



Access for netting within estuaries & the decision making process

Revised report to all members of the D&SIFCA

February 2017

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Recommended additional reading

- Impact Assessment including the Annexes
- The response and recommendations report for stakeholders (22nd Nov 2016)

Part 1 Objectives, foundations and recommendations

1. Introduction and purpose

A meeting of the Full Authority was held on 9th December 2016. The recommendations in regards to the proposed Netting Permit Byelaw were partially discussed but this discussion was not completed. Members of the Full Authority did not accept nor reject the recommendations presented to them. The Full Authority took a decision to suspend the confirmation phase of the Netting Permit Byelaw until all members had more time to consider the content of the work undertaken to date, the recommendations made by the Byelaw Sub-Committee and the economic and social impact of implementing this byelaw.

To meet this requirement, officers, via approval of the Byelaw and Permitting Sub-Committee, have prepared this amended report and intend to conduct a supplementary slide show presentation to Authority members that are not on the Byelaw and Permitting Sub-Committee. This amended report has recognised requests from the Sub-Committee to add clarity concerning key objectives of the proposed Netting Permit Byelaw and linking these objectives to the IFCA's statutory duties, pre-established principles and simplified decision making (final recommendations) against alternative approaches to netting management suggested during the consultation process.

Key aspects of this report:

- a) Provide Members of the Full Authority with an overarching reference document to re-cap key information used within the process and an audit of when information was presented;
- b) To place particular focus on the proposal to prohibit fixed and drift netting within estuaries;
- c) To explain how and why a proposal was reached to prohibit netting within estuaries;
- d) To explain what alternative suggestions for netting within estuaries were suggested and why, on balance, these were discounted as a credible option;
- e) Provide all readers with relevant information in regard to the process and decision making to date that is simplified and therefore easier to understand

To simplify aspects of the process and the information that has been considered, part of this report has been devoted to stakeholders that may or may not have followed the process in detail. Simplified information (where required) is indicated and appears as **blue italic** paragraphs.

In forming recommendations, multiple factors have often been considered. This report highlights some key areas of rationale relative to several of the recommendations made, but readers should understand that it has often been the case that more than one aspect of background (foundation) information has influenced deliberations in forming the final recommendations.

The information contained within this report, and in particular the simplified sections are not intended as a substitute for more comprehensive information or evidence bases that have been compiled within other documents such as the Impact Assessment, the multiple annexes for the Impact Assessment or the final Response and Recommendations Report, which are all available on the D&SIFCA website. Throughout the process officers have prepared over 50 documents to aid deliberations by members.

It is also important to recognise that Officers collect and prepare material to aid Sub-Committee members' deliberation of different aspects of the byelaw review work. Officers offer advice on certain aspects of the work, often present work on behalf of the Sub-Committee, but do not make decisions at any stage. Decisions taken by the Sub-Committee are in fact only "recommendations" that are then presented to members of the Full Authority at key stages for them to make decisions.

2. Overview

In order to avoid challenges (via a judicial review) to the decision making process to date it is important to highlight the information that was referred to by the D&SIFCA Byelaw and Permitting Sub-Committee during their deliberations and forming recommendations to the Full Authority via a Response and Recommendations report, finalised on 22nd November 2016.

- All consultation phases ended on 22nd September 2016;
- Information received during the pre-consultation and formal consultation phases were explored, evaluated and considered;
- Key principles have been developed and referred to during decision making;
- Recommendations have been formulated based on information available to 22nd September 2016 and are detailed in the Response and Recommendations report (November 22nd 2016);
- To avoid an *ultra vires* situation, any external changes to the management of netting (Domestic and EU conservation measures) after 22nd September 2016 can influence the content of the final byelaw (and/or permits) submitted for confirmation*.

**D&SIFCA byelaws cannot be less restrictive than domestic and EU legislation. These forms of legislation take precedent over the Byelaws. New byelaws (Permit Conditions) can't be introduced if measures contained within them allow an activity to take place when in fact it is prohibited under national or EU legislation. Until a byelaw is confirmed, external measures will be recognised and the Byelaw (and/or Permit Conditions) may have to be amended if changes occur and they are relevant.*

3. Duties of the D&SIFCA

The Byelaw and Permitting Sub-Committee have had to recognise the IFCA's statutory duties as specified within the Marine and Coastal Access Act 2009 (MaCAA) whilst undertaking its remit to review all legacy byelaws on behalf of the full Authority.

Section 153 of MaCAA includes the following:

- (1) The authority for an IFC district must manage the exploitation of sea fisheries resources;
- (2) In performing its duty under subsection (1), the authority for an IFC district must-
 - a) Seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way,
 - b) Seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation,
 - c) Take any other steps which in the authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development, and

- d) Seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

The proposed netting byelaw is one of many byelaws that the IFCA is required to review as part of an activity based byelaw strategy. It is important that readers recognise that this proposed netting permit byelaw is intended to manage netting activity in the whole of the D&SIFCA District and is not limited to netting activity conducted within estuaries.

There are many methods of netting and equipment used is also varied. In regards to this Byelaw, netting does not include activities such as trawling. Trawling, including sand eel trawling does not form part of this byelaw. Towed gear fishing activities (trawling, scallop dredging and ring netting) has been addressed in the Authority's Mobile Fishing Permit Byelaw.

During this report, references will be made to the proposal to prohibit netting within estuaries, however this prohibition does allow seine nets (up to 20m in length) to be used for the capture of sand eel.

Although the proposed Netting Permit Byelaw is not species focussed, the exploitation of several species is significant when linking the objectives of the Byelaw with the duties listed within Section 153 of the Marine and Coastal Access Act (MaCAA).

Through this process the safety of fishers has been highlighted. Safety is of particular significance in relation to the Taw/Torridge Estuary and the proposal to extend the boundary. Concerns have been raised because if the Byelaw (as proposed) is confirmed there would be no fixed or drift netting opportunities within estuaries which are more sheltered than open sea areas. Evidence of landings by active netters within this area indicates that the peak catches are between June and November. Regardless of this evidence, it is important to recognise that the duties of the D&SIFCA do not extend to health and safety responsibilities. We are not able to consider health and safety when balancing the multiple factors involved in this process.

In developing the Byelaw, the members have linked the duties in MaCAA to key areas relevant to netting as follows:

- Protection of bass;
- Balancing the needs of others catching sea fish species;
- Protection of salmon and sea trout;
- Achievement of sustainable development;

Bass

Bass stocks are recognised to be at critical levels. There is clear scientific evidence of this. Annex 4 of the Impact Assessment provides detail¹. Whilst the D&SIFCA has been developing this Byelaw, other forms of legislation have been introduced or recommended for introduction in order to protect this species.

Zero or one bass per person restrictions have been introduced for the recreational sector, regardless of fishing method. Additional EU measures limiting catches for commercial fishermen

¹ [European sea bass – Ecology, stock status and management update](#)

using different fishing methods have been introduced. Netting is seen as an effective method to catch bass and as such the 2017 EU regulation is that there should be no netting targeting bass. In addition, the legal size of bass that can be taken (minimum conservation reference size) has increased from 36cm to 42cm. The Marine Management Organisation (MMO) has now published bass fishing guidance on their website².

Estuaries are known to contain concentrations of bass, in particular juvenile bass. The majority of the estuaries in the D&SIFCA district are designated as Bass Nursery Areas, which again limit opportunities to legally catch this species, especially by those using nets. Bass Nursery Areas have been introduced via national legislation and not via this or any other Byelaw. Bass Nursery Areas, including the restrictions in them (catches and methods) are currently being reviewed by Defra.

The D&SIFCA believe that further locally focussed management is needed to support the intended recovery of this species. The D&SIFCA is co-funding a PhD student to explore the movement of sub-adult bass movements within and in and out of the estuaries. [An overview of this PhD study](#) has been presented to members and a summary appears in the Impact Assessment (Annex 8).

Balance

Balance falls into two key areas. Balancing the needs of different groups of people catching fish and secondly, balancing social, economic and conservation factors. Social aspects such as traditional fishing are of importance; the ability for commercial fishermen to earn a living is important and obviously, so too is conservation. In developing the netting Byelaw, the D&SIFCA has aimed to achieve the correct balance whilst recognising that changes produce an impact that can be both positive and negative dependent on different people's perspective and circumstances.

Sea fish are a public resource. The D&SIFCA has a duty to try and find the correct balance between sectors. D&SIFCA has recognised that the needs of those targeting sea fish are different. The inshore commercial netting sector has social and economic importance but so do recreational sectors such as anglers. The recreational angling sector has been recognised as a large group in England with a survey estimating 884,000 people spending a total of over £1 Billion in 2012. The Fisheries Minister, at the time, stated that sea angling creates money and jobs as well as contributing to the national economy. Putting statistics aside, the information makes it clear that this sector is of significant importance and it is known that the D&SIFCA District is a key area for local and visiting anglers. The Netting Byelaw review has been identified by D&SIFCA as a development opportunity for this group. The importance of other sectors is why the consultation for the netting Byelaw was so wide ranging.

Salmon & Sea Trout

The D&SIFCA has a responsibility to consider the conservation of Salmon and Sea Trout when making this Netting Byelaw but does not have a duty to consider the economic importance of salmon and sea trout.

² <https://www.gov.uk/government/publications/bass-fishing-guidance/bass-fishing-guidance>

The D&SIFCA has taken legal advice from specialist Counsel to establish what responsibility the Authority has in regard to fresh water species. The D&SIFCA is not directly responsible for managing fresh water species and it is the Environment Agency (EA) that manages activity that directly targets Salmon and Sea Trout (such as licenced salmon nets and rod licences).

Fixed nets and drift nets that are intended to catch sea fish species, such as bass or grey mullet, can catch salmon and sea trout. This is true for both coastal areas and in particular many of the estuaries. Salmon need protection and therefore the intended restrictions for netting (targeting sea fish, but which may catch fresh water species) have been formulated taking this into account. Salcombe is one estuary where the issues relating to freshwater species are less of a concern and this has been taken into account during members' deliberations in forming recommendations.

During the process the EA have submitted its response, which included a report focussing on the monitoring of salmon and sea trout in the Taw Torridge. This report was presented to members and highlighted negative impacts on (non-targeted) salmon and sea trout caught within nets and subsequently released. Increased mortality, increased stress, damage to scales and disease were key elements noted by members.

The D&SIFCA has a statutory duty to consult with the Environment Agency. The Netting Permit Byelaw specifies specific organisations that must be consulted with as part of any review of the netting permit conditions. The Environment Agency raised concern over how this consultation duty is presented in section 25 of the Byelaw*.

**The EA have worked closely with D&SIFCA in developing this Netting Byelaw. To clarify the importance of the EA as an organisation to be consulted with, members have recommended that section 25 of the Netting Permit Byelaw be amended. Instead of naming some organisations individually, the recommendation is that wording is amended to include "Relevant Statutory Bodies".*

Achievement of sustainable development

Managing fishing activity provides opportunity to achieve greater sustainability. The introduction of a netting permit byelaw provides a flexible management approach to support the sustainable development of the netting fishery. To manage a limited resource D&SIFCA differentiates between commercial and recreational netters by applying tailored management measures.

Development opportunities for other fishing methods (other than netting) can be diminished by failure to appropriately manage netting. Different fishing methods present different levels of risk and provide different management challenges and some are therefore not suitable for management via voluntary measures rather than legislation. It is the view of the Sub-Committee that current netting activities in estuaries are considered to be a barrier to achieving sustainable development.

Due to the high effectiveness of netting (especially in confined areas such as estuaries) there is significant risk that large quantities of immature fish can be taken in a relatively short space of time. Mesh size can be used to make nets more selective; however unattended fixed nets can catch

un-wanted fish that will die because they can't then be returned alive and undamaged. Netting is considered to be less selective than rod and line and this has been recognised via EU legislation regarding bass. 2017 EU regulations reflect how important the rod and line commercial fishery for bass is for smaller inshore/coastal vessels by allowing this fishery to continue with the least restrictions. Greater restrictions implemented for one activity can promote investment, diversity and development of other methods such as commercial rod and line fishing. 44% of bass are taken by rod and line and there is an opportunity to further commercially develop this fishery.

4. Review Principles

To recognise the duties of the D&SIFCA as specified in MaCAA and in order to develop a strategy to review the legacy byelaws (and in particular the proposed netting byelaw), Review Principles have been established. The principles underpin the development of the byelaws and the management measures contained within the associated permits. In formulating these principles, the measures contained in legacy measures have been considered along with other factors such as the Hampton Review.

Key principles of the most relevance include the following:

- Remove laws which have become irrelevant from the statute book (Hampton Review);
- Consider alternative management approaches (gentlemen's agreements and codes of conduct);
- Use the wider byelaw making powers provided by MaCAA;
- To make use of permits to manage the activity of netting in a more flexible way;
- Not to limit permit numbers;
- To use emergency Byelaws as a last resort;
- Where possible make the legislation easier to understand;
- Differentiate between commercial and recreational netting sector by applying management measures;
- Encourage legitimate activity removing illegal, un-licenced and un-regulated fishing activity;
- Current netting activities in estuaries are a barrier to achieving sustainable development;
- Recognising that sustainable development is where the management of the fishing activities seeks to maximise the social, economic and environmental benefits in the medium and long term;
- Review existing netting management (as a blank canvass) but to introduce no lesser restriction than is currently in place unless there is sufficient evidence to prove otherwise;
- New byelaws should ideally achieve behavioural change and high compliance;
- Draft legislation so that it assists with enforcement;
- A pre-cautionary stance must be taken where required to secure compliance with the UK's international Treaty obligations.

All of the principles are important, but it is important that several are further explained and better understood at this point by those Authority members or stakeholders that have not closely followed the development of this work.

- *Not to limit permit numbers and to issue different types of permits*

The D&SIFCA have taken the view that permits issued for fishing methods should not be limited, thereby creating a private fishery as fish is a public resource available to everyone. Control of the activity will be achieved via the conditions in the permits rather than limiting the overall number. Limiting permit numbers provides difficulties in deciding who initially has access to the fishery; it can create an economic advantage for those issued with the permits, it blocks the path for new entrants wanting to enter the fishery and provides complications in regards to managing waiting lists for permits.

Different types of permit with proportionate restrictions can be issued, dependent on which sector the applicant falls within. Permits will be issued to commercial fishermen but also to recreational fishers using nets.

- *Review existing netting management (as a blank canvass) but to introduce no lesser restriction than is currently in place unless there is sufficient evidence to prove otherwise*

In recognising the principle of starting from a blank canvass, alternative suggestions to manage netting activity were sought during the pre-consultation phase and discussed at different times during the process. Alternatives to a prohibition of drift and fixed netting with estuaries were presented to Members of the Byelaw and Permitting Sub-committee. To challenge traditional thinking in regard to controlling estuary netting, officers presented an “Options for Management” discussion report to Sub-Committee members. This report and accompanying SWOT analysis is presented in Part 4 of this report.

The D&SIFCA examined the content and structure of the legacy measures. The management resulting from a new Netting Byelaw has to provide sufficient control of the activity so that it is not weaker than the original measures.

- *A pre-cautionary stance can be taken*

The D&SIFCA collected the best available evidence during the process. Good evidence assists decision making. Where evidence is lacking, the D&SIFCA must take a pre-cautionary approach in regards to the content of a byelaw so it meets its statutory duties and the objectives of the Byelaw.

- *Where possible make the legislation easier to understand*

Netting is often perceived to be illegal, especially within estuaries, when sometimes it is not. A minority of the estuaries currently offer some opportunity for drift netting for catching fish such as grey mullet. The EA regulate the remaining limited number of licenced Salmon nets that are used in a small number of estuaries within the District. Although the Byelaw would never be considered if the only rationale was simplicity, it has to be a consideration that it may be easier for the public to recognise and report illegal netting activity within estuaries if no netting is permitted.

- *Draft legislation so that it assists with enforcement*

In recognising the Hampton Review, alternatives to legislation have been considered. Voluntary measures are obviously a weaker form of management than legislation. The risk of non-

compliance and the effects of non-compliance are key considerations. The introduction of voluntary measures as a substitute for the Byelaw was not the chosen option taken by the Sub-Committee. Legislation has to be able to be enforced and this has been recognised. The provisions within the permits are drafted so the D&SIFCA can realistically enforce the measures. Historically, “loop holes” have been created by accident and these are sometimes exploited. By using permits, catch restrictions can be implemented to achieve what in effect is a deeming clause. Fishers make a choice when considering applying for a permit and in doing so will be bound by the conditions within the permit. The fisher has a choice to either accept the conditions of the permit or can choose not to have a permit and not fish in the Authority’s district.

In regard to allowing access for netting within estuaries, multiple conditions of use would be required to allow this activity to be managed correctly. Increased monitoring of this activity would be crucial to reduce risks of non-compliance. Increased monitoring to achieve compliance with measures introduced to allow an activity, would place a burden on D&SIFCA resources. The permits that are currently issued in other D&SIFCA Permit Byelaws are £20 for a two year period. This fee is for administration only, and is not an attempt at full cost recovery which would potentially be more appropriate for a heavily monitored fishery.

- Encourage legitimate activity removing illegal, un-licenced and un-regulated fishing activity

One way (but not the only way) to achieve this principle is to clearly set out who is entitled to apply for a commercial netting permit. Within some other Permitting Byelaws the D&SIFCA have required all commercial permit applicants to have a registered fishing vessel and a fishing licence issued under the Sea Fish (Conservation) Act 1967. Un-powered vessels are not required to have the Fishing Licence and therefore cannot qualify for a commercial permit. The implication of this rationale and a later change to this aspect of this principle is significant. Social impact has been recognised by members. In regards to the application process for a commercial netting permit, historical fisheries (such as the traditional herring fishery at Clovelly) have been recognised and elements of this principle altered to allow this method to continue.

5. Legacy measures and other relevant netting legislation

Having established these review principles D&SIFCA were able to further examine legacy and other measures that applied to netting within the District.

Netting activity and the species that are exploited is currently controlled by a range of legislation expanding into many areas of restrictive management. Restrictions include but are not limited to quota, mesh sizes, net construction, minimum conservation reference sizes and spatial control. There are many legacy byelaws that relate to netting and the Authority, as part of the activity based byelaw review, is able to merge older measures into a single netting byelaw. When new permitting byelaws are introduced, it provides an opportunity for older measures to be revoked, although care is needed. It is important that appropriate management restrictions (sometimes not immediately obvious restrictions) are not lost.

D&SIFCA replaced Devon Sea Fisheries Committee. Legacy measures are the old inherited Sea Fisheries and EA byelaws. There are several that relate to netting or species that can be taken

within nets. Legacy byelaw measures generally focus on restricting where nets can be placed and what types of nets can be used in different locations. Restrictions apply to nets at sea and also within estuaries.

The restrictions in the legacy measures act as part of an overall package to control the activity of netting and therefore fishers are already restricted in what they can and can't do with nets. These older byelaws, along with EU and Domestic legislation, provided the base to begin reviewing the control of netting activity.

Legacy access to estuaries within the District is show below:

River/Estuary	Netting Restriction	Bass Nursery Area?	Bass Closure Dates
<i>Axe</i>	<i>No fixed nets</i>	<i>No</i>	
<i>Otter</i>	<i>No fixed nets</i>	<i>No</i>	
<i>Exe</i>	<i>No fixed nets</i>	<i>Yes</i>	<i>30th April to 1st Nov</i>
	<i>No drift nets</i>		
<i>Teign</i>	<i>No fixed nets</i>	<i>Yes</i>	<i>30th April to 1st Nov</i>
<i>Dart</i>	<i>No fixed nets</i>	<i>Yes</i>	<i>30th April to 1st Jan</i>
<i>Salcombe</i>	<i>No fixed nets</i>	<i>Yes</i>	<i>30th April to 1st Jan</i>
<i>Avon</i>	<i>No fixed nets</i>	<i>Yes</i>	<i>30th April to 1st Jan</i>
<i>Erme</i>	<i>No fixed nets</i>	<i>No</i>	
<i>Yealm</i>	<i>No fixed nets</i>	<i>Yes</i>	<i>30th April to 1st Jan</i>
	<i>No drift nets</i>		
<i>Tavy</i>	<i>No fixed nets No drift nets</i>	<i>Yes (all)</i>	<i>All year</i>
<i>Plym</i>	<i>No fixed nets No drift nets</i>		
<i>Tamar</i>	<i>No fixed nets No drift nets</i>		
<i>Taw/Torridge</i>	<i>No fixed nets under EA Byelaw. 2010 no fixed nets in areas not in DSF District</i>	<i>Yes (both in upper reaches)</i>	<i>30th April to 1st Nov</i>
<i>Yeo</i>	<i>No nets - Fishing prohibited (Taw confluence & Raleigh Weir)</i>	<i>The River Yeo feeds into the River Taw</i>	
<i>Lyn</i>	<i>No fixed nets across Lynmouth harbour mouth</i>	<i>No</i>	
<i>Parrett</i>	<i>No fixed nets</i>	<i>No</i>	
<i>Axe (Somerset) (Burnham, Berrow and Brean)</i>	<i>No fixed nets (Voluntary code of conduct)</i>	<i>No</i>	
<i>Severn</i>	<i>No fixed nets</i>	<i>No</i>	

The tables indicate that fixed netting within all of the estuaries within the D&SIFCA District is already prohibited. Drift netting does take place in some estuaries within the D&SIFCA District. Fixed nets have been recognised as a very effective method of catching fish and as such historical measures were introduced to restrict their use. Legacy Byelaw 17 (Fixed Engines) was introduced in 1988 (revoked and remade in 2010) and includes restrictions on the placement of fixed nets around the coast and within many of the estuaries. In 1990 Byelaw 19 was introduced, which prohibited the use of both fixed and drift nets in the Plymouth Rivers (Tamar, Tavy and Plym) and the River Yealm. In 2004 the River Exe was closed to both fixed and drift netting via Byelaw 29.

Byelaw 17 (fixed Engines) restricts the use of fixed surface nets in coastal areas. Coastal zones were established where all fixed nets must be set at least three metres below the surface at any state of tide. This legacy measure provides a safer passage for migrating fresh water species. As part of this legacy measure, derogations were issued for limited fixed surface nets with a mesh size of 90-93mm. Due to the definitions used within this legacy measure via the Salmon and Freshwater Species Act 1975, "Fixed Engines" includes long lines. This is important when considering revoking Byelaw 17 as to do so would remove the only existing management of longlines.

"Fixed Engines" is an older terminology for "Fixed fishing gear - mainly nets". It was recognised in the consultation that many people and organisations such as the EA had a preference to strengthen coastal restrictions for netting. The EA called for an increased headline restriction to 5 metres and wanted coastal zones extended to the whole district out to one mile from the shore. D&SIFCA had concerns over displacement of netting if the headline depth increased. Members also disputed the overall credibility of the initial evidence submitted by the EA. A precautionary stance was not deemed appropriate in this situation and the EA will conduct further research. Members have applied the principle of recognising legacy measures, but also recognising a duty to provide balance between commercial netters and conservation objectives. Members have recommended that the majority of the coastal restrictions from the legacy Byelaw 17 should initially remain unchanged and therefore the spatially controlled coastal zones will remain the same. However, derogations for fixed surface nets of 90-93mm have been removed as part of the proposal. This recognises representations from stakeholders (including commercial fishermen) that this measure was no longer appropriate considering the increase in the minimum size of bass and potential discarding of bass.

6. 2014 survey data

D&SIFCA were able to add additional information in the early stages of the netting review. In 2014 a netting survey was conducted to gather the views of commercial netters (only) for both estuary and coastal netting. The information gathered during this survey appears in the [Impact Assessment \(Annex 7\)](#)

63 questionnaires from the 2014 survey were returned by the commercial fishermen, with some more complete than others. 16 of these felt that netting within estuaries should be prohibited. Over half of the respondents were in favour of controlled access to some or all of the estuaries within the district. At least 15 respondents were deduced to be active (drift netting) in estuaries at the time of the survey. It was considered that 17 of the respondents, may not have been actively fishing with nets within estuaries at the time, but could see potential for access, with the implementation of additional control measures. Some of the respondents wanted access to be limited to local boats.

The table below focuses on the data received in regard to specific estuaries.

2014 Netting Survey – (Commercial fishers only) - Extract of Data			
Estuary	Total response	Controlled Access	Prohibit Netting
Salcombe	13	8	2
Exe	5	4	1
Teign	8	4	1
North Devon ³	7	2	Unknown

7. Consultation and alternative suggestions

Two phases of pre-consultation were conducted and also a 56 day period of formal consultation. Alternative suggestions were presented at different times, including alternative suggestions from commercial fishermen and also D&SIFCA Officers. All these alternatives were considered prior to production of final recommendations.

Salcombe specific

1. Introduce a limited permit scheme;
2. Maximum of 2 nets per fishermen, each of 200 metres in length;
3. Each net should have a tag on each end provided by the IFCA for identification;
4. The nets should be attended at all times;
5. The nets should only be set in the water for a maximum of 45 minutes;
6. The nets can be fixed or drift (reducing confusion associated with definitions).

The stakeholder providing alternative suggestions for Salcombe was clear in their view that each estuary should be managed independently from others.

Taw/Torridge specific

The Torridge District Council (representing 13 fishermen) suggested a compromise solution focussed on seasonal access as follows:

1. **1st January to 30th April** **No bass fishing under EU restrictions**
2. **1st May to 31st July** **Bass to be caught in the river through the use of “seine netting”, which involves fishing half the width of the river as opposed to netting across the complete width of the river.**
3. **31st July to 31st December** **Fishing for bass as current**

This proposal continues with the statement that “in return the fishermen would like a fundamental re-examination of the current practices on quota apportionment and redistribution”.

³ But not necessarily the Taw Torridge

Alternative considerations provided by officers

- Provide access for sand eel and landing nets (Rod and Line);
- In the first instant only allow limited access to the Teign, Exe, Salcombe and the Taw/Torridge;
- Seasonal opening to reduce risk to Salmon;
- Mesh and length of net control;
- Estuary sub-division for additional protection (such as sea grass);
- In attendance only – for target species only removal;
- “Daylight fishing only”;
- “Designated authorised slipways” if trailer launched;
- “Designated landing points” for estuary fishing;
- Notification prior to fishing;
- Use of existing and future technology/tracking;
- Legitimate fishermen to wear high visibility clothing whilst netting in estuaries;
- High visibility numbers/symbols displayed on the fishing vessels;
- Deeming clauses.

Officers prepared an alternative suggestions document. This was completed in part to meet the principle “Review existing netting management (as a blank canvass) but to introduce no lesser restriction than is currently in place unless there is sufficient evidence to prove otherwise”.

Along with alternative suggestions, the report focussed on setting out management options and expanded into exploring issues such as perception of netting as a legitimate activity. In addition the reputation and capability of the D&SIFCA as a competent Authority to manage the activity in a similar manner to the Environment Agency’s management of nets that target migratory species was documented as a discussion theme.

This paper was in part created in the event that responses from stakeholders would fail to highlight alternative suggestions which officers felt were suitable to be explored and discussed by members as offering a potentially credible alternative to closure. This report referred to several additional annexes.

Officers highlighted some suggestions in relation to definitions. Due to the different types of nets and how they can be used, defining them has always posed problems. If netting was to be permitted within the (chosen) estuaries, the officers’ view is that the D&SIFCA consider a different approach to the traditional approach of numerous detailed definitions.

Mesh and length of net would obviously form part of the requirements of use; however nets limited by other control measures could potentially be used in a manner chosen by the individual fishers. This could include the use of fixed nets. Attendance of the nets, as mentioned above, would most certainly be a condition of use.

In regard to access to netting within estuaries, fixed nets have been banned for many years because they are a highly effective method of catching fish in confined areas. Estuaries are places where fish such as Bass and mullet aggregate and populations of fish in these areas do not

accurately reflect total stock levels. Estuaries and channel entrances are often “choke points”, like a doorway through which fish must pass.

Alternative suggestions for estuary netting included allowing fixed nets to be used within Salcombe estuary with a limited soak time. Fishermen in Salcombe have indicated that it is difficult to conduct traditional drift netting techniques without the practice becoming a fixed netting technique in the view of the D&SIFCA.

Officers advised members that in the past there have been occasions where the opportunities to use legitimate drift netting has been used as a disguise by some to deliberately use illegal fixed nets within estuaries. This observation was evidenced via previous investigations and successful prosecutions.

Rather than relaxing definitions in regards to fixed nets and drift nets, members recommended that definitions for the use of drift nets be clarified and strengthened.

Members were made aware that some stakeholders raised concern that a tightening of netting definition would negatively affect traditional herring netting techniques in coastal areas such as Clovelly. Further engagement with those that traditionally fish for herring from rowing boats indicates that they do not share this concern.

8. Impact Assessment

The D&SIFCA has to create an Impact Assessment to accompany this Byelaw. The Impact Assessment began its development in 2016, with a version suitable for “Formal Consultation” ready by 31st May 2016. This document includes multiple annexes and an evidence base. Best available evidence has been used to assess social and economic impact within this document. Key monetised and non-monetised costs are explored. The responses and data collected indicated that income from netting in the estuaries is low. The Impact Assessment has been made publicly available throughout the process with an on-line version posted on the D&SIFCA website in readiness for a formal consultation phase.

In regards to estuary netting the annexes below are the most relevant.

[Annex 2 Final pre-consultation report;](#)

[Annex 3 Analysis of MMO landings data for bass and mullet;](#)

[Annex 4 Bass report – ecology, stock status and management update;](#)

[Annex 7 Netting survey 2014;](#)

Annex 10 Minutes of Sub-Committee meetings ([November 2015](#), [December 2015](#) and [March 2016](#));

[Annex 11 Options for Management Discussion Paper.](#)

The Impact Assessment (IA) is a large document divided into different sections and includes many additional annexes. The document sets out reasons for introducing the Byelaw. This document groups together information that has been gathered throughout the process and will be

amended to reflect the formal consultation phase prior to the Byelaw being submitted for confirmation. The IA examines financial, social and conservation impacts. Financial impact is described as monetised costs or monetised benefits. Social impact is described as a non-monetised cost or non-monetised benefits. The formal consultation provided an opportunity for affected stakeholders to provide evidence that was different to the information already set out in the IA. When making final recommendations members were able to refer back to this document.

Economic evidence provided to the D&SIFCA during the consultation phases by commercial fishermen was very poor in quantity and quality. In the formal response only 2 of the 21 commercial fishermen that objected to the byelaw provided any economic data. D&SIFCA has ensured that it has used the best available economic information to assess the monetary impact on the commercial catching sector. MMO landings data (which included the under -10 metre vessels) has been analysed over a 5 year period (2011-2015).

9. Additional foundation information/summary points

This Netting Byelaw making process has been a long process beginning in March 2015. During this period there have been multiple meetings of the Byelaw & Permitting Sub Committee. Members have referred to multiple documents and have held discussions to build their own knowledge of the subject matter. Key points that have been established include:

- *The IFCA has statutory duties and objectives;*
- *Principals have been developed;*
- *Legacy measures and other legislation have been recognised;*
- *There is strong support for the introduction of this Byelaw from many stakeholders;*
- *Netting in estuaries can be a highly efficient form of exploiting fish stocks;*
- *Bass stocks are below modelled safe biological limits;*
- *Estuaries are places of fish aggregation such as bass, bass less than 36cm in length spend their entire life inside estuaries;*
- *The D&SIFCA has funded a PhD study into bass. The overall aims of the research are strongly management-focused and resulted from questions surrounding the boundaries of bass nursery areas and the level of protection offered to different ages of bass;*
- *The minimum conservation size of bass has increased to 42cm significantly reducing the amount of bass available to the fishery;*
- *Advice has been offered to suggest that the minimum conservation reference size of grey mullet should be over 42cm; populations of mullet are also found in estuaries;*
- *The restrictions on bass fishing may increase effort on other species such as grey mullet that like bass are vulnerable to over exploitation due to their use of estuaries and slow growth;*
- *It is considered impossible to target mullet in estuaries without catching bass;*
- *Removing un-wanted catches of bass from nets may lead to significant stress and mortality;*
- *Handling of un wanted fish caught in nets can damage the fish (gills & scales);*
- *Handling of un-wanted catches of Salmon can damage the fish and lead to disease;*
- *Mesh size increase is required to reduce bycatch of undersize bass;*

- *Increases in mesh sizes (for estuary nets) conflict with EA advice for the protection of Salmon and Sea Trout;*
- *The best available economic information has been used to determine monetary effect on the commercial catching sector;*
- *The economic value of estuarine netting fisheries is very low, as indicated by MMO landing data analysed over a 5 year period;*
- *Only 2 of the 21 commercial nets men's responses received during consultation provided economic information;*
- *The financial impact in the Taw Torridge has been estimated at a total of £16,300 (landings from 15 boats in the 2015 MMO landing figures).*
- *Landings of bass and mullet in the Taw Torridge peak between May and December;*
- *The financial impact in Salcombe has been estimated at a total of £8,900 (landings from 8 boats in the 2015 MMO landing figures).*
- *The total mullet fishery in 2015 (whole district) was estimated to be worth approximately £46,000;*
- *Total landings of grey mullet in Taw Torridge valued at £3,800 ((landings from 8 boats in the 2015 MMO landing figures);*
- *Total landings of grey mullet in Salcombe valued at £1,900 (landings from 5 boats in the 2015 MMO landing figures);*
- *The permit mechanism can accommodate for a change in future circumstances via a review procedure;*
- *The Netting Permit Byelaw does not represent change to the Bass Nursery Areas;*
- *The Netting Permit Byelaw does not prevent fishers diversifying into different methods to use within the estuaries such as rod and line;*
- *44% of bass are now taken by rod and line. 2017 EU regulations reflect how important the rod and line commercial fishery for bass is for smaller inshore/coastal vessels by allowing this fishery to continue with the least restrictions and the largest catches;*
- *Traditional netting fisheries have been recognised and considered in the proposals;*

10. Byelaw & Permitting Sub Committee recommendations

Members of the Byelaw and Permitting Sub-Committee produced a set of recommendations in November 2016. This "[Response and recommendations report for stakeholders](#)" addressed objection responses and set out the rationale for the proposals as documented.

In developing the recommendations the information contained in the first part of this document was evaluated, considered and discussed against alternative suggestions raised throughout the process

It was the view of members that no significant new evidence was provided to alter the majority of the proposed measures within the Netting Permit Byelaw and in particular the prohibition of fixed and drift netting within all the estuaries in the D&SIFCA District.

On balance it was the view of the members that allowing limited netting within estuaries did not represent a proportionate balance between the socio-economic considerations of the commercial netting sector and the socio-economic importance of the recreational sea angling sector and the conservation considerations.

Part 2

Explanation of process

11. Introduction to Part 2

A meeting of the Full Authority was held on 9th December 2016. The recommendations in regards to the proposed Netting Permit Byelaw were partially discussed but this discussion was not completed. Members of the Full Authority did not accept or reject the recommendations presented to them. The Full Authority took a decision to suspend the confirmation phase of the Netting Permit Byelaw until all members have had more time to consider the content of work undertaken to date, the recommendations made by the Byelaw Sub-Committee and the economic and social impact of implementing this byelaw.

The D&SIFCA Byelaw and Permitting Sub-Committee are all members of the Full Authority. Sub-Committee members have been tasked with conducting a review of legacy measures (byelaws) inherited from Devon Sea Fisheries Committee and the EA on behalf of the Full Authority. Officers collect and prepare material to aid Sub-Committee member's deliberations of different aspects of the byelaw review work. Officers offer advice on certain aspects of the work, often present work on behalf of the Sub-Committee, but do not make decisions at any stage. Decisions taken by the Sub-Committee are in fact only "recommendations" that are then presented to the Full Authority at key stages for them to make decisions.

The first stage of this process involved closer examination of the D&SIFCA duties, the establishment of objectives and principles and reviewing available foundation material such as legacy and external legislation.

12. Guidance for the process

The Authority has followed the guidance procedures published by the Department for Environment, Food and Rural Affairs (Defra). The development of the Impact Assessment is one of the procedures. Key stages of the guidance procedures in the development of this Netting Permit Byelaw are summarised as follows:

Gather Information

- The D&SIFCA seeks views of stakeholders;
- The D&SIFCA conducts research and makes use of previous research;
- The D&SIFCA begins work on the Impact Assessment;
- Options are considered (via meetings of the Byelaw and Permitting Sub Committee).

As indicated in the bullet points above, evidence gathering is not limited to stakeholder feedback, and neither is stakeholder feedback limited to one sector of people. During the whole process to date, multiple sources of information have been acquired and considered.

13. Pre-consultation (phase 1)

Information was collected throughout a prolonged pre-consultation period beginning in late 2015 and extended into early 2016 for gap analysis. The first phase (2015) pre-consultation was separated into both estuary and coastal netting responses.

Responses from the first phase pre-consultation “call for evidence” was summarised by officers and this information was later incorporated into a final pre-consultation report used as an annex within the Impact Assessment.

The questionnaires used within the first phase pre-consultation provided stakeholders with the opportunity to select different options for the management of netting within estuaries via a potential permit mechanism.

The 1st phase pre-consultation (2015) was effectively a scoping exercise. Questionnaires focussed on the following:

- **How often do you go netting?**
- **Where, which estuaries?**
- **What types of gear do you use? (Type, length, mesh)**
- **When do you go netting, seasonal variations?**
- **What is your target species?**
- **Potential management suggestions for estuary fishing?**

Tick box selection boxes (for potential management) were set out on the questionnaires that included:

- **Net length**
- **Mesh size**
- **Automated vessel monitoring**
- **Notification**
- **Gear marking**
- **Seasonal closures**
- **Spatial restrictions**
- **Other (please specify)**

Although these selection fields were often populated (sometimes all selected), generally very little detail was provided on how the D&SIFCA could potentially apply these options in practice to allow access and manage the activity of netting within each estuary of the District. The application of specified mesh size and net length were popular selections along with seasonal access. Suggestions for seasonal openings included both winter opening periods and also requests for access in summer months. Other suggestions made included the limitation of permits and a maximum size of vessel that could be used. In addition, at least one commercial operator recommended that only un-powered vessels should be used for netting within estuaries. During summary work officers deduced that confusion existed in relation to licenced access to netting within estuaries for the targeting of salmon and the loss of traditional practices (including the licensed salmon netting) was a concern to many stakeholders who responded at this time.

Although responses were received from fishers active in many estuaries, the estuaries generating most response were Salcombe, the Taw Torridge, the Teign and to a lesser degree the River Exe. It is notable that the River Exe was already closed at this time to both fixed and drift netting via legacy measures.

- *177 responses from the first phase pre-consultation (estuary) response were analysed*
- *The majority were in favour of estuary closure for netting*
- *37 responses were highlighted as offering a different view*
- *8 responses favoured no change to existing legacy measures*
- *29 indicated a preference for alternative management measures by selecting one of more of the tick box selections that were provided*

Meetings of the D&SIFCA Byelaw & Permitting Sub-Committee in late 2015 were arranged to allow separate focus on each topic with the meeting on 24th November 2015 used to concentrate on netting within estuaries. In preparation for the meeting of 24th November 2015, and in order to assist members in their deliberations, officers prepared material and sent it to all Sub-Committee members prior to the meeting. The information included the following:

- Agenda
- Minutes of the previous meeting
- Estuary Netting – Options for management discussion paper
- Economic data - Bass and Mullet Landings for 2014 & 2015
- Estuary Maps (for boundary considerations)
- SWOT analysis spreadsheet - Access to estuaries
- Officers' summary of pre-consultation phase 1 (Estuary netting)

14. Estuary netting – Options for management discussion paper (officer paper)

Whilst phase one pre-consultation responses were being collected and summarised, officers had already begun creating an “options for management discussion paper”. The report focussed on setting out management options and expanded into exploring issues such as perception of netting as a legitimate activity. In addition the reputation and capability of the D&SIFCA as a competent Authority to manage the activity in a similar manner to the Environment Agency’s management of nets that target migratory species was documented as a discussion theme.

So estuary access for netting could be explored, and to see if what options were feasible, officers prepared papers that explored the topic. This was done, in anticipation that people; including commercial fishermen may not come forward with ideas to manage/control netting within the estuaries. SWOT is like a risk assessment where the strengths, weaknesses, opportunities and threats of allowing access can be identified.

This original “options for management” paper is reproduced in Part 4 of this report and also appears as an annex in the [Impact Assessment \(Annex 11\)](#). The SWOT analysis is also reproduced in Part 4 of this report.

15. Decision taken by the Sub-Committee (Nov 2015)

A meeting of the Byelaw and Permitting Sub-Committee was held on 24th November 2015 and minutes were taken. During the meeting members were able to refer to the papers prepared by officers but also factor in material considerations such as statutory duties, objectives and the guiding principles that had been developed for the byelaw review as a whole and specifically for the review of netting⁴. Members agreed to continue with the use of permits (on a non-restrictive basis) to manage the activity. External and other factors were also recognised such as the increase in the minimum conservation reference size (MCRS) of bass to 42cm and the development of a D&SIFCA co-funded PhD⁵ (bass) project designed to provide more information on this species. Traditional fishing and its value was debated when trying to balance this social issue with known serious concerns relating to bass stock levels. Enforcement difficulties associated with managing limited access for netting within estuaries was another discussion topic. Having discussed multiple issues and explored the available evidence members were able to formulate a proposal for continuation of the netting review.

Proposal

That netting should be prohibited within estuaries, with the exception of sand eel seine nets, landing nets and a de minimis piece of netting of 4m²

Proposed: Mike Williams Seconded: Simon Toms
6 members in favour, 2 against, 1 abstained.

Another meeting of the Byelaw and Permitting Sub-Committee was held on December 11th 2015 with coastal netting the main agenda item.

The minutes taken from the Byelaw and Permitting Sub-Committee meeting on November 24th 2015 appear as an annex in the Impact assessment (Annex 10).

16. Pre-consultation (phase 2)

Following a meeting of the Sub-Committee in December 2015, officers were actioned to conduct a second phase of pre-consultation on both estuary and coastal netting. This action was intended to provide gap analysis information, in particular social and economic impact responses. A key difference for this 2nd phase pre-consultation compared to 1st phase was that officers could now set out agreed management proposal options which included the closure of estuaries to netting and the suggested boundary changes.

The 2nd phase pre-consultation can be considered a testing phase for the initial proposal that estuary netting should be banned.

In order to get a better understanding of how people may be affected (positively and negatively) officers were asked to circulate questionnaires. Proposals were set out in the questionnaires which were then circulated via the post, e-mail, and also posted on the D&SIFCA website.

⁴ Communication strategy via a message house process

⁵ [Overview of PhD in Annex 8 of the Impact Assessment](#)

Proposals for coastal areas included additional no fixed surface netting areas and stricter conditions for where a fixed net can be placed in the water column. The proposals for estuaries were clearly set out in detail but in summary it indicated that no netting would be permitted, other than small mesh nets for sand eels. Other restrictions were proposed for recreational nets and bag limits for recreational netters were also highlighted.

When the 2nd phase pre-consultation was completed the information was again summarised by officers and was used to formulate a final pre-consultation report. This report and the additional papers that were created by officers were discussed by members at a meeting of the Sub-Committee on March 7th 2016. The responses from the 2nd phase pre-consultation were used to help build the Impact Assessment.

17. Decision taken by the Sub-Committee (March 2016)

This meeting provided members with the opportunity to review the whole of the pre-consultation process. Discussions included re-visitation of the proposal to remove netting access from estuaries and in addition more focused discussions on potential boundary changes. It was recognised that significant and detailed social and economic data from those most affected by potential changes to legislation had generally not been submitted. The additional evidence collected in early 2016 did not represent significant differences from the first phase of pre-consultation conducted in late 2015. Discussions also now included the role and responsibility of the D&SIFCA in relation to the protection of salmon and sea trout with the possibility of seeking Counsel's Advice as an addition step in the process. Available economic data was presented to the members that indicated that commercial interests within estuaries were low.

Although members were aware that there would be a negative impact (for some) created by the introduction of new measures, members considered the proposals in light of key areas of the IFCA's main duties as specified in section 153 of the Marine and Coastal Access Act 2009; including sustainable exploitation of sea fisheries resources (especially in the light of the critical state of Bass stocks) and also seeking to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district. Guiding principles including the objective of reducing illegal netting activity was also discussed at this meeting.

- *The Sub-Committee viewed and discussed information collected during the pre-consultation*
- *The Sub-Committee recognised that significant and detailed social and economic data from those most affected by potential changes to legislation had generally not been submitted in the Consultation responses.*
- *The Sub-Committee reviewed all available economic data that was available to them at this time which indicated that commercial interests within estuaries were low.*
- *The Sub-Committee recognised that there would be some negative impact for some fishers, but on balance the other factors outweighed this possible impact.*
- *On balance, at this stage, members felt that the key drivers for the Byelaw and the principles already developed outweighed the impact for those wanting to use nets within the estuaries*

A proposal was put to the vote;

That the proposal to ban fixed and drift netting within estuaries be adopted for byelaw development

Proposed: Mike Williams Seconded: Richard White
For (10 members)
Abstain (1 member)

18. Development of the [Impact Assessment](#)

Information gathered in the pre-consultation was used to develop the Impact Assessment. The Impact Assessment began its development in 2016, with a version suitable for “Formal Consultation” ready by 31st May 2016. This document includes multiple annexes and an evidence base. Best available evidence has been used to assess social and economic impact within this document. The Impact Assessment has been made publicly available throughout the process with an on-line version posted on the D&SIFCA website in readiness for a formal consultation phase.

In regards to estuary netting the annexes below are the most relevant.

- Annex 2 [Final pre-consultation report;](#)
- Annex 3 [Analysis of MMO landings data for bass and mullet;](#)
- Annex 4 [Bass report – ecology, stock status and management update;](#)
- Annex 7 [Netting survey 2014;](#)
- Annex 10 Minutes of Sub-Committee meetings ([November 2015](#), [December 2015](#) and [March 2016](#)).

The D&SIFCA must create an Impact Assessment. The Impact Assessment (IA) is a large document divided into different sections and includes many additional annexes. The document sets out reasons for introducing the Byelaw. This document groups together information that has been gathered throughout the process and can be added to/amended over time prior to the Byelaw being introduced. The IA examines financial, social and conservation impacts. Financial impact is described as monetised costs or monetised benefits. Social impact is described as a non-monetised cost or non-monetised benefits. The formal consultation provided a platform for information already documented to be tested. New information provided can further shape the IA. The formal consultation provided an opportunity for affected stakeholders to provide evidence that was different to the information already set out in this document. When making final recommendations members were able to refer back to this document.

19. Formal consultation and responses

Decision of the Full Authority (June 2016)

There was a meeting of the D&SIFCA Full Authority on June 16th 2016. The proposed Netting Permit Byelaw at this stage had been drafted with a prohibition of drift and fixed netting in all estuaries

within the District. The accompanying Impact Assessment had demonstrated that there would be a social and economic impact on some stakeholders (both positive and negative).

Members of the Full Authority were sent copies of the Netting Permit Byelaw and the Impact Assessment prior to the meeting in readiness for the agenda items.

Agenda item 11 was for the Full Authority members to take a decision in regards to making of the Netting Permit Byelaw.

- ***The Full Authority agree to Make the Netting Permit Byelaw***
- ***13 in favour, 4 against, 3 abstentions***

Officers were actioned to prepare material for a formal consultation phase using the draft Byelaw (and permit conditions) that had been developed at this stage.

The process and strategy for the formal consultation has been documented within the communication reports submitted to members of the Sub-Committee. The communication report for the formal consultation is on the D&SIFCA website.

The formal consultation period can again be considered as a testing phase for evidence already collected. The estimated impacts (economic and social) were already set out in the Impact Assessment at this time. It had already been established in the Impact Assessment that there would be some negative impact for some people if the Byelaw in its current form was eventually confirmed.

Stakeholders (including commercial fishermen) were made aware of the need to raise objection points if they didn't want the byelaw to be introduced in its current form. Stakeholders were also advised to provide detailed responses if they wanted to add value to their objection points. Detailed responses (with evidence) can be used to effectively challenge the evidence (as set out in the Impact Assessment).

Stakeholders 'responses

The responses from the extended 56 day consultation were summarised by officers in preparation for an additional meeting of the Sub-Committee that was scheduled for November 2016. 329 responses were received (including organisations/Councils), with the majority of these in favour of the proposals as set out. Objections were received with 21 commercial operators identified as raising the clearest objection themes. The Taw Torridge estuary and Salcombe estuary were highlighted as being areas of the district with more focussed objections. Although the analysis of the responses again produced a lack of detailed economic data, some financial data was submitted in relation to these two areas. This submitted economic data confirmed the previous economic data relied upon by the IFCA. Along with this, a group of fishermen in the Taw Torridge area had approached the Torridge District Council to submit an objection response on their behalf. A negative social impact along with safety concerns were two themes that were clearly identified and as such were documented in the summary of the response reports.

20. Recommendations made to the Full Authority

A meeting of the Byelaw and Permitting Sub-Committee was held on 3rd November 2016. Multiple documents were prepared by officers including:

- **A revision of the Netting Permit Byelaw;**
- **A communications report;**
- **A summary of all the responses.**

A scanned copy of every response was sent to all members of the Byelaw and Permitting Sub-Committee. The themes developed from all the objection responses were discussed. Minutes of the meeting were taken and are posted on the D&SIFCA website. Additional evidence was submitted from the Environment Agency (monitoring of salmon and sea trout in the Taw Torridge) and discussed but this report has not yet been attached to the Impact Assessment. Member's deliberated information obtained throughout the process in forming the recommendations.

- **Members concluded that there was insufficient new evidence collected to alter the majority of proposed measures that had been set out in the formal consultation period.**
- **The deliberations at the meeting produced a set of recommendations (including one change to the proposals used for public consultation⁶) that would be presented to members of the Full Authority in December 2016.**

In addition and in order to comply with Defra's guidance, officers were tasked with responding to all stakeholders. A "[response and recommendation report for stakeholders](#)" was subsequently prepared and circulated. This report is designed to expand on the rationale behind the key recommendations and should be read in conjunction with the Impact Assessment.

21. Meetings and decisions – December 2016 & January 2017

December 2016

A meeting of the Full Authority was held on 9th December 2016. As part of their papers members were sent the following in advance of the meeting:

- *Public bodies decision making information*
- *The "Response and recommendations" report*

A verbal presentation was provided detailing the content of the public bodies' decision making process. The recommendations contained within the "Response and recommendations" report were presented one by one. Four of the recommendations were agreed. The presentation for the remaining recommendations was not completed.

⁶ [Response & recommendations report page 23 & 24](#) - Vessels with no engine power can qualify for a category one permit.

Members of the Full Authority did not accept or reject the recommendations (5-12). The Full Authority took a decision to suspend the confirmation phase of the Netting Permit Byelaw until all members have had more time to consider the content of work undertaken to date, the recommendations made by the Byelaw Sub-Committee and the economic and social impact of implementing this byelaw.

January 2017

A meeting of the Byelaw and Permitting Sub-Committee was held on 25th January 2017.

Key agenda items were as follows:

- To review the decision making process and the audit trail for the Netting Permit Byelaw;
- To consider whether to deliver a presentation on the proposed Netting Permit Byelaw decision making process and findings to Local Authority members and make it available to the public;
- To review the proposals, received through public consultation process, for restricted netting access in estuaries.

An earlier (but similar) version of this document was presented to members. A draft slide show was also discussed.

- *Members of the Sub-Committee approved this report (subject to modification) to be used as a reference document by members of the Full Authority*
- *Members approved the use of a supplementary slide show to better inform Local Authority members.*
- *Members did not feel it was appropriate to review the proposals and concluded that the proposals had been formulated over a significant time period and accurately represented the views of the Sub-Committee, which were arrived at after lengthy consideration of all the material considerations.*
- *Members of the Sub-Committee have the expectation that the Full Authority will take a decision in regards to the recommendations in March 2016.*

Part 3 Audit and costs

22. Costs and a timeline (audit of events and documents circulated)

Over 2000 hours of officers' time (1.2 FTE (£38,400)) has been spent on the development of the Netting Permit Byelaw. Initiatives for communication have been documented throughout the process and a communication report is contained within Part 5 of this document. Over £14,000 was spent on advertising, publicity and legal advice. In total the cost of developing this Netting Permit Byelaw to date is approximately £52,400 (7.5% of the 2016/2017 budget).

The following pages provide a detailed audit trail of meetings, actions and documents circulated.

2015					
Month	Event & Actions	Agenda item	Detail and Documents	Date of meeting	Date papers sent out
March	Full Authority Mtg	4	Netting presentation by David Cuthbert		
April	Sub-Committee Mtg (start of planning & strategy discussions)		Agenda and minutes from last meeting	20/04/2015	
		4	To consider documents used in pre-consultation		
June	Sub-Committee Mtg		Agenda and minutes from last meeting	15/06/2015	12/06/2015
		4	Update on bass management paper		
		5	Netting pre-consultation strategy paper		
		5b	SWOT paper-options to manage netting activity		
		5c	Summary of current netting restrictions paper		
		5d	Draft press release for the proposed netting byelaw		
		5e	Draft questionnaire for discussion		
June	Full Authority Mtg		Agenda and minutes from last meeting	18/06/2015	03/06/2015
		9	Re-appointment of members of the Byelaw Sub-Committee		
		9	Terms of reference for the Byelaw Sub-Committee		
		13	Byelaw update paper		
July August	Pre-consultation prep		Officers prepare material for the netting pre-consultation including a website display		

2016					
Month	Event & Actions	Agenda item	Detail and Documents	Date of meeting	Date papers sent out
Jan & Feb	Pre-consultation (phase 2)		New questionnaires used (estuary & coastal)- Gap analysis On-line & postal versions created and circulated		
March	Sub-Committee Mtg		Agenda and minutes from last meeting	07/03/2016	02/03/2016
		3	Verbal presentation - IFCA responsibilities (salmon & sea trout)		
		4	Final netting pre-consultation report		
		5	Review of the terms of reference for the Sub-Committee		04/03/2016
March	Officer Action		Drafting begins for Netting Permit Byelaw & Impact Assessment		
March	Full Authority Mtg		Agenda and minutes from last meeting	17/03/2016	01/03/2016
		8	Byelaw update (verbal)		
		9	Bass update (verbal)		
		10	Officers' quarterly report including a byelaw update		
May	Additional information		Wessex 1992 fixed engines byelaw sent to Sub-Committee		02/06/2016
June	Additional information		Pre meeting info and advice to visit members area of website		01/06/2016
June	Full Authority Mtg		Agenda and minutes from last meeting	16/06/2016	02/06/2016
		9	Appointment of the Byelaw Sub-Committee (3 papers)		
			(1) Function of Byelaw Sub-Committee		
			(2) Appointment of members of the Byelaw Sub-Committee		
			(3) Terms of Reference for the Byelaw Sub-Committee		
		11	Making the Netting Permit Byelaw (Main paper and 3 enclosures)		
		11-a	Netting Byelaw Impact Assessment		
11-b	Netting Byelaw Permit Conditions				
	11-c	Netting Permit Byelaw			
Byelaw making vote for the Full Authority - 13 in favour, 4 against, 3 abstentions					

2016 - continued					
Month	Event & Actions	Agenda item	Detail and Documents	Date of meeting	Date papers sent out
June	Officer work		Officers begin working towards 56 day formal consultation		
July	Byelaw construction Formal consultation		MMO & Defra quality assure proposed byelaw for consultation Officers begin preparation for consultation & website display		
August	Formal consultation and officer work		Byelaw notices placed in 6 publications as per Defra guidance		05/08/2016
			10 mobile presentation publicity events conducted		
Sept			Multiple documents posted on website		
			56 day formal consultation ends		
			Formal consultation responses summarised & papers created		
Sept	Full Authority Mtg		Agenda and minutes from last meeting	15/09/2016	01/09/2016
		6	Byelaw update (verbal)		
		7	Bass update (2 additional papers)		
		7-a	IFCA bass plan (update report) - Dr E Ross		
		7-b	Bass information report - J May		
Oct	Additional information		Public bodies decision making document		12/10/2016

2016 - continued					
Month	Event & Actions	Agenda item	Detail and Documents	Date of meeting	Date papers sent out
Nov	Sub-Committee Mtg		Agenda	03/11/2016	17/10/2016
			Public bodies decision making document		06/10/2016
			Netting Byelaw re-cap document		
			Chart of changes represented by the introduction of byelaw		
			Amended Agenda		19/10/2016
			Support & object spreadsheet (themes)		17/10/2016
			Communication report		
			Letter from East Devon Fishermen's and Boatmen's Association		
			Summary of all the responses		
			Netting Impact Assessment		
			Summary of the main points raised by Bass Anglers Sportfish Soc.		
			ICES advice for 2017 bass management		28/10/2016
			3		To review each response received during formal consultation
	4	To consider changes to the Netting Permit Byelaw			
	5	To consider changes to.... the Netting Permit and Byelaw			
	6	To receive a letter from East Devon Fishermen			
Nov	All responses received were copied on to USB data sticks and sent to Sub-Committee members (secure handling of data)				
Nov	Officer work		Draft Minutes from Nov Sub-Committee circulated		10/11/2016
			Draft response & recommendations report to Sub-Committee		18/11/2016
			Response & recommendations report circulated to stakeholders		24/11/2016

2016 - continued					
Month	Event & Actions	Agenda item	Detail and Documents	Date of meeting	Date papers sent out
Dec	Full Authority Mtg	7 7-a	Agenda and minutes	09/12/2016	24/11/2016
			Revised Agenda		05/11/2016
			Consideration of the Netting Permit Byelaw		24/11/2016
			Response and recommendations report		
			(Info B) Public bodies decision making document		12/10/2016
			Supplementary information/e-mails & scanned letters		07/12/2016
			Letter from Felicity Sylvester (Circulated at meeting)		
Mike Williams conducted a verbal presentation on "Public Bodies decision Making" for members of the full Authority					
Verbal presentations were given by members of the public to the full Authority					
DCO Mander presented a slide show presentation on recommendations which was not completed					
The full Authority agreed to suspend a decision on the Netting Permit Byelaw until the next meeting in March 2017					
Recommendations 1- 4 agreed – defer decision on recommendations 5-12					

2017					
Month	Event & Actions	Agenda item	Detail and Documents	Date of meeting	Date papers sent out
Jan	Sub-Committee Mtg		Agenda and minutes	25/01/2017	24/11/2016
		3a	Review decision making and audit - Access for netting report		05/11/2016
		3b	Consideration of a slide show presentation - Draft slides		24/11/2016
		4	To review proposals - Access for netting report Item 4 was removed from the agenda (at the meeting) The Sub-Committee did not alter recommendations		12/10/2016
The Sub-Committee approved circulation of an access for netting within estuaries & decision making report					

D&SIFCA Proposed Netting Permit Byelaw

Part 4 Documents relevant to decision making in November 2015

23. Options for management – Officers’ View

1. Do nothing: This option was considered inappropriate.
2. Create a netting permit byelaw introducing a flexible, adaptive approach to management.
3. Review and remake byelaws using current model leading to the creation of a rigid byelaws which are unsuited to dealing with future management needs.
4. Voluntary measures: due to the nature of this issue and the associated risks it is unlikely that there will be sufficient voluntary compliance with the restrictive measures necessary to achieve the outcomes required by D&SIFCA.

The preferred option is Option 2. - Creation of a new permitting byelaw for netting.

The most obvious conclusion would be to prohibit the majority of netting activity within estuaries as part of the new permitting byelaw; however key elements of the Authority’s purpose, strategy and principals should form part of the decision making process.

Mission statement

The D&S IFCA will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry.

From the mission statement, the full Authority and this working group have been able to identify key themes for the overall work of the IFCA and have established guiding principles to be taken into account during the byelaw review process.

The officers’ view is that allowing some form of access for netting within estuaries is a credible option to be explored. Quite clearly limited access would be subject to multiple conditions of use as set out in the associated permits that would accompany the new netting permitting byelaw. The specific detail of control measures would fall under the established sections with additional development of deeming clauses:

- Catch Restrictions
- Gear Restrictions
- Time Restrictions
- Spatial Restrictions

Each estuary would need to be examined on an individual basis to assess suitability. The view of the officers at this time is that only certain estuaries would be suited to this potential access in the first instant.

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Development and advances in the D&SIFCA's ability to publicise and communicate the carefully regulated access could provide the platform to promote legitimate netting and change public perception related to the activity as a whole.

More detailed conditions appropriate to the above categories could potentially include:

- Provide access for sand eel and landing nets (Rod and Line)
- In the first instance only allow limited access to the Teign, Exe, Salcombe and the Taw/Torridge
- Seasonal opening to reduce risk to Salmon
- Mesh and length of net control
- Estuary sub-division for additional protection (such as sea grass)
- In attendance only – for target species only removal
- “Daylight fishing only”
- “Designated authorised slipways” if trailer launched
- “Designated landing points” for estuary fishing
- Notification prior to fishing
- Use of existing and future technology/tracking
- Legitimate fishermen to wear high visibility clothing whilst netting in estuaries
- High visibility numbers/symbols displayed on the fishing vessels
- Deeming clauses

Definition of nets to be used

Due to the different types of nets and how they can be used, defining them has always posed problems. If netting was to be permitted within the (chosen) estuaries, the officers' view is that the IFCA consider a different approach to the traditional approach of numerous detailed definitions.

Mesh and length of net would obviously form part of the requirements of use; however nets limited by other control measures could potentially be used in a manner chosen by the individual fishers. This could include the use of fixed nets. Attendance of the nets, as mentioned above, would most certainly be a condition of use.

To aid discussion, a chart has been prepared to highlight potential strengths, weakness, opportunities and threats associated with allowing netting access to estuaries.

Illegal fishing

It should be understood that this will be a problem in reality, whatever the outcome of the decision making process. Whatever we do – access or closure- the IFCA will probably face criticism because of illegal fishing or people having the perception that it is happening, even if sometimes it isn't. Illegal netting happens now in closed areas and will continue to happen to some degree. Complete closure will place pressure on resources. Limited access has similar complications but may promote some increased compliance/self-policing from the sector of responsible fishermen?

Total closure may produce criticism above current levels if it is felt or perceived we are not able to enforce it properly.

D&SIFCA Proposed Netting Permit Byelaw

Intelligence

The recent National Enforcement Group meeting highlighted potential development and improvement in processing and using intelligence.

It is expected that greater effort will need to be placed on what constitutes good intelligence from the public/other sources. The IFCA may need to be more challenging/probing into received intelligence and may have to be more prepared to deflect poor intelligence, whilst encouraging continued engagement and information from stakeholders.

A vessel seen launching on an estuary slipway is not a guarantee of illegal netting within the estuary. This boat may be intending to fish outside?

A trailer carrying a boat with Plymouth PLN, parked at a burger cafe does not always mean illegal activity has happened or is going to happen?

Again, this leads back to perception and communication/publication. Promoting legitimate netting into a high visibility activity could be a concept worthy of development and implementation.

The addition of the new “communication” post sanctioned by the Authority has given this IFCA the opportunity to greatly improve this area of working.

Enforcement

- Continue with out of hours contact phone/answer phone line to inform IFCA of suspicious activity
- Develop much better intelligence sharing with EA/MMO/Police
- Improve reporting back to sources outcomes of their information
- Explore IFCA use/agreements/access of assets (boats) – Such as vessels that are already located on the estuaries but owned and operated by harbour authorities/estuary groups?
- The additional use of some private “security services” could be explored.

24. Strengths, weakness, opportunity and threats

To accompany the above report officers conducted some SWOT analysis for potential access for estuaries. This analysis was sent to members of the Byelaw and Permitting Sub-Committee in preparation for their meeting on November 24th 2015

D&SIFCA Proposed Netting Permit Byelaw

Netting – Access within estuaries

<i>Strengths</i>	<i>Weakness</i>	<i>Opportunity</i>	<i>Threats</i>
Provides balance for the needs of all users	Likely criticism by the stakeholders opposed to access	Opportunity to suspend the permits at a later date and remove access if required	Insufficient communication to all stakeholders concerning the approach & possible damage to IFCA's reputation
Demonstrates that the IFCA is an individual organisation capable of its own decision making	Different initial management approach to CIFCA	Change the public perception of the netting activity and those who operate nets	The IFCA may be accused of bias towards the commercial sector nets
Follows the EA example - allowing carefully regulated netting	Access could add confusion to the public that think all estuary netting is already illegal	Assess new measures such as estuary sub-division/daylight fishing/designated slipways	The public may perceive the new legislation more complicated than a blanket closure
Demonstrates the effective use of the permitting mechanism and conditions of use for all activities	Raising expectations before external bass conservation measures have been finalised	Gain support from fishermen adopting strict measures as they are expecting closure	Risk of challenge to the byelaw by the EA/riparian owners/RSA sector
Allows continuation of some traditional fisheries (Mullet)	Missed opportunity to further develop the RSA sector in all of the estuaries	To demonstrate inclusive management via fishermen participation	Monitoring the strict conditions with limited resources
To gain a better understanding of netting within the district via data collection	A missed opportunity to develop the "Total area of sanctuary" concept for estuaries	To develop more interest in self-policing by legitimate fishermen	Stakeholders may perceive that the motive of providing access is just for the IFCA to collect permit fees
The reduction in detailed definition will aid enforcement	Potential that the fishermen will miss-use the permits, not strictly following all of the conditions	To introduce new technology as it develops	
Provides fishing opportunity for smaller vessels when poor weather restricts use elsewhere	Allowing access may be more difficult to Police than a blanket closure?	If used properly the conditions assist the protection of salmon	

D&SIFCA Proposed Netting Permit Byelaw

Strengths	Weakness	Opportunity	Threats
Tagged nets will potentially reduce theft and their re-use	If new technology is introduced as part of management, it may fail for reasons beyond the control of the IFCA	To harmonize with CIFCA's proposals in the Plymouth area by continued closure of estuaries	
Tagged nets (via tags) more traceable		To reform behaviour of some fishermen	
Reduce small scale displacement		The payment of permit fees by fishermen can demonstrate the commitment of fishermen to be involved in the management process	
Permit measures will help to identify legitimate activity V illegal activity			

25. Pre-consultation (phase 1) summary (A Call for Evidence 2015)

Timeline for the "call for evidence" period

Phase 1 (Estuary netting) September 1st to October 15th

(Phase 1) Estuary netting Summary of response

- A total of 177 responses were received.
- 125 on-line responses
- 18 questionnaires in hard copy form
- 34 responses in letter form (non-questionnaire format)

Engagement in the process was wide ranging with feedback collected from both individuals and interested organisations. Interest was district wide and beyond. Examples include but are not limited to the following:

- Commercial fishermen (operating nets)
- Recreational fishermen (including anglers)
- Harbour Authorities
- South West Rivers Association
- Salmon and Trout Conservation UK
- Angling Trust (Wyvern Region)

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- Tamar and tributaries Fisheries Association
- Estuary Conservation Association and Forums
- River Taw Fisheries Association.

The more detailed feedback has been split into categories shown below. Following this, a general summary from all the respondents in this pre-consultation and also feedback from an historic survey has been provided.

No netting within estuaries

67 responses favoured a total prohibition of netting within estuaries. The majority of these responses came from the recreational sectors, many of which were anglers. Other feedback came from organisations, some of which are mentioned above.

Not all of these 67 respondents provided evidence or reasons for their views, and very few provided any indication that they would support any other control initiatives such as those offered by a flexible permitting byelaw. The majority of estuaries in the district were mentioned, but by far the most interest and feedback was from stake holders in the Taw/Torridge areas; with the protection of salmon and sea trout the key theme, and also to a slightly lesser degree, the protection of bass stocks.

Taw/Torridge

The Taw/Torridge area was heavily represented, from both individual responses and from the Fisheries Associations. Evidence was provided concerning the historic efforts and commitments of the fishery associations in this area to re-build migratory fish stock levels. This included the initiative of raising capital from subscriptions and donations and purchasing 11 of the 14 salmon licenses. The responses indicate that voluntary codes are in place to promote catch and release and a high percentage (80% to 90%) of line caught Salmon are released, but overall catch rates have declined in recent years. Many people from the Taw/Torridge catchment have stated that the protection of salmon and increasing stock is very much inter-linked with the local economy, with major revenue streams generated through tourism, including game fishing tourism.

The questionnaires indicate that all 67 respondents from this group including those focussed more on the Taw/Torridge area support a prohibition of gill netting, including drift nets and offered little indication that they would support any other forms of control to allow access to estuaries. The general view is that netting for bass and mullet should not be sanctioned as netting indiscriminately targets all fish including migrating salmonids. In addition, many of the “No netting in estuaries” respondents expanded their view to include coastal areas as well as estuaries, with the protection of salmon, again being the key theme.

Environment Agency Response

The response from the Environment Agency, in many ways repeats the point of view of the Taw/Torridge stake holders, but is obviously focussed on all areas, not just the estuaries within the D&SIFCA district. A detailed and extensive report “***Review of protection measures for Atlantic salmon and sea trout in inshore waters***” by Dr Katie Summer has been provided.

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In summary the report concludes that there is currently insufficient protection for salmon and sea trout within estuaries and coastal areas. Information was provided on migratory patterns with recommended restrictions as follows:

Atlantic Salmon (April/May through to October/November)

Time restrictions (combined with depth and/or geographical measures) during key migratory periods would be the most effective, recognising that fish will be present in inshore areas prior to river entry.

Sea Trout (All year Restriction)

An all year time restriction (combined with depth and/or geographical measures) would offer the greatest protection.

The report promotes the prohibition of fixed nets within all the estuaries.

In addition to this, the report also recommends that drift nets within estuaries also offer an un-acceptable risk to salmon and sea trout and should therefore be subjected to the same restrictions. It is recognised that the incidental capture of salmon and sea trout by fishermen (targeting other species) is not an offence if these fish are returned; however the risk of delayed mortality and breeding concerns help form the conclusion that the incidental capture of salmon and sea trout within estuaries is an un-acceptable risk.

The report also makes reference to coastal netting and the recommendation of a 5 metre depth for these nets; however this will be explored in more detail within the 2nd phase of the consultation summary.

A second submission from the EA builds on the clarification received from Defra regarding the role of the IFCA. It has been interpreted that the role of the IFCA includes protection of sea fish resources (which can include migratory salmonids in the marine phase of their lifecycle) and therefore have power and the duty to prohibit the netting of sea fish resources if this poses a risk to other marine fauna which includes salmon. In addition the status of Salmon (as interest features) in relation to Conservation sites (SAC's and SSSI's) provides the IFCA with more management responsibilities than would seem obvious in the first instant. The report indicates that all river estuaries within Devon are likely to support populations of salmon and evidence and data justify a need for improved protection measures. Evidence includes an estimation of the economic value for each estuary which is a combined amount of over £40 million. The report raises concern over the levels of illegal netting activity and recommends that (apart from small sand eel seines and landing nets for rod and line fishing) all estuaries should be closed to netting, which will also potentially reduce pressure on bass stocks.

South West Rivers Association

A response was received from the South West Rivers Association. This report also recommends increased protection for salmon, by prohibiting netting within estuaries. The report recognises that a precautionary approach is acceptable for regulating bodies and is in favour of the IFCA continuing with this policy in this instant. The report highlights the significant features of estuaries in regards to their relative size (narrow in some cases), their contents of mixed fish stocks and their importance as

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nursery areas. These characteristics in combination with each other provide a high risk environment for illegal fishing and by-catches of salmon are intensified in these areas. This report highlights the capital value of the fishing rights in some of the rivers in the South West which run into many millions of pounds. The angling opportunities for salmon and sea trout make a significant contribution to the local economies.

Angling Trust

A response was received by the Wyvern Region of the Angling Trust. The response highlights that the estuaries are in many cases nursery areas for bass, which have stock levels viewed as critical, and by-catches from netting are potentially damaging. The recommendation is that all netting within estuaries should be prohibited. The only exception should be for sand eels seine nets and anglers landing nets. The reasons for these derogations are based around selectiveness: the sand eel nets do not impact on other species and landing nets are used for removal of single fish.

A second viewpoint from the Angling Trust relates to enforcement. The trust recognises that current byelaws restrict certain forms of netting within estuaries, but complicated definitions potentially reduce the effectiveness of the legislation. Changes to the legislation could be made to simplify the current situation, especially for the general public, where the different netting methods and illegal and legitimate fishing opportunities within the estuaries, are not always fully understood.

No netting within estuaries, but a more open point of view

34 responses felt that the prohibition of netting within estuaries was their preferred option. However they did provide some insight into alternative measures, if some form of access was to be permitted. This group were again dominated by people with a recreational interest, and many were anglers that fish from the shore or vessels. The majority of estuaries were represented by this group.

The main focus of concern for this group was the protection of juvenile fish, in particular bass. Concerns about movements of salmon, was mentioned far less in these 34 questionnaires.

Another key theme was the development of the recreational sector - many explaining how protection of estuaries or development as "safe havens" can boost interest in rod and line fishing, and in turn boost the local economies, benefiting many people, rather than a relatively small group of commercial netters.

Many showed knowledge that a lot of estuaries are classified as nursery areas for bass. The more detailed questionnaires did express concerns over stock of juvenile fish, and many felt that the bass nursery areas should include other species such as mullet. Some recognised the benefits that these closed areas can have for fish (such as mullet) that have similar shoaling patterns and occupy the same space.

With knowledge of bass nursery area legislation, a significant proportion of this group made suggestions that seasonal closures could be an option for management, but only if the estuaries couldn't be shut altogether. There was a common theme that netting prohibition for one species but allowing netting for other species in the same area and time period was confusing and does not make sense. The perceived view was that commercial fishermen have and will continue to target mullet, but only as an excuse to catch bass illegally.

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Other management options selected on the forms were fairly mixed, with some favouring nearly all or a fairly high mix of all the suggested options presented in question 11 of the questionnaire. Many of these respondents ticked options for potential alternative management measures, but did not expand or explain why they had these views on the options.

Other points of view included:

- There needs to be a common approach between all IFCA's in the South West;
- Nets are dangerous to navigation and other water sports;
- Netting in estuaries is not commercial, fishermen have other jobs;
- All netting should be at sea only;
- Current legislation is too confusing;
- A complete ban on estuary netting is easier for the public to understand and therefore report illegal activity.

Allow netting within estuaries

29 stake holders had the view that netting (of some form) within estuaries should be made available with a new management approach. This group were represented by far more people with a commercial interest, although there was also some input from the recreational/other sectors. Many estuaries within the district were mentioned, but there was particular interest in the rivers Exe, Teign and the Salcombe estuary.

There is a general acceptance that fixed netting within estuaries should be prohibited, however drift netting, ring netting, seine netting for sand eel and also licenced salmon netting be permissible. Many people favoured a range of control measures with mesh size, net length, seasonal closure and notification prior to fishing being popular selections. There is also the acceptance that attendance with the net is vital, so by-catch mortality is minimised.

Currently (from an IFCA perspective) several of the estuaries are currently open to drift netting. Several of the commercial fishermen commented that the mullet fisheries in these estuaries do provide a boost to their overall income, and can still support exploitation of this species. Some of these estuaries have supported small scale legitimate historic fishing activity for generations, with mullet being the target species.

Respondents from the Exe area commented that a significant proportion of incomes have been lost since this river has been closed. Comments suggest that the fishermen feel that this estuary can also support netting for mullet.

The potential for the IFCA to issue permits has perhaps been slightly misunderstood by some. Comments suggested that a limited number of permits could be issued to local people to operate drift nets within certain estuaries, but not expand the issue to wider circulation.

Miss-use of fishing access/illegal netting was mentioned in the feedback, particularly in less visible areas of estuaries, or areas less illuminated. Solutions included estuary sub-division to allow access in areas that are easier to monitor by authorities and the general public, also only allow daylight fishing. Sub-division of estuaries was also suggested as a protection measure for areas of sea grass.

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Other points of view included:

- Estuaries offer weather protection and provide fishing opportunities for small vessels in winter months;
- Some estuaries should be sub-divided to create smaller no take zones – For any activity including anglers;
- Access for estuaries should be related to close seasons for bass and salmon migration;
- Net length should be controlled, but each estuary has to be considered on an individual basis to determine the overall correct length to be used (lengths suggested ranged from 100 to 500 yards);
- Some estuaries (due to their size/shape) are not suitable for any netting;
- Use permits to allow registered fishermen to make a living and keep recreational fishermen at bay.

Allow netting- with minimal changes to existing measures

This group was relatively small with only 8 completed questionnaires. The group was made up from stakeholders with both a commercial and recreational interest. 2 respondents currently operate nets as a recreational activity. Several estuaries were mentioned in the feedback including the Taw/Torridge/Dart/Avon/Teign/Erme and Axe.

The general thoughts were that the existing measures (via legacy byelaws) were adequate, with almost no suggestions (other than closed seasons) of using other management options such as those offered by a permitting mechanism. Again comments expressed the opinion that seine netting for salmon should be allowed to continue as they are well regulated, and also fishermen should have continued access to sand-eel capture via small mesh nets. Commercial factors were raised by this group with one fisherman stating that up to 50% of his income is derived from fishing within estuaries.

The most common key target species were sand eel, mullet and bass (via drift netting). Several mentioned that fishing for mullet is a tradition in several of the estuaries and has to their mind not been damaging to other species as attendance reduces the by-catch issue.

Other comments:

- Stop illegal fishing, netting should only be allowed for licenced and registered fishing vessels;
- Estuaries provide an alternative to fishing at sea during poor weather;
- The new 42cm bass size and the expected increased bass conservation measures will limit fishing opportunities.

General summary/themes from all the feedback

- Over one third of the responses heavily promote the prohibition of netting within estuaries. There was evidence to suggest that netting within these areas offers a high risk to species (including salmon).

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- Economic data was provided showing the value of estuaries to the local economy, and the value of the RSA sector. Less data was submitted in relation to the income streams generated for commercial fishermen operating within estuaries.
- A common theme was that salmon netting (licenced by the EA) should be permitted to continue as this is well regulated. Evidence for the fresh water species was slightly contradictory with the West country Rivers Trust indicating that sea trout is not classed as “probably at risk” across the D&SIFCA region.
- Many of the responses came from the recreational sector, in particular the angling community, who would potentially benefit from the removal of netting opportunities within the estuaries.
- It is impossible to know if all the respondents digested all of the background information presented on the web site and it is un-clear if the permit mechanism with flexible management options was fully understood by everyone.
- Those wishing to see total closure offered few alternative options for management.
- Some appeared to suggest that the fact that the D&SIFCA favours permits for management, indicated that access for netting in estuaries would be made available as the IFCA had already decided this, regardless of other opinion. Some felt that the questionnaire was biased and leaned towards this potential outcome.
- Many respondents appear to have formed the opinion that prohibition of all netting within estuaries provides a simple and cost effective option, with illegal netting likely to be reduced.
- Many comments expressed concern over bass. Some mentioned that all estuaries should be closed to strengthen conservation drives for this particular species. Commercial fishermen expressed concern that the inability to target bass would place more importance on potential access to stocks of mullet to supplement incomes.
- Management by other means other than total closure, such as the flexibility offered by a permitting byelaw was mentioned, but not by the majority.
- There appeared to be an acceptance that attendance with the net was important if netting access was to be provided by a new byelaw.
- Winter access to estuaries was deemed important for many commercial fishermen, who stated that poor winter weather limits their ability to work at sea.
- Some felt that the restrictions already in place via the legacy byelaws was sufficient and there should be no changes.

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End of report.

9th February 2017.