



Public Consultation on Net Fishing Management for Estuaries, Harbours and Piers in Dorset, Hampshire and the Isle of Wight

Summary of Responses

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Title: Public Consultation on Net Fishing Management for Estuaries, Harbours and Piers in Dorset, Hampshire and the Isle of Wight: Summary of Responses

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About this document: This document has been developed to summarise the public consultation process undertaken by Southern IFCA between 15th October to 7th December 2018 to seek the community's views on proposed net management measures for the Southern IFCA district. The responses received by the Authority have been summarised in this document. In determining the most suitable next steps, Members of the Authority will have access to the full package of responses received, together with any accompanying evidence.

Further Copies:

This document is available in electronic format from the Southern IFCA website at www.southern-ifca.gov.uk

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1. Introduction

1.1 Background

The harbour and estuarine waters of Dorset, Hampshire and the Isle of Wight are highly biodiverse and ecologically rich habitats, providing valuable nursery and refuge areas for a variety of fish species. These transitional waters also form an important migratory route for salmon and sea trout as they leave and re-enter our riverine environments.

Our harbours, estuaries and piers are also important places for people, offering a place to enjoy through recreation or somewhere to make an income. In particular, these areas hold great significance for recreational and commercial fisheries.

Net fishing is an activity which has been carried out by fishers in the estuaries, harbours and coastal waters of Dorset, Hampshire and the Isle of Wight for generations. Net types and fishing methods have evolved over time to reflect the target species, local environment, technological advances and the people using them. At the same time, the impacts of developing fishing methods on the marine environment and fish populations have changed. It is important to take the opportunity to consider how these activities can be better managed to better support these habitats, species and human users, promoting positive economic and social benefits for coastal communities.

1.2 Current Management

Within the Southern IFCA District there exists a complex range of management measures relating to the use of nets in harbours and estuaries (Annex C).

These measures include Southern IFCA byelaws such as the Fixed Engines byelaw, the Sea Fisheries Fixed Engine Prohibitions Byelaw and the Regulation of the Use of Stake or Stop Nets in Langstone Harbour legacy Byelaw, national legislation including Bass Nursery Areas, local regulations such as Harbour Master byelaws or land-owner permissions and voluntary codes such as the Southern IFCA Netting Code of Practice.

European Union measures outline required mesh sizes and the marking of fishing nets at sea. Specifically, within 6nm, regulations require that nets are labelled in a prescribed manner and it is recommended that marker buoys are used and marked with the vessel's port letter and numbers (PLN) so that gear is easily identifiable.

Recreational fishers, or fishers from the shore, are currently allowed to fish with nets within the district, providing that they follow relevant net regulations.

1.3 IFCA Duties

The nationally agreed vision of the IFCAs is that they will

“lead, champion and manage a sustainable marine environment and inshore fisheries within their Districts by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry”

Under Section 153 of the Marine and Coastal Access Act 2009, Southern IFCA must manage the exploitation of sea fisheries resources in the district. In doing so, the Authority 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 sea fisheries resources of the district with the need to protect the marine environment from, or to 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 exploitation of sea fisheries resources in the district.*

Furthermore, the Authority has responsibilities to manage fishing activities within sites of conservation importance such as Special Areas of Conservation (SAC), or Sites of Special Scientific Interest (SSSI). This is of particular relevance to this review as, within the district, the Atlantic salmon (*Salmo salar*) is listed as a species of Community Interest in two SACs and both the Atlantic salmon and the brown/sea trout (*Salmo trutta*) are referenced in the citations of several SSSIs. Additionally, the Atlantic salmon was identified as a priority species under the UK Biodiversity Action Plan (BAP) and subsequently listed as a Species of Principal Importance under the Natural Environment and Rural Communities Act 2006.

Under Section 155 of the Marine and Coastal Access Act 2009, the Authority has the power to make byelaws for the district. IFCA byelaw guidance outlines the management options and the scope of IFCA byelaws.

2. The Review

The Authority identified, through a strategic review of management measures, that it was a priority to review the management of near-shore netting & nursery areas in the district. Following consideration by the Authority, Members identified a set of objectives to review and, if necessary, develop netting regulations to:

- i. Support the use of estuaries and harbours by bass and other fish populations as nursery and refuge areas;**
- ii. Provide protection to migratory fish species as they transit through our estuaries and harbours; and, within these areas**
- iii. Balance the social and economic benefits and different needs of users in exploiting the fishery**

An Authority Working Group, consisting of Defra Appointee Members, conducted this review in an evidence based, strategic and proportionate manner.

In line with the objectives of this review, Members considered the effectiveness of existing management and opportunities to strengthen it. The best available evidence from a variety of sources, including the Environment Agency, Natural England, commercial and recreational users has supported decision making throughout this review, as will additional evidence that has been submitted as part of this pre-consultation. The Working Group drafted a series of proposals on which the views of the community were sought through this pre-consultation.

2.1 The Proposals

Members of the Authority developed a series of draft management proposals which were designed to be considered in combination; together they aim to collectively address the objectives of the review.

The proposals consider the relative impacts of different net types and, through the proposed **net management areas** (section 2.1.3), seek to manage these accordingly. In certain areas, the proposals seek to differentiate between ring nets and all other net types. There are therefore a series of **defining principles for ring net use** (section 2.1.1) which aim to form the basis of a legal definition for the activity in the development of any future net management by the Authority.

When developing these proposals, Members considered the likely impacts on the fish populations using the harbours and estuaries as nursery and refuge areas. Ring net fishers use these areas to primarily target Grey mullet species, therefore, considering the objectives of this review, Members considered the potential for an **increase in the minimum legal size for Grey mullet** species in the district (section 2.1.2).

2.1.1 Definition of Ring Net Use

Ring nets are commonly used in the district's harbours and estuaries and are typically hand-hauled by single operators on small (6-8m) shallow drafted vessels, commonly targeting grey mullet species.

During the process of the review, Authority Members reached a conclusion that ring nets may pose a reduced risk to salmonid survival rate, by virtue of the style of fishing in comparison to other types of netting. This conclusion was made in particular reference to the use of relatively short ring nets when constantly attended to by fishers and when set in an encircling manner in an open body of water.

In certain areas the net management proposals (section 2.1.3) apply to all net use, except ring nets. It was therefore important to outline the understanding in relation to this fishing method, in so far as to ensure that it does not compromise salmonid survival rate. A set of defining principles for ring net use were agreed by Members with the aim to form the basis of a legal definition for the activity in the development of any future net management by the Authority.

The proposal was to adopt the following principle for ring net use to form a definition of the activity:

- A ring net shall consist of a single sheet of netting not more than 350 meters in length and not more than 6 meters in depth at any point.
- A single weight of not more than 500g may be used to aid the shooting of the net from the vessel.
- In open water the net shall be shot or paid out from a vessel starting at Point A, it shall continue in a circular pattern and return to Point A without pause or delay where the net will be closed except to allow the vessel to enter and exit the circle. If the net is shot against a shore it shall be paid out from the vessel and returned to the same shore without pause or delay. The vessel may enter and exit the circle.
- The net shall be constantly attended whilst in use.
- A ring net shall not be set across any more than 75% of the width of a channel or creek.
- Within 10 minutes of the conclusion of the net setting process the retrieval of the net shall begin and the net shall then be drawn back into the vessel without pause or delay.

2.1.2 Grey Mullet Minimum Size Increase

Three species of grey mullet are known to reside in many of the district's harbours and estuaries:

- Golden-grey mullet (*Liza aurata*);
- Thin-lipped grey mullet (*Liza ramada*); and
- Thick-lipped grey mullet (*Chelon labrosus*)

Considering the objectives of the review, together with the associated interaction between grey mullet and ring net fisheries, the Authority has considered increasing the minimum legal size (MLS) for all three species from 30cm. When considering the possibility of a size increase it is important to consider the size at sexual maturity of the species, the practicality of the management change (including enforceability), how it may affect other fisheries and the potential effects on fishery users.

The following options were proposed for consideration under this review:

Option 1: no change

Option 2: A grey mullet (all species) MLS of 38cm

Rationale: This approach would provide additional protection for breeding populations of golden-grey mullet and thin-lipped grey mullet. This size would provide alignment with the current market demand for grey mullet.

Option 3: A grey mullet (all species) MLS of 42cm

Rationale: This approach would protect a breeding population of golden-grey mullet and thin-lipped grey mullet. This size is greater than the L₅₀ for male thick-lipped grey mullet, however it falls below L₅₀ for female thick-lipped grey mullet. This size would also provide alignment with the MLS for European seabass (*Dicentrarchus labrax*).

Option 4: A grey mullet (all species) MLS of 47cm

Rationale: This captures L₅₀ for all three species of grey mullet

Option 5: Species specific minimum legal sizes aligned with L₅₀

Rationale: This approach would provide full protection for all grey mullet species up to (and beyond) L₅₀.

2.1.3 Net Management Areas

Harbours and Estuaries

Depending on the location and supporting evidence, one of three possible net management scenarios was proposed for estuarine and harbour areas of the district as part of this review:

- Closure to all net use;
- Closure to all net use, except ring nets; or
- Closure to all net use within 3 meters of the surface, except ring nets

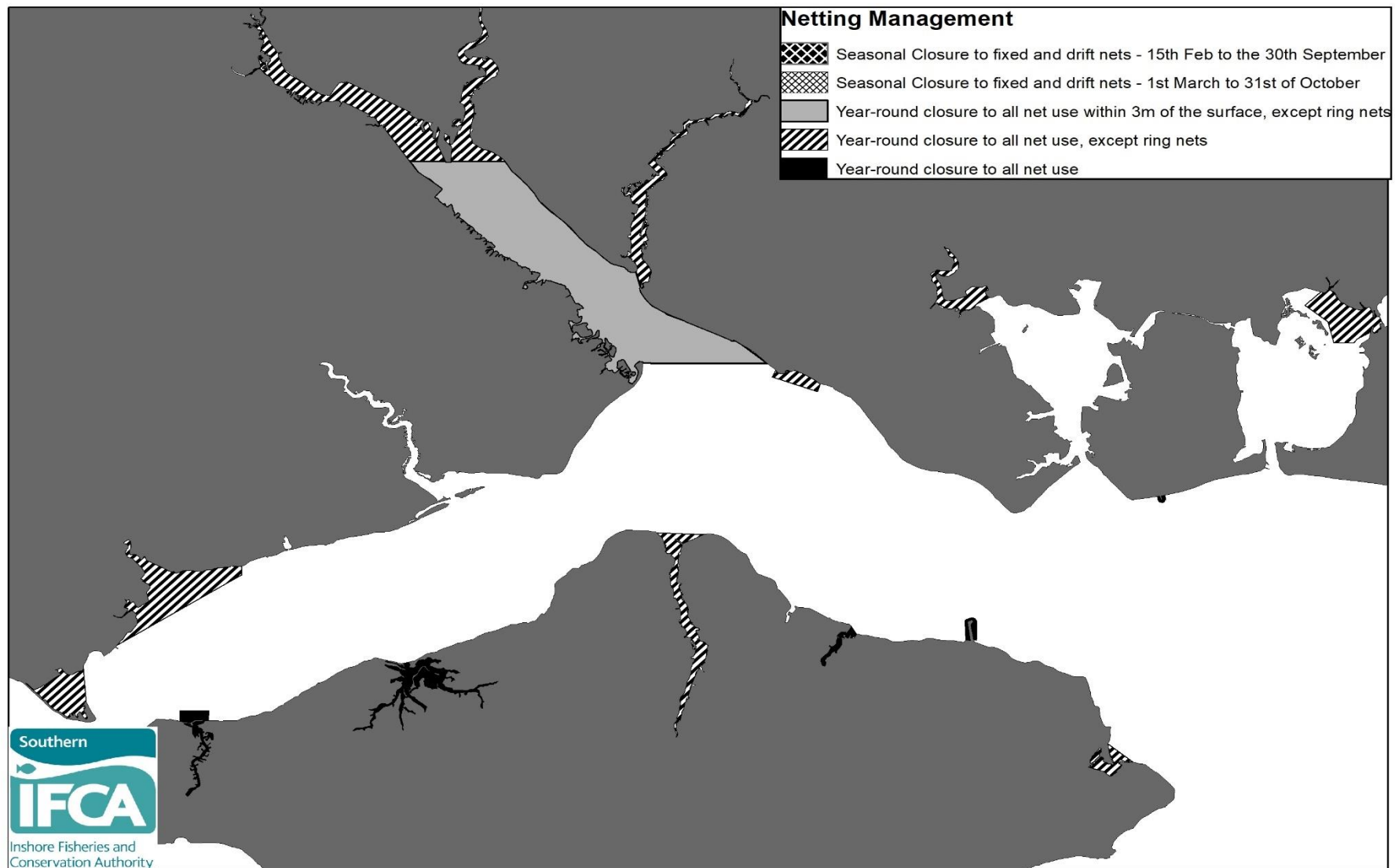
These proposed net management scenarios may be applied throughout the year or seasonally based largely on evidence relating to the seasonal use of salmonids in each area. The proposed areas are outlined in maps 1 and 2 below.

Piers

Under Section 153 of the Marine and Coastal Access Act 2009, when managing the exploitation of sea fisheries resources in the district, the Authority has a duty to balance the different needs of persons engaged in said exploitation.

Recreational sea angling is a popular pastime in the Southern IFCA district. Piers are often popular shore-based recreational sea angling locations as they offer easy access to a range of fish species for all generations of angler, including those with disabilities. Often, within these locations, users report negative experiences due to the use of fishing nets set within close proximity to piers. Fish species often congregate around the underwater structures of piers as they provide artificial refuge and nursery benefits.

The proposal was for a series of 100 metre net exclusion zones be applied to the district's popular pier fishing locations. The proposed areas are outlined in maps 1 and 2 below.



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Map 1: A Map of the proposed net management areas in Hampshire and the Isle of Wight.



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Map 2: A Map of the proposed net management areas in Dorset.

3. Responses to the Pre-Consultation

The Southern Inshore Fisheries and Conservation Authority (IFCA) held a pre-consultation on proposals for the management of net fishing activities in estuaries, harbours and piers in Dorset, Hampshire and the Isle of Wight. This pre-consultation closed on 7th December 2018, having run for a period of 8 weeks.

3.1 Summary of Engagement

During the pre-consultation period of 15th October to 7th December 2018 engagement with the local community was sought using a variety of methods. A Public Consultation document was produced which outlined the scope of the review including the objectives, proposals and associated rationale as well as providing information on how people could participate. A Supporting Evidence document was also produced to accompany the Public Consultation Document. The Public Consultation document contained a series of 12 questions based around the proposals which participants in the pre-consultation were encouraged to answer (Annex B). Respondents were also asked to provide information on their interest in net fishing, if applicable the name of the organisation to which they are affiliated, their role within that organisation and whether they wished their response to be confidential. In addition, the community were able to provide any other supporting evidence or information that they felt the Authority should consider as part of this review.

A hard copy of the public consultation document was posted to 207 commercial fishers who had indicated to Southern IFCA that they engage in fishing with nets in the district. Other user groups, individuals and organisations were identified and emailed copies of the consultation documents. In addition, the consultation was advertised on the Southern IFCA website and the Authority's social-media outlets on Twitter and Facebook. These social-media outlets were used throughout the course of the pre-consultation period to remind stakeholders of the review, and associated timelines, and to provide information on the drop-in sessions detailed in the section below.

3.1.1 Drop-In Sessions

The Authority held a series of drop-in style meetings across the district to provide stakeholders with the opportunity to learn more about the proposed measures and to provide views. All members of the public were welcome to attend these meetings which were run between 15:00 and 19:00 with stakeholders able to attend at any point during this time period.

Six meetings were held across the district at the following locations:

- Yarmouth (Tuesday 15th November)
- Portsmouth (Tuesday 20th November)
- Poole (Wednesday 21st November)
- Bridport (Tuesday 27th November)
- Bembridge (Wednesday 28th November)
- Lyndhurst (Thursday 29th November)

In total, there were 62 attendees across all six drop-in sessions. The attendance at these drop-in sessions is listed in table 3.1.

Location	Total No. of Attendees
Yarmouth	4
Portsmouth	12
Poole	14
Bridport	5
Bembridge	10
Lyndhurst	17
TOTAL	62

Table 3.1: Attendees at the six drop-in sessions held across the Southern IFCA district.

3.1.2 Other Engagement

In addition to the drop-in sessions there were a number of other engagement tools used to engage the community during the pre-consultation, as outlined in table 3.2.

Meetings occurred where individuals or groups of stakeholders requested the opportunity to sit down with Officers to discuss the review. Phone calls received by Officers were recorded where input to the pre-consultation was received, and similarly, face to face interactions, occurring as part of Officers duties, were also recorded where the pre-consultation was discussed. Presentations on the pre-consultation were given to the Solent Forum at their October meeting (the information on the pre-consultation was then also included as part of the Solent Forum newsletter), the Poole and District Fishermen's Association, the Fishermen's Council, the Poole and District Sea Angling Association and the Recreational Angling Sector Group for the Southern IFCA District.

Sector	Meetings	Face to face conversations	Presentation	Phone calls
Commercial	6	21	2	8
Recreational Sea Angling	1	5	2	
Charter Vessels		1		
Harbour Authority	5	2		
Merchant		1		
Other			1	
TOTAL		55		

Table 3.2: Other methods of engagement with stakeholders undertaken during the course of the pre-consultation.

3.2 Statistics for Responses Received

3.2.1 Written Responses

Written responses to the consultation were received as follows

Individual responses	154
Individuals submitting an organisation's template	88
Total Responses Submitted	242

Table 3.3: Statistics for the number of responses received.

A total of 242 responses were received by the Authority through the duration of the consultation. From these responses 88 were submitted by individuals but represented an organisation's template view (table 3.3).

The number of responses received by different sectors and stakeholder groups was also determined, these are detailed in table 3.4.

Sector	Number of Responses Received
Commercial Fishing	36
Recreational Sea Angling	112
Conservation	5
Authority	1
Harbour	3
Merchant, Tackle Shop, Other Business	11
Institute	1
Recreational Netting	1
River Angling	25
Undefined	42
MP	3
Sailing	2
Total Responses Submitted	242

Table 3.4: Number of responses per sector received in writing for the pre-consultation

The responses were all analysed and grouped according to whether the respondent was in favour of the proposals under the pre-consultation, not in favour feeling that the proposals were not restrictive enough, not in favour feeling that the responses were too restrictive or unclear in their position. The results of this analysis are as follows:

In favour of proposals	Not in favour, not restrictive enough	Not in favour, too restrictive	Unclear
12	199	27	4

3.2.2 Verbal Feedback

In addition to the written responses to the consultation, Officers carried out verbal communication with members of the community, either during meetings or face to face interactions. The number of additional verbal engagements, broken down by sector, are listed below (table 3.5). Verbal feedback was considered where the respondent had not also submitted a written response.

Sector	Number
Commercial Fishing	17
Recreational Sea Angling	3
Harbour	5
Merchant, Tackle Shop, Other Business	2
Total Feedback	27

Table 3.5: Verbal feedback received during the pre-consultation broken down by sector.

4. Summary of Responses

Overall, a high level of evidenced responses were submitted as part of this pre-consultation with 242 written responses received and further verbal engagement with 27 other individuals. Responses were largely dominated by three roughly defined sectors: those individuals with a commercial fishing interest (more often than not actively engaged in commercial netting), those individuals with a recreational sea angling interest and those individuals with a river angling interest (including riparian owners, anglers and guides). Generally speaking, it was clear from responses received that 199 respondents (including 88 template responses) did not believe that the proposed net management measures were restrictive enough. Conversely, 27 respondents (almost all of whom had a commercial fishing interest) felt that the proposed measures were too restrictive.

This summary provides an overall flavour of the information received; Members will be able view the full responses and accompanying evidence when determining the most appropriate course of action. In places this summary makes reference to costs and benefits, however financial data have not been included on the basis of confidentiality and representativity.

4.1 Protection of Migratory Salmonids

4.1.1 Harbour and Estuarine Net Management Areas

The Authority developed a series of proposed net management areas in the district's harbours and estuaries with the objective of:

- i. Providing protection to migratory fish species as they transit through our estuaries and harbours; and,
- ii. Supporting the use of estuaries and harbours by bass and other fish populations as nursery and refuge areas.

These proposals represent an increase from the current fixed net prohibition areas under Southern IFCA byelaws.

When considering the need for net management areas, many respondents recognised the decline of salmonid populations in local rivers and highlighted the importance of migratory trout in supporting resident trout populations in chalkstream rivers (Goodwin *et al.*, 2016¹). Almost all of those respondents with a river angling or conservation interest said that it was their belief that the proposed net management measures were not restrictive enough to achieve the necessary protection for migratory salmonids as they move through our waters; the underlying rationale being the impact of both intentional and unavoidable interactions with nets used in our estuaries, harbours and coastal areas. Responses described how it was their understanding that salmonid net interactions, even if the fish was returned quickly with minimal handling and alive, would be likely to, at the very least, lead to a decline in condition and reproductive failure. These respondents simply stated that it was not possible to avoid salmonid bycatch in any form of net and many answered that net use (of any kind) should not be allowed in harbours and salmonid migration routes where migrating salmonids are often more concentrated. Many believed that the Authority should seek to be more precautionary in their approach due to the designations protecting these species and the UK's involvement in the North Atlantic Salmon Conservation Organisation.

Continuing with this theme, when specifically asked about the likelihood of catching migratory salmonids in ring nets some respondents described their observations of salmonid capture in ring nets used in Christchurch Harbour and the Wareham Channel in Poole. Due to the often-grouped migration of salmonids, particularly when travelling upstream, it was highlighted that at certain periods salmonids would be very hard to avoid and net capture, particularly by a net set close to the surface, would be very possible.

Conversely, some respondents with a commercial fishing interest suggested that there was no evidence to suggest that nets used within harbour and estuarine environments have any negative interaction with migratory salmonid species, provided that they were used in a responsible manner. Speaking from personal experience, some quantified the salmonid interactions with their nets, with quoted figures that were almost always very low or none at all. On this basis it was suggested that some net fisheries should be allowed to continue, such as the use of fixed demersal nets in the Southampton water sole fishery (where low seabed nets are set alongside the Main Channel) or the use of ring nets in Poole Harbour and the Fleet.

Some respondents with a commercial fishing interest attempted to put the issue into context and drew comparisons between the potential impact of their net use activity and recreational fishing for salmonids in rivers. Salmonid impact through net use in Southampton Water (Dock Head to Calshot) in particular was suggested to be far lower than the impacts of riverine rod anglers, with reported catch numbers in the region of 1290 salmonids for rod anglers in the River Test and Itchen in 2015. Although it was recognised that these rivers operate a catch and release policy, respondents considered the impacts of this practice and the legal removal of sea trout, estimating annual salmonid mortality in excess of 163 as a result of rod angling practices in these rivers compared to their estimate net mortality of 5 fish per year in Southampton Water.

It was suggested by some that additional harbour and estuarine net prohibition areas should be considered to ensure adequate protection to migratory salmonids. These included Weymouth Harbour, where there is evidence of sea trout movement from/to the River Wey, the wider area of Langstone Harbour and the remaining parts of Portsmouth Harbour, particularly in light of recent evidence of salmon presence in the River Wallington. Conversely,

¹ Goodwin *et al.* (2016). *Freshwater Biology*, 61, pp. 1075-1089

some respondents suggested that in areas where there was no data on the presence of salmonids, such as the Fleet, additional net management was not necessary.

4.1.2 Mitigative measures

Where respondents recognised the interaction between salmonids and nets, some focussed on potential mitigative measures. These included, for example, where the likelihood of interception would be higher during the peak migratory periods, seasonal restrictions were suggested to reduce the chance of salmonid bycatch in nets, although others highlighted evidence to indicate sea trout presence in our waters throughout the year. Other recommended measures included the night-time prohibition of ring net use due to the increased salmonid surface movement during the hours of darkness. If ring net use was to be allowed in harbour and estuarine areas it was suggested that the prohibition of ring net deployment in defined channels would minimise the risk of potential interaction between ring nets and migratory salmonids, especially as it is understood that mullet fisheries typically target the species on shallow areas of mud.

It was suggested by some net users that constant close attendance of nets allowed for the immediate release of salmonids and other unwanted species, with little or no harm caused. One respondent stated that when a large salmonid is caught it would usually be as a result of entanglement by the 'snout' or 'teeth' rather than through the fish becoming 'gilled', therefore the fish can be quickly released and it does not have to be overly handled. This of course will vary according to the mesh size of the net and the size of the fish.

As there is no legal market for salmonids it was stated that fishers simply do not want to catch them in their nets and, based on local knowledge, will go out of their way to avoid known pinch-points when using nets. Although the return of bycatch from ring nets is almost always stated to be returned promptly there was still the potential for damage to be caused to the fish as a result of stress and handling, potentially leading to a decline in condition, reproductive failure or even mortality.

Some more concerned respondents raised the need for caution when differentiating between net types, highlighting for example that a traditional ring net used predominantly to fish for grey mullet has the potential to be used in a manner not too dissimilar to a traditional salmon seine net.

It was highlighted that the mesh range for nets would likely influence the chance of salmonid capture as some respondents believed that salmonids 'bounce off' small mesh ranges but are more susceptible to capture in large mesh. There is conflicting evidence to suggest that sea trout in particular are more vulnerable to capture in some smaller mesh ranges, such as those used currently to target mullet. Monofilament, the common material used to construct modern nets, was highlighted to cause the greatest harm to released fish, with some respondents suggesting the need to consider other softer net construction materials.

4.1.3 Coastal Areas and Headline Depth

The proposed measures included 3 metre minimum headline depth restrictions on nets set in Southampton Water (Dock Head to Calshot) and Lyme Bay (Dorset border to Burton Mere). Both of these areas, although not strictly within estuaries, were considered due to their importance in connecting inter-linked populations between estuarine systems. The rationale for this proposal was based on evidence that migratory salmonids are more active, and therefore more susceptible to capture, within 3 metres of the surface.

Several respondents, particularly those with a recreational sea angling, river angling or conservation interest, suggested that the Authority should consider additional restrictions for net use in the coastal region, either in areas where salmonid populations are known to aggregate, or within the 1nm coastal strip. There is existing evidence suggesting that migratory salmonids congregate in some coastal parts of the district. The SAMARCH project aims to gather additional evidence on likely sea trout migration paths through the fitment of data storage tags to fish.

The Authority has outlined how they will follow a staged process to review all netting measures within the district, the first stage (of specific focus to this consultation) is based around the use of nets primarily within harbour and estuarine environments. Following the conclusion of this stage the Authority will outline the process by which they will review coastal netting management.

Preliminary data from the SAMARCH project, submitted as part of this consultation, shows all four recovered tagged sea trout undertook multiple daily dives of up to 50 metres and spent up to 80% of each day at depth greater than 10 metres. Several respondents referred to this, and additional evidence to support their case against the suggested 3 metre headline depth restriction, concluding that the measure would be largely ineffective in protecting migratory salmonids. Some suggested a minimum 5 metre headline depth requirement as a practical alternative measure, in line with Environment Agency advice, whilst others believed that the headline restriction areas should simply be subject to complete net closure. Alternatively, it was suggested that closures should be within the 5 metre depth contour to ease the understanding and enforceability of the measure.

Several responses specifically highlighted concerns over the application of minimum headline depth measures in Southampton Water, between Dock Head and Calshot. Those with commercial fishing experience in the area highlighted the presence and value of the sole and plaice demersal net fishery in shallower waters outside of the main shipping channel. Although these nets (usually set in min. 10ft of water) may be within 3 metres of the surface, respondents claimed that there was little to no interaction with migratory salmonids and they referenced the lack of sighting evidence from enforcement patrols or recent prosecutions for illegally retaining salmonids.

There were concerns over the enforceability of the headline depth restriction measure, as some believed that it would be more difficult for officers to demonstrate an offence had been committed and also it may lead to confusion amongst local users over the legality of nets set. Combined with this, there were concerns, mainly from net users, over the difficulty in choosing the correct location to set nets based on the daily range of the tide and the effects of displacing the activity closer to shipping lanes.

4.2 Nursery and Refuge Areas

Respondents from a range of sectors, particularly those with a conservation or recreational sea angling interest, recognised the benefits of managing net use within harbour and estuarine areas in order to provide enhanced refuge and nursery protection for fish species. Some referenced their observations of declining fish populations in the district, with a particular emphasis on grey mullet, bass and flounder populations, three marine species of high social and economic importance within our harbour and estuarine areas. The decline in the bass population is well-documented and recognised by fisheries managers. The European Council has implemented a series of annual emergency measures to with the aim of supporting the recovery of bass stocks, however respondents felt that additional benefits could be achieved

locally through the better protection of existing designated Bass Nursery Areas (BNAs), as well as numerous additional favourable sites such as some Isle of Wight estuaries. Recommended management responses largely focus on the prohibition of net use within these BNAs due to the potential mortality through bycatch and (illegal) targeting of bass with nets. These respondents believed that the capture of bass in fishing nets set in BNAs was unavoidable due to their interaction with other target species.

Grey mullet are predominantly targeted in the Southern IFCA district through the use of ring and drift nets, mostly set within harbour and estuarine areas. Some respondents, particularly those with a particular interest in recreational sea angling for grey mullet, described how they had observed a local decline in grey mullet populations, believed to be partially as a result of increased commercial fishing pressure. Many of these respondents were concerned about the potential displacement effects of the proposed net management measures, suggesting that they may lead to an increase of fishing pressure for grey mullet. Consequently, they believed that urgent action was necessary to stop this apparent population decline and to prevent further pressure upon this fishery. Suggested management responses included a complete prohibition of net use in our harbours and estuaries or fishery specific management to limit access and fishing pressure, either through the issue of permits, the management of quotas, the restriction of fishing areas or all of the above. Some respondents who did not have a commercial fishing interest suggested that current grey mullet landings in the district are of low economic value and that those fish are of greater social and economic value to the recreational sector. The consideration of a Grey mullet size increase will be discussed further in section 4.7 of this document.

The reported decline in flounder populations does not appear to be isolated to individual harbours or estuaries in the district, with respondents recognising a stock-level, UK-wide decline in the species in recent years. Although it was suggested that net management or prohibition areas within harbours and estuaries may benefit the recovery of this species, they were not necessarily suggested as a stand-alone solution.

Several respondents linked the potential value of net exclusion zones that they had suggested, primarily for the protection of migratory salmonids, to additional nursery and refuge benefits for valuable estuarine fish species. In many cases it was suggested that additional sites beyond those with good salmonid evidence, such as the Fleet or Langstone Harbour, could be added to a net exclusion network. Other users recognised the benefits of more restrictive net management in these additional areas, specifying fishery specific net measures to increase the selectivity and therefore reduce the impact on non-target species. Respondents in favour of net prohibition areas discussed the benefits of an even population structure in species such as grey mullet, potentially providing local fishery benefits through maintaining a larger breeding size-class.

Some respondents were less positive about the benefits of harbour and estuarine nursery and refuge areas, suggesting that they will have no positive effects on the populations of marine fish species and in some cases, discussions were had over the potential to negatively affect populations due to increased mortality due to predation by larger fish or other predators, such as seals or cormorants. Others argued against the introduction of additional net measures on the basis that the nets they use are selective and do not catch smaller fish, or due to the positive benefits of harbour and marina developments in proving a safe haven for small fish.

4.3 Definition of Ring Nets

Consultees were asked to provide their views on a series of defining principles for the management of ring net use in the district, on the basis that the proposed measures, in some areas, included the potential for this activity to continue.

The preceding summary of salmonid and nursery area responses reflect that there were concerns from some respondents over the potential for this activity to continue within many harbour and estuarine areas, due in particular to the perceived likelihood for these nets to catch salmonid species and also to impact on fish populations, particularly grey mullet.

With particular focus on the definition of ring net use and the targeting of grey mullet capture in particular, there was a concern over many responses that the definition provided too much ambiguity and potential for abuse. In particular, the permitted net type and the way in which it could be used drew comparisons with historical seine net use for salmonids in the district and, although this is not the intention of the definition, an operator could use the net in this way if they so wished. This would essentially create additional enforcement issues as officers would need to detect the specific removal of illegal fish in order to bring forward a prosecution.

Conversely, some respondents felt that the definition was too restrictive and did not allow them to continue their locally specific form of net use in harbours and estuaries. Examples of this include the use of ring nets set in a straight line at slack water in Christchurch Harbour or the Rivers Test and Itchen to target grey mullet or the use of ring nets with an end weight in Portsmouth, Southampton or Langstone Harbours. Further comments, specific to individual areas, are listed in Annex A.

Comments were received relating to the use of a 'sash weight', with some individuals concerned that this weight would effectively fix the net in position, potentially creating a greater risk to the capture of salmonids. As mentioned, existing net users provided comments over the level of weight that they felt should be used, which appears to be locally variable and tailored towards effective use in different tidal conditions or water depth. Linked to this was the prescribed net depth of 6 metres, a size which several respondents felt was too deep for a particular estuary or harbour; their rationale being that the net would 'bunch up' on the seabed, weighing it down and fixing it in position.

The overall length of ring nets was discussed by a good proportion of respondents with several highlighting concerns that nets 350 metres long may have too large an impact in smaller estuaries and harbours, such as Lymington or the Medina. This, combined with the 75% maximum channel coverage, was too excessive for many recreational fishers and conservationists, who felt that there was too great a potential for ring nets of this type to be used in a damaging manner, particularly if other forms of netting are prohibited in an area. Again, commercial net fishers spoke about their experience of using ring nets in harbour and estuarine areas and described how the net length they use is most readily affected by local conditions rather than overall limits, although some suggested small increases in the maximum net size to match the historical yardage lengths which nets are still sold in.

Mesh sizes were intentionally omitted from the recommended definitions on the basis that fishers would likely adapt net mesh sizes to become more selective in their target species. Several respondents did, however, highlight this omission and felt that a mesh size should be set for ring net use in harbours and estuaries, with particular reference to the impacts on smaller, less mature fish. Linked to this, and already discussed, there were concerns over the effects of raising mesh sizes on the salmonid interactions.

Responses were received questioning why, in some proposed net management areas, concessions had been made for ring net use when the activity is not regularly undertaken in this location. These respondents suggested that ring net use should not be permitted in these areas on this basis as there would be the potential for an increase in net use within some harbours and estuaries following the introduction of new measures, particularly if fishers choose to explore new fisheries following the prohibition of specific net types.

Several respondents who were concerned over the impact of nets on bycatch species suggested that restrictions should be considered for the construction material of nets. The vast majority of nets used in the district are constructed of monofilament, a material which some have stated to be too efficient and leads to increased damage to released fish. Alternative softer, knotless twine materials were suggested as a viable alternative.

4.4 Marking of Nets

A total of 74 respondents answered the question relating to the management of the marking of nets. The majority of the responses were in favour of nets being marked with respondents suggesting a variety of ways in which this could be done.

The most common suggestion across the responses was that nets should be marked with buoys which show the vessel name and port letter number (PLN) so that the owner of the net can be quickly and easily identified. Some respondents added to this, suggesting that the owners name and contact details should also be present on a tag attached to the net. This was furthered by the suggestion that recreational net users should also be required to mark their nets with owner and contact details in the same way as commercial netters. One respondent proposed that, should a permit or licencing scheme be adopted for net use, the net should be marked in some way to indicate that the owner was in possession of the relevant permit/licence, potentially showing the permit/licence number for easy identification by Officers. A number of respondents stated that this level of detail on net ownership is necessary to assist with the enforceability of any netting regulations.

There were a number of different suggestions for the types of buoys and accessories which could be used to mark nets. These included:

- Large, brightly coloured dan buoys
- Large flags on poles attached to buoys at either end of the net
- Bright floats along the length of the net as well as at each end
- Minimum of white floats with a 12-inch diameter
- Buoys at either end of the net marked with lights
- Leaded/weighted buoy lines
- Small flags on buoys for set nets where they are used near shipping channels
- Tagging nets with a VMS type system which may ensure greater care is taken of the gear reducing the likelihood of ghost nets

One of the main reoccurring points in the responses was the need for net markers to be clearly visible to all water users. Several respondents made the point that markers need to be visible at all states of the tide and in all weather conditions so as not to pose a hazard to navigation. Proposals in this area included the need for markers to be on a sufficient length of rope to not be pulled under the water in strong tides and for flag poles on buoys to be of sufficient height as to always be visible (suggestions included minimum of 2ft, 3ft, 0.6m and 2m). A few responses developed on this theme to suggest that similar measures need to be adopted for all types of static gear under a system which would specify particular colours for particular

gear types and user groups thereby allowing them to be easily distinguished. One respondent proposed high visibility red dan buoy markers displaying vessel name and PLN for commercial net users and high visibility yellow dan buoy markers with owner's name and contact details for recreational net users.

8% of the responses which addressed the management of marking of nets stated that no change was needed to the current way in which nets are marked within the District. Further information was provided to support this position including that the current system for ring nets is adequate as they are always attended and therefore do not require marking in the same way as other nets and that the current regulations stipulated by ABP and QHM are more than adequate and no additional measures are required.

A reoccurring theme in these responses was concern over regulations for net marking being made too specific in terms of regulations specifying the type and potentially even the make of markers that should be used. It was identified that there are a variety of options for marking nets, some of which are more expensive than others, however concern was raised that all types of marker have the potential to be stolen, removed or run over by pleasure craft, regardless of the time of day, and therefore it is not in the interest of operators to outlay additional costs for markers that will often need replacing. This was reflected in another response which referred to net markers being run over by other vessels and additionally, the fact that if the location of the gear of a particular fisher is made obvious there is the risk of theft or damage to gear by other fishers. One respondent stated that most fishermen will operate responsibly and ensure safety of other water users. It is recognised that the water area is busy and that it is important to mark gear however how this gear is marked does not need regulating, especially if this results in an additional cost to the fishers by restricting them to purchasing only regulated/approved products. The respondent was happy with the idea of a variety of marking methods being proposed however is concerned with being forced to purchase official markers which are likely to need replacing.

4.5 Management of Recreational Netting

From those responses received in which respondents had answered the question in relation to the management of recreational netting, an overwhelming 63% of respondents stated that recreational netting should be banned completely and 36% stated that recreational netting should be subject to some form of restrictive management. Only one response (accounting for the remaining 1%) stated that recreational netting does not require any additional management and should be allowed to continue as per the status quo.

For the responses stating that recreational netting should be banned there was limited supporting information however a number of respondents felt that recreational netting provided a loophole to allow illegal, commercial netting which was currently too difficult to enforce. The argument was put forward that fishing with a net results in a quantity of catch which is too great to be considered to be for personal consumption only and therefore there should be no need for persons to net recreationally. Taking this further, one respondent suggested that recreational fishing for fin fish should be limited to rod and line fishing only. Concerns were also raised that recreational netting should be banned as the resources are not available to police the activity if it were to be managed.

Responses which were in favour of introducing management for recreational netting indicated that the preferred approach was for the activity to be managed via a permit scheme. The consensus within these responses was that the activity needed to be heavily restricted and that any permit conditions introduced needed to be able to be policed effectively. Proposals

for potential permit conditions included defining the length of net that can be used, one respondent stating that this is how recreational netting is managed in French fisheries, with suggestions for net length including a limit of 25m or 30 fathoms (54.9m). Another suggested permit condition, which reoccurred in several responses was to require recreational netters to complete catch returns indicating species caught, quantities and areas fished. This was furthered by suggestions of a requirement to also indicate any bycatch so that incidents of catching salmonids by recreational netting could be quantified.

Based on information provided in the responses, there is a need to consider different types of netting which would fall under the banner term of recreational netting. Respondents indicated that they agreed with a general ban on recreational netting but would wish to see the operation of some gear types, which are used recreationally, be allowed to continue. These included shore deployed seine nets used to collect bait and small nets used to obtain sand eels, also for use as bait. One respondent detailed other types of recreational netting including hand landing nets and drop nets used by anglers solely for the purpose of landing hooked fish, hand push nets used solely for catching prawns and shrimps and drop nets used solely for catching prawns, shrimps and crabs. The same respondent suggested that the use of drop nets could be restricted to a net not exceeding 0.5m across the widest part of the opening. Respondents reiterated that a permit scheme would be the most appropriate management tool as it would allow flexibility for managing different types of recreational nets as outlined above.

As an alternative to the suggestion of a permit scheme, a small number of responses suggested that recreational netting should be subject to the same management measures as commercial netting. One respondent from the commercial sector stated that as a commercial netter they are required to buy a licenced/registered fishing vessel as well as any appropriate permits, are required to have all necessary safety certifications and abide by all regulations whereas recreational netters do not. The respondent felt that this should either be balanced so that the recreational sector has to comply with the same requirements as the commercial sector or recreational netting should be banned completely.

One respondent suggested an alternative to the above proposals, proposing a 10-year initial ban on recreational netting as a precautionary approach. During this time there would be careful monitoring of conditions and after the initial 10-year period netters should be required to provide a convincing argument, based on factual evidence, as to why recreational netting should be reinstated.

4.6 Netting Close to Piers

A large majority of responses agreed that there should be some form of management of nets around piers within the District. This general agreement was based on the ability of this proposal to maintain public access to the shore for recreational sea angling and the added conservation benefits which may be seen by the piers acting as additional nursery areas.

A high proportion of these responses however stated that the current proposal of a 100m exclusion zone for all netting is not large enough. This was mainly based on descriptions of the ability of a large proportion of anglers to cast further than 100m with one response detailing that a top angler has been known to cast out to 300m. Within these responses, there were suggestions of increasing the size of the net use exclusion zones to 150m, 200m or 400m. There were also suggestions made that these net use exclusion zones should be expanded to apply to other man-made structures including groynes, jetties, pontoons and other submerged structures. One response suggested that marsh areas frequented by anglers should also be subject to a net exclusion zone.

There were also respondents who did not agree with the proposed net exclusion zones. Concern was raised that there is a lack of evidence to support an exclusion zone of 100m, particularly from a conservation perspective as the nursery area type benefits which can be offered by structures such as piers are only seen within the immediate vicinity of the structure. Concerns were also raised over the potential dangers to other water users, including commercial fishermen, resulting from the casting of tackle from piers where tackle has a significant weight on the end. One response suggested that fishing from piers should be limited to hand lines only.

Numerous responses from the commercial sector detailed fishing practices in relation to piers identifying that where possible fishers prefer not to fish too close to piers due to risks of gear getting tangled or drifting into the pier structure which is difficult or impossible to retrieve. The point was made however that there are occasions where a close approach to such structures may be required for example if there is a sign of fish nearby. In this case the fisher would make an assessment of whether anglers are present on the pier and therefore whether it was appropriate to approach. Responses detailed how fishers often exercise their discretion as to determining the appropriate distance from such structures in light of the presence, or not, of anglers on the piers. It was highlighted that piers can provide cover for small inshore netters against fast moving leisure craft, the numbers of which have been seen to increase in recent years, as these vessels will detour around pier structures allowing enough time and cover for nets to be shot and retrieved even on busy days. An example was provided of this being the case for the use of herring/mackerel nets used to obtain bait within the Solent area. As part of these responses, alternative proposals were made, these included that the net exclusion zone around pier areas should be reduced to 50m or that the exclusion should not apply to ring nets as these are constantly attended and fisher discretion can be used depending on the circumstances. Several responses proposed that net fishing could be managed through a code of conduct for fishers operating in the vicinity of piers based on the current use of fisher discretion to ascertain the likely overlap between different user groups.

In addition to the specific points raised regarding this proposal, concern was raised that the proposal does not adequately balance the needs of the different stakeholders engaged in fishing within these areas and that the current proposal promotes recreational sea angling to the detriment of the commercial sector. It was identified that fishing opportunities can often be better around piers and therefore there is a need to share this resource between different user groups in a proportionate manner rather than introducing proposals which favour a particular user group. Suggestions were made that this proposal needs to be better evidenced with a consideration of the legal statute of different user groups and a review of the economic costs and benefits of the proposal and proposed alternatives.

In a limited number of responses, there were references made to specific areas within the District under this topic. One response questioned why the piers, bridges and other permanent fish-holding or tidal chokepoint structures in Portsmouth Harbour had not been included and felt that these structures in this area should also have net exclusion zones. Another response referenced Poole Harbour, requesting that the proposed net exclusion zones not be applied to piers in the Harbour. The respondent in this case voiced concern over the inclusion of additional net exclusion zones in areas where they are not currently proposed after initial regulations were put in place. Finally, several respondents agreed that a 100m exclusion zone around Sandown and Ryde piers was a suitable and appropriate management measure.

4.7 Grey Mullet Minimum Size

76 of the responses received made reference to the proposed options for the minimum size of grey mullet, the support for each of the options was as follows:

Option 1: No change	Option 2: All species size of 38cm	Option 3: All species size of 42cm	Option 4: All species size of 47cm	Option 5: Species specific sizes
14	6	2	32	14

Support for increasing the minimum size

The general feeling across the responses was supportive of an increase to the minimum size for grey mullet species. This was identified by respondents as being necessary mainly due to grey mullet species demonstrating low recruitment and slow growth, therefore it was felt that an increase in minimum size would provide more opportunity for individuals to breed before capture providing additional recruitment to the stock. A number of respondents felt that the number of grey mullet have been declining in the last few years therefore measures are needed to ensure that recruitment is able to match removal from the fishery.

The majority of support was for option 4. Several of the respondents who preferred option 4 also stated that they would like to see a slot size introduced for grey mullet to protect larger spawning individuals, suggesting that this would also assist with improving sustainability by increasing the opportunity for breeding and recruitment. One respondent also identified that catch and release of grey mullet species by recreational angling can provide a worthwhile use of the resource from a socio-economic perspective, commenting that raising the size limit would boost overall stocks and also provide a better sport for the angling community.

There was also support for option 5, species specific management, with respondents stating that it is relatively easy to distinguish between the different species, particularly once they are of an adult size, therefore this measure should not prove to be too onerous for either fishers or enforcement officers. This option was also supported as there was concern that increasing the size to 42cm or 47cm for all species would result in an increase in the number of thick-lipped grey mullet being removed from the fishery as this species is more likely to reach these larger sizes. There were however also respondents who felt that species specific minimum sizes would not work as they felt that fish identification would be too difficult and therefore make any regulation more difficult to enforce. It was also stated that different sizes would lead to issues with requiring different mesh sizes for different species, over complicating management measures resulting in them being harder to enforce.

Two respondents preferred option 3 as this would bring grey mullet size in line with the current bass size providing more sustainability and aiding enforcement where fishers are targeting mixed fisheries. Other respondents agreed that grey mullet and bass sizes should be aligned but felt that the bass size should be increased to 47cm in line with the increase in grey mullet size proposed under option 4.

Although there was general agreement with increasing the minimum size, comments were made in a few responses that consideration should be given to increasing the size in small stages as a large increase in one go would result in a large drop in income for fishers.

The majority of respondents provided additional information to support their preferred option. From this information, two distinct topics became apparent relating to net mesh sizes and the need to consider a separate size for golden grey mullet compared to thin-lipped and thick-lipped mullet. The information provided in response to these two topics has been summarised under separate headings below.

Mesh Size

In supporting an increase in size for mullet species many respondents made reference to the fact that any increase would need accompanying regulation regarding changes to net mesh size. Several respondents commented that defining a mesh size range would be an appropriate accompanying or stand-alone management measure as it offers additional protection to protected species such as migratory salmonids. The responses further commented that mesh sizes should be calculated so that only the smallest migratory salmonids would be vulnerable to being gilled and therefore the maximum number of fish could be released unharmed if caught as bycatch. One respondent did identify that consideration would need to be given to introducing smaller mesh sizes as while smaller mesh would allow larger individuals to bounce off the net there is the risk of impact to the juvenile salmonid stock through bycatch.

Further to a reduction in salmonid bycatch, respondents also stated that options to increase the size for grey mullet, particularly relating to options 3 or 4 would require changes to mesh size which would harmonise with the current minimum size for bass at 42cm. It was suggested that an overall regulation regarding mesh size would therefore have benefits for both grey mullet species and bass by allowing more individuals from all species to reach maturity and reproduce, and would also constitute a single regulation, rather than many, which would aid enforceability.

There were also a number of respondents who felt that mesh size regulations could be used as an alternative to changing the minimum size for grey mullet species. One respondent suggested that an increase in mesh size to 4 inches would remove the need to change the mullet size as, for both grey mullet species and bass, this mesh size would allow fish below the size of 42cm to pass through. Other respondents have stated that if fishers are using the correct mesh size, quoting 3 5/8 inches, then catches of undersized fish should already be at a minimum therefore there is no need to introduce regulation to change the mesh size range. This was supported by another respondent who stated that the current mesh size range used already adequately regulates the size of fish caught and therefore there is no need to increase minimum size for grey mullet species or change the mesh size range used.

Golden Grey Mullet

Several respondents who favoured an increase in minimum size felt that species specific sizes were not necessary for all species but that a separate size for golden-grey mullet needed to be considered.

Information was provided to support this proposal including that, based on experience, it was felt that golden-grey mullet do not grow to the same size as the other mullet species with the average size being around 35-42cm with very few individuals growing as large as 47cm. Information was also provided on catches of golden-grey mullet species which, in some cases, comprised 50-75% of the total catch. This, combined with the smaller average size range,

raised concern amongst respondents that should the size be increased for all grey mullet species to 38cm or 42cm then it would be difficult for fishers to make a living and that if the size were increased to 47cm then it would be impossible. Most respondents who agreed with this stance felt that if a single minimum size was to be applied to all grey mullet species then this should be 35cm to 38cm at a maximum to prevent fishing becoming uneconomical.

Support for not changing the minimum size

A number of respondents felt that there was no need for a change in the size for any of the grey mullet species. It was stated that fishers had not seen a decline in stock numbers to support a size increase. Further information was provided from the North Western IFCA website which suggested that thick-lipped mullet are sexually mature at 28-32cm, thin-lipped mullet at 25-32cm and golden-grey mullet at 25-28cm. It was felt by one respondent that the information provided on size at sexual maturity for grey mullet species as part of this review was misleading and that further work is required to provide evidence to support changes to mullet size in the Southern IFCA area. Support for not changing the minimum size also came from respondents who felt that minimum sizes should be treated through EU or national regulation rather than local legislation, with concern raised that as there is no national or EU size for grey mullet species, and that not all IFCAs have a size regulation for these species, any benefit of increasing the size in the Southern IFCA District would be lost as fish migrate outside of the District boundaries.

Additional proposals

In addition to the options proposed under this pre-consultation, some respondents also put forward additional proposals for changes to the grey mullet minimum size. These included;

- A minimum size of 50cm for all grey mullet species
- A minimum size of 48cm for all grey mullet species
- A minimum size of 45cm for all grey mullet species
- A minimum size of 30cm for golden-grey mullet and 38cm for thin-lipped and thick-lipped
- A minimum size of 42cm for golden-grey and thin-lipped mullet and 47cm for thick-lipped mullet

It was also identified across a number of responses that any changes to the size for any species of grey mullet needs to apply to both commercial and recreational fishers to ensure balance between the two sectors and to ensure that the stock can achieve the maximum benefit in terms of recruitment and sustainability.

4.8 Shad

Although not specifically asked, some respondents referenced the impact of coastal and estuarine netting on shad populations, with some individuals describing how they had observed regular Twaite and Allis shad catches at certain times of the year. Shad are a protected species under the Wildlife and Countryside Act 1981 (as amended) and as such it is an offence to intentionally kill or injure the species, although significant bycatch occurrences do occur and as such there are provisions for the species use as bait. Respondents suggested that estuarine, harbour and potential coastal netting restrictions would serve to benefit shad populations in the district.

5. Next Steps

This summary of responses document will be shared by email with all individuals who responded to the pre-consultation. The document will also be posted on the Authority's website and will be shared by social-media.

Authority Members will consider this document, together with all responses received from this consultation ahead of the development of any future net management arrangements for the district. As measures are drafted there may be the need to further engage with the community through informal consultation.

Should the Authority choose to make a byelaw it will be advertised in local publications and on the Authority website. The byelaw will then be subjected to a 28-day statutory consultation, during which the community will have the opportunity to formally respond. The Authority will in turn reply to each of these responses before deciding whether to seek Secretary of State confirmation. The byelaw will only become active once it has been confirmed by the Secretary of State.

Annex A: Comments from responses specific to proposed net management areas

	Area	Comments
1	Chichester Harbour	Agree with this area.
2	Langstone Harbour: Bridge Lake and associated rivers	<p>Langstone Harbour should be completely closed to netting.</p> <p>Concern over effective reduction in protection should the current net byelaw be revoked.</p> <p>Given evidence for this area and potential recovery of trout to Hermitage stream, would recommend all netting be excluded in this area. May be better to exclude ring netting from all smaller creeks and channels.</p>
3	Langstone Harbour: all areas excluding Bridge Lake	<p>Langstone Harbour should be completely closed to netting.</p> <p>Concern over effective reduction in protection should the current net byelaw be revoked.</p>
4	Portsmouth Harbour: Fareham Creek and River Wallington	<p>Portsmouth Harbour is already a bass nursery area in name, it could be more effective and productive if net use was banned.</p> <p>Requires further consideration due to new evidence of the use of the River Wallington by salmon.</p> <p>All netting operations should be excluded based on evidence provided.</p>
5	Portsmouth Harbour: all areas excluding Fareham Creek	<p>Portsmouth Harbour is already a bass nursery area in name, it could be more effective and productive if net use was banned.</p> <p>Will not be affected as currently use ring nets in Portsmouth Harbour.</p> <p>Given evidence for this area would recommend all netting be excluded in this area. May be better to exclude ring netting from all smaller creeks and channels.</p> <p>Fixed nets for sole are used in areas of Portsmouth Harbour.</p>
6	Southsea Pier	
7	River Meon	Should be seasonal restrictions on ring netting in narrow confines of the river and mouth
8	River Test, Itchen and Hamble	<p>Ring netting should not be allowed in these rivers.</p> <p>Salmon and sea trout populations in the Test and Itchen have declined significantly, netting in associated estuaries and immediately off-shore should be banned.</p> <p>Should be a complete ban on netting in this area and out into the estuary.</p> <p>Map of this area shows that netting is permitted at the top of the river Test which is private and in a nature reserve on the Test private fishery.</p>

The map for the Test estuary appears incorrect, fishing north of Redbridge causeway is private and no netting is permitted. All netting should be permanently removed given importance to salmonids. At the least, ring netting should be seasonal.

There have been large declines in salmonid numbers in the river Test, any migratory fish caught in a ring net will be damaged and will not survive.

Should be a complete ban on all net fishing at the mouths of the southern rivers, particularly the Test and Itchen.

Permissions are issued in the River Hamble for ring nets for the purposes of navigation. This includes prescribed netting areas and methods, fishers must phone to give prior warning of fishing taking place.

**9 Southampton Water
– Dock Head to
Calshot**

Southampton Water is particularly important to migratory salmonids and should be closed to netting as a result.

Greater consideration needed to ensure that SAC salmon populations are adequately protected.

Reference in the supporting evidence for this site to the occurrence of net marked salmonids is misleading as it suggests that this happened locally where it could have happened at any point along the migration route.

Unhappy with the extension of the net ban south from Dock Head as far as Calshot to Meon huts in Southampton Water.

No problem with salmon and sea trout in set nets below Dock Head compared to salmon anglers above the Test sluice and in the Itchen. These measures will push activity into deeper water resulting in safety issues.

Fish this area used fixed nets targeting mullet and bass, proposals will impact livelihood and cause a financial loss.

This area should not be restricted for netting. The number of seals is increasing, should research the number of salmonids a seal eats in a year.

Satisfied on no limits to ring netting in this area but do not agree with headline restriction. Surface drift netting for mullet and other species would have to end entirely and should the bass bycatch net stipulation change in the future we would have lost the ability to use surface nets in that fishery. Shore drift nets are used for herring/mackerel in the estuary as a convenient provision for long-line bait. Will be pushed out of the estuary into the Solent losing weather cover for the small fleet.

Drift net fishing currently takes place part-time above Dock Head.

Do not agree with proposals for this area, would like to see year-round closure to all net use from Bury Marsh, Marchwood due north east to Southampton container docks.

Southampton Water should be a year-round exclusion zone.

Agree with proposed measures in this area.

Welcome year-round closure of drift and fixed nets within the Itchen estuary between Dock Head and Woodmill. Concerned that this doesn't extend to ring nets which are likely to entrap migratory fish particularly in narrow areas. In periods of low flows, both salmon and sea trout will move up

and down the estuary with the tide often in close proximity to mullet shoals giving a significant risk of bycatch. With the runs of salmon entering the Itchen later and later each year, a year-round closure is needed for all nets.

Southampton Water should be a next exclusion zone.

Measures should extend to ring nets too. Ring netting should only be allowed over the Shrape area at the entrance to Southampton Water.

10 Lymington River

Ring netting should not be allowed as it poses a compliance risk.

Ring net fishing in the Lymington river should not be allowed as the limited size of the estuary would not sustain the gear size proposed in the ring net definition.

All forms of netting should be excluded from the Lymington estuary.

Lymington estuary should be closed to all forms of netting due to the presence of a general harbour direction, the fact that ring nets within the proposed definition would have the potential to span the whole river and the risks to salmonid aggregations.

Fish this area used fixed nets targeting mullet and bass, proposals will impact livelihood and cause a financial loss.

Fishing in this area will mostly be done at night otherwise the nets would be carried away by the ferries due to the narrowness of the channel. In light of this cannot see how proposals could be policed properly.

Should be complete exclusion of all netting based on importance for sea trout.

Lymington river is fragile and important for sea trout. Allowing ring netting in the river will make sea trout a bycatch. Should be a year-round closure to all net use.

Should not allow ring netting in the Lymington estuary, would be a retrograde step in preserving stocks of sea trout and mullet. Nets are also a danger to commercial and pleasure shipping/boating in the river.

Use of ring nets in tidal reaches of the Lymington river would result in netting of sea trout as they migrate. Population is only just recovering after near decimation from closing of the tidal flaps in the Lymington toll bridge and obstruction by other man-made structures at Boldre and Brockenhurst. Should be a blanket ban on all netting in the Lymington river and its approaches.

Adjacent sea and river is shallow, nets as defined under ring netting proposal would touch the seabed at all times. Solent off of the Lymington river is very tidal, up to 2 knots, controlling nets would be difficult. Car ferry and moorings and leisure traffic are constrained to the channel and are important to the local economy. Some are covered by General Directions but not all. Sea trout congregate in the basin below the toll bridge and above moorings, given shallow nature netting for mullet in this area will catch sea trout. There is a greater facility for migration in this river since the tidal flaps at the toll bridge were opened making it more attractive for poaching. Lymington should be a year-round

		closure to all nets. Ban should be extended to Boldre Bridge as there is tide this far upstream since the tidal flaps have been opened. In places the marshes extend beyond the current proposed southern limit, currently sea trout leaving and returning to the river are at risk, seaward limit should be extended by 200m at least.
11	Keyhaven	Ring netting should not be allowed as it poses a compliance risk. Fish this area used fixed nets targeting mullet and bass, proposals will impact livelihood and cause a financial loss. Should be complete exclusion of all netting based on importance for sea trout.
12	Sandown Pier	Agree with proposed closure. In support of proposed closure. Agree with proposed closure.
13	Bembridge Harbour and River Yar (eastern)	Should consider a next exclusion zone around Bembridge RNL station/launching structure. All forms of netting should be excluded from Bembridge Harbour. Isle of Wight rivers do not have any readings for salmonids. Should be complete exclusion of all netting based on importance for sea trout. Agree with closure. Support the proposed closure in this area. Support proposals for this area.
14	Ryde Pier	Agree with proposed closure. In support of proposed closure. Agree with proposed closure.
15	Wooton Creek	The closure should be extended seawards to include the entrance and the intertidal.
16	River Medina	Ring netting should not be allowed, this site is also popular for RSA use, particularly for flounder. Wish to see a year-round closure to all net use in the River Medina from the Northern limit of Cowes Inner Harbour including the Shrape Mud to the limit of navigation at Newport. Net management area should be synchronised with designated limits for Cowes Inner Harbour and Newport Harbour as shown on SNC 2793. Isle of Wight rivers do not have any readings for salmonids. Based on evidence cannot see any immediate threat to salmonids, should be kept under review. This area should have a total ban on nets to prevent illegal activity.
17	Newtown Creek and associated rivers	Isle of Wight rivers do not have any readings for salmonids. Management by the National Trust makes sense.
18	Yarmouth Harbour entrance and River Yar (western)	Isle of Wight rivers do not have any readings for salmonids. Fish in the western Yar, nets are shot and then sat on before being retrieved. Outside of Yarmouth breakwater fish for

sole, Harbour Master has had no problems with fishing in this area.

Agree with the proposals for this area, the logic used here could be applied elsewhere.

Yarmouth Harbour General Directions currently prohibit netting in the harbour and netting must be carried out under licence in the river area. There are no licences issued.

Netting should not be restricted whilst dredging is continued by Yarmouth Harbour.

19 Christchurch Harbour and associated rivers

Net use of any kind in Christchurch Harbour poses a risk to the sustainability of grey mullet and salmonids

Witnessed a big reduction in fish numbers as a result of illegal netting. The area is catch and release for anglers who pay a great deal to fish there for recreational purposes, contributing to the local economy.

Salmon numbers in the Avon have dwindled to very low levels compared to what they were 50 years ago and strong measures need to be taken to ensure their recovery.

At certain times drift nets are the only way to catch mullet in harbours, especially Christchurch Harbour where bycatch of salmon is minimal as the nets are not left unattended and the fish can be allowed to swim free.

Further consideration is needed of the need for additional protection.

Fish this area used fixed nets targeting mullet and bass, proposals will impact livelihood and cause a financial loss.

Area of Christchurch Harbour designated for year-round closure needs to be increased to cover more of the southern area where nets are laid inside the harbour. Would favour a complete ban on all netting in the harbour in all months.

Should be a complete ban on netting in this area and out into the estuary.

It is not appropriate for any netting to take place in the tidal lagoon or estuary of the Avon/Stour.

At certain times drift nets are the only way to catch mullet in harbours, especially Christchurch Harbour where bycatch of salmon is minimal as nets are not left unattended and fish can be allowed to swim free.

Does not make sense, would recommend no netting be allowed in the narrow confines of the inner section of the harbour at the foot of both the Avon and Stour to protect salmonids.

20 Christchurch Harbour and entrance 'Christchurch Box'

Witnessed a big reduction in fish numbers as a result of illegal netting.

Further consideration is needed of the need for additional protection including extending out from the Christchurch Box to cover wider coastal areas.

This area should have a total ban to all netting all year round. Under current proposals salmon risk being stressed and suffering handling damage if ring netting is allowed to continue.

Seasonal closure should also apply to ring nets, particularly around narrow entrance.

21 Boscombe and Bournemouth Piers	
22 Poole Harbour: Holes Bay, Wareham Channel, Lytchett Bay, Wych Lake and Middlebere Lake and associated rivers	<p>This area needs greater protection.</p> <p>Ring netting should not be allowed in the river Frome.</p> <p>Only two commercial boats using trammel and tangle nets on a regular basis in Poole Harbour for species such as sole, plaice, flounder, brill, smoothound etc. This forms the bulk of the catch between May and September. Can only be carried out on a limited number of neap tides and invariably at night due to boat traffic during the day. Any ban on netting in this area would force the sale of both boats engaging in this type of netting.</p> <p>Ring netting and set netting for mullet and bass is carried out by many boats within Poole Harbour and surrounding areas. Agree with proposals for Wareham Channel. Ring net in Poole mainly in the Wareham Channel over the intertidal areas at high water.</p> <p>Should be a complete ban on netting in this area and out into the estuary.</p> <p>Netting and returning fish have been shown to give no survival so limitation of all net damage should be undertaken. This is very true for Poole Harbour, especially at the river mouth where fish congregate and get caught easily. Poole has very warm water in the summer which will increase with global warming and this effects survival negatively. Wareham Channel should be a net free zone.</p> <p>Seasonal netting constraints should apply to ring nets, important in narrow areas approaching rivers in the western end of the harbour.</p>
23 Poole Harbour (excluding above areas)	<p>Further consideration is needed of the need for additional protection.</p> <p>Do not agree with the proposals for this area, Poole Harbour is a sheltered and safe place to fish and lay nets during the winter when the weather is adverse providing the only safe place to fish. The proposal will put fishermen's lives in danger.</p> <p>Only two commercial boats using trammel and tangle nets on a regular basis in Poole Harbour for species such as sole, plaice, flounder, brill, smoothound etc. This forms the bulk of the catch between May and September. Can only be carried out on a limited number of neap tides and invariably at night due to boat traffic during the day. Any ban on netting in this area would force the sale of both boats engaging in this type of netting.</p> <p>Ring netting and set netting for mullet and bass is carried out by many boats within Poole Harbour and surrounding areas.</p>

		<p>Closing areas of Poole Harbour will just restrict activity to a smaller area.</p> <p>Poole Harbour is supposed to be a bass nursery area but to allow netting for 6 months of the year is not refuge. Area should be closed to all netting all year round.</p> <p>Fixed nets are used recreationally by a limited number in this area. Also trammel nets used for plaice and flounder between October and January.</p>
24	Swanage Pier	
25	Weymouth Piers	Weymouth Harbour also needs consideration based on the presence of sea trout on the river Wey.
26	The Fleet	<p>Fishing in the Fleet is already sustainable and limited and should be managed at current levels. Never caught a salmon or sea trout in the Fleet.</p> <p>Fishing in the Fleet is already sustainable, never caught a salmon or sea trout in this area.</p> <p>The Fleet should have a total ban on net use.</p> <p>Do not agree with proposal for this area as it will stop ability to shoot a set net for mullet. Will also stop use of sand eel seine net, preventing the catching of sand eel for bass bait. Have seine netted for sand eel since 1987 and other fishers seine net for mullet. Never caught a salmon in the Fleet. In the map for the Fleet the boundary is the eastern end of the parish of Abbotsbury which gives an area of the Fleet that you don't cover and yet you have shown the whole Fleet as an area that the proposal would cover.</p> <p>Agree with the proposals for this area.</p> <p>Do not agree with proposals for this area.</p> <p>Agrees with the management proposed for this area.</p>
27	Lyme Regis to Burton Mere – 1nm from shore	<p>Further consideration is needed on the need to extend this area to offer wider coastal protection from netting.</p> <p>This area should not be restricted for netting. The number of seals is increasing, should research the number of salmonids a seal eats in a year.</p> <p>Lyme Bay should be a year-round exclusion zone.</p> <p>Agree with this but seasonal closures should apply to the ring net fishery around the mouths of any rivers in the area.</p> <p>Lyme Bay should be a next exclusion zone.</p>
	Other areas	<p>Weymouth Harbour should be included in the no netting areas.</p> <p>Beaulieu River should also be included as a net management area as all migratory fish are in passage to New Forest spawning areas.</p> <p>All areas south of the Isle of Wight and North Solent should be the same as is proposed for Lyme Bay.</p>

Annex B: Questions from Public Consultation Document

Net Management Areas

Question 1: Do you agree with the proposed harbour and estuarine net management areas measures for the Southern IFCA district? *Please provide a rationale.*

Question 2: In areas where a minimum headline depth restriction of 3 metres has been proposed (Southampton Water and Lyme Bay), do you feel that the risk to salmonid interception will be suitably mitigated? *If no, can you suggest an alternative approach?*

Question 3: Do you agree with the proposed pier net management areas measures for the Southern IFCA district? *Please provide a rationale.*

Definition of Ring Net Use

Question 4: Do you agree with the principles for the definition of ring net use? *Please provide a rationale.*

Question 5: From your experience can you describe the likelihood of catching a salmon or a sea trout in a ring net?

Question 6: From your own experience are there any steps that can be taken to avoid catching salmon or sea trout in a ring net?

Grey Mullet Minimum Size Increase

Question 7: What would be your preferred option for the minimum size of grey mullet species in the Southern IFCA district? *Please provide a rationale.*

Question 8: Do you agree that the proposed measures will (a) support fish nursery areas; (b) provide areas of refuge for fish; (c) provide protection for migratory species, such as salmon and sea trout?

Question 9: How do you believe net fishing by recreational users should be managed?

Question 10: How would you like to see fishing nets marked in the district?

Question 11: What are the anticipated costs or benefits to you as a result of these measures? *Where possible, please provide financial estimates.*

Question 12: Are there any further comments you would like to make on the impact of the proposal?

Annex C: Current Southern IFCA Byelaws

Southern IFCA currently has three legacy byelaws that specifically manage net use within the district. These byelaws are:

- Fixed Engines byelaw² - this byelaw prohibits the use of fixed engines during April-September (inclusive) in areas of Poole Harbour, Keyhaven, Lymington, the Rivers Test and Itchen and the River Meon. It also prohibits the use of a fixed net with a headline less than 3metres in areas of Lyme Bay during April-July (inclusive).
- Sea Fisheries Fixed Engine Prohibition byelaw³ - this byelaw prohibits the use of fixed nets at certain periods in the southern section of Christchurch Harbour and in an area at the harbour entrance, known as the Christchurch 'Box'. This byelaw also prohibits the use of any fixed net for the purpose of taking sea fish inland of the landward boundary of the district, as defined by the Southern Sea Fisheries and District Committee.
- Regulation of the Use of Stake or Stop Nets in Langstone Harbour byelaw⁴ - this byelaw prohibits the use of any stake, stop or dosh net during the period one hour either side of LW in Langstone Harbour.

A National network of Bass Nursery Areas (BNA)⁵ was introduced in 1990, including seven sites within the Southern IFCA district (figure C1). Currently, the removal of bass when fished from a vessel is seasonally restricted in six of the Southern IFCA BNA sites (excluding the Fleet, where protection applies throughout the year). Defra, in recognition of the importance of protecting nursery sites in managing the species, has embarked on a review of national bass nursery area regulations.

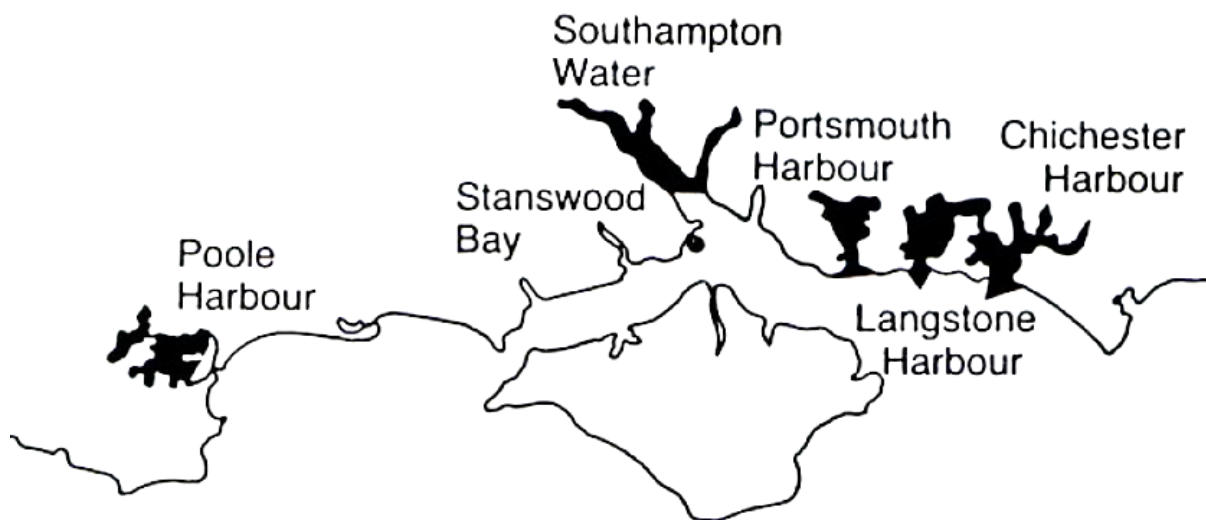


Figure C1: A map of Bass Nursery Area sites in the Southern IFCA district, excluding the Fleet.

² <http://www.southern-ifca.gov.uk/byelaws#Fixed-Engines>

³ <http://www.southern-ifca.gov.uk/byelaws#SeaFishFixEngPro>

⁴ Regulation of the Use of Stake or Stop Nets in Langstone Harbour

⁵ <https://secure.toolkitfiles.co.uk/clients/25364/sitedata/files/BassNurseryBooklet.pdf>

In addition to these regulations, in many harbours and estuaries local regulations apply, mostly through Harbour Master byelaws. Where relevant these are described in greater detail for each area of focus. These local regulations are often incredibly relevant to this review as, in many cases, they already serve to restrict the use of unaccompanied fixed nets in channels.

Additionally, in parts of the district, salmonid species are afforded additional protection under environmental legislation. The Atlantic salmon (*Salmo salar*) is listed as a species of community interest under Annex II of the EU Habitats Directive. This species is a designated feature of the River Avon Special Area of Conservation and the River Itchen Special Area of Conservation. In addition, the Atlantic salmon was identified as a priority species under the UK Biodiversity Action Plan (BAP) and subsequently listed as a Species of Principal Importance under the Natural Environment and Rural Communities Act, 2006. In contrast to salmon, the brown/sea trout (*Salmo trutta*) is not a designated SAC feature, however, it is referenced within the citations of River Avon System SSSI, the River Itchen SSSI, the River Test SSSI, the River Frome SSSI and the Lymington River SSSI and therefore receives consideration as a faunal component of the 'Rivers and Streams' feature.