Angling Trust's Response to the Devon & Severn IFCA's consultation on:
CHANGES TO THE NETTING PERMIT CONDITIONS
Written in collaboration with Bass Anglers Sportfishing Society
the National Mullet Club and the Angling Trades Association

The Angling Trust

The Angling Trust is recognised by the government as the national governing body for all angling disciplines in England and partners with Visit Wales and Natural Resources Wales to promote fishing in Wales. It is a member-based organisation comprised of thousands of anglers, affiliated clubs and trade partners from all disciplines providing a united front to represent, grow and protect the sport. The Angling Trust campaigns on environmental and angling issues and runs national and international competitions and participation events. Its campaigns focus on issues relevant to angling interests that protect fishing rights and the species and environment the sport depends. These issues include but are not limited to, pollution, fisheries management, over-abstraction, habitat degradation, unlawful navigation, and access restrictions, alongside other threats to angling and water environments.

Executive Summary

The Angling Trust notes that there are three elements to this consultation:

- the opening of a six-month fixed net fishery within Salcombe Estuary,
- several changes to recreational netting practices, and
- both commercial and recreational netting restrictions on the Emsstrom wreck.

The opening of a six-month fixed net fishery within Salcombe Estuary forms the most significant basis of our response and concerns. Our position is summarised below.

The Angling Trust (AT), along with the Bass Anglers Sportfishing Society (BASS), National Mullet Club (NMC) and Angling Trades Association (ATA) have collectively engaged with a wide range of stakeholders with recreational and other interests in Salcombe Estuary. Our intention is to demonstrate that the key industry dependent on the estuary is tourism and associated recreational activity. In our view, the evidence indicates that this significantly outweighs any economic value created by allowing netting in these waters and critically, that these recreational activities are sustainable and therefore offer a lasting benefit to the community. The sustainability and economic value of these tourism and recreation businesses and associated activities would be threatened by the undertaking of the proposed opening of a six-month fixed net fishery and changes to recreational netting practices.

Our response includes attributed statements from other interested parties, who may also complete their own response to the consultation. We demonstrate that each of these recreational activities can conduct themselves in harmony with each other and that the only outlier which threatens them is the proposed netting activity. Further, we will show that each of these recreations has a desire to grow and further enhance the economic and social benefits they already bring to the community.

We do not agree that the reasons put forward in support of the proposal are a positive or an accurate reflection of this fishery.

In summary we believe:

- the mortality rate of bass is too high to consider a fishery even before contemplating the accumulative impacts on the wider ecosystem and community
- A decline in pot fishery profits is not reason to move on to overfishing the next species
- Commercial fishing incomes should not be prioritised over greater economic worth of other sectors
- Sea trout, and indeed the shad that turned up in the limited survey, deserve protecting whether feeding or migrating

The AT, BASS and NMC consider it alarming that a fishery be proposed on such weak arguments when considering the overwhelming response that the Devon and Severn IFCA received to the prior consultation. Whilst individual responses may not have dealt specifically with Salcombe, we believe that the nature of the consultation did not lead anyone to do so. The position was a near unanimous agreement that the protection of all estuaries within the Devon and Severn IFCA's remit was of critical importance and that it would be grossly regressive to revert on this.

We are further concerned by the questionable process to arrive at this point. Not only does it appear that the consultation has not been listened to, but the IFCA minute meetings strongly suggest that the officers have not been listened to either. The subcommittee, B&PSC, contains only 1 local authority representative within its membership of 16, despite such positions accounting for 13 of the 31 positions on the authority. This is a very clear failure to ensure representative membership of a subcommittee that has delegated powers to enact and make critical decisions. To reiterate, local authority representatives account for 42% of the IFCA membership, but only 6.25% of the B&PSC.

It is our strong belief that there are no grounds to open the fishery and the decision-making process by which the decision will be taken to open this fishery will leave the authority open to legal challenge and potentially considerable costs to the taxpayer.

Section 1: The proposed rationale for change

1.The B&PSC considers that a mortality rate of 18.8% of bass caught during the netting trials within Salcombe Estuary is acceptable.

In response to this we ask the following:

- What is the acceptable mortality threshold?
- Why is a % figure provided rather than a total estimate of dead bass, which cannot be landed for 5 of the 6 months of the fisher?
- Are compound mortality rates considered?
- It is considered inevitable that these fish will become entangled with the nets on more than one occasion given the survey relied upon states: *"Most fish showed a degree of residency in Salcombe for at least 26 days post-tagging, as demonstrated by long periods of detection by acoustic receivers in Salcombe".* See: https://www.devonandsevernifca.gov.uk/wp-content/uploads/2023/09/AgendaItem6-BassSurvivabilityReport-Aug2023.pdf

The survey from which the 18.8% figure was derived also failed to handle the caught bass in the same way as a net fishery would inevitably operate. It is our belief that bass will not be cut free of nets, nor will they be placed in safe recovery tanks. It is also worth noting that the surveyed fishing itself was conducted in part by individuals with a pecuniary interest in showing the lowest possible mortality rate. The survey saw 138 bass caught across 32 hauls. The distinct lack of a full impact study by the B&PSC before presenting

these proposed changes means we have little to work on when it comes to understanding how many nets will be set across the course of the season. It is, however, clear that a considerable number of bass will die with no hope of being able to legally land them.

The proposed net fishery is put forward as a mullet fishery, yet the composition of fish demonstrated that bass outnumber mullet, making up 52% of the catch whereas the 3 grey mullet species combined only accounted for 39%. It appears highly probable that effort will rapidly increase in January when authorised vessels will be able to land bass.

Overall, we refuse to accept that the mortality rates are acceptable. The unnecessary mortality of these fish will only serve to damage the incomes of other commercial fishers outside of the estuary, as well as recreational interests, impacting on stocks for years to come, far beyond Salcombe itself, as indicated by existing telemetry studies.

2. The B&PSC recognises a reported decline in profitability in pot fisheries

In response to this we ask the following:

- Why has this happened?
- Why is the IFCAs response to move on to decimating an alternative species?
- What measures have been put in place to improve the yield and value of the pot fisheries?
- Has the potting been sustainably practiced?
- Has the decline been hastened by one of the very fishers seeking to fish for the mullet in the estuary, shooting up to 1,200 pots per day, as per the article for 'Salcombe Crab Fest' here: https://salcombecrabfest.co.uk/2020/02/27/a-day-in-the-life-of-a-salcombe-fisherman/
- Have any pot limits been proposed

We believe that the response to declining potting profitability lies in tackling regulation around potting and setting out a sustainable plan to return this fishery to an economically viable and professionally managed fishery. The recently published Crab and lobsters FMP indicates that *'Future measures will focus on ensuring stocks are not targeted beyond sustainable limits. Seasonal closures, effort limits, and pot and catch limits are some of the interventions under consideration, which will be developed in collaboration with the CMG and relevant partners.'*

It is worth noting the intense level of pot bait required for the potting industry, with up to 300kilos used by just one boat in a day. We have serious concerns that transshipment of bass could easily occur outside of IFCA working hours and simply be used as pot bait. When the cost comes in at up to £300 per day on pot bait, the incentive will be there. How would enforcement of this be proposed if netting activity were to occur at night?

3. The B&PSC supports providing opportunities for commercial fishers to diversify and boost their winter income by participating in a limited netting fishery within the Salcombe Estuary.

We believe that this is short sighted, ill evidenced and highly likely to cause significantly more damage to wider economies than the limited individuals who would temporarily have a modest benefit.

We believe that a full socio-economic assessment to understand the wider implications of these subjective perspectives on boosting income should be undertaken. An environmental and ecological assessment should also be given, as should substantive evidence that the practice can be conducted sustainably.

Instead of a silo view on the opportunities for commercial fishers, the IFCA should be asking whether they think, should they change the permit conditions to allow netting, they comply with
The Marine and Coastal Access Act 2009 Part 6, section 153 (1 & 2) and section 154 (1), which details the duties of the IFCAs as;

IFCAs must:

- Seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way.
- 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.
- 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.
- Seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district
- Seek to ensure that the conservation objectives of any Marine Conservation Zones in the district are furthered.

4. That the B&PSC recognises that sea trout are present at an unknown scale, for feeding purposes, in the Salcombe Estuary but it is not a known migratory route.

Sea trout are present in Salcombe Estuary, as acknowledged within the consultation. Whether or not they are migrating for spawning purposes currently does not mean they are not part of a spawning stock. In addition, shad showed up in the bass mortality survey data. https://www.devonandsevernifca.gov.uk/wp-content/uploads/2023/09/AgendaItem6-BassSurvivabilityReport-Aug2023.pdf

The protection of a spawning stock of a species must extend outside of the time where it is in spawn. We have seen this acknowledge through the extraordinarily successful 'V notching' of female lobsters, so that they can be identified when not egg carrying.

Why would the same principle be ignored in the case of sea trout and shad?

The Angling Trust, National Mullet Club and Bass Anglers Sportfishing Society, in summary, refute the basic validity of all the rationale given. We do not consider any of the four statements to stand up to the slightest scrutiny.

The rationale failed to consider numerous other areas, which we will cover ourselves as follows:

Section 2: Sustainability

In our view, it is fundamentally clear that this cannot be evidenced to be a sustainable fishery.

There are key questions that would need satisfying to substantiate the proposed activity as sustainable, and it is our belief that it fails on every one.

a. Is the proposed fishery in keeping with the direction of travel of national level fishery management plans and strategy?

No, it is not. The published bass fisheries management plan (https://www.gov.uk/government/publications/bass-fisheries-management-plan-fmp) is clear in its direction to increase the protection afforded to bass nursery areas (BNAs) and to impose tighter

restrictions on inshore netting to protect juvenile bass. Even the best-case scenarios for mortality rate as shown in the survey will see substantial undersize bass killed, along with in-size bass out of season. If national fishery management plans outline a different future path for fisheries, then the proposed activity will have to cease and is therefore unsustainable.

b. Will the primary intended target species, mullet, prove sustainable to fish?

No. We refer to the conclusive consultation response to the review of the netting and permit byelaw, as conducted in 2023, provided by the National Mullet Club.

The critical issue is the age of maturity of mullet which is known to be around 12 years. This makes mullet especially susceptible to overfishing, as the cumulative risk of nets in an environment they inhabit year on year drastically reduces the biomass of fish reaching maturity.

Mullet are also a particularly spikey fish, much like bass, making juvenile fish equally susceptible to the nets irrelevant of mesh size, especially during periods of the tide and shooting when the nets will operate slack and as such, fish as a tangle net.

The period in which these mullet are intended to be targeted is when they will be aggregating and heavily in spawn. The targeting of such fish contravenes section 4.1.12 of the Joint Fisheries Statement, which outlines the intent to protect spawning and nursery areas for key stocks.

https://assets.publishing.service.gov.uk/media/637cee048fa8f53f4af6850b/Joint_Fisheries_Statement_JFS_2022_Final.pdf

c. Is the method of fishing selective to the target species?

No. All surveys have shown that mullet will not form 50% of the catch, and that bass makes up the largest percentage despite bass only being able to be landed in one out of the six months of the fishery. The method is indiscriminate and damaging to wider species and habitat.

Each published Fishery Management Plan to date focuses on the reduction of unintended bycatch. To propose a fishery where the target species does not even make up most of the catch is regressive to the direction of travel of UK fisheries policy and completely at odds with the Joint Fishery Statement, section 4.2.8 (Reducing Bycatch and Minimising Catches of Sensitive Species.
https://assets.publishing.service.gov.uk/media/637cee048fa8f53f4af6850b/Joint_Fisheries_Statement_JFS_2022_Final.pdf

d. Will the bycatch species be sustainably fished?

No. Whilst we will expand on our concerns around the overly optimistic take on bass mortality in a following segment, even 18% is too high for a fish that can only be landed for one month of the fishery. There is substantial evidence to show that bass from the wider area use Salcombe as a sanctuary during the winter months, given the lack of freshwater input which leads to a slightly higher estuarine temperature.

Gilthead bream have started to over-winter in UK estuaries, and these tend to be the larger breeding stock that will become vulnerable. The influx of smaller fish usually takes place in March to April, so these will also be vulnerable. There has already been a reduction of Gilthead bream in the estuary owing to overfishing of the sandbar at the entrance. The IFCA should be focusing on protecting the ability of fish to reach the estuary, not the targeting of any that escaped the pressures to even make it.

Because the nets will operate for a period of their shooting slack, and in shallow water, flatfish such as flounder and plaice will also be susceptible. Flounder will be heavy in spawn in these winter months and the overfishing of estuaries saw a collapse in flounder stocks in Poole, severely damaging the local recreational sector. Kingsbridge is now the go-to destination for specimen flounder in the winter, supporting a large recreational economy that we shall expand on further in another segment.

In summary, we believe that the evidence indicates that these proposals are NOT sustainable.

Section 3: Socioeconomics

We note a lack of provision of a socioeconomic report to support this proposal before going to consultation. Key stakeholders including ourselves, Natural England, the MMO and the Duchy of Cornwall should be provided with far greater evidence to support these proposals than has been rushed through on this occasion. We have, however, conducted a brief evaluation of our own. The conclusion is that the small and unsustainable benefit to a select few commercial fishers is not credible against the considerable loss of economic and social benefits to a variety of recreational water users.

Quantifying the importance of Salcombe estuary to recreational angling and other water-based recreations is a tricky exercise; however, as the leading estuary in the country for Gilthead bream, mullet, bass, and flounder -four of the most targeted recreational species - it is without doubt worth a substantial proportion of the overall recreational angling economy.

Some examples are as follows:

a. The Salcombe Small Boat Festival

An evaluation of 62 participants of this festival demonstrated that the annual worth to the local economy is in the region of £35,000 - for just one weekend of fishing.

Over 60% of respondents have fished this competition on more than 5 occasions during its 30-year history.

55% are visitors to the area, with 45% considering themselves local.

93.5% of participants would cease to fish the competition if fish stocks were to suffer a decline because of the netting activity, or if specimen fish were to become less viable as a result. In other words, the level of participants would no longer make the competition viable to run.

At a price of £3.50 per kg for mullet, the benefit bought by this competition, in a sustainable way for the environment and fish stocks would equate to a commercial catch of 10 tonne of mullet. Obviously, if this volume of mullet were landed, the price would also suppress.

b. The ASG Flounder Championships

On top of the donations to the local RNLI from this competition, for example £1,000 this year, an evaluation of 21 participants demonstrated that the annual economic worth to the local economy is in the region of £25,000 - for just one weekend of fishing.

61% of the participants in this competition identify as visitors, and the number of participants is growing year on year. The organisers have stated it will need to relocate if flounder stocks are impacted, as over 70% of participants have stated they will no longer enter the event if the quantity or size of flounder decreases.

Only 2% of the flounder caught within the competition are retained, for example following a deep hooking. Catch and release is encouraged and followed.

Over 7 tonnes of mullet, at £3.50 per kg, would need to be landed to match the economic impact of this one weekend of fishing.

c. Benefit to the angling trade - statement from Harry Brake, MD of Veals Mail Order

"As the largest saltwater dedicated mail order fishing tackle retailer in the U.K., we know firsthand how critical Salcombe estuary is to many disciplines of angling.

"Once anglers move into dedicated species targeting, the average spend per consumer rapidly increases. The largest dedicated species markets in the south of England are bass, flounder, mullet, and more recently gilt head bream. All of these are not only catered for by Salcombe estuary, but it proves to be the leading estuarine environment for all four species in the south-west. Kingsbridge is now the place to go for a specimen winter flounder, after netting in Poole harbour savaged a once booming recreational fishery.

"Quantifying this spend is notoriously difficult, though more than £10,000 has been spent on research, development, and stocking of just a small selection of our Seadra branded tackle dedicated at estuary gilthead fishing, including specific hook patterns. We believe that the interest and spend in this market would retract greatly if the larger specimens that over winter in the estuary are reduced in numbers through this proposed activity. Along with retraction in the mullet, flounder, and bass markets, such a move could be truly devastating to the recreational sea angling trade."

d. Other recreational water users

There are a wide variety of other recreational water users, including paddle boarders, recreational boat users and swimmers who are likely to experience increased navigational challenges because of the proposed net fishery.

An intense commercial activity also detracts from the tranquility within which these recreations like to be pursued, so it is inevitable that a degree of economic loss will be suffered by these sectors because of the proposals.

e. Salcombe Seahorse beer

The ecological success and diversity of the estuary has led to many businesses to market products off the back of this, with some, such as St Austell Breweries 'Salcombe Seahorse Beer' even raising money to put back in to sustaining that ecology. 5p from every bottle raised goes straight back to the Seahorse Trust. This is all built around the strong presence of both varieties of seahorse native to the UK being found within Salcombe estuary. The habitats of these seahorses will come under risk from netting practices on top of sea/eel grass, where mullet are known to congregate.

f. General tourism

Salcombe Estuary enjoys a year-round tourism sector thanks to the tranquil and sheltered waters drawing in a high number of recreational users. Spotting a mullet in the water by the harbour's edge is as intrinsic to a visit to the seaside as fish and chips or the sound of seagulls. Denying future generations this will impact directly on the tourism enjoyed by Salcombe and the surrounding area. It is for this reason that such

activity is not in keeping with South Devons strategic plan for the estuary, not the harbour authorities 5-year strategy. More on these in further segments to follow.

g. Mental health benefits of recreational activities

Studies conducted in the past few years have confirmed the long-held belief that angling provides many positive effects for individual mental health.

One of the most conclusive studies found that anglers were less likely to self-harm, report anxiety or attempt suicide. https://www.aru.ac.uk/news/fishing-could-ease-severe-mental-health-issues

In addition, estuary environments are critical for less mobile or less experienced anglers, owing to their sheltered and safer environment to fish within than the open coast. This sees them as critical to getting people into fishing, allowing those with disabilities access to fishing and allowing ageing anglers to continue to enjoy their hobby for longer.

The loss of productive fishing in a key estuary such as Salcombe would have long lasting impacts on the enjoyment of recreational angling.

h. Impacted economy of other commercial fishers

The Blue Marine Foundation has worked incredibly hard on the local 'Lyme Bay Reserve,' partnering with local commercial fishers to reduce the effort but increase the price per fish. Species such as Gilthead bream and mullet are achieving good prices with attributions to a sustainable and professionally managed fishery.

The proposals risk undoing all this challenging work. Prices for these species will collapse, and stock implementations will lead to lower catches for years to come, given the intense pressure on numerous species that will be in a spawning state including mullet, bass, and flounder.

Whilst it is disappointing that the consultation proceeded prior to the IFCA conducting this critical economic analysis, our expectation is that the short-term gains will go nowhere near offsetting the long-term losses for the wider sector. In line with the comments on sustainability, this appears nothing more than a quick grab of a currently high price for mullet, with no long-term strategy in mind.

In summary, we consider that any conclusive socioeconomic study will find that the proposals have a long-lasting net damage to all sectors and are not justified by a short-term unsustainable gain by a very select few individuals.

Section 4: Conflict with the Bass FMP / Bass mortalities

Published in December 2023, the Bass FMP, which had been in design for over a year with extensive rounds of engagement and consultation, has objectives that come into direct conflict with these proposals.

Within the short term aims of the FMP, IFCAs will inevitably have to review their inshore netting activities and seek to bolster the protections offered within bass nurseries, of which Salcombe Estuary is one. To follow through with these proposals will be to set off in a completely opposite direction to the bass FMP, and we ask how this is the best use of the IFCAs time and if the inevitable conclusion is that the fishery has to be stopped when the short term goals in the FMP are implemented, how can it be seen as anything more than a quick grab at aggregated stocks to deliver a brief but unsustainable profit for a select few?

The full details of the published bass FMP can be viewed here:
https://www.gov.uk/government/publications/bass-fisheries-management-plan-fmp

In detailing why a bass FMP was developed, DEFRA state the following:

Bass fisheries contribute culturally, socially, and economically to coastal communities through, for example, employment and recreational fishing interests. However, a combination of overfishing and poor year class strength (the number of individuals born in any given year) saw a sharp decline in bass stock levels from 2010. In response, in 2015 the UK and EU implemented a joint management approach, which has been amended annually. Since these measures were introduced, there has been a significant increase in spawning stock biomass (SSB) – although recruitment (the number of juveniles that join the adult stock in any given year) remains low.

As the wider detail of the FMP goes on to clarify, estuary environments and bass nursery areas (BNAs) are of critical importance to recruitment. Having bass as the largest percentage of the catch, with an at best mortality rate of 18% each time a fish is in the net, when they can only be landed for one month is illogical and at complete odds with trying to recover this important fishery.

We also have grave concerns with the survey that suggests bass mortality will only be 18%. There were clear practices within this survey for fish recovery and handling care, including cutting the fish free from nets, that will not be followed in a live fishery.

Similar studies have shown bass mortality from netting to be in the region of 50%. See:
https://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=5769

This, of course, is before factoring in multiple catches. The survey undertaken within Salcombe showed a typical residency of 27 days post capture, during which time it is highly probable that many of these fish will encounter nets once more. The chances of survival during each visit gradually diminish with increased stress and damage to the fish. It is our belief that very few fish will evade re-capture and very few will be lucky to survive the nets twice in short order.

We note that the officers of the IFCA also raise issues with the survey undertaken, and specifically reference B&PSC Meeting (August 2023) Agenda Item 7a 19, where the following points should be heeded:

- 98% of sea bass bycatch received some form of injury, including bruising, fin fraying and scale loss. The implications of these injuries for later sea bass mortality are unclear, but it is known that scale loss can lead to delayed mortality by compromising osmoregulation (internal fluid/salt balance) or due to the onset of infection (which is made worse as the stress of capture can compromise natural immunity).
- considering all sources of uncertainty, it is likely that the true mortality would be higher in real-world fishing conditions
- the 18.8% mortality rate is likely to be an underestimate. Mortality was slightly higher when the net took longer to haul, suggesting that discard mortality would increase as the catch size (and hence profitability) increases.
- This indicates that mortality is unlikely to be seen by fishers at the vessel during normal discarding processes, and therefore anecdotal observations of discard survival may be unreliable.

This is not the only area in which the D&S IFCA's published minutes from B&PSC meetings demonstrates that the IFCA's highly skilled officers find significant issue with the proposals put forward for this fishery, it is concerning that the membership appears to have completely ignored all points made by the officers. This is far from standard practice for an IFCA.

Whilst we do not wish to get into the management measures that we consider immaterial, as the fishery should not happen at all, the 'soak times' that will have a considerable impact on the bass survivability need better defining. Is 60 minutes from the first part of the net in the water to the last part out? Anything else leads to a longer fishing time for each net and increases the risk of post release mortality.

Finally, whilst we will cover it further, does the IFCA believe enforcing the measurements is practical, especially when considerable netting will be done at night?

In summary, we believe the proposals do nothing to support the recovery of the bass stocks and are completely at odds with the bass FMP, with massive questions over the stated mortality rate of bass.

Section 5: Not in keeping with regional planning and management strategies

We note that there are several strategic plans pertaining to Salcombe and Kingsbridge estuary, held by bodies such as the Salcombe Harbour Authority and South Devon Council. In our view, the proposals are at complete odds with these plans and the consultation should not have even proceeded without prior communication with these key stakeholders.

Each of these organisations may wish to engage in their own consultation, particularly South Hams Council who have a long-term lease, running to 2028 from the Duchy, that effectively makes them the owners of the seabed, but not the Several fishery, which remains the Duchy's.

a. Devon Council Planning Strategy

The Devon planning strategy pertaining to Salcombe estuary can be found at https://www.devon.gov.uk/planning/planning-policies/landscape/devon-character-areas/south-hams-area/salcombe-to-kingsbridge-estuary/

Of note should be the following:

Under the protection guidelines:

Protect the landscape's sense of tranquility and unspoilt character and particularly the secluded character of the tributary creeks from excessive water-based recreation.

This may reference recreation at the end, but the intent to ensure unspoilt character applies.

Under the management section:

Manage estuarine and coastal habitats, including intertidal habitats, maritime grassland.
If it is their job to manage this, we cannot see how the fishery can commence without the council conducting their own planning consultation.

Under the 'Plan' section:

Plan to control moorings and water-based activities to maintain tranquility and regulate timing and zoning of non-peaceful water-based activities to minimise impact.
There is absolutely no way the proposed fishery meets this requirement, especially as a lot will be aimed to be done overnight, so the timing and zoning issues will cause problems.

Plan for the climate change adaptation, particularly in relation to sea level rise and coastal erosion, balancing the need for coastal defences against the benefits of allowing natural processes to occur; ensure local communities are involved in decision-making.

A sudden increase in diesel outboards conducting activity in the estuary contravenes this objective.

Plan for expansion of estuarine habitats where feasible to build resilience to future climate change.

The proposals will damage estuarine habitats, impacting sea grass and diversity of species.

b. South Devon estuaries environmental management plan - Area of Natural Beauty

The 8-year plan running to 2024 can be found here: https://www.southdevonaonb.org.uk/wp-content/uploads/2020/01/SDEMP_Text_version-1.pdf
The proposal runs completely counter to this plan, notably: ***To promote the conservation of native fish, shellfish and bait stocks and to minimise the environmental impact of their exploitation.***

c. Salcombe Harbour Authority

The latest published 5-year plan can be found here:
https://mg.swdevon.gov.uk/documents/s1482/Appendix%20A%20-%20Draft%20Business%20Plan%202017-2022.pdf
Note the success factor: **Protecting and enhancing the quality of the environment, especially water quality.**

In summary, we see the proposals as counter to every other organisation that manages the estuary.

Section 6: Water quality

We draw attention to the published water quality rating for the Salcombe/Kingsbridge estuary of 'moderate.' The full report can be found at: https://environment.data.gov.uk/catchment-planning/WaterBody/GB520804609000

The items where the water quality achieved a 'fail,' under priority hazardous substances are as follows:

- Mercury and its compounds
- Polybrominated diphenyl ethers (PBDE)

As such the overall rating under the priority hazardous substances section was a fail.
In addition, all three specific pollutants, being arsenic, copper and zinc are reported as high.

Given the existing shellfish fishery within the estuary, the IFCAs time would be better spent on working to improve water quality before harvesting more species from a water with a less than satisfactory rating and high in forever chemicals. We should be taking any steps necessary to reduce the introduction of such chemicals to the food chain, which will inevitably pass to the harvested fish if these proposals were to be approved.

It is also worth noting that South West Water confirms there have been 37 pollution incidents in the Kingsbridge-South Devon catchment since the 2018/19 reporting year. The full report can be seen here:
https://www.southwestwater.co.uk/siteassets/documents/about-us/dwmp/strategic-catchments/kingsbridge-south-devon_l2_dwmp.pdf

Meanwhile, figures from the environment agency confirm that storm overflows were used 4,844 times within South Hams' local authority boundaries in 2022, discharging for a total of around 36,591 hours. These are raw sewage outlets. As any angler will tell you, mullet are particularly fond of feeding on such outlets and it is not something we should be encouraging coming directly into the food supply.

We again remind the IFCA of the splendid work done by the Blue Marine Foundation to develop a fishery in the Lyme Bay Reserve, where mullet incidentally caught, in a much more sustainable manner than targeting aggregations, and a much higher quality fish in open waters, is attracting a good price that will be suppressed by these proposals.

Further to the existing issues of water quality, we do not see how the encouragement of additional commercial activity by boats running petrol and diesel outboards within the estuary will do anything to help the situation, rather it will only add to it.

In summary, we believe the water quality is not conducive to a commercial fishery and that the IFCA would be better focusing their efforts on how to improve this to preserve the shellfish fishery that already exists.

Section 7: Ecology

Whilst the focus is on mullet and a bycatch of other species, such as Gilthead bream, flounder, bass and plaice, the estuary supports an abundance of wider species that need to be recognised. Both the species themselves and the habitats they rely on could be threatened by the proposed activity.

The area is both a designed Area of Natural Beauty and an SSSI. It contains unique biotypes that are incredibly susceptible to such activity.

You will note that many of the species listed below are either vulnerable or ETP species (endangered, threatened and protected) which the bycatch objective of the Joint Fisheries Statement aims to address, along with ecosystem-based approaches and the precautionary objectives. Once more we find the proposals completely at odds with the Joint Fisheries Statement, which can be read here: https://assets.publishing.service.gov.uk/media/637cee048fa8f53f4af6850b/Joint_Fisheries_Statement_JFS_2022_Final.pdf

We note the vacancy for a Natural England representative on the IFCA, who would also sit on the P&BSC and stress that this role should be filled before any vote is taken. A member from Natural England would have highlighted the critical ecological assessments that must be carried out to justify a new fishery. This is yet another step that appears to have been missed pre-consultation and provides a lack of informed evidence from which consultees can draw on.

We highlight several species and the concern we have regarding the impact of the proposal. Whilst additional management measures could mitigate this, the inability to properly enforce 24/7 means that the only sensible decision is not to go ahead with these proposals.

a. Seahorses

Seahorses are a highly protected species under the wildlife and countryside act 1981. For full documentation on their protection: https://www.gov.uk/government/publications/protected-marine-species/seahorses

Salcombe is lucky to play host to both species of seahorse native to the UK, one of very few areas that can lay claim to this. Their deliberate disturbance is a criminal offence, and we would argue that knowingly partaking in a damaging extractive activity over ground which they inhabit is a deliberate disturbance.

The intended target species, mullet, like to graze over the same seagrass beds as seahorse, so it is inevitable that nets will be shot in these environments. Given the periods of slack and shallow water, sea horse entanglements in the net, we well as the dragging up of their habitat is inevitably going to occur.

b. Seals

Whether impacted by the nets or not, the interference with aggregations of fish that form the main food supply of these marine mammals will have a damaging effect. We trust that more expansive representations will be made by organisations focusing on seals.

c. Seabirds

We note that seabirds did figure within the catches during the survey period. The lack of enforcement means any management measures aimed at restricting this cannot be relied on. The birds are at their most susceptible during the winter months when the fishery will be taking place.

d. Salmonids

We do not understand why feeding salmonids, plus shad, are considered less key than those in spawn. They still constitute part of the breeding stock and will clearly be taking refuge in the estuary over winter before moving on to spawn in the spring.

e. Sea/eel grass

There is extensive work to re-generate the dwindling areas of seagrass within Salcombe estuary. Because these are new plantings, the root structure is less established, and it is more prone to destruction of any nets dragging on the plant as it is recovered in shallow water. As mentioned, mullet feed over sea grass so we are concerned as to how vulnerable these areas will become.

In summary, we believe any wider ecological study would show grave risks presented to numerous species, with long term consequences and irreparable damage.

Section 8: Over-wintering of species

The timing of the fishery raises concern with the reasons for the fish being present within the estuaries at those times. Because of the estuary being a ria, with a lack of freshwater input, the estuary is known to keep a slightly higher temperate than surrounding areas. As such, it draws in fish from the wider South Devon region, who over-winter in the estuary for sanctuary and greater abundance of food. Many of these fish are also in spawn. We shall deal with each as follows:

a. Mullet

For this, we will consider all three grey mullet species together as there is little notable difference to spawning habits and the fishery will be indiscriminate in their capture and subsequent sale.

The mullet in the winter months are heavily in spawn and aggregate into much larger shoals than is typically the norm. This makes them increasingly susceptible to being wiped out in a wholly unsustainable fashion. The maturity age of 12 years, as has already been mentioned, means any recovery period would be extensive.

The precautionary Principle in the Fisheries Act is noticeably clear. The onus is to evidence that a fishery will be sustainable. We have seen nothing presented to show that targeting aggregated shoals of in spawn mullet will prove sustainable.

b. Bass

For the purposes of bass, we will refer you to the studies on their movements led by Tom Stamp, which you can find here: **https://academic.oup.com/icesjms/article/78/9/3121/6370941**

The warmer temperatures afforded by the Salcombe Estuary brings an influx of bass into the estuary during the winter months, but these are bass that for the rest of the year, take residence in other areas. As such, the damage done to bass will reach beyond the Salcombe estuary, impacting recreational and commercial fishing elsewhere throughout the rest of the year.

Bass will also be heavily in spawn from January through March, before moving to spawning grounds. The heavily laden female fish are well known to inhabit estuary environments through the winter months, in search of more easily attainable food supplies, such as crab and shrimp, rather than wasting energy chasing bait fish. We also refer to our earlier comments on the bass FMP.

c. Gilthead bream

In recent years, the larger specimen Gilthead bream have taken to over-wintering in Devon and Cornwall estuaries. As such, any bream caught during these winter months is likely to be one of the larger critical breeding stock, although March poses a threat to the influx of smaller bream into the estuary. Catching these bream right at the start of the typical season could destroy the rapidly growing recreational market specific to this species.

d. Flounder

Flounder are heavily in spawn during the winter months, typically leaving the estuary in the early part of each year to migrate to spawning grounds. Kingsbridge is the leading estuary for specimen flounder recreational fishing in the UK, following the decimation of stocks in Poole Harbour that followed extensive netting. Flounder are the gateway fish for many into recreational angling, representing many anglers' first fish. They are vital to the recreational economy, and targeting these fish whilst in spawn could have devastating impacts. The use of nets of any mesh size will pose a risk to these large flounder, when both taught and slack.

e. Marine mammals and seabirds

Seals, otters, and seabirds will favour the estuarine environment over the rough winter open coasts at this time of year. This will put them at much greater risk of encountering the nets, whilst also adding a competing factor for their food supply.

In summary, we believe the timing of a winter fishery poses a significant risk to species that will be seeking refuge, are already short on food supplies and will be in a state of spawn and aggregation.

Section 9: Final questions

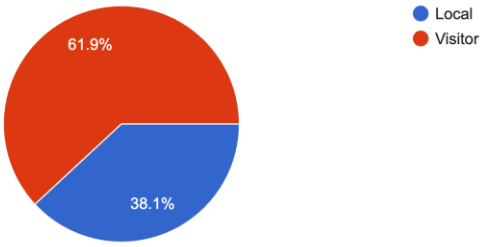
In addition to the items already mentioned, we have some further concerns and questions that we feel the IFCA should be answering as part of this process.

a. Does the IFCA not consider this a wholly regressive proposal given the substantive ecological and sustainability reasons given for the introduction of the existing byelaw 4 years ago?
b. Does the IFCA believe this consultation to be a natural next step from the weight of feedback given to the review of the netting and permits byelaw in 2023? Does it represent the consensus and opinion from this prior consultation?
c. Should the IFCA have engaged with the owners of the seabed and Several Fishery, i.e., South Hams Council and the Duchy of Cornwall before engaging in this consultation?
d. Does the IFCA accept that there will be significant reputational damage in pursuing this proposal at this time?
e. Does the IFCA have any plans on how to enforce such a fishery, when much of the activity will occur out of hours. Specifically, does the IFCA have any plans on how to prevent bycaught bass being sent out on pot baits well outside of such hours? Some of these boats can pay up to £300 for pot bait per day, so the temptation will be high. How will the IFCA ensure transportation does not occur between boats with and without a bass entitlement?
f. Why has the IFCA not sought to add further management measures around sustainable brown crab fishing, rather than pursuing an unsustainable attack on additional species? Boats are shooting 1200 pots a day for brown crab, then complaining of diminishing returns.
g. Does the IFCA intend to do anything to ensure the netting and permits byelaw, as well as the bass nursery area, represents the true harbour limits, rather than being set within these to allow for the over-fishing of 'The Bar'? Have the commercial fishers fishing 'The Bar' obtained the required rights to do so under the Duchy's Several fishery that extends to such harbour limits?

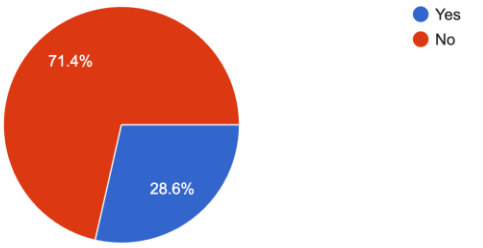
Appendix

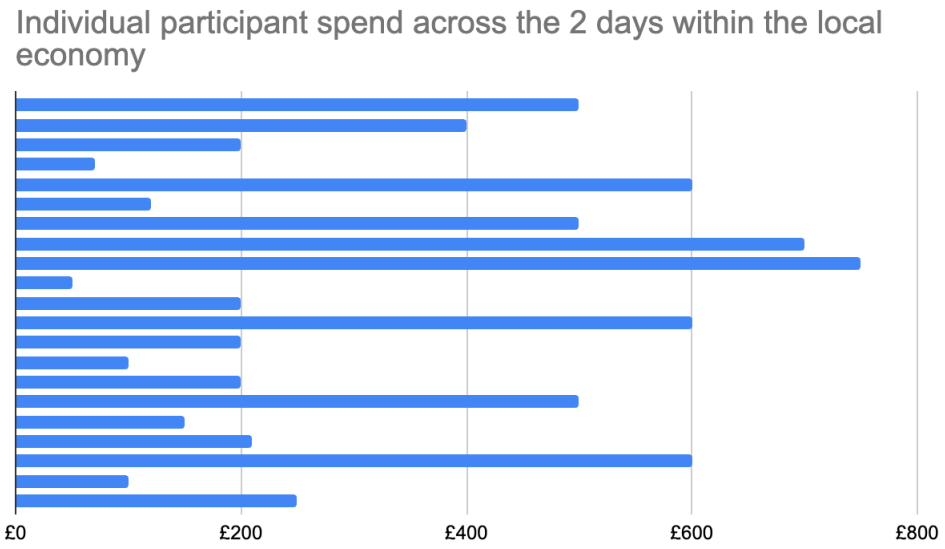
1. ASG Flounder competition

Are you a local or a visitor for the competition?
21 responses

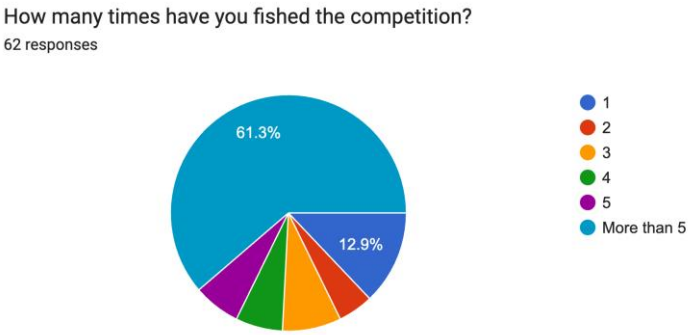


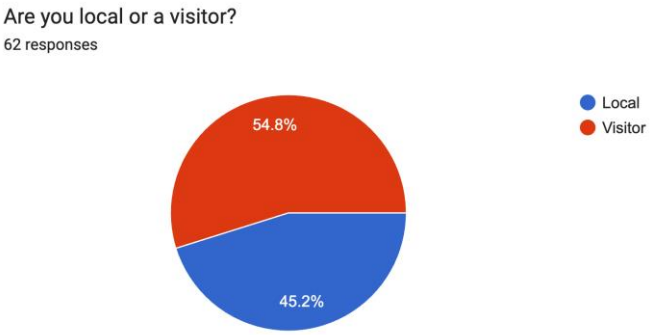
Would you consider entry to the competition if stock levels plummeted leading to less and smaller fish?
21 responses

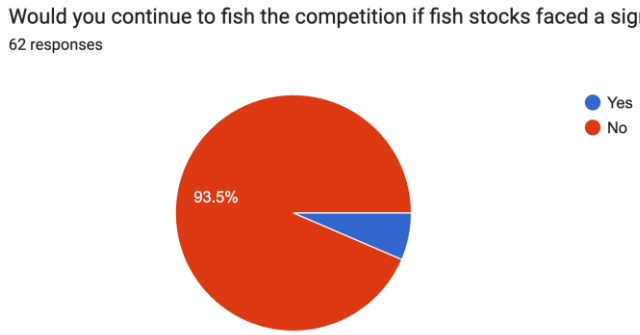


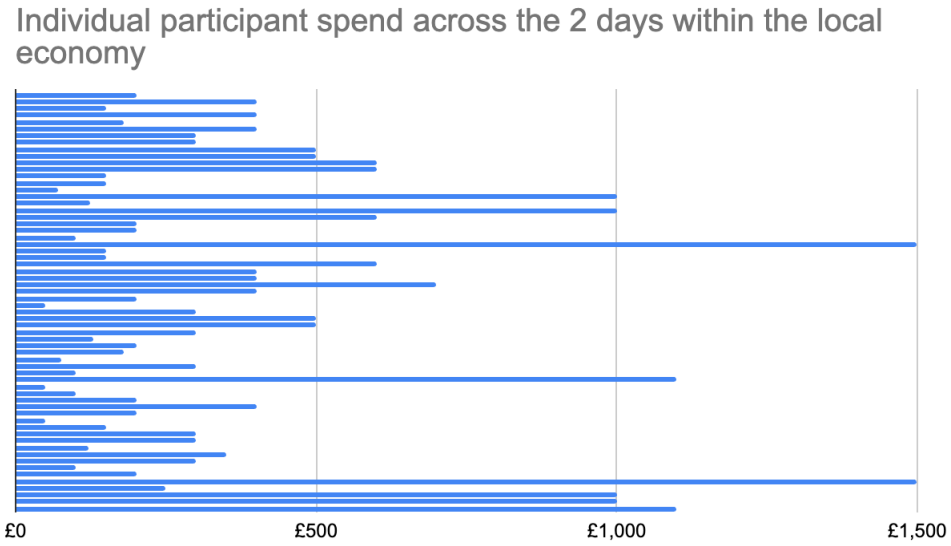


2. Salcombe small boat festival









Other consultation questions:

The prohibition of commercial netting in the area defined as the Emsstrom Angling Code of Conduct, in the Torbay area.

The Angling Trust supports this move, given the voluntary measures are not working. All in-shore waters should be free of netting and trawling, to maxamise on the far more significant economy offered by recreational activities, including angling. Protection of inshore waters from nets and trawls also boosts the commercial rod and line market, which we note the recently published fishery management plans, such as the bass FMP, wish to encourage over less selective methods.

The prohibition of recreational netting in the area defined in the Emsstrom Angling Code of Conduct, in the Torbay area.

The Angling Trust supports this move, given the voluntary measures are not working, and on the understanding that all commercial netting is also to be prohibited.

Net length (at sea), Bag Limits and Combining Nets

We shall address each of the management measures individually:

- A maximum length of net of 50 metres per permit holder.

The Angling Trust has concerns as to why an increase in net length is required for recreational activity. In the event of any fish being sold, the IFCA should note this as unpermitted commercial fishing.

- Combined nets will be a maximum of 100 metres in total length.

The Angling Trust has concerns as to why nets of an already significant length would need combining for recreational purposes. It furthers the risk of illegal commercial activity under the guise of recreation.

- 10 plaice per permit holder, per calendar day.

The Angling Trust does not support bag limits being placed on recreational anglers who intend to sustain themselves through their catches. The Angling Trust does support the IFCA in efforts to establish if illegal commercial fishing is being done under the guise of recreation.

- 3 rays (any species) per permit holder, per calendar day.

The Angling Trust does not support bag limits being placed on recreational anglers who intend to sustain themselves through their catches. The Angling Trust does support the IFCA in efforts to establish if illegal commercial fishing is being done under the guise of recreation.

- 5 sole (any species) per permit holder, per calendar day.

The Angling Trust does not support bag limits being placed on recreational anglers who intend to sustain themselves through their catches. The Angling Trust does support the IFCA in efforts to establish if illegal commercial fishing is being done under the guise of recreation.

- A limit of 15kg for sand eel per permit holder, per calendar day.

The Angling Trust notes that for recreational purposes, this species is more likely to be used as bait rather than consumption, and that 15kg appears a significant quantity of bait if there is no commercial intent.

Introducing Additional Minimum Conservation Reference Sizes

The Angling Trust welcomes the introduction of MCRS, and encourages that the science be followed and sizes that allow at least 50% of the fish to have spawned are utilised. This is the only method that stands a chance of sustainability. We make the following proposals as MCRS for the entire D&SIFCA region, as we do not support the fishery proposed for Salcombe Estuary.

The sizes at which the two species in question within the consultation will have seen 50% spawn are:

Grey mullet: 47cm
Gilthead bream: 40cm

Suggested MCRS for all species can be found at: https://anglingtrust.net/minimum-conservation-reference-sizes-mcrss/

Soak times for nets at sea

The Angling Trust understand this to be purely in relation to ‘at sea’ and not within the proposed estuary fishery which we oppose.

The Angling Trust reiterates its position that there should be no in-shore netting or trawling, so where in-shore activity is concerned, there should be a zero soak time.

Beyond this, the soak times should be restricted as much as is practical. We believe any proposed time would have to be dependent on the specific fishery, season and all other variable factors that influence the scale of risk posed by the nets. A one size fits all approach could have the unintended consequence of making some fisheries entirely unviable, whilst simultaneously posing great risk to marine life in other scenarios.
The IFCA should set out the range of fisheries in which nets are used and establish the correct parameters around each one via a further detailed consultation approach.