

## Formal Consultation on Changes to the Netting Permit Conditions

### Officers Recommendation

**That Members agree to formally consult on changes to the Category One Netting Permit Conditions to:**

- a) Prohibit the catch, retention, and landing of bass by a Category One Permit Holder operating a non-powered vessel or a licenced fishing vessel without a bass authorisation.
- b) Prohibit the removal of more than five lobsters (including spiny lobster), and twenty five crabs (mixture of species as defined) in any calendar day from a fishery within the District from a non-powered vessel or a licenced fishing vessel without a shellfish fishing entitlement.
- c) Limit the amount and length of nets that can be fished by a Category One Netting Permit Holder operating a non-powered vessel.
- d) Remove a requirement to mark fixed nets at sea with a flag at one end of the net.

#### 1. Background:

In October 2025, Members discussed the development of a new Netting Permit Byelaw. Members have discussed a range of drivers for making a new Byelaw and agreed that they wish to address issues associated with the use of non-powered vessels. Members have indicated to date that if a new Netting Permit Byelaw is created, the Byelaw should not prohibit operators of non-powered vessels being able to gain a permit, only that potentially a new category of permit, specific for their needs, could be introduced.

Section 14(2)(b) of The Fisheries Act 2020 exempts any vessel whose length is 10 metres or less and which does not have an engine to power the vessel from requiring a Fishing Licence to fish commercially. D&S IFCA's current Netting Permit Byelaw allows for operators of non-powered vessels to gain a Category One (commercial) Netting Permit to fish in the District.

Although regulated to some degree by the D&S IFCA Category One Netting Permit, non-powered vessels, less than 10 metres in length fall out of the national regulatory framework. Only where byelaws apply (typically to any person) does any legislation apply to the fishing activity conducted from non-powered vessels. D&S IFCA and CIFCA Officers have been calling on Defra to recognise the issues that are created by exempting all non-powered vessels below 10m in length. Non-Powered Vessels are not subject to any quota restrictions or seasonal closures. The under 10m registered and licensed fleet has minimal access to quota species.

It is the Officers understanding that Defra has presented management options to the Minister relating to the use of non-powered vessels. No timeframe for a decision regarding the options has been given, but a decision on a national level could impact the development of a D&S IFCA Netting Permit Byelaw. Uncertainty outside of the control of D&S IFCA can hamper or even result in the Byelaw not being fit for purpose.

Developing a new Byelaw (and having it potentially confirmed) is likely to take at least two years. It is the view of Officers that the Authority should not wait two or more years to address issues with non-powered vessels. Time and resources can be better spent on an alternative approach for addressing immediate issues set out in this Officers paper and leave more time for other Byelaw making work. (re-making the Potting Permit Byelaw).

D&S IFCA's current Netting Permit Byelaw and current Permit Conditions remain as a flexible and relatively robust management tool. Changes to current Netting Permit Conditions can be used in the immediate term to address some of the issues set out in this Officers' paper relating to the use of non-powered vessels at sea, and gear marking requirements that apply to all Permit Holders.

### **Wider Issues with Non-Powered Vessels**

The records from the MMO administrative ports of Newlyn, Plymouth and Brixham indicate that there were approximately 200 non-powered vessels on the MMO's register and each vessel was given a unique non-powered vessel number. The MMO does not have any recent records as due to GDPR concerns. The MMO is not, in its opinion, allowed to keep any records regarding non-powered vessels, including any details of the vessel or the owners, and all the landings from all of the non-powered vessels are now recorded as NPV001.

It is very unlikely that most of these vessels actually exist or are used to fish, but catches that would be prohibited if caught by a licenced vessel can be landed by a non-powered vessel. MMO's records of fish landed by non-powered vessels is also unreliable as it is difficult to cross check with other information such as logbooks or IVMS.

CIFCA and D&S IFCA raised concerns to Defra that landings of many hundreds of kilogrammes on a single day were being assigned to non-powered vessels in order that the owners of licenced fishing vessels can circumvent regulations.

To support the recovery of the bass stocks, landings are restricted. Landings of bass from fixed nets or rod and line can only be made by registered and licensed vessels that are issued with an MMO administered authorisation for one or both gear types. No bass can be landed by any registered or licensed vessel that fishes with drift nets and no bass can be landed during the spawning season, February and March. The minimum conservation reference size of 42cm in length applies to all landings.

Nationally, none of the above restrictions apply to bass caught from non-powered vessels. No commercial bass fishing from the shore (e.g. by using intertidal nets) is permitted under national legislation

## **2. Issues with Non-Powered Vessels in D&S IFCA's District**

There are 13 Category One (commercial) Netting Permits issued to operators of non-powered vessels for use at sea. This is possible as the current Netting Permit Byelaw includes non-powered vessels in its interpretation of Relevant Fishing Vessel – the criterion to gain a Category One Permit.

Determining if a non-powered vessel exists at all and secondly has no engine fitted at point of application for a Category One Permit is becoming more problematic. Officers intend to introduce additional pre-checks for netting permit applications that relate to the use of a non-

powered vessel. This will require applicants to provide a photograph of the named non powered vessel as part of the application and will require Officers to attend the location where the non-powered vessel is kept when not at sea.

A current example is as follows. Under the existing Netting Permit Byelaw, a commercial Category One Netting Permit has been issued to a person that already has a separate commercial Category One Netting Permit for a different registered and licensed fishing vessel. The registered and licensed fishing vessel does not have a bass entitlement and cannot land any bass from that vessel. When fishing or declaring to have fished from the non-powered vessel the fisher can land as much bass as they wish of any size at any time of the year.

The current Byelaw enables a recreational fisher to become commercial under the current Netting Permit Byelaw simply by the fisher declaring that they operate a non-powered vessel. These fishers are then able to operate district wide with a non-powered vessel, subject to less gear restrictions in the Category One Permit Conditions. The higher level of restriction in a Category Two Permit (Catch and Gear) may be a motivating factor for some to obtain a Category One Netting Permit (and declare use of a non-powered vessel).

#### Vessel Size, and Gear

The types of non-powered vessels being used by fishers operating under a Category One (commercial) Netting Permit at sea (13 vessels) varies. All vessels are under 7 metres in length. The list includes two inflatable craft, 3 metres or below in length, with their declaration that they are targeting sand eels for bait supply – these two inflatables are owned by companies.

Table 1: Non-powered vessels' declared gear

Ref	Vessel Length (metres)	Declared Gear to Use	Total Declared Length of Nets (metres)
01	5	8 drift nets @ 32 metres each	256
02	3.8	2 drift nets @ 100 metres, 2 trammel nets @ 100 metres	400
03	1.83	1 seine net in an estuary @ 20 metres	20
04	6	10 fixed gill nets @ 75 metres, 10 trammel nets @ 25 metres, 2-3 drift nets @ 200 metres, 1 seine net in an estuary @ 20 metres	1620
05	4.26	1 drift net @ 91 metres, 3 fixed gill nets @ 91 metres, 3 trammel nets @ 91 metres, 3 tangle nets @ 91 metres.	910
06	3.7	2 fixed gill nets @ 182 metres	364
07	6.36	10 drift nets @ 100 metres, 20 fixed nets @ 50 metres, 20 trammel nets @ 50 metres	3000
08	3	1 seine net outside of estuary (length unknown)	
09	3.84	4 drift nets @ 40 metres	160
10	5	1 seine net inside estuary (20m), 2 drift nets @ 180 metres, seine net outside an estuary (length unknown)	380 + seine net
11	4	2 drift nets @ 75 metres	150
12	3	1 fixed net @ 300 metres	300
13	4	2 gill nets @75 metres; 45m of fixed shrimp nets	195

Officers conducted some focussed engagement work in November and December 2025 relating to the coastal heritage herring fishery at Clovelly. This engagement was limited to four fishers (with category One Netting Permits) known to have an association with this specific heritage fishery. Responses were received from three of four fishers contacted. As there were only three responses, using extracts from those responses would potentially identify the fishers. Members have been provided with the responses received, in full, that are not being disclosed publicly.

Other data have been taken from the declarations (collected during the application process to gain a permit) of expected gear to be used from non-powered vessels.

### **3. Recognition of Different Users and their Needs:**

All D&S IFCA Byelaws have an objective to produce a fair balance between the divergent interests of commercial and recreational fishers. Permit Conditions are different for different sectors; however, depending on other criteria some differing restrictions can apply within the same sector – the commercial sector.

An example is the current Category One (commercial) Netting Permit Conditions. A commercial fisher without a shellfish fishing entitlement as set out in the vessel's Fishing Licence is restricted to removing five lobsters (from lobster or spiny lobster) and 25 crab (from a mix of species) per calendar day. Commercial fishers that have invested in a shellfish fishing entitlement as set out in the vessel's Fishing Licence do not have this restriction.

A non-powered vessel has no Fishing Licence, so is not bound by this catch restriction. The proposed Permit Condition does not remove the opportunity for a fisher to invest to meet the criteria to be able to remove larger quantities of shellfish under the D&S IFCA Category One Permit.

### **4. Officers' Proposals**

There are four separate proposals from Officers, all based on recognising that different commercial fishers have different needs when operating under a Category One (commercial) Netting Permit. The proposals do not prevent operators of non-powered vessels fishing under a Category One Netting Permit. In formulating the proposals, Officers have recognised the following principles agreed by the B&PSC:

- To balance the needs of various users and meet conservation duties;
- To draft legislation to facilitate effective enforcement.

#### **a) Bass Authorisation**

Nationally, the approach to managing bass stocks has been to limit the number of vessels that can target the species. In addition, national legislation prevents the use of intertidal nets to commercially catch and land bass. Not all commercial fishers operating at sea have a bass entitlement, but those that do, or do not, can be recognised under the current Category One (commercial) Netting Permit Conditions.

'Catch, retain and land' can be used where D&S IFCA's permit conditions align with national requirements. Officers are proposing that a new catch restriction (and interpretation) could be introduced as follows (or similar wording):

A Category One Permit Holder operating a non-powered vessel or a licenced fishing vessel without a bass authorisation is not authorised to catch, retain or land bass in the District.

The wording for the interpretation would be as follows (or similar wording):

Licenced fishing vessel means a vessel that has been granted a licence under Section 15 of the Fisheries Act 2020.

**b) Shellfish Entitlement**

The current Category One Netting Permit Conditions already include a provision relating to a shellfish fishing entitlement on a Fishing Licence. The entitlement on the Fishing Licence allows fishers to remove more lobster and crab from the District than a fisher (with a powered licenced vessel) that does not have the entitlement. However, this provision has a potential weakness.

Legal advice from D&S IFCA's Byelaw Technical Working Group has highlighted that this restriction would potentially not apply to non-powered vessels operating at sea. As these non-powered vessels have no Fishing Licence, the whole provision may not be applicable to those fishers. To ensure that the provision is equally applied to all fishers (netting), Officers are proposing that an amended catch restriction could be introduced. 'Remove from a fishery' is used when D&S IFCA's Permit Conditions do not align with national requirements. Officers propose the following (or similar wording):

A Category One Permit Holder operating a non-powered vessel or a licenced fishing vessel without a shellfish entitlement is not authorised to remove from a fishery within the District in any calendar day more than:

- a) a total of five lobsters, however comprised, from the species of lobster or spiny lobster; and
- b) a total of twenty-five crabs, however comprised, from the species of edible crab, spider crab, velvet swimming crab and green crab.

**c) Gear Restriction**

The amount of gear declared to be worked by some permit holders when using a non-powered vessel would appear to be excessive for that type of vessel. The size of the vessel, and the lack of an engine limits manoeuvrability, capability, and efficiency of the fishing operations. There is a practical limit on the amount of fishing gear that could be operated from a non-powered vessel. Even with favourable wind and tide, there is only so far you can physically row a non-powered vessel, fish with it, and then return to a home port, beach, or trailer.

Officers propose that a new Permit Condition can be added to include the following provisions (or similar wording):

A permit holder or named representative operating a non-powered vessel at sea is only authorised under this permit to use:

- a) a maximum of two fixed nets not exceeding 200 metres in length;
- b) a maximum of one drift net not exceeding 260 metres in length; and
- c) a maximum of one seine net not exceeding 50 metres in length.

This quantity of net enables fishers with non-powered fishing vessels to continue with their participation in the coastal drift net herring fishery near Clovelly.

If the level of gear restriction is considered to be excessive by those fishers impacted by the proposed management approach, they have an option to invest in a powered vessel with a Certificate of Registry and a valid Fishing Licence to avoid these additional restrictions.

The level of investment to gain a Relevant Fishing Vessel of different sizes, capabilities and licence (including additional entitlement) varies. A simple registration costs £159. A vessel of seven metres in length would need an under 10 metre Fishing Licence. Depending on additional entitlements attached to a Fishing Licence (for example an entitlement for bass netting, rod and line and shellfish entitlement) this may be approximately £5,000 to £10,000. The size of vessel and engine power of a vessel has a bearing on the cost of a Fishing Licence. Other costs to factor in include MCA inspection and certification.

Of 130<sup>1</sup> valid Category One Netting Permits, 117 are being used by operators of vessels with both a Certificate of Registry and a Fishing Licence.

### **Gear Marking**

At present any fisher working at sea with fixed nets must use a flag to mark the net. The flag must be located at either end of the net. Officers have received feedback from a number of fishers over the years complaining about the challenges of meeting this requirement. Fishers report that it is particularly difficult to adhere to this requirement when placing nets in strong tides. The gear marking requirement was to enable Officers to differentiate more easily between strings of pots and bottom set fixed nets. In reality the challenges to meeting this requirement outweigh the benefits particularly given that the introduction of IVMS allows for better identification of where different gear types are set.

The proposal is to remove reference to flags in the gear restrictions relating to the marking of nets is applicable to both Category One and Category Two Netting Permit Conditions. However, all gear must still be clearly marked at both ends, e.g. a buff with required identification marking.

### **5. Formal Consultation**

Subject to the decision making of the B&PSC, Officers will prepare information for the Formal Consultation. This can begin in March 2026 and will run for four weeks. Communication will include use of Mailchimp, direct communication using email to all permit holders, letters to permit holders with no email, and supporting information on the D&S IFCA website and Facebook. The findings of the Formal Consultation will be reported at the next B&PSC meeting where a decision can be taken on changes to the Category One Netting Permit Conditions.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

### **Background Papers**

B&PSC Papers and meeting minutes ([Section B of D&S IFCA Website Resource Library](#))

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<sup>1</sup> Correct on 12th February 2026