



Review of the Netting Permit Conditions

Formal Public Consultation Proposals

Amendments to Category One and Category Two Permit Conditions

What is this about?

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

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

All stakeholders (for example fishermen with permits, recreational anglers, organisations, or anyone with an interest in the marine environment) can respond to each of the **five proposals** in this formal public consultation even if they do not conduct commercial or recreational netting within the D&S IFCA's District. Information is available on the D&S IFCA's website to support this formal public consultation together with details on how you can respond. The formal public consultation begins on **26th March 2026** and will end on **24th April 2026**. This formal consultation includes a privacy notice relating to the protection of personal information.

Summary of the Proposed Changes

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

Proposals relating to Commercial Netting Permit Holders (Category One Netting Permits):

- 1) A prohibition on the catch, retention of, and landing of bass by a Category One Permit Holder operating a non-powered vessel or a licenced fishing vessel without a bass authorisation.
- 2) A prohibition on 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.
- 3) The introduction of Category One Permit Conditions to limit the amount and length of net that can be fished by a Category One Netting Permit Holder operating a non-powered fishing vessel.
- 4) The introduction of Category One Permit Conditions to require Category One Permit Holders operating non-powered fishing vessels to supply catch related data to the Authority.

Proposals relating to both Commercial and Recreational Netting Permit Holders (Category One and Category Two Netting Permits):

- 5) A relaxation of a current Netting Permit Condition relating to the requirement of using flags to mark fixed nets (however all nets will still need to be marked in alternative ways).

The Process for Change

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

Information provided to the B&PSC

On 26th February 2026, the B&PSC was presented with information and evidence, and an Officers' paper setting out Officers' recommendations for this formal consultation. The information presented to the B&PSC is available to read by visiting D&S IFCA's website:

The Authority and B&PSC Meetings website page or Section B of the website Resource Library:

<https://www.devonandsevernifca.gov.uk/authority-meetings/>

<https://www.devonandsevernifca.gov.uk/resource-library/b-internal-practice-and-procedure/>

On 26th February 2026, Members of the B&PSC determined their proposals for the formal public consultation that may result in changes to the Netting Permit Conditions.

The findings of this formal public consultation will be documented and discussed by the Members of the B&PSC before any changes are made to the Netting Permit Conditions. If changes are agreed, by the B&PSC they will come into force during 2026.

Your Response

We have included some prompts to help you set out your response, but this is not a questionnaire. Your response can be as detailed as you wish and relate to all or any of the proposals (1 to 5). We very much encourage you to explain the reasons for your views and provide supporting information, if you have any, so that all the information can be considered in the decision-making process.

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

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

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

Sending in your response/contacting us

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

- **This formal consultation begins on 26th March 2026 and will end on 24th April 2026.**

The Proposed Changes – Detailed Information

The proposed changes are set out in two sections (A and B) and each proposal is accompanied with an explanation and rationale for change. The first section (A) focusses on commercial netting, and the second section (B) relates to both commercial and recreational netting.

Section A:

Proposal 01:

A Category One Netting Permit Condition will be introduced that prohibits the catch, retention of, and landing of bass by a Category One Permit Holder operating a non-powered vessel or a licenced fishing vessel without a bass authorisation.

In addition to the proposed Netting Permit Condition an interpretation (as set out below or similar) will be added to the Netting Permit Conditions:

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

Explanation and rationale

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 UK Fishing Licence to fish commercially. 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.

Nationally, the approach to managing bass stocks has been to limit the number of vessels (licensed vessels) that can target the species. 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.

National legislation relating to a requirement to have a bass authorisation (for licensed vessels) does not apply to non-powered vessels operating commercially with nets in D&S IFCA's District. The B&PSC have recognised the difference in national legislation applicable to powered vessels and non-powered vessels and the proposal is based on applying consistent regulation across the commercial netting sector.

Commercial fishers operating powered vessels without a bass authorisation will see no change. There are over 120 valid Category One (commercial) Netting Permits. Twelve of these Category One (commercial) Netting Permits have been issued to operators of non-powered vessels for use at sea. The vessel operators of non-powered vessels (that cannot gain a bass authorisation) will have the same restrictions as commercial operators of powered vessels using nets that have no bass authorisation.

Proposal 01: Your Response:

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

1. Are you a Category One Netting Permit Holder?
2. Will you be impacted (positively or negatively) financially or otherwise, by this change – how and why?

3. In what ways will the commercial fishing sector be impacted (positively or negatively), by this change – how and why?
4. Do you have any other comments relating to proposal 01?

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Proposal 02:

A Category One Netting Permit Condition will be introduced that prohibits 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.

The proposed amended Category One Permit Condition would be as follows (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.

Explanation and rationale

This proposed Category One Permit Condition is an amendment to a Permit Condition that is already in place. Currently a Category One Permit Holder (with a powered vessel, and therefore also having a Fishing Licence) is limited to the above catch limit for shellfish species if they have no shellfish fishing entitlement.

Legal advice from D&S IFCA's Byelaw Technical Working Group has highlighted that the restriction as currently set out 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 legally robust and equally applied to all fishers (netting), the B&PSC are proposing to adapt the Permit Condition and make specific reference to a non-powered fishing vessel within the provision.

The amendment would provide consistency in regulation for all Category One Permit Holders using nets from either a powered or a non-powered vessel.

Proposal 02: Your Response:

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

- a) Are you a Category One Netting Permit Holder?
- b) Will you be impacted (positively or negatively) financially or otherwise, by this change – how and why?
- c) In what ways will the commercial fishing sector be impacted (positively or negatively), by this change – how and why?
- d) Do you have any other comments relating to proposal 02?

Proposal 03:

A Category One Netting Permit Condition will be introduced that will limit the amount and length of nets that can be fished by a Category One Netting Permit Holder operating a non-powered vessel.

The proposed Permit Condition is as follows (or similar wording):

A Category One 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.

Explanation and rationale

The types of non-powered vessels being used by fishers operating under a Category One (commercial) Netting Permit at sea varies. All vessels are under seven metres in length. Data provided by vessel operators on application forms to gain a Category One Permit, and data from responses in previous engagement, has been collated to provide an estimation of the amount and length of nets being used from non-powered vessels. This ranges from one net at 20 metres in length from a single vessel to 50 nets with a total length of 3000 metres from a single vessel.

The B&PSC consider that the amount of gear declared to be worked by some permit holders when using a non-powered vessel is excessive for that type of vessel (a rowing boat). 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. Commercial fishers have differing needs depending on what vessel they have chosen to operate from. The proposal of the B&PSC recognises two agreed principles:

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

The quantity and length of nets being proposed enables fishers with non-powered fishing vessels to continue with their participation in the coastal drift net herring fishery near Clovelly (where the use of non-powered vessels supports its heritage value).

Proposal 03: Your Response:

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

- a) Are you a Category One Netting Permit Holder?
- b) Will you be impacted (positively or negatively) financially or otherwise, by this change – how and why?
- c) In what ways will the commercial fishing sector be impacted (positively or negatively), by this change – how and why?
- d) If you disagree with the length and amount of nets being proposed, what would be your suggested alternative and why?
- e) Do you have any other comments relating to proposal 03?

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Proposal 04:

The Netting Permit Byelaw includes a provision for the collection of data via the Permit Conditions and the B&PSC propose to use this byelaw provision so that catch data is provided directly to D&S IFCA.

A Category One Netting Permit Condition will be introduced that will require all operators of non-powered vessels with a Category One Netting Permit to supply catch related data to the Authority each month.

The data to be supplied will include:

- Dates of fishing activity;
- Location of fishing activity;
- Species caught and weight;
- Types of net used;
- Length of nets used;
- Where the catch was landed;
- The registered buyer (if applicable);
- A nil return is required if no fishing activity takes place.

Explanation and rationale

The B&PSC are aware that 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.

D&S IFCA's application process to gain a Category One Netting Permit for use with a non-powered vessel is being strengthened. As part of the application process, Officers may visit the non-powered vessel before a permit is issued. The Permit will only be issued providing a non-powered vessel is named on the application and a photograph and details of where the vessel is stored is provided by the applicant.

It is the view of the B&PSC that there is a risk that catches that would be prohibited if caught by a licenced vessel, can be landed by a non-powered vessel. The MMO's records of fish landed by non-powered vessels is considered by the B&PSC to be unreliable as it is difficult to cross check with other information such as logbooks or IVMS. Cornwall IFCA and D&S IFCA have raised concerns to Defra that landings of many hundreds of kilogrammes on a single day have been assigned to non-powered vessels in order that the owners of licenced fishing vessels can circumvent regulations.

Following the formal consultation, if the proposal is agreed by the B&PSC, D&S IFCA will supply operators of on-powered vessels catch data forms for completion.

Proposal 04: Your Response:

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

- a) Are you a Category One Netting Permit Holder?
- b) Are you a Category One Netting Permit Holder with a non-powered vessel?
- c) Will you be impacted (positively or negatively) financially or otherwise, by this change – how and why?
- d) In what ways will the commercial fishing sector be impacted (positively or negatively), by this change – how and why?

- e) How in your view will this proposal benefit or hamper the Authority?
 - f) Do you have any other comments relating to proposal 04?
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Section B:

Proposal 05:

The final proposal is relevant to both commercial and recreational fishers using nets in the District. The current Category One and Category Two Permit Conditions include the following gear marking provision:

A permit holder or named representative is only authorised under this permit to use a net within the District, other than in any intertidal area, if:

- a) each net is clearly marked by at least one floating marker at either end of the net; and
- b) each of the markers must display clearly the port, letters and numbers of the vessel named on the permit or the permit number; and
- c) **in each case where a fixed net is used the fixed net consists of a flag on at least one end of the net.**

The proposal is to remove the requirement to mark a fixed net using a flag on at least one end of the net.

Explanation and rationale

Over a number of years fishers, in particular commercial fishers, have complained about the challenges they have meeting this requirement to mark fixed nets using flags. Fishers have reported that it is particularly difficult to adhere to this requirement when placing nets in strong tides.

The gear marking requirement was originally introduced to enable D&S IFCA's Enforcement Officers, and others such as recreational sea anglers, 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 B&PSC agree that it is important that fishing gear is suitably marked and the other gear marking provisions set out above will remain in place.

Proposal 05: Your Response:

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

- a) Are you a Category One Netting Permit Holder?
- b) Are you a Category Two Netting Permit Holder?
- c) Will you be impacted (positively or negatively) financially or otherwise, by this change – how and why?
- d) If you disagree with the removal of the requirement to mark nets with flags, why, and what would be your suggestion?
- e) Do you have any other comments relating to proposal 05?

What do we do with your information – Privacy Policy.

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

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

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

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

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

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

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

End.