

Netting Permit Byelaw FAQ

Addressing concerns raised through the formal consultation process

1. Why is Sussex IFCA developing a new Byelaw to manage net fisheries?

Sussex IFCA and the other nine coastal IFCAs were created in 2011. After their establishment, the Government directed the Authorities to review their existing Byelaws inherited from the prior Sea Fisheries Committees. To commence the process, Sussex IFCA consulted with stakeholders, including both commercial and recreational fishers, to establish their concerns and priorities.

Considering both community needs and the Authority's legal duties, including those to manage Marine Protected Areas, a strategic review of inshore management was established and implemented through the Authority's four-year and annual planning cycles.

Netting management in Sussex was last reviewed in the mid-1990s, with the establishment of a Fixed Engine Byelaw in 1994. Since then, some net fishing practices have changed, the state of many fish populations has declined, and our knowledge of fish stocks and the importance of inshore marine habitats has improved.

The development of a new netting management byelaw commenced in 2018, with a statutory consultation in 2019. As a result of the objections to elements of the Byelaw regulations, subsequent amendments to the Byelaw and advice from the Government, the Authority has undertaken a further consultation process in 2024 to finalise the Byelaw.

2. Why is it difficult seeking a balance to manage net fisheries?

The Marine and Coastal Access Act (MaCAA) 2009 defines the duties of the Inshore Fisheries and Conservation Authorities (IFCAs) in managing fisheries. These include ensuring the exploitation of sea fisheries resources is carried out in a sustainable way, ensuring the social and economic benefits of this exploitation are balanced against the protection and recovery of the environment, and to balance the different needs of persons engaged in the exploitation of sea fisheries resources.

Managing inshore net fisheries is a complex and often emotionally charged issue. Commercial and recreational interests typically have highly polarised views on how these fisheries should be managed. Effective management requires recognising that net fisheries are a significant component of inshore commercial fishing, particularly important to the small scale, under 10m boats. While the overall mortality caused by inshore netting may be relatively low compared to offshore mobile gear fisheries, the localised impacts on some vulnerable species necessitate specific inshore management measures.

Sussex IFCA has collected data over many years to support a comprehensive review of netting practices. This effort includes developing a detailed spatial understanding of fishing activity and inshore marine habitats. The Authority also considers relevant evidence and advice from other organisations and actively incorporates feedback from stakeholders through both informal engagement and formal consultation processes.

3. Why is Sussex IFCA considering management that includes consideration of protection for salmon and sea trout within a marine Byelaw?

The IFCA must 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". Salmon and sea trout fall within the definition of "marine environment"; Section 186 of the Marine and Coastal Access Act defines the "marine environment" as "flora and fauna which are dependent on, or associated with, a marine or coastal environment".

In summary, the legislation requires IFCAs to perform a balancing act between the sustainable exploitation of sea fisheries resources and the protection of the marine environment, including salmonids, from the impacts of fishing activities.

Since the 1970s, salmon and sea trout populations have experienced a significant national decline, with marine mortality—including that caused by inshore netting—identified as a substantial risk factor. The Environment Agency provides guidance on effective measures to manage netting and mitigate its impact on salmonid species in coastal and estuarine waters. This advice has been carefully considered within the context of current netting activities and balanced against the potential effects on existing commercial marine fisheries.

Although the proposed netting management measures do not offer optimal protection for salmonids, they represent a significant improvement over current regulation. These measures include year-round protections in critical areas such as natural harbours, river mouths, and tidal reaches of rivers, providing enhanced safeguards for vulnerable species.

4. What are the anticipated benefits from the development of the Byelaw?

By considering an ecosystem approach to the application of management measures, the Authority is confident that the increased protection of key areas, including estuarine and nearshore habitats that are disproportionately important as nursery and feeding grounds for a range of species, will positively impact fish populations and the marine environment. Key areas such as Chichester Harbour, a bass nursery area, will now have year-round protection. Furthermore, the prohibition of setting nets from the shore will prevent direct mortality of juveniles (such as bass and mullet) often encountered as bycatch. Regulation of recreational netting will reduce the opportunity for unregistered vessels to net and supply fish illegally, outside of personal consumption, further protecting stocks. Ensuring healthier stocks, with more fish surviving to maturity, will directly benefit recreational and commercial fishers within the district.

The expansion of the 1.5 metre headline regulation to all fixed nets throughout the year will offer additional protection for sea trout during times of the year when they are presently unprotected, in line with updated evidence from the Environment Agency. The prohibition of netting all year round in river tidal reaches and estuaries will also provide protection to migratory fish in these vulnerable 'pinch-points'.

The introduction of a permit scheme will enable a better understanding and management of the local fleet and its activity.

5. Have Sussex IFCA considered impacts of gear conflict and safety?

Whilst the MaCAA does not provide the framework to introduce management measures specifically to address either conflict of gear between different fishing sectors, or navigational safety, we do anticipate some secondary benefits from the proposed management. Firstly, the gear marking requirements placed on commercial net fishers will make net gear more visible and identifiable for compliance and enforcement purposes. Being more visible will also enable other stakeholders to identify and avoid marked gear, reducing incidents of gear conflict. Secondly, the proposed Byelaw will exclude netting from an increased proportion of the District nearest the shore for the entire year, including those areas more commonly used by recreational users, including anglers, swimmers, paddle boarders and kayakers. Thirdly, the Byelaw will prohibit the use of shore set nets to reduce the risk of impacting important intertidal habits and juvenile fish, but this will also reduce the chance of conflict with general beach users and shoreline activities.

6. Why is there a difference in approach to netting management between IFCAs; Northumberland IFCA has consulted on their proposed netting Byelaw at the same time as Sussex IFCA but are proposing a 4m minimum headline depth compared to Sussex IFCA's 1.5m?

A key principle and strength of the IFCAs is that they can implement regional management that is suited to the District they operate in, addressing the district-specific issues and needs of their stakeholders.

Specifically, the measures proposed by Northumberland IFCA appear more restrictive to net fishers compared to the measures contained within the proposed Sussex IFCA Netting Permit Byelaw. However, several significant differences between the districts have influenced this. For example, risks to migratory salmonid stocks, particularly Atlantic Salmon, are higher in the Northumberland IFCA area, with important salmon runs and populations on rivers such as the Tyne. Secondly, there are significant differences related to the inshore topography between each district; Northumberland coastal waters are generally deeper adjacent to the shore compared with Sussex. The existing net fisheries for marine species are also quite different between the areas, both in scale and target species. In the Northumberland district, netting is primarily for gadoid species; in the Sussex district, the focus is sole, plaice, bass, bream, mullet and cuttlefish. Therefore, equivalent provisions in Sussex would have a disproportionately higher impact on commercial net fisheries despite the risk of encountering Atlantic Salmon in particular, being significantly lower.

7. The 1.5 headline rule is the lowest possible restriction for sea trout protection recommended by the Environment Agency, how does the Byelaw provide adequate protection and balance the needs of existing fisheries?

The Authority has sought to apply a risk-based, proportional approach to protect salmonids within the Sussex IFCA District. Sussex does not contain rivers in which salmon migrate and spawn. Sea trout are present in several rivers, and the Authority recognises its duty to protect these salmonids while balancing the needs of commercial fishers.

The Authority will introduce the 1.5m headline year-round, providing greater year-round protection, as guidance suggests sea trout can be active in the nearshore marine environment on a year-round basis. It also introduces net exclusion zones at Pagham and Medmerry Harbour, where interaction with sea trout is more likely, as well as extending the netting exclusion zone within Chichester Harbour from 6 months to all year.

Management measures have been developed based on advice from the Environment Agency, including EA representation on the Authority.

It will introduce the requirement to report salmonid encounters in nets, enhancing monitoring. The introduction of flexible permit conditions will introduce more adaptive management, with the ability to amend the permit conditions more rapidly considering updated evidence.

8. Some stakeholders reported some confusion and difficulty engaging with the consultation

Sussex IFCA staff put significant consideration into how the amendments for consultation could be presented in as straightforward a manner as possible whilst giving stakeholders the information they needed to respond constructively. The option taken was to develop the 'Consultee Response Document', which detailed each of the amendments being consulted on and provided the original proposal, the amended proposal, and the justification for the amendment or change. We considered this the minimum information needed for respondents to understand the substance of each amendment and why the change has been made. It would have been exceptionally challenging to clarify or summarise this further whilst still providing sufficient information on each amendment to give a suitable level of understanding.

Although the majority of the management measures in the proposed Byelaw were not being consulted on, as they were not amended since the original consultation of 2019, we still thought it appropriate to provide the original proposed byelaw and flexible conditions, and the proposed byelaw and flexible conditions, so that those so inclined could view the full original and amended proposals. This inclusion was intended to provide full transparency. There were no amendments to the proposed measures not being consulted on - i.e. every change was captured within the consultee response document to provide stakeholders with a chance to consider each individual amendment and respond appropriately.

9. Why were only some issues consulted on and not the full proposed Byelaw and flexible permit conditions?

The Netting Permit Byelaw 2019 and associated flexible conditions were consulted on fully in 2019. As per Defra's guidance, we only consulted on the amendments that were made after the first consultation in response to feedback received from the first consultation. Issues that were considered by the Authority after the first consultation and approved without any requirement for an amendment have not been re-consulted on, as they have not been changed.

10. Why do I need to pay for a netting permit?

The Authority has the legal powers to charge for permits to fish within its District. Only permit holders will be able to fish with nets within the District. Commercial permits will be available to commercial licenced fishers, and recreational permits will be available for unlicensed fishers. The Byelaw requirements and permit conditions are intended to protect and sustain the net fisheries for the future. The proposed permit charges are very modest in comparison to other local authority permits and commercial fishing licences.

The purpose of the permit charge is to cover administrative costs for the permit and processing of any data requested.

11. What happens now the consultation has ended?

Since the conclusion of the consultation, the Authority is communicating with Defra officials, seeking confirmation of the Netting Permit Byelaw 2019 and Flexible Permit Conditions with the original amendments, as agreed by the Authority in early 2020, and again in October 2024 following this year's consultation. Considering Defra's many priorities, and other IFCA Byelaws awaiting confirmation, we cannot anticipate when confirmation is likely to occur.

When the Byelaw is confirmed, the Authority will publish comprehensive guidance to accompany and explain the Byelaw and Flexible Permit Conditions. Like past permit Byelaws, both Commercial and Recreational Fishers will be made aware of the process and given adequate time to apply for a Netting Permit. Flexible Permit Conditions will apply once Permits have been issued. Applications for a Netting Permit will be possible online and a permit holder will be able to have access to an account showing the status of their permit.

Byelaw measures that are not Flexible Permit Conditions will apply immediately the Byelaw is confirmed. However, there will be an appropriate educational and bedding in period, to allow fishers to become familiar with the Byelaw.

Please note that the Netting Permit Byelaw (NPB) and the Flexible Permit Conditions (FPCs) will not come into effect until the confirmation process is completed. In the meantime, the existing Byelaw regulations, namely the Fixed Engine Byelaw and Fishing Instruments Byelaw (available at: <https://www.sussex-ifca.gov.uk/regulations>), will continue to apply within the Sussex IFCA District.