency recommended D&S IFCA take a precautionary approach.

4.9 Enforcement

Regarding enforcement of management measures, there was concern that D&S IFCA lacks sufficient resources to closely monitor activity – both commercial and recreational activity. Although advantages of using technology were recognised, it was the view of some that a prohibition of netting in an estuary is easier for the public to understand and then report suspicious activity. Some responses, including commercial fishermen felt that the opening

may attract non-locals and lead to both fisheries offences and wider crime such as theft. Officers have prepared a separate report regarding trials of gear in/gear out sensors.

4.10 Support for the proposal

- 6 responses were in **favour** of the B&PSC's proposal - The opening of a fixed net fishery in the Salcombe Estuary, which included 4 commercial fishermen.

Ilfracombe Harbour (Harbour Master) stated they had no objection to the proposals. A supportive response was provided by a marine consultancy company which felt that the opening of a small-scale fishery is a positive diversification opportunity that should be explored and developed. They provided their views on mesh size, defining depths of nets and inclusion of acoustic pingers as part of the range of management measures. They recommended capping the scheme with a limited number of permits with the Authority able to vary permit number each year. The control of numbers would be able to respond to environmental changes within the estuary and would also balance the socio-economic argument between sectors.

Three commercial fishermen offered short supportive responses, including disappointment that the proposal didn't extend to other estuaries. One of these three suggested that legitimate fishermen would help police the estuary. One commercial fisherman, based in Salcombe provided a detailed response, and covered all topics. This response highlighted how potting opportunities are severely impacted in the winter, with a small-scale netting fishery, although not a large money earner, something to support fishermen's incomes in difficult winter months. Given the expected low level of activity, coupled with the proposed management measures it was his view that neither fish stocks nor the environment would be overly impacted. A return of netting within the estuary would recognise heritage value, for a town built on fishing and provide a balance between commercial and recreational fishing in the estuary. The response set out the expectations of low fishing effort, individually and collectively, of those likely to take up the opportunity to work nets within the estuary. An estimated catch of different species during an opening of six months was set out, with bass being returned to the fishery in months other than January. The response set out that the decline in mullet catches do not indicate decline in the stock. Regarding environmental considerations, the response highlighted that many are misinformed and that there are sensationalist arguments catching people's attention, rather than factual information. If the opening was to proceed the fisherman would not be opposed to a minimum size of all mullet species of 42cm as part of the specific management measures for the estuary.

5. Topics 2 to 6: Summary of Response

5.1 Level of Detail in the Responses and Analysis of the Responses

Officers have examined every response, and Members of the B&PSC were given the opportunity to examine the responses that were uploaded to a secure access "Members Area" of D&S IFCA's website. Officers have produced separate Officers' papers to set out their recommendations to the B&PSC for Topics 2 to 6.

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

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

5.2 Emsstrom Wreck Site – Prohibition of Netting (Topics 2 & 4)

Most that commented on topic 2, repeated their view for topic 4. Responses were received from differing groups of people including those with an interest in Diving. It is not possible to accurately report on how much people know about the existing voluntary measures that are relevant to this site:

- **no netting of any kind (for commercial or recreational purposes)**
- **no longlines (for commercial or recreational purposes)**
- **no potting of any kind.**

Generally, there was support for introduction of a prohibition on commercial and recreational netting in the site in recognition that voluntary measures already introduced are failing. Some anglers were not familiar that the angling zone had been set up, and one had the belief that the potential prohibition of netting in this site was only being put forward by the B&PSC to offset commercial netting potentially being allowed in the Salcombe Estuary. - *“Now this makes sense.... but why for only one wreck? Is this a case of you give the commercial fishermen one thing and we’ll give you something in return?”*

Others commented that the site is a haven for divers and anglers with the restrictions a positive for fish stocks, to limit ghost fishing and a reduction in the loss of fishing tackle. Divers (including a dive club) reported what they had seen underwater – a wreck on its side with nets placed in centre posing a risk to safety.

Individual Response

“I am a sports diver who has dived on the Emsstrom four or five times this year, and at least once a year in the previous five years. I will benefit from the ban. Any netting abandoned on the wreck is a hazard to divers particularly in the low visibility that occurs around the Emsstrom. It will also make it a more interesting dive site with more chance of taking home the odd crab or lobster.”

The general view, from a limited response, is that the impact to both commercial and recreational fishermen, of prohibiting the use of nets in this small site, would be minimal. Two commercial fishermen mentioned topics 2 and 4 in their responses – one was “no comment” and the other, not local to Torbay, was supportive. Two respondents that either conduct, or expressed to have an interest in, recreational netting in the District had nothing to say about the Emmstrom.

5.3 Net length (at sea), Bag Limits and Combining Nets (recreational netting)

The responses indicated that Topic 3 had been confusing to many. Officers filtered out comments based around recreational netting activity and Salcombe Estuary as there was no connection.

Several responses could not comprehend that some people undertake netting as a hobby and were not aware that recreational netters are regulated by a Category Two Netting Permit. Some took the view that netting is not a sport, certainly not an activity undertaken by anglers, and this influenced their responses.

Individual Response:

“Now this I’m really struggling with. I don’t know a single recreational angler that uses nets...it’s just not a thing.”

One recreational netter was supportive of the proposals but emphasised that his activity is more for the collection of sand eels to then go angling. *“I only take what I need when using a net to obtain sand eels for bait, no more than 100 eels, weighing in total a maximum of approximately 500g, for each fishing session. The surplus, if there is any, is returned immediately. This year I made only six visits to fish, either from the shore or by boat just off shore outside (an estuary).”*

Some opposed increased net lengths on the basis that the activity should not be authorised at all or would increase risks to fish stocks and the environment. The Seal Trust objected to increased effort (net length and combining nets) as it is encouraging commercialisation of a recreational activity. Support was put forward to joining nets on the basis that it would cut down on the amount of surface markers making them easier to avoid. Regarding daily bag limits, some commented that these must be applied, but were unsure of numbers for species, often saying the lowest possible number should apply. Some suggested that setting a bag limit, could have the effect of it becoming something to aim for, rather than the maximum that could be taken.

The 15kg daily limit of sand eel for bait was seen as excessive, however it is possible that some didn’t understand that at present there is no upper limit per day, so this measure would be more restrictive than maintaining the status quo.

One commercial fisher commented that authorising recreational netting activity is bias against commercial activity, removing space along the coast for that commercial activity. Regarding bag limits this operator commented that setting levels at those limits amounts to a *“seafood feast”* and that there is unfairness regarding what species can be taken by one sector and not another (small eye ray). Comments extended to what is and what is not set out as restrictions in a recreational netting permit, for example the national restriction for bass. The Angling Trust were opposed to an increase in recreational net lengths, and combining net lengths, but regarding recreational take (in this case from recreational nets,) they turned their attention away from the topic of netting in the direction of angling.

Angling Trust

“The Angling Trust does not support bag limits being placed on recreational anglers who intend to sustain themselves through their catches”.

The Environment Agency did not object to increasing a recreational net length to 50 metres in combination with the bag limit restrictions; but were concerned about the joining of nets (to make a 100-metre net). Two recreational netters responded to topic 3, with one already quoted above. The other that does has an interest explained he didn’t bother continuing his hobby as the current 25 metre net length restriction was too restrictive. This respondent highlighted how little impact his activity would have with a longer net (if permitted) and that for most of the year in his location on the coast he wouldn’t use a net as it could lead to excessive catches of spider crab that has to be picked out and returned. For periods when seasonality and weather conditions would make it worthwhile, he would prefer a 100 metre net.

5.4 Introducing Minimum Conservation Reference Sizes (seeking views)

Very few responses contained comments on this subject, and even less provided suggestions for specific sizes to apply. Officers have produced additional information for consideration by the B&PSC. Regarding mullet species, there were differing views from commercial fisherman. One suggested a size for grey mullet of 30cm and provided other suggestions for species that were not mentioned in section 5 of the formal consultation. Another commercial fisherman said that his support for the introduction of a MCRS for mullet species would be dependent on the decision relating to Salcombe Estuary. Regarding suggested sizes for the different species of mullet, this would be best in his view if it was 42cm for all species for Salcombe Estuary only. The same fisherman was not supportive of a MCRS for Gilthead Bream in either an estuary or the District as a whole. The lack of support from this fisherman was due to a lack of evidence for stocks, a further potential impact on fishing opportunity for small inshore commercial fishing vessels and the fact that, initially at least, the new D&S IFCA measures would only apply to the netting sector. Responses from others offered alternative views, based around D&S IFCA having available evidence, and if so D&S IFCA could use it under a precautionary approach for district wide management. The L50 approach was mentioned and implementing a 47cm MCRS for slow growing thick lipped grey mullet. The Bass Angling Conservation Group supported the introduction of a MCRS for both grey mullet and gilthead bream but would have preferred these sizes to be harmonised and considered via the involvement of the Association of IFCAs. They stated that *“For sustainability reasons, MCRS should be set as to allow fish to breed at least once before being killed. That means setting the MCRS at the length that allows 95% of fish to have matured and survived one spawning season”*.

The Angling Trust commented on MCRS as follows:

“The Angling Trust welcomes the introduction of MCRS, and encourages that the science be followed and sizes that allow at least 50% of the fish to have spawned are utilised. This is the only method that stands a chance of sustainability. We make the following proposals as MCRS for the entire D&SIFCA region, as we do not support the fishery proposed for Salcombe Estuary.

The sizes at which the two species in question within the consultation will have seen 50% spawn are:

Grey mullet: 47cm

Gilthead bream: 40cm

Suggested MCRS for all species can be found at: <https://anglingtrust.net/minimum-conservation-reference-sizes-mcrss/>”

5.5 Soak Times for Nets (at sea) – Topic 6

Although the rationale for this proposal was supported by many, the lack of specific detail in the formal consultation information about how it would translate into specific management measures potentially limited the detail in responses. Some wanted a soak time of zero, as they are completely opposed to the use of nets anywhere in the District. Some could see how it may offer advantages, either reducing time in the water and a reduction in bycatch, or a reduction in waste if lost.

Individual Response

“The longer a net is at sea the more likely it is to be lost, mislaid, or damaged in bad weather. Naturally the bycatch will increase the longer it is left in also which is why minimum soak times that provide an acceptable return for the fishers should be enforced.”

From a commercial fisherman's perspective, it was stated that soak times are already limited by how fishermen use their nets to make them effective, often with overnight setting and recovery the next day. Responses highlighted that professional fishermen do check weather forecasts and plan their activity accordingly. Fishermen do take care not to lose gear, that can be damaged by others causing the loss.

It was unclear for many how this idea could be turned into specific management measures within the permit conditions - policing the measures – and what measures exactly?

6. Communication & Outreach

6.1 Overview



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

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

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

The circulated information explained the purpose of the formal consultation, a summary of proposals, information about process (including links), prompts to help people respond, and then the six topics set out in more detail including specific management measures and rationale for the proposals. A privacy notice explained how personal data is protected and how it would be used.

6.2 The Six Topics

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

Options were provided for engagement as follows:

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

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

6.3 Expanded Outreach

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

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

6.4 Effectiveness of D&S IFCA Communications

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

6.5 Lost Messaging/Information

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

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

Although the formal consultation circular explained that some conduct recreational netting under a Netting Permit issued by D&S IFCA, some responses, and posts on social media, commented that no recreational anglers do netting – a potential indication that at least some D&S IFCA's information had not been fully read.

End.