



Review of the Netting Permit Byelaw Permit Conditions

A Summary of Responses from the Formal Public Consultation

(26th March 2026 to 24th April 2026)

20th May 2026

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Version Control

Version & Date	Comments
Version 0.1: 11 th May 2026	1 st draft of report prepared. Internal review, additions, and editing.
Version 1.0: 20 th May 2026	Report finalised for presentation to the Byelaw & Permitting Sub-Committee for use at their meeting on 4 th June 2026

1. Foreword - This Report & its Purpose

This report (20th May 2026) 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 accompanied with an Officers' paper 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. The Officers' paper, rather than this report, includes recommendations for the B&PSC relating to each of the five proposals set out in the formal public consultation.

This report demonstrates how the formal public consultation - Review of the Netting Permit Conditions - was conducted and summarises the responses received. There was a relatively low response to the formal public consultation consisting of 26 responses received by the closing date of midnight 24th April 2026. Every response¹ submitted by email was acknowledged by Officers who also provided additional information in email replies.

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 italic font*.

If the B&PSC identify changes that are appropriate, Officers, with potential assistance of the Byelaw Technical Working Group (BTWG), will re-draft the Netting Permit Conditions which will be re-issued free of charge to Permit holders.

¹ Received by D&S IFCA by the closing date of midnight 24th April 2026.

2. Executive Summary of the Formal Public Consultation

The formal consultation consisted of direct notification with supporting information (a summary of the proposals) posted on D&S IFCA's website and Facebook. Direct notification included use of Mailchimp, with **2007** stakeholders receiving the formal consultation information in full.

A total of **1108** Permit holders (some with more than one permit) also received the formal consultation information in full via email with attachment. A total of **40** Permit holders with no email received the full information sent as hard copy in the post. It is unknown how many people only viewed the summary of information, rather than the information in full.

- The total response consisted of **26 responses**, with **20 comments raising objection to proposal (5)** (removal of a requirement to use flags to mark fixed nets) and **one objection to proposal (2)** (non-powered vessels - shellfish fishing entitlement).

Who Responded

The formal consultation highlighted that it would be of use for D&S IFCA Officers if every response contained the following information:

- Your name and contact details (if not already on our mailing list).
- What interest do you (or your organisation) have in netting activity and this formal consultation?
- 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).

None of the responses contained answers to all three of the above questions. It is unknown how all the stakeholders that responded were made aware of the formal consultation, however both British Divers Marine Life Rescue and the Seal Research Trust said that they were made aware by Devon Wildlife Trust and partner organisations.

Although very few responses from individuals highlighted their main interest groups, eleven of the responses from individuals were identified from the content of their responses as either having or likely to have a strong interest in diving/free diving.

Table 1: Interest Groups (individuals)

Interest Group (individual stakeholders)	Number of Responses
Diving	11
General interest/sailing	2
Unknown	4
Commercial Fisher	1

In addition to individual stakeholders, the organisations that provided a response were as follows:

- British Spearfishing Association
- British Divers Marine Life
- Seal Research Trust
- Devon Wildlife Trust
- Wembury Marine Conservation Area Advisory Group (Wembury Advisory Group)
- Environment Agency
- Angling Trust
- Bass Anglers Sportfishing Society

Content of Responses

Six of the email responses provided by individual stakeholders (divers) were constructed in a very similar way, and this included the personal response by the Chair of the British Spearfishing Association (BSA). The BSA also provided a response on behalf of their organisation that encompassed the points raised by the individual stakeholders (possibly their own Members) with an interest in diving.

The Bass Anglers Sportfishing Society (BASS) explained that they had sight of the response by the Angling Trust before it was submitted to D&S IFCA, and BASS endorsed the views of the Angling Trust for all five of the proposals. Officers have triaged the responses, and the points made in the simplest of responses were often repeated and expanded in other responses, in particular the responses submitted by the organisations.

The Wembury Advisory Group (WAG) commented on all five proposals but regarding proposal (5), they stated that they neither support nor object. WAG did raise some concern with proposal (5), as did another stakeholder who didn't object but raised issues associated with flags degrading. One response from an individual stakeholder did not comment specifically on any of the proposals as shown below:

“Shocking destruction to the UK communities but the foreign boats can do what they want no police in only UK guys really is bad fishing with a no powered boat what next a complete joke tried to call you guys no answer what a surprise”.

Focus of the Responses

The focus from 25 of the 26 stakeholders that responded to the proposals is set out in the table below. Some responses appeared to be a reaction to the summary of the proposals (the headlines), rather than a response based on the full consultation information that included more detail about each proposal and the rationale for the changes. For example:

“The idea of relaxing net markings to "alternative ways" without clearly stating what those ways are- no”.

Table 2: Number and type of comment for each proposal

Proposal	Total Number of Comments	Support/Qualified Support Comments	Neither Support nor Objection Comments	Objection Comments
01: Bass authorisation	8	8		0
02: Shellfish fishing entitlement	9	8		1
03: Number of and length of nets (non-powered vessels)	8	8		0
04: Supplying catch data (non-powered vessels)	8	8		0
05: Removal of a requirement to use flags to mark fixed nets	24	2	2 (but raised some concern)	20

Objections

Only one commercial fisher responded to the formal consultation and **objected** to proposal (2) - non-powered vessels - shellfish entitlement.

The **objection to proposal (2)** was based on additional costs for fishers to obtain shellfish entitlements. However, this response was from a commercial fisher with use of a powered vessel, not a non-powered vessel. Although recorded as an objection in this report, this response could also be seen as supportive of the main aim of the proposal which is a change in the permit condition wording only relating to non-powered vessels, not powered vessels.

Although some stakeholders commented on more than one proposal, **proposal (5)** to remove a requirement to mark fixed nets with flags generated most interest, with **20 objections**.

The main theme of the **objection to proposal (5)** was health and safety concerns and the need for other water users to be able to better identify and keep clear of nets. Responses from individual divers expressed concern of becoming entangled in nets and the associated risk to human life. Rather than relaxing this provision, some responses highlighted that additional requirements should be considered such as marking both ends of nets to improve visibility and to be able to see which direction the net is set so it can be better avoided.

Responses highlighted that from a duty of care perspective, removing the flag gear marking requirement could expose D&S IFCA to scrutiny in the event of an incident. Several of the responses by individuals, with an interest in diving, set out that *“when assessing this ‘key hazard’ your (D&S IFCA’s) risk balance ratio must reflect the risk to life...”*, (and that not recognising the principle of ALARP² would) *“expose D&S IFCA to litigation risks in the future”*.

Responses highlighted that nets not clearly marked with flags are a hazard for safe navigation. Increased risks of entanglement to marine mammals and birds were also cited within the response by the Seal Research Trust, Devon Wildlife Trust, and the Wembury Advisory Group.

Devon Wildlife Trust set out that, in their view, the use of flags assists enforceability, recovery of lost gear, and that relaxation of the requirement may contribute to increased levels of abandoned gear. The Environment Agency (EA) highlighted that, in their view, the use of clear markers placed on inshore coastal nets enables illegally set nets to be easily detected and the owner of an illegally set net to be potentially identified. The EA also stated that if a suitable net marker and boat details are not fitted, that nets can be immediately lifted and removed from the water as it is clearly set illegally.

The response from the British Spearfishing Association was the most detailed of all the responses. Although they were supportive of proposals (1 to 4), their objection to proposal (5) was broken down into five separate sections, explored in more detail in **Section (7.1)** of this report. The points below capture the main themes relating to **proposal (5)** set out in responses by all the organisations and within the individual responses.

- Safety of Life: A Universal Hazard
- Navigation Risk and Propeller Fouling
- Risks to Marine Mammals and Birds
- Ghost Fishing and Environmental Monitoring
- Regulatory Precedent and Enforceability
- Lateral Safety and Legal Risks for D&S IFCA

² ALARP – (As low as reasonably possible) – a safety and risk management principle – Health & Safety at Work Act 1974

Qualified Support and Other Comments

Two responses that neither supported nor objected to proposal (5) raised points of concern in their responses. One stakeholder highlighted that flags help seafarers keep clear of nets, however when flags deteriorate, they can increase the shedding of microplastics into the sea.

Without objecting to proposal (5), the Wembury Advisory Group wanted reassurance that removing the flag gear marking requirement would not lead to illegal nets being less detectable, or increase attraction to nets by wildlife such as gulls and seals.

The Angling Trust (AT) and the Bass Anglers Sportfishing Society (BASS), endorsing the response by AT, provided qualified support for proposal (5). This support was based on D&S IFCA carefully considering the implications of removing the requirement of marking fixed nets with flags. Their support is based on the assurance that the remaining gear marking requirements can be adequately enforced, IVMS coverage of commercial netters is comprehensive and reliable as a substitute for marking with flags, and that D&S IFCA will monitor any increased reports of gear related incidents or near misses by recreational water users.

3. Proposal 1: (Bass Authorisation)

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.

The Explanation and Rationale Provided in the Formal Consultation

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.

The Prompts for a Response

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?

3.1 Proposal 1: Summary of Response

Eight responses, all from organisations, commented on proposal (1), and **all were supportive** of a change in the Netting Permit Conditions to strengthen the legislation. The organisations could see benefit in the application of consistency in management involving both powered and non-powered fishing vessels.

The Angling Trust provided the most detailed response, with the response endorsed by the Bass Anglers Sportfishing Society.

The Angling Trust (AT)

*“Bass (*Dicentrarchus labrax*) is a species of particular importance to the recreational angling sector. It supports a significant recreational fishery of high economic value and has been the subject of long running and hard-won conservation efforts at both national and European level. The national bass management framework rightly restricts the ability of commercial operators to land bass to those vessels holding a specific MMO-administered bass authorisation.*

It is therefore a clear anomaly that non-powered vessels operating commercially with nets in the D&S IFCA district have, to date, been able to land bass without holding such an authorisation.

This gap risks undermining the intent of the national framework and creating a perverse incentive for operators to use non-powered vessels specifically to circumvent bass landing restrictions.

We commend D&S IFCA for identifying this discrepancy and bringing forward a proposal to address it. Applying consistent regulation across the netting sector - regardless of vessel type - is essential for the credibility and effectiveness of stock management. We would encourage D&S IFCA to ensure that the new permit condition is robustly worded and actively enforced, and to consider how enforcement will be practically achieved at the point of landing”.

The responses relating to proposal (1) from Devon Wildlife Trust and Wembury Advisory Group were very similar. The Wembury Advisory Group strongly supported this proposal, as well as proposals (2, 3, and 4) using the same rationale for their support.

Wembury Advisory Group (WAG)

“We strongly support your Proposals 1, 2, 3 and 4. This is because they will ensure that the relevant conservation measures apply to all vessel operators within the District and remove the possibility that fishers avoid these conservation measures by claiming that they are operating a non-powered fishing vessel. We understand from discussions that, without these amendments, the use of this ‘loophole’ is a real possibility”.

British Spearfishing Association (BSA)

“We believe that regulating commercial-scale extraction by all commercial vessels (including unpowered vessels) is important for the long-term health of the fishery. By closing this loophole, the IFCA helps to protect the resource for both legitimate commercial fishers and recreational users alike”.

Seal Research Trust (SRT)

“SRT support your proposal to apply regulation to non-powered vessels and ensure all licenced fishing vessels require a bass authorisation. This will mean fisheries will be more effectively monitored. SRT will not be impacted, but seals and other marine predators will always gain from better and more sustainable managed fisheries, given they are all limited by prey availability”.

4. Proposal 2: (Shellfish Fishing Entitlement)

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.

The Explanation and Rationale Provided in the Formal Consultation

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.

The Prompts for a Response

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 02?

4.1 Proposal 2: Summary of Response

Nine responses commented on proposal (2), with eight responses by organisations and one response from a commercial fisher operating nets. There was support, qualified support and **one objection** to this proposal.

Support

The EA stated they support proposal (2) without further detail in set out in their response. The Wembury Advisory Group were supportive as the amendments will close a potential loophole. The British Spearfishing Association were also in support using similar rationale, as were the Angling Trust (and by extension the Bass Anglers Sportfishing Society).

British Spearfishing Association (BSA)

The BSA supports..... the introduction of bag limits for lobster and crab for commercial vessels without shellfish entitlements. These measures align with the need for sustainable stock management and the principle of equitable resource access. We believe that regulating commercial-scale extraction by all commercial vessels (including unpowered vessels) is important for the long-term health of the fishery. By closing this loophole, the IFCA helps to protect the resource for both legitimate commercial fishers and recreational users alike.

Angling Trust

“We understand that the existing shellfish catch limit condition - restricting the removal of lobster and crab by netters without a shellfish fishing entitlement - may not, in its current form, be legally applicable to non-powered vessels. The proposal to amend the permit condition to make explicit reference to non-powered vessels is a sensible and necessary legal clarification. Lobster and crab are important species within the coastal ecosystem and support both commercial and recreational fisheries. Ensuring that all netting permit holders are subject to the same catch limits, regardless of vessel type, is a matter of both conservation integrity and regulatory fairness. We support the principle of equal treatment across the sector”.

Qualified Support

Qualified support for proposal (2) was provided by British Divers Marine Life Rescue, the Seal Research Trust, and Devon Wildlife Trust. All three organisations had the view that the limits are needed; however, 5 lobsters and 25 crab per day for fishers without a shellfish entitlement is an amount that is excessive.

British Divers Marine Life Rescue

“.....the figures for lobsters and crabs could potentially be too high considering the number of fishers out there and potential for large quantities of individuals to be removed”.

Seal Research Trust (SRT)

“SRT partially support your proposal to apply shellfish fishing entitlement regulation to non-powered vessels and licenced fishing vessels to limit catches up to 5 lobsters and 25 crabs on any day, although frankly this seems quite high...why does anyone need 5 lobsters and 25 crabs a day – given the number of potential fishers out that this sounds like it may not be sustainable and appears too high – why not 2 lobsters and 3 crabs? SRT will not be impacted, but seals and other marine predators will always gain from better and more sustainable managed fisheries, given they are all limited by prey availability”.

Devon Wildlife Trust (DWT)

“DWT partially supports this proposal. While we agree that limits should apply consistently across all vessels, we are concerned that the proposed thresholds (five lobsters and twenty-five crabs per day) may be too high when considered cumulatively across multiple fishers. We recommend that the evidence base underpinning these limits is clearly presented”.

Officer Comment (quantity of shellfish)

The levels of 5 lobsters and 25 crab set out in D&S IFCA’s Permit Conditions was not based on evidence considered by the Authority. The levels set in the Permit Conditions mirror national legislation.

Objection

The objection came from a commercial fisher based in Plymouth who stated that he intends to gain both a D&S IFCA Netting Permit and a D&S IFCA Potting Permit in the near future. The fisher highlighted the costs associated with setting up his fishing operation, including the cost of gaining a Category A Fishing Licence with a shellfish entitlement, that is too expensive for him to obtain. The vessel is a powered and his intention is to work a few fleets of nets and a dozen pots in the District. This fisher set out that he supports the Permit Condition applying to non-powered vessels; however, he is not supportive of it being applied to powered vessels.

“I agree with the non-powered vessel part but not with the vessels with Cat A licences”.

The fisher stated that the proposal is unfair, unjust, and morally wrong. The rationale for what in his view will have adverse effects is set out below:

“Myself and others will be forced to purchase shellfish entitlements, as they are very expensive, we would have no choice but to work more gear to recover the costs - working more gear will ultimately cause more catch uptake for shellfish. I believe this is the opposite to what you are trying to achieve. Myself and other fishermen working small inshore boats will be forced to work outside the 6NM line in order to retain our legally allowed lobsters and crab. This is beyond the inshore vessels capabilities and will be very dangerous but some fishermen will feel they don’t have a choice. Myself and other fisherman fishing out Plymouth will be forced to head west into the Cornwall district causing more uptake in their district and ground conflict”.

D&S IFCA Officer Comment (Both Objection and Support)

The response from the fisher above has been set out in this report as an objection; however (potentially unknowingly) it is supportive of the proposal. The proposal in the formal consultation is based on an existing permit condition (1.5.1) which already restricts a permit holder (with a powered vessel) without a shellfish entitlement from removing more than 5 lobsters and 25 crab from a fishery in the District.

- The proposal therefore only has an impact to fishers operating a non-powered vessel. The fisher has, or is preparing to use, a powered vessel.

Although the Permit Condition (current and proposed) will only apply in the District, the catch restriction for powered vessels without a shellfish entitlement on a Fishing Licence already applies beyond the D&S IFCA District.

5. Proposal 3: (Limits on number and length of net)

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.

The Explanation and Rationale Provided in the Formal Consultation

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).

The Prompts for a Response

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. If you disagree with the length and amount of nets being proposed, what would be your suggested alternative and why?
5. Do you have any other comments relating to proposal 03?

5.1 Proposal 3: Summary of Response

Eight responses commented on proposal (3) and these were all from organisations rather than individual stakeholders, including commercial fishers. There was a mix of qualified support, support with observations, and full support. There were **no objections** to proposal (3).

Support (including observations)

The Angling Trust³ strongly supported proposal (3) and encouraged D&S IFCA to apply the limits at the lower end of what is considered reasonable.

Angling Trust

“We note with concern the data presented in the consultation document, which reveals that some non-powered vessel operators have declared fishing up to 50 nets with a combined length of 3,000 metres. This level of gear deployment from a vessel that is, by definition, a non-motorised rowing boat raises serious questions about the practical basis of such declarations and about the proportionality of the activity relative to the vessel type.

The proposed limits - a maximum of two fixed nets not exceeding 200 metres, one drift net not exceeding 260 metres, and one seine net not exceeding 50 metres - appear to represent a pragmatic accommodation of legitimate small-scale activity, including the culturally important Clovelly drift net herring fishery. The Angling Trust, while opposed to inshore netting, initially accepts this balance.

We make the following additional observations:

- *The proposed limits should be regularly reviewed to ensure they remain proportionate to actual vessel capability and to evolving stock conditions.*
- *We would welcome D&S IFCA considering whether similar gear limits should be reviewed or introduced for powered vessel operators, where proportionality considerations are no less relevant.*
- *Clearer guidance on how permit holders will demonstrate compliance with net quantity and length limits would be helpful, particularly in the context of enforcement”.*

³ Bass Anglers Sportfishing Society endorsed the response provided by the Angling Trust

Devon Wildlife Trust simply stated that they support this proposal.

Wembury Advisory Group strongly supported the proposal, with their combined response to proposals (1,2, 3, and 4) already set out in Section 3.1 – “*...ensuring that the relevant conservation measures apply to all vessel operators within the District and remove the possibility that fishers avoid these conservation measures by claiming that they are operating a non-powered fishing vessel*”.

.....

Qualified Support

Qualified support for proposal (3) was provided by British Divers Marine Life Rescue, the Seal Research Trust, and the Environment Agency. These three organisations had the view that the amount of net being proposed for use by non-powered vessels was excessive, with alternative suggestions made by the Seal Research Trust and the Environment Agency (EA). The EA suggested that **only one seine net, and no other nets**, should be used by a non-powered vessel. The Seal Research Trust had the view that **three nets**, rather than a maximum of four, are acceptable for use by non-powered vessels, but the lengths of the fixed and drift nets be **reduced to 100 metres**.

Environment Agency

“Whilst the Environment Agency endorses the principle that Devon and Severn IFCA are intending to implement, we feel that the proposed option should be more restrictive and only enable non powered vessel under 7 metres to utilise one seine net not exceeding 50m.

The rationale for this position is that the permit conditions still enable the use of two 200 m fixed nets and a 260 m drift net on a non-powered vessel. This provides justification for illegal operators to still have such nets present in a restricted netting area even when they are not using the equipment. Furthermore, we are aware that if migratory salmonids are captured in a drift net, the vessel would not be able to manoeuvre effectively to enable the live return of any migratory fish that caught in that net if fishing in a restricted fixed net fishing area.

Furthermore, if a drift net was being used in a non-powered small vessel, the permit holder would not be able to easily avoid a drift net from becoming fixed in areas where the use of fixed nets is currently prohibited. We would like to propose increased clarity in relation to the use of longer lengths of fixed and drift nets by non-powered vessel. Our preference is for such nets to be restricted to powered category 1 commercial vessels only.

We also note that it seems highly unlikely that an unpowered vessel of less than 7 metres could reasonably be expected to deploy or carry up to 50 nets which clearly suggests misuse of the current netting permit conditions”.

Seal Research Trust (SRT)

“SRT partially support the proposal that a category One permit holder or named representative in a non-powered vessel at sea should be required to have a permit condition. We disagree about the length of nets which seem excessive. It would be better to have one fixed net not exceeding 100m; one drift net not exceeding 100m and one seine net not exceeding 50m. SRT will not be impacted, but seals and other marine predators will always gain from better and more sustainable managed fisheries, given they are all limited by prey availability”.

Objection

There were **no objections** to the proposal (3).

6. Proposal 4: (Supply of Data)

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.

The Explanation and Rationale Provided in the Formal Consultation

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.

The Prompts for a Response

1. Are you a Category One Netting Permit Holder?
2. Are you a Category One Netting Permit Holder with a non-powered vessel?
3. Will you be impacted (positively or negatively) financially or otherwise, by this change – how and why?
4. In what ways will the commercial fishing sector be impacted (positively or negatively), by this change – how and why?
5. How in your view will this proposal benefit or hamper the Authority?

6. Do you have any other comments relating to proposal 04?

6.1 Proposal 4: Summary of Response

Eight responses commented on proposal (4) and these were all from organisations rather than individual stakeholders, including commercial fishers operating non-powered vessels. There were **no objections** to proposal (4).

Support

This proposal was formulated by Members of the Byelaw and Permitting Sub-Committee (B&PSC), rather than being based on a recommendation by D&S IFCA Officers. The B&PSC's proposal was supported by all eight of the organisations that responded.

Both the Environment Agency and the Angling Trust urged D&S IFCA to go further and extend the requirement for submission of catch data to also apply to operators of powered vessels with a Category One Netting Permit.

The Angling Trust stated that in their view *“proposal (4) is one of the most important proposals in this consultation”*.

Angling Trust

“The absence of reliable catch data from non-powered vessels is a significant gap in the evidence base for inshore fisheries management in the D&S IFCA district. We note the B&PSC's concerns - shared by D&S IFCA and Cornwall IFCA - that catches of many hundreds of kilogrammes on a single day have been attributed to non-powered vessels, apparently in circumstances where the vessel type has been used as a means to circumvent the regulatory requirements applicable to licenced fishing vessels. This represents a serious threat to the integrity of the management system.

Robust and mandatory data collection is a prerequisite for evidence-based fisheries management. Without it, it is impossible to:

- *Accurately assess the impact of non-powered vessel netting on shared fish stocks;*
- *Identify and investigate anomalous or implausible landing data;*
- *Evaluate the effectiveness of other permit conditions, including the gear limits proposed in Proposal 3; or*
- *Hold permit holders accountable for their declared fishing activity.*

We are therefore fully supportive of the introduction of monthly catch returns for non-powered vessel Category One permit holders, including a nil return requirement. The data fields proposed - covering dates, locations, species, gear type and dimensions, landing points, and buyer details - are appropriate and proportionate, in our view”.

The Angling Trust did ask two questions for D&S IFCA (B&PSC) when considering introducing this requirement for catch data:

1. **how submitted data will be verified and cross-referenced with other sources (e.g., registered buyer records) to identify potential discrepancies, and**
2. **whether there is scope to share aggregated data with other IFCAs, the MMO, and representative bodies (including the Angling Trust) to support wider stock assessments.**

The responses from the British Divers Marine Life Rescue, the Sea Research Trust, and Devon Wildlife Trust were similar. Both responses highlighted that fishing activity needs to be monitored and managed effectively and that in their view catch data provides a clearer and more comprehensive picture of fishing activity and will help to reduce potential illegal fishing or significant unreported biomass removal. Both WAG and the British Spearfishing Association provided simple messages of support for proposal 4 without any detail for their own rationale.

Objection

There were **no objections** in the formal consultation to proposal (4).

7. Proposal 5: (Removal of a requirement to use flags to mark fixed nets)

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.

The Explanation and Rationale Provided in the Formal Consultation

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.

The Prompts for a Response

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

7.1 Proposal 5: Summary of Response

There were 24 comments relating to proposal (5). There were **20 objections** to proposal (5), two responses that offered qualified support, and two responses that were neither in favour nor opposed. Five of the objections were from organisations (British Divers Marine Life Rescue, the Seal Research Trust, Devon Wildlife Trust, the Environment Agency, and the British Spearfishing Association).

The qualified support was provided by the Angling Trust and by extension the Bass Anglers Sportfishing Society that endorsed the response by the Angling Trust.

Qualified Support

Angling Trust

The Angling Trust offers conditional and qualified support for Proposal 5, but requests that D&S IFCA carefully considers the implications for recreational sea anglers before finalising this change.

We appreciate that the practical difficulties of complying with the flag marking requirement - particularly in strong tidal conditions - are genuine and have been raised by commercial fishers over a number of years. We also acknowledge that the introduction of IVMS provides improved capability for enforcement officers to identify the position and type of gear deployed.

However, the original rationale for the flag marking requirement - enabling differentiation between fixed nets and strings of pots - was not solely an enforcement concern. For recreational sea anglers, the ability to visually distinguish between gear types from a boat or when approaching from the water is a practical safety and amenity matter. Fixed nets set below the surface without clear differentiated marking can present hazards to small recreational vessels, particularly those not equipped with IVMS or chart plotters.

In providing their support, DWT did set out that D&S IFCA (the B&PSC) confirm the following:

1. That the remaining gear marking requirements (floating markers at each end, displaying the port letters, numbers, and permit number) will be actively enforced and that standards of compliance are adequate;
2. That D&S IFCA is satisfied that the IVMS coverage of commercial netters in the district is sufficiently comprehensive and reliable to serve as a practical substitute for physical flag differentiation;
3. That D&S IFCA will monitor any increase in reports of gear-related incidents or near-misses by recreational water users following the removal of the flag requirement.

No Clear View

An individual stakeholder raised concern rather than objecting to the proposal (5). Although this stakeholder has the view that it is vital that fishing gear is marked correctly, especially to avoid propeller fouling, they highlighted that *“flags can bring their own problems shedding microplastics into the sea as they age and degrade, so would prefer a better solution”*.

Wembury Advisory Group (WAG)

“On your Proposal 5, we (WAG) are concerned that permitting the use of less obvious markings than flags on fixed nets may make it easier for illegal nets to avoid detection. We are also unsure whether less obvious markers will affect avoidance of or attraction to nets by wildlife such as gulls and seals. We therefore neither strongly support or oppose Proposal 5 but wish to be reassured that you have taken these factors into account”.

Objection

The main points of objection, from those with an interest in diving, were based around health and safety. The response from the Chairman of the British Spearfishing Association (BSA) encompasses the views of five others (that responded directly to the formal consultation) and was submitted after a response by an individual diver who had copied in their own response to others. The response from the Chair of the BSA highlighted they have a membership of over 190 spearfishes who potentially have the same view as the Chairman of the organisation.

British Spearfishing Association (Chair)

“We like to oppose the removal of flags from fixed nets. They are also critical to save the life of divers, breath holders divers and spear fishermen. This is because some forms of fixed nets are almost impossible to see, and made worse in poor visibility and are a death trap to divers and breath holders free divers if not correctly marked. Popular reefs and wrecks used by sportspeople are often ring netted in summer, without proper identification of nets (vice pots) you would be issuing a potential death sentence. I feel this risk to life greatly outweighs the ‘difficulty’ commercial fisherman say they experience, which from personal experience is more inconvenient than anything else. When assessing this ‘key hazard’ your risk balance ratio must reflect the risk to life, and I would argue that you are not ALARP if you remove the current requirement for flags, thus leaving IFCA exposed to litigation in future. Flags also clearly identify areas of potential fouling for ships / vessels, especially when they move under adverse conditions into shallower areas or shipping channels. Flags are essential.”

This response was followed by a more detailed response from the British Spearfishing Association (BSA) as their official response. The response from the BSA separated their rationale for objection into five sections, and does encompass the points made in most other responses from individuals and other organisations that objected to the proposal (5).

As well as the points made from the BSA (transcribed in this report), both the Seal Research Trust and Devon Wildlife Trust also highlighted that removal of the gear marking requirement for flags can increase the risks for marine mammals and birds being caught unintentionally in nets.

Seal Research Trust (SRT)

“Research is currently being undertaken by the RSPB about the deterrent effect of kites to reduce bycatch. Please do investigate this ongoing research by contacting Bernadette Butterworth at the RSPB. The flapping nature of flags is key to act (like terrestrial scarecrows) for birds and seals. For example, alternatives to flags like adding bottles to mark nets will look like fish and be a potential attraction to any predators increasing the risk of bycatch.”

SRT suggest you keep the requirement for needing flags at both end of any net and maybe even consider adding kites as well. We desperately need all UK fisheries to decrease bycatch which is wasting so much biomass and ultimately also negatively impacting fisheries. People who are making money from the sea's resources need to minimise the impacts they have, if there is to be any chance of making fisheries sustainable at best, let alone enabling fish species recovery!"

Devon Wildlife Trust set out a similar point of view and added their own recommendations for consideration as follows:

Devon Wildlife Trust (DWT)

"Rather than removing the requirement for flag markers, DWT recommends that D&S IFCA:

- Retains the requirement for clearly visible surface markers, including flags;*
- Considers strengthening gear marking requirements to improve visibility and identification;*
- Aligns management with ongoing work to reduce bycatch and improve gear selectivity, including initiatives as Clean Catch UK".*

The most detailed response was received from the British Spearfishing Association and as it covers most other points of objection raised by organisations and stakeholders it is set out below.

British Spearfishing Association (BSA)

1. Safety to Life: A Universal Hazard

"The removal of flags creates a "blind" hazard for all vulnerable water users.

Visibility and Entanglement: Nets are nearly impossible to detect underwater. A buoy without a flag is not visible in even mild swell and is indistinguishable from a point hazard. Without a flag, there is no way for a diver to know they are entering a "danger zone". Additionally, swimmers, surfers, and paddleboarders, who may fall into the water unexpectedly, are also placed at extreme risk.

Diver Vulnerability: An entanglement in a net is a "death trap". For breath-hold divers (including spearfishers), the margin for error is zero. For other divers, such as SCUBA divers, entanglements can lead to rapid air depletion or "panic" ascents. It is critical for risk management that all water users can identify the position and length of these hazards from a distance.

Targeted Areas: Popular reefs and wrecks are frequently netted, and frequented by tourists and local recreationalists. Removing the flag requirement in these high-traffic areas constitutes an unacceptable and avoidable risk to life".

2. Navigational Risk and Propeller Fouling

"This proposal increases the risk of engine failure for all small craft.

Propeller Fouling: Removing flags significantly increases the risk of propellers fouling on net headlines. This increases the risk of accidents. For example, a disabled engine in a tidal race or near a rocky lee shore for a small SIB or RIB creates a secondary life-safety emergency. It is imperative that nets are visible from a distance at speed".

Similar points were made in other responses with one by an individual stakeholder highlighted below:

Individual Stakeholder

“The costs incurred from being caught in a poorly marked net is very high due to damaged stern gear inspection, haul out, plus the towage costs, and possible risk to life if only course of action is to enter the water to free net from stern gear.

Fundamentally disagree with the relaxation of the rules marking gear which would be in contradiction to widespread feeling within the seafaring community that there should be improvements in standards regarding the marking of gear. As a regular user of the Coast over 30 years poorly marked equipment particularly around headlands and more hazardous areas has increased in volume. It is even more imperative that this gear is marked clearly (and at night be visible) as should a vessel be impaired in a high tidal area near a headland the response time reduces, and the risk to life increases. Already we rely too heavily on the RNLi to attend the casualty and more responsibility needs to be taken by the owner setting the gear.

It should be an additional requirement (for nets) to be identifiable at night as well as during the day”.

3. Ghost Fishing and Environmental Monitoring

“Loss of Gear: Removing flags increases the likelihood of nets being lost. Without adequate markers, these nets become “ghost nets” which catch marine life and entangle water users indefinitely.

Citizen Monitoring: Water users often act as the “eyes and ears” of the IFCA. Removing flags makes it impossible for the public to distinguish between legal, permitted gear and illegal/poached nets”.

4. Regulatory Precedent and Enforceability

We draw the IFCA’s attention to the Sussex IFCA Netting Permit Byelaw.

Higher Standards: In Sussex, consultations led to the requirement for larger buoys and taller flags.

New requirement: “a pole that extends over 1 metre from the surface of the water and is topped with a flag that is not less than 300 millimetres by 300 millimetres in size”

From the post-consultation FAQ: “Firstly, the gear marking requirements placed on commercial net fishers will make net gear more visible and identifiable for compliance and enforcement purposes. Being more visible will also enable other stakeholders to identify and avoid marked gear, reducing incidents of gear conflict. Secondly, the proposed Byelaw will exclude netting from an increased proportion of the District nearest the shore for the entire year, including those areas more commonly used by recreational users, including anglers, swimmers, paddle boarders and kayakers.”

The regulator moved toward higher visibility to protect users and manage spatial conflict. It is illogical for a different IFCA to move in the opposite direction, and may result in liability if this leads to accidents”.

Other organisations, including the Environment Agency also commented on enforceability.

“The use of clear markers on inshore coastal nets enables illegally set nets to be easily detected and the owner of an illegally set net to be potentially identified. Furthermore, if a

suitable net marker and boat details are not fitted, that net can be immediately lifted and removed from the water as it is clearly set illegally. We (EA) accept that this position can be reviewed once IVMS is rolled out fully and agreed to be working adequately for all persons that are likely to use nets (including non-powered vessels)

5. Lateral Safety and Legal Risks

“The IFCA should consider the following legal and operational implications:

Search and Rescue (SAR) Operations: In the event of a missing person at sea, RNLi and Coastguard assets often operate at speed in shallow water. Unmarked nets pose a direct threat to rescue personnel and their vessels during time-critical operations.

Coroner’s Inquests and Liability: Should a fatality occur due to entanglement, the IFCA’s decision to deliberately remove a known safety requirement (the flag) will likely be a central focus of any Coroner’s Inquest. The IFCA may be found to have failed in its duty to reduce risks to ALARP (As Low As Reasonably Practicable), especially since the “burden” on fishers to provide a flag is negligible compared to the risk of drowning”.

8. Communication & Outreach

Overview

The Formal Public Consultation began on 26th March 2026 and ended on 24th April 2026. The full version of the formal consultation was directly circulated to over 2000 contacts on the D&S IFCA contact data base. This included all D&S IFCA Byelaw and Permitting Sub-Committee Members.

- 2007 people received the consultation information via the Mailchimp Platform.
- 606 people opened the Mailchimp email.
- 1108 Permit holders with an email address were sent the consultation information as an email attachment.
- 40 Permit holders were sent the consultation information in hard copy.
- The most popular hyperlinks to D&S IFCA’s website within the consultation was to view the [“Authority & B&PSC Meetings”](#) page and [“Our Members”](#) page.



Some Permit holders are on both the Mailchimp contact list and the Permit holder contact list, therefore received the information twice. Some Permit holders have un-subscribed from Mailchimp, so only received the information as an email attachment or in hard copy.

In addition to the Mailchimp circular, a news item was produced for the website which was duplicated on Facebook setting out a summary of the five proposals. The blog news item was taken off display after the consultation ended. The news item (pdf) can be viewed [here](#).

The key information about the formal consultation was placed on the “Engagement & Have Your Say” website display page for the duration of the formal public consultation.

The circulated information explained the purpose of the formal consultation, a summary of the proposals, information about process (including links), prompts to help people respond, and

then the five proposals 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. The pdf version of the formal consultation can be read [here](#).

The application forms to gain a permit provide fisher with a choice not to provide an email address for communication. All permit holders that have not provided D&S IFCA with an email address were sent the full formal consultation information in the post. The cost to the Authority of sending hard copy information was £68.

Options were provided for engagement as follows:

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)

Effectiveness of D&S IFCA Communications

Although the response (26 responses) was relatively low, the communications approach exactly mirrored D&S IFCA's formal consultation for changes to the Netting Permit Conditions undertaken in 2023/2024 which resulted in 364 separate responses.

The consultation did not appear to generate widespread interest, for example additional articles in newspapers or the television. One respondent did say they heard about the consultation via a Facebook group.

Officers have the view that the relatively low response rate is far more likely to be reflection on the substance of the formal consultation rather than any aspect of D&S IFCA's approach to its communications.

9. Other Information

Responses did highlight some additional information, including praise for D&S IFCA's approach to inclusive fisheries management and how the consultations are conducted. An example is shown below:

Concluding Remarks Angling Trust:

"The Angling Trust welcomes this consultation as an example of D&S IFCA taking a proactive and evidence-informed approach to inshore fisheries management. The proposals collectively represent a meaningful improvement in the regulatory framework for netting from non-powered vessels, addressing longstanding gaps in enforcement coverage, data availability, and consistency of regulation across vessel types.

We would encourage D&S IFCA to:

- *Ensure that the agreed permit conditions are backed by adequate enforcement resource and capacity;*
- *Commit to a regular review of all Category One and Category Two permit conditions in the light of data gathered under the new reporting requirements; and*
- *Continue to engage with representative bodies from the recreational sector, including the Angling Trust, as part of its ongoing stakeholder engagement processes.*

The Angling Trust is committed to constructive engagement with IFCA's and other management bodies in support of healthy, well-managed inshore fisheries that deliver

sustainable benefits for all legitimate user groups. We are grateful for the opportunity to contribute to this consultation”.

End.