



Response to the consultation on management options for the Yorkshire and North East sea trout net fishery

October 2022

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We can't do this alone. We work as part of the Defra group (Department for Environment, Food & Rural Affairs), with the rest of government, local councils, businesses, civil society groups and local communities to create a better place for people and wildlife.

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1. Executive Summary

A net fishery for salmon and sea trout has been in operation in one form or another in the North East of England for at least 180 years.

As part of our duty to maintain, improve and develop salmon and sea trout fisheries in England, the Environment Agency has the power to licence fishing for salmon and migratory trout, and to make Orders setting limitations for the provision of net licences, known as Net Limitation Orders (NLOs).

NLOs are used to secure sustainable exploitation of salmon and sea trout stocks by controlling the number of licensed nets allowed to operate in specified fisheries.

In limiting the number of licences issued, we also consider the interests of those who are licensed to fish and are dependent on fishing for their livelihoods, to ensure the economic impacts of our regulation of the fishery are minimised, as well as protecting vulnerable fish stocks.

In December 2012, the number of licences available in the Yorkshire and North East coastal net fishery for salmon and sea trout was determined by the North East Coast (Limitation of Net Licences) Order 2012. This Order expires in December 2022.

The Environment Agency consulted interested parties between 17 May and 17 June 2022, to assist us in determining the future management of the net fishery after the expiration of the current NLO.

The consultation considered provisions for replacing the existing NLO, together with other means of regulating the North East coast net fishery, including relevant legislation, national and regional fisheries byelaws and licence conditions. It also considered whether a beach net fishery for sea trout could be maintained.

We received 278 responses to our consultation, 265 via our online consultation webpage, and a further 13 by email.

We presented four options for managing the net fishery after December 2022. Each option would have some degree of impact on the livelihoods of beach net licensees and on the level of protection offered to stocks of salmon and sea trout exposed to the net fishery.

These options are summarised below:

Option 1

Do nothing. Allow the current NLO to expire in December 2022 without replacement. Anyone applying for a T or J net licence would be issued with one.

Option 2

Replace the 2012 NLO with a new reducing NLO with identical provisions - licences are restricted to those already operating in the net fishery, and as current licensees retire, the number of licences is reduced.

Option 3

Introduce a fixed NLO that caps the number of licences at the current level, such that as existing licensees retire, their licences are made available to other fishermen.

Option 4

Introduce an NLO which sets the number of licences available at zero, suspending all netting for sea trout.

Support for each of the options presented is summarised in this report. Some respondents did not clearly identify their preferred option, in which case their comments on the management of the fishery were noted in order to advise our decision making. Conversely, some respondents supported more than one option, the most common combination being a preference for complete

closure of the fishery, but also finding the maintenance of a reducing NLO an acceptable outcome. In these cases, both preferences were recorded.

Of the respondents who indicated a clear preference, no respondents supported Option 1 (0.0%) Option 2 was supported by 94 respondents (33.3%), Option 3 by 36 respondents (12.8%) and Option 4 by 152 respondents (53.9%).

Our foremost consideration is the protection of salmon and sea trout stocks, but we also consider the economic impact that any NLO, together with the other means of regulating the net fishery, would have on those who rely on fishing for sea trout as part of their livelihoods.

In regulating the fishery, we seek to achieve the best balance between providing vulnerable stocks with much needed added protection, while minimising the economic and social impacts of regulating the beach net fishery for sea trout. We will license a sea trout fishery as far as that is sustainable and consistent with providing adequate protection for fish stocks, in line with precautionary principles. The benefits of allowing a sea trout net fishery must therefore be carefully balanced against any increased risks to salmon and sea trout stocks from the impact of that fishery.

We have assessed management options against the latest available evidence describing the performance of contributing stocks of salmon and sea trout, the impact of the net fishery upon those stocks, the wider regulatory and policy framework and the socio-economic impacts for those participating in the fishery. We have also carefully considered the responses made to this consultation.

We recognise that factors other than exploitation in net fisheries impact upon salmon and sea trout stocks, and that marine survival is one of the most important of these factors. We are working with partners to address all factors affecting salmon and sea trout stocks under the Salmon Five Point Approach, including water quality, fish habitat and access improvements, as well as working to better control levels of exploitation.

Recommendations

We have carefully reviewed the latest scientific evidence, considered the views expressed in the consultation responses and regarded all other factors. We find the best balance between providing contributing fish stocks with necessary protection and allowing a fishery, as far as that is sustainable, is achieved by allowing those netsmen currently operating in the fishery to continue to do so, over the current netting season but continuing to reduce the size of the net fishery over time as current licensees retire - that is, Option 2:

Replace the 2012 NLO with a new reducing NLO with identical provisions - licences are restricted to those already operating in the net fishery, and as current licensees retire, the number of licences is reduced.

This option strikes the best balance between improving levels of protection for salmon and sea trout stocks over time, and at the same time minimising the socio-economic effects of regulations for those licensees already participating in the net fishery.

There is no economic disbenefit for licensed netsmen, who will be able to continue fishing for sea trout if they wish. It also allows for licensees to diversify into other fishing activities over time, so undue pressure is not exerted on other potential target fish species managed under other jurisdictions.

This option provides those businesses reliant in part on the sea trout net fishery more time to adjust and adapt their activities accordingly, as the fishery reduces over time.

Maintaining a reducing NLO also ensures that there is no significant adverse impact on sites and species designated under the Habitats Regulations or Countryside and Rights of Way Act (CRoW). We have conducted relevant assessments and consulted with Natural England in support of this position.

Whilst an immediate closure of the beach net fishery, or other further constraints on the impact of netting would provide increased protection for sea trout and salmon stocks, our view is that following reductions in fishing effort under the 2012 NLO and the increased protections introduced by the 2018 national byelaws, an immediate further reduction in fishing effort is not required at this time.

Therefore, we do not support any changes to the current number or distribution of net licences issued in the various Districts of the net fishery, nor any changes to other regulations, including weekly closed periods, catch limits, or the dimensions of conservation areas.

This approach is consistent with NASCO guidelines, which state that if a decision is made to allow fishing on a stock that is below its conservation limit, on the basis of overriding socio-economic factors, fishing should clearly be limited to a level that will still permit stock recovery within a stated timeframe.

The National Trout and Grayling Fisheries Strategy Policy 13 states "In line with the views of the Salmon and Freshwater Fisheries Review, we will continue to phase out mixed stock net fisheries for sea trout except where stocks from a small number of rivers are exploited, in which case catches will be regulated to protect the weakest stock." Our recommendation to continue with a reducing NLO meets this policy requirement.

We will continue to closely monitor and review the performance of salmon and sea trout stocks contributing to the beach net fishery in the North East and Yorkshire, and the impact of the net fishery upon those stocks.

The new NLO will take effect once confirmed by the Secretary of State and remain in force for a period of 10 years.

The NLO will be reviewed at the midterm point during 2027-28, to determine whether the provisions of the NLO are still appropriate for the management of the net fishery at that time and any regulatory changes will be made as necessary.

2. Introduction

As part of our duty to maintain, improve and develop salmon and sea trout fisheries in England, the Environment Agency has the power under Section 26 of the Salmon and Freshwater Fisheries Act 1975 (SAFFA) to licence fishing for salmon and migratory trout, and to make Orders setting limitations for the provision of net licences, known as Net Limitation Orders (NLOs).

NLOs are used to secure sustainable exploitation of salmon and sea trout stocks by controlling the number of licensed nets allowed to operate in specified fisheries.

In limiting the number of licences available under an Order, we also consider the interests of those who are licensed to fish and are dependent for their livelihoods on fishing, to ensure the economic impact of the Order is minimised, as far as that is consistent with protecting vulnerable fish stocks.

In December 2012, the number of licences available in the Yorkshire and North East coastal net fishery for salmon and sea trout was determined by the North East Coast (Limitation of Net Licences) Order 2012.

The 2012 NLO restricted the issue of net licences to licensees already participating in the fishery and currently holding licences.

Under the provisions of the 2012 NLO, as existing licensees retire from the fishery, their licences are not made available to other potential netmen. In this way, the fishery reduces in size over time, but in a way that allows existing fishermen to continue to take out a licence each year and continue fishing, should they wish to do so.

This approach increases protection to vulnerable fish stocks contributing to the net fishery over time, but in a way that minimises the economic impact on fishermen already working in the fishery.

NLOs are time limited. The current NLO came into effect when it was confirmed by the Fisheries Minister on 6 December 2012, and it expires on 6 December 2022.

Whilst the Environment Agency has the power to make or revoke NLOs, there is no provision within the legislation to amend or extend existing NLOs. Consequently, when an existing NLO expires, it can be replaced if necessary and appropriate.

The consultation considered provisions for replacing the existing NLO, together with the other means of regulating the North East coast net fishery, including relevant legislation, national and regional fisheries byelaws and licence conditions. It also considers whether a beach net fishery can be maintained in some form or other.

The options presented are summarised below:

Option 1

Do nothing. Allow the current NLO to expire in December 2022 without replacement. Anyone applying for a T or J net licence would be issued with one.

Option 2

Replace the 2012 NLO with a new reducing NLO with identical provisions - licences are restricted to those already operating in the net fishery, and as current licensees retire, the number of licences is reduced.

Option 3

Introduce a fixed NLO that caps the number of licences at the current level, such that as existing licensees retire, their licences are made available to other fishermen.

Option 4

Introduce an NLO which sets the number of licences available at zero, suspending all netting for sea trout.

3. Public consultation

3.1 Consultation summary

The Environment Agency undertook a public consultation for a period of five weeks between 17 May and 17 June 2022.

The consultation was of interest to anyone who fishes for and/or has an interest in the salmon and sea trout populations and fisheries in Yorkshire and the North East of England, their conservation and management, including:

- commercial sea trout netmen and their representative organisations
- anglers, their representative organisations, and those who own, lease, or manage fishing for salmon and sea trout
- other businesses that support, or are supported by sea trout fishing
- salmon and sea trout conservation organisations
- other conservation organisations and Non-Governmental Organisations such as Wildlife Trusts and Rivers Trusts
- government agencies and authorities including Inshore Fisheries and Conservation Authorities and Natural England
- members of the public with an interest in salmon and sea trout management and conservation
- elected members, especially coastal MPs, whose constituents may be affected

3.2 What were the objectives of the consultation?

This consultation set out, and sought views on, options for managing the Yorkshire and North East coastal net fisheries once the 2012 Net Limitation Order expires. The objectives of the consultation were to:

- describe the Yorkshire and North East coastal net fishery and summarise the historic management, levels of participation, catches and contributing stocks of salmon and sea trout.
- describe the current status of salmon and sea trout stocks exploited by the beach net fishery
- present possible options for replacing the 2012 Net Limitation Order
- invite views on the range of options presented from those who would be affected by or have an interest in them
- evaluate the extent of likely impacts or benefits of the presented options on salmon and sea trout stocks
- understand the likely impacts and benefits to the wider environment of the options presented
- engage with stakeholders who have an interest or involvement in management of the beach net fishery so that we have sufficient information to be able to meet our duties in proposing any changes to the management of the fishery.

3.3 What were the outcomes of the consultation?

The consultation was designed to assist the Environment Agency deliver a management framework that supported:

- healthy and sustainable salmon and sea trout populations returning to east coast rivers, meeting conservation objectives.
- sustainable exploitation of sea trout stocks by fisheries that contribute to the local economy, with economic impacts on netmen minimised, as far as that is consistent with protecting fish stocks.

- a low and manageable risk from exploitation to the stocks of sea trout returning to individual east coast rivers.
- management of salmon and sea trout stocks that takes account of commitments to international law, UK legislation (e.g. Habitats Regulations) and agreements (e.g. by the North Atlantic Salmon Conservation Organisation - NASCO).

3.4 The Environment Agency's approach

The Environment Agency has reviewed options for managing fisheries considering the performance of the stocks of salmon and sea trout exposed to the net fishery, the impact of the net fishery upon those stocks and taking account of best practice and current policy positions.

In reaching our conclusions, we carefully considered the views of all stakeholders responding to the consultation, and the best and latest available scientific evidence.

Our foremost consideration is the conservation of salmon and sea trout stocks, but we also consider the economic impact that any NLO together with the other means of regulating the net fishery would have on those who rely on fishing for sea trout as part of their livelihoods.

In reviewing the management options for managing the net fishery after the current NLO has expired, we have sought to achieve the best balance between providing vulnerable stocks with much needed added protection, while minimising the economic and social impacts of regulating the beach net fishery for sea trout. We will license a sea trout fishery as far as such a fishery is sustainable and consistent with providing adequate protection for fish stocks, in line with the precautionary principle.

We have also considered the impact of our management on sites and species with statutory nature conservation designations, including Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Sites of Special Scientific Interest (SSSI).

We recognise that factors other than exploitation in net fisheries impact upon salmon and sea trout stocks, and that marine survival is one of the most important of these factors. We are working with partners to address all factors affecting salmon and sea trout stocks under the Salmon Five Point Approach, including water quality, fish habitat and access improvements, as well as working to better control levels of exploitation.

This forms part of our commitment to restore and protect salmon and sea trout stocks in England, maximising opportunities for stock recovery and longer-term sustainability.

At the same time, we will provide opportunities for sea trout net fisheries, as far as this can be achieved in a way which is consistent with providing necessary protection for both salmon and sea trout stocks contributing to those fisheries.

3.5 Consultation responses

We received 278 responses to our consultation, 265 via our online consultation webpage, and a further 13 by email.

A small number of email responses duplicated submissions made via the online consultation website, in which case, preferences were counted once.

Responses provided representations from 31 organisations. A summary of organisations who made a response to the consultation is given in Appendix 1.

4. Consultation feedback

Of the respondents who indicated a clear preference, none supported Option 1 (0.0%) Option 2 was supported by 94 respondents (33.3%), Option 3 by 36 respondents (12.8%) and Option 4 by 152 respondents (53.9%) as shown in Figure 1 below:

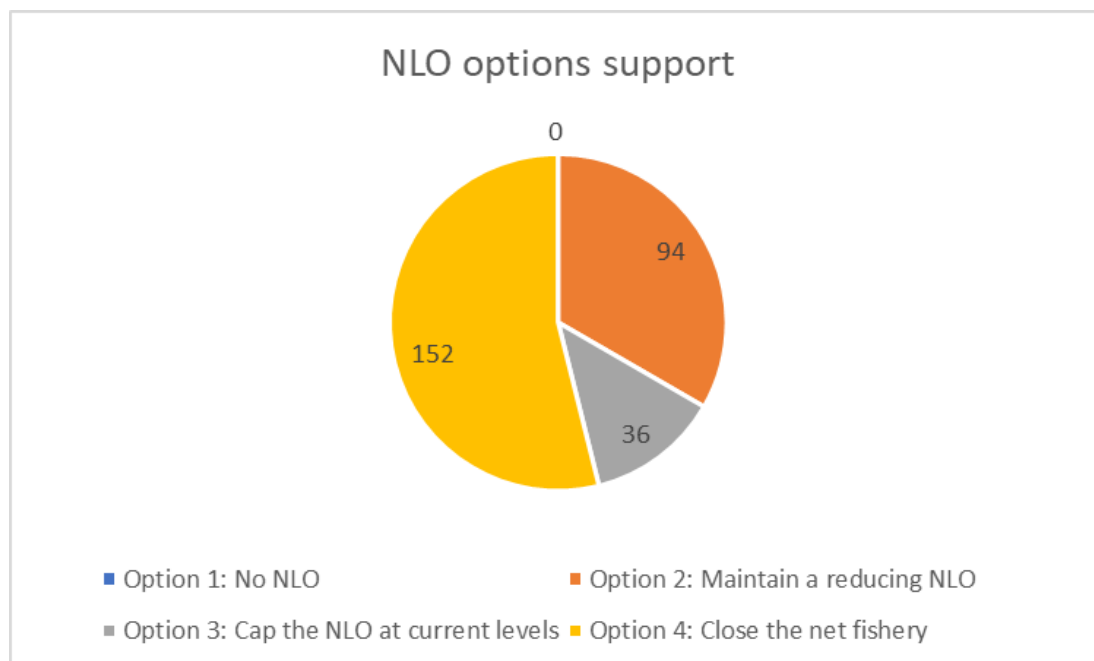


Figure 1. Support for fisheries management options

In addition to expressing support or objection for the options presented, many consultees recommended other management actions and highlighted issues they felt were important for the management of the net fishery and the maintenance and improvement of salmon and sea trout stocks.

These responses are summarised and considered below, together with the main reasons for support for each option expressed.

5. Options Review and Appraisal

Support for each of the four options identified is summarised below, together with the main issues of concern raised, with the Environment Agency's responses.

5.1 Responses regarding Option 1

No respondents supported Option 1, which would allow the current NLO to expire in December 2022 without replacement. Anyone applying for a T or J net licence would be issued with one.

This option was included in the consultation primarily for completeness.

Our response

Allowing the current NLO to lapse without some form of replacement regulation would compromise salmon and sea trout stocks, as well as posing a threat to the integrity of designated nature conservation sites.

Whilst there would be some increased opportunities for sea trout fishing in the short term, this option is not supported by our latest assessment of the performance of contributing stocks, the impact of the net fishery upon those stocks and the need to provide additional protection to many of those stocks by reducing exploitation.

This would be likely to substantially increase the level of exploitation in the fishery and would be contrary to our assessment of fisheries management need, our sea trout and salmon strategy and guidelines on the management of salmon issued by NASCO.

This would not meet our statutory duty to maintain, improve and develop fisheries. This option also has the clear potential to pose a threat to those rivers which are failing to meet their Conservation Limit, or which are assessed as Grade 3 and having no available surplus stock for harvest or are recovering.

5.2 Responses regarding Option 2

A total of 94 respondents indicated support for Option 2, which would replace the 2012 NLO with a new reducing NLO with identical provisions. Licences would be restricted to those fishermen already operating in the net fishery, and as current licensees retire, the number of licences would be reduced over time.

Those in favour of Option 2 noted the conservation value of reducing pressure on the sea trout populations contributing to the fishery from a continued reduction in fishing effort over time.

The marked reduction in sea trout net catches under the current reducing NLO suggests that this management option is proving effective, without introducing any economic disbenefit to those already active in the fishery and who are reliant on fishing for sea trout as part of their income.

The age distribution of net fishermen is such that it is very likely that numbers of licensees will continue to fall quite quickly over the next decade as fishermen retire, which substantially reduces the economic effect when compared with the abrupt closure of the fishery, by allowing adaptation to changes in the local fishing industry and coastal economy over time.

Some respondents indicated qualified support for Option 2, suggesting if this option were to be implemented, it should be with additional levels of control, including the introduction of a catch limit.

Opponents of Option 2 indicated they felt that sea trout stocks required immediate additional protection, and that whilst other factors, including marine survival, predation, pollution etc. were contributing to pressures on sea trout populations, immediately reducing exploitation in the net fishery to zero was a necessary and precautionary approach.

It was suggested that continuing commercial marine exploitation of Mixed Stock Fisheries where some contributing populations are not achieving their management targets is contrary to international policies as stated by ICES and NASCO.

Our response

Option 2 would continue the current approach to regulating the net fishery, which has proved successful in reducing the catches of sea trout very substantially in recent years. This option would deliver a reduction in sea trout netting by natural turnover whilst maintaining the livelihood of current net licence holders. This would strike a balance between increasing the level of protection for salmon and sea trout stocks and allowing those currently engaged in the net fishery to continue fishing.

This option would provide a period for those businesses reliant in part on the sea trout net fishery more time to adjust and adapt their activities accordingly, as the fishery reduced over time.

Whilst sea trout stocks would benefit from an immediate reduction in netting, there is no indication that the performance of any of the contributing stocks is of such concern that current reductions of fishing effort need to be accelerated, with the associated negative economic impacts for those currently participating in the net fishery.

This approach is consistent with NASCO guidelines, which state that if a decision is made to allow fishing on a stock that is below its conservation limit, on the basis of overriding socio-economic factors, fishing should clearly be limited to a level that will still permit stock recovery within a stated timeframe.

The National Trout and Grayling Fisheries Strategy Policy 13 states "In line with the views of the Salmon and Freshwater Fisheries Review, we will continue to phase out mixed stock net fisheries for sea trout except where stocks from a small number of rivers are exploited, in which case catches will be regulated to protect the weakest stock." Option 2 meets this policy requirement.

5.3 Responses regarding Option 3

A total of 36 respondents supported Option 3, which would introduce a fixed NLO that caps the number of licences at the current level, such that as existing licensees retire, their licences are made available to other fishermen.

Supporters pointed out that the number of licences in the net fishery has greatly reduced in the last 30 years, from 187 licences in 1992 to 36 licences in 2021, and there has been a consequent reduction in the number of sea trout caught.

The 2018 National Salmon and Sea Trout Protection Byelaws closed the net fishery for salmon and reduced the length of the fishing season for sea trout in five of the seven districts of the fishery, thereby further reducing the impact of the fishery on salmon and sea trout stocks.

The current low sea trout catches were presented as exerting a sustainable impact on contributing stocks, and as such, the fishery should not be further reduced.

Existing licences should be made available to other fishers when current licensees retire, and in this way, the economic and social value of the fishery would be maintained, protecting an important part of the heritage of Yorkshire and North East coastal fishing communities, as well as providing social and economic benefits.

Those opposed to Option 3 referenced the current assessment of sea trout stocks, as measured by our assessment of sea trout stock performance based on trend in catch per unit effort (CPUE) in the last 10 years and current CPUE relative to the previous 10 years.

Our latest assessment indicate that some sea trout populations have been assessed as 'Probably at Risk' whereas others are assessed as 'Probably not at Risk'. Only the sea trout population from the River Tyne is assessed as 'Not at Risk'.

Sea trout stocks are likely to benefit from reduced exploitation in the coastal net fishery, rather than maintenance of the existing level of net fishing effort.

It is argued that even relatively low current catches have a likelihood of posing some threat to the weakest of the mixed stock populations of sea trout contributing to the net fishery, and consequently continuing commercial marine exploitation of this mixed stock is contrary to international policies as stated by ICES and NASCO.

The current lack of spawning targets for sea trout, and consequent uncertainty regarding the performance of each population was highlighted, advising that the precautionary principle, in these circumstances, would not support this option.

Our response

Option 3 would maintain the current level of protection for fish stocks and allow for the continuation and preservation of a net fishery that, in historical terms, is greatly reduced in terms of fishing licences issued and sea trout net catches landed.

This approach would maintain the current level of economic and social benefit to existing and entrant licensees and support the heritage of coastal communities.

However, Option 3 does not continue the process of reducing the pressure on sea trout stocks which would benefit from reduced exploitation and is not consistent with the National Trout and Grayling Fisheries Strategy Policy 13, to phase out mixed stock sea trout fisheries except where stocks from a small number of rivers are exploited.

This option has the potential to retain rather than reduce the potential level of impact on those salmon rivers which are failing to meet their Conservation Limit, or which are assessed as Grade 3 in Scotland, and as having no available surplus stock for harvest, or are recovering.

Similarly this option would not provide additional support for those sea trout stocks assessed as 'Probably at Risk', and given the uncertainties of sea trout assessments, a precautionary management approach would be advised.

5.4 Responses regarding Option 4

There were 152 responses supporting Option 4, the closure of the sea trout net fishery.

Those supporting this option took the view that the existing beach net fishery is unsustainable and operates on stocks of sea trout that are identified as being 'Probably at Risk' and/or with historically low sea trout rod catches. The net fishery should be closed entirely, to protect sea trout stocks and protect salmon stocks from by-catch mortality.

A number of respondents advised they supported the payment of compensation to offset the economic impacts arising from the closure of the sea trout net fishery.

Those opposed to Option 4 offered the same perspective as those supporting Option 3 - that the salmon net fishery has been closed and the number of licences and fishing effort in the sea trout net fishery has greatly reduced in the last 30 years, and there has been a consequent reduction in the number of sea trout caught.

Low sea trout catches exert a low and sustainable impact on contributing stocks, and as such, the fishery should not be further reduced. There is no necessity to close the net fishery, maintaining a net fishery in some form will support and protect an important part of the heritage of Yorkshire and North East coastal fishing communities, as well as providing social and economic benefits.

Our response

This option would offer the maximum level of protection to both salmon and sea trout stocks with least delay but would maximise economic disbenefits on current licensees and the businesses they support.

Closing the net fishery would be likely to divert fishing effort to other fisheries exerting pressure on different stocks and would remove the benefits of self-policing the fishery.

Our foremost consideration is the conservation of salmon and sea trout stocks, but we are mindful of the economic impact of our regulation on those who rely on fishing for salmon and sea trout as part of their livelihoods.

Following the increased protections introduced by the 2018 national byelaws, the best balance is achieved by allowing those netsmen currently operating in the fishery to continue to do so for sea trout only, if they wish, but to continue to reduce the size of the net fishery over time on a voluntary basis, as existing licensees retire.

There is no evidence that immediate closure of the net fishery is necessary, given net catches have substantially reduced in recent years and are likely to continue to do so under existing regulatory provisions.

6. Preferred Option

Our foremost consideration is the protection of salmon and sea trout stocks, but we also consider the economic impact that any NLO, together with the other means of regulating the net fishery, would have on those who rely on fishing for sea trout as part of their livelihoods.

In regulating the fishery, we seek to achieve the best balance between providing vulnerable stocks with much needed added protection, while minimising the economic and social impacts of regulating the beach net fishery for sea trout. We will license a sea trout fishery as far as that is sustainable and consistent with providing adequate protection for fish stocks, in line with precautionary principles. The benefits of allowing a sea trout net fishery must therefore be carefully balanced against any increased risks to salmon and sea trout stocks from the impact of that fishery.

We have assessed management options against the latest available evidence describing the performance of contributing stocks of salmon and sea trout, the impact of the net fishery upon those stocks, the wider regulatory and policy framework and the socio-economic impacts for those participating in the fishery. We have also carefully considered the responses made to this consultation.

We recognise that factors other than exploitation in net fisheries impact upon salmon and sea trout stocks, and that marine survival is one of the most important of these factors. We are working with partners to address all factors affecting salmon and sea trout stocks under the Salmon Five Point Approach, including water quality, fish habitat and access improvements, as well as working to better control levels of exploitation.

Our latest assessment of the status of sea trout stocks in Yorkshire and the North East which contribute to the net fishery provide some cause for concern. Some populations have been assessed, by reference to the performance of their respective sea trout rod fisheries, to be 'Probably at Risk' whereas others are assessed as 'Probably not at Risk'. Only the sea trout population from the River Tyne is assessed as 'Not at Risk'.

Whilst there is no immediate threat to any sea trout stocks which requires urgent action, sea trout stocks are likely to benefit from reduced exploitation in the North East coastal net fishery.

Any proposed reductions to net fishing must be carefully balanced against allowing a net fishery as far as that is consistent with providing protection for sea trout stocks, and we regulate the net fishery to protect the weakest of the contributing stocks of sea trout.

Having carefully reviewed the latest scientific evidence and considering the views expressed in consultation responses, and considering all other factors, we find the best balance between providing contributing fish stocks with necessary protection and allowing a fishery as far as that is sustainable is achieved by allowing those netsmen currently operating in the fishery to continue to do so, over the current netting season and continuing to reduce the size of the net fishery over time as current licensees retire - that is, Option 2:

Replace the 2012 NLO with a new reducing NLO with identical provisions - licences are restricted to those already operating in the net fishery, and as current licensees retire, the number of licences is reduced.

This option strikes the best balance between improving levels of protection for salmon and sea trout stocks over time, and at the same time minimising the socio-economic effects of regulations for those licensees already participating in the net fishery..

This approach provides no economic disbenefit for licensed netmen, who will be able to continue fishing for sea trout if they wish. It also allows for licensees to diversify into other fishing activities over time, so undue pressure is not exerted on other potential target fish species managed under other jurisdictions.

This option also provides those businesses reliant in part on the sea trout net fishery more time to adjust and adapt their activities accordingly, as the fishery is reduced over time.

Maintaining a reducing NLO also ensures that there is no significant adverse impact on sites and species designated under the Habitats Regulations or Countryside and Rights of Way Act (CRoW).

We have conducted relevant assessments and consulted with Natural England in support of this position.

An immediate closure of the beach net fishery, or other further constraints on the impact of netting would provide increased protection for sea trout and salmon stocks. However, our view is that following reductions in fishing effort under the 2012 NLO and the increased protections introduced by the 2018 national byelaws, an immediate further reduction in fishing effort is not required at this time.

Therefore, we do not support any changes to the current number or distribution of net licences issued in the various Districts of the net fishery, nor any changes to other regulations, including weekly closed periods, catch limits, or the dimensions of conservation areas.

We will continue to closely monitor and review the performance of salmon and sea trout stocks contributing to the beach net fishery in the North East and Yorkshire, and the impact of the net fishery upon those stocks.

The new NLO will take effect once confirmed by the Secretary of State and remain in force for a period of 10 years.

The NLO will be reviewed at the midterm point during 2027-28, to determine whether the provisions of the NLO are still appropriate for the management of the net fishery at that time and appropriate regulatory changes made as necessary.

7. Other management issues raised

Several other issues were raised in response to the consultation process, regarding the management of the fishery and pressures facing salmon and sea trout stocks. These issues are summarised below, along with the Environment Agency's responses.

7.1 Compensation should be paid to licensees to leave the fishery

Compensation should be paid to existing licensees to either encourage them to leave the fishery voluntarily (effectively operating as a buy-out mechanism) or in recompense for the mandatory closure of the fishery by legislation.

Our response

Section 212 of the Water Resources Act 1991 provides that the Environment Agency may pay compensation to persons injuriously affected by byelaws as it considers appropriate. The decision whether to exercise our powers to pay compensation rests with the Environment Agency alone and is at its discretion.

There are no plans for a government funded buyout of the Yorkshire and North East net fishery, and no set formula for determining any level of payment offered. Any privately funded buy-out arrangements would be for netsmen and private interests to agree.

For example, private interests could offer netsmen a sum contingent upon them not renewing their licences, and thus the fishery would reduce through natural turnover at an increased rate under a continuing reducing NLO.

7.2 Cultural, heritage and economic value of the net fishery

The beach net fishery has a significant cultural, heritage and economic value in the North East and Yorkshire and helps support and sustain associated economic activity in coastal communities, including promoting tourism.

Our response

Our primary objective in regulating the beach net fishery is the conservation and restoration of stocks of salmon and sea trout to healthy and self-sustaining levels. However, when reviewing regulations we look carefully at their potential social and economic impacts of our regulatory position. We seek to maintain a net fishery as far as is possible, consistent with achieving our management aims for the protection of salmon and sea trout stocks.

In determining our position, we follow NASCO guidelines and apply a precautionary approach to the conservation and management of salmon and sea trout populations, thereby giving priority to conserving and protecting salmon stocks. We apply the same approach to our management of sea trout stocks.

We follow the Regulators' Code and the statutory principles of good regulation as well as our duty to have regard to economic and social wellbeing of rural communities.

We consider the potential impact of our proposed regulations on economic growth, both for individual businesses and more widely, alongside consideration of our statutory duty to maintain, improve and develop fisheries.

We understand that our regulation may place a financial burden on licensees and we seek to maintain a sea trout net fishery where to do so would not impact on salmon and sea trout stocks.

Commercial fishing is widely considered to contribute to tourism in coastal communities, either from the value people derive from watching the boats and unloading of the catch, the fact that fresh fish and shellfish can be bought locally or in the enjoyment of eating locally caught produce.

Coastal towns such as Amble, North Shields, Whitby and Filey have a strong fishing heritage and other coastal communities continue to have a fishing brand as part of their attraction to tourists.

However, the degree to which any reduction in netting for sea trout might deter or reduce tourism, considering the wide range of other fishing activities and tourist attractions in coastal locations is unclear.

Whilst there is a strong tradition and heritage of fishing along the North East and Yorkshire coast, it should be recognised that the technology employed in the manufacture of modern sea trout nets was developed only 50 years ago. Netting for sea trout using these types of net does not reflect the continuation of a long held traditional method of fishing in the net fishery.

Although commercial fishing is primarily undertaken for monetary gain, many licensees in the North East and Yorkshire net fishery gain a significant level of satisfaction and enjoyment from net fishing activities. It is not possible to quantify this level of enjoyment, but it is recognised that reduced fishing opportunities are likely to provide a commensurate reduction in the personal enjoyment licensees derive from their participation in the net fishery.

7.3 The economic and social value of the recreational rod fishery

Recreational rod angling is an important part of the rural economy of Yorkshire and the North East and is closely linked to the number of fish available for rod fishermen in each river. The loss of sea trout, and any by-catch mortality of salmon in the net fishery had a detrimental effect on returning runs of adult fish, adversely affecting angling businesses and businesses supporting anglers. Further, the value of fish taken in the rod fishery is far greater than in the net fishery. Angling confers social and health benefits and should be supported.

Our response

We recognise the social and economic benefits of rod fishing, and work to support and improve the quality and availability of angling opportunities for salmon and sea trout in the North East and Yorkshire.

In our 2012 socio-economic review of angling in Yorkshire and the North East, we reported that direct expenditure from salmon and sea trout anglers in North East England has been estimated at over £5.5 million per year and supporting almost 200 jobs. Whilst much of this money is derived from anglers within the region, over 30% of angling activity is from visiting anglers who bring additional income. This in turn supports a wide range of businesses including hotels, bed and breakfast establishments, food outlets and pubs.

We also recognise and value the social, physical and mental health benefits of angling, and the opportunities to socialise, learn new skills and enjoy the natural environment. We are working with our partners, using the 5 Point Approach in order that angling may be supported through the presence of healthy fish stocks in our rivers.

7.4 Lack of restrictions on anglers

The beach net fishery was closed for salmon in 2019 and the netting season for sea trout shortened in most districts of the fishery, to offer only the least productive months, yet anglers are legally entitled to catch and keep both salmon and sea trout they catch on rod and line.

Our response

Our management approach has closed salmon net fisheries completely and shortened the netting season for sea trout in most districts on the net fishery.

There has been a mandatory catch and release requirement for spring salmon caught on rod and line before 16 June since 1999, to better protect this most vulnerable component of the salmon run.

For the remainder of the year, we take the view that protection of salmon and sea trout stocks is best achieved by increasing rates of catch and release voluntarily. Studies show that the survival of rod caught and released salmon can exceed 90% when best practice techniques are used.

We have not closed rod fisheries on any rivers. Voluntary catch and release of salmon has increased on many rivers in recent years and now sees, on average, over 80% of salmon returned alive, which greatly reduces the impact of angling on salmon stocks.

We also encourage and promote voluntary catch and release for sea trout anglers. Exploitation rates in sea trout rod fisheries are generally substantially lower than for salmon rod fisheries, typically at around 5% compared to 20-25% for salmon.

7.5 Salmon stocking programmes should be introduced

To better support salmon populations, stocking programmes should be introduced to artificially support stocks in the rivers of the North East and Yorkshire. This would boost juvenile production and increase the number of returning adults.

Our response

The Environment Agency's position is a general presumption against undertaking salmon stocking.

We take the view that alternative strategies such as stock conservation and habitat enhancement are generally likely to provide more effective, cost-efficient, sustainable solutions and should be fully explored before stocking fish from a hatchery is considered.

A comprehensive body of scientific evidence, both national and international, demonstrates that large scale stocking of hatchery-reared salmon can potentially result in adverse impacts on the long-term fitness, and consequently the numbers, of wild salmon populations. We consider that it is better to support natural production in the river and maximise wild smolt output as the primary way of aiding the recovery of salmon populations.

There is very good evidence which demonstrates that wild salmon have a much higher level of marine survival when compared to hatchery reared salmon (between three and ten times the differences being recorded).

NASCO guidance does not prevent stocking and many NASCO member states still undertake stocking on their river catchments where there is a clear, justifiable need.

Our policy, along with many other member states, is guided by the NASCO Williamsburg Resolution which essentially suggests a need for a precautionary approach with respect to stocking practices to protect the genetic integrity of river specific stocks.

Our policy would therefore only endorse mitigation or stock recovery/restoration stocking where that can be fully justified, taking account of considerations for other possible management actions to improve stock status. Our policy does not allow enhancement salmon stocking.

Salmon stocking may be considered as an option when adopted as part of a wider catchment restoration plan alongside stock conservation and habitat enhancement measures where there is a clear case for mitigation (for example following the loss of significant spawning habitat and flow regulation due to a reservoir construction) or where the salmon population is at risk of extinction.

Such schemes are required to be fully funded from external sources and adhere to strict guidelines to minimise risks to wild fish populations and genetic integrity. There is an expectation that other potential limiting factors had been fully considered and for these to have been, or be in the process of being, resolved.

We now only stock the River Tyne with juvenile salmon, having discontinued salmon stocking programmes on other rivers in the North East over 10 years ago. The stocking that we currently carry out on the River Tyne is in mitigation for the construction of Kielder Reservoir, which has impacted on salmon productivity over the long term. This stocking programme is entirely funded by third parties.

Given the increasing body of scientific evidence regarding the risks of stocking and the lack of evidence relating to the derived benefits, we will not consent any further stocking of salmon into nationally and internationally conservation designated rivers (SACs and SSSIs), where Atlantic salmon are a qualifying interest feature. This reflects the conservation objective of these sites to maintain natural, self-sustaining wild populations wherever possible.

Regarding the continued salmon stocking of the River Tyne, the current levels of stocking are at the level required for mitigation stocking for Kielder reservoir, set at 160,000 salmon parr per annum.

In some recent years we have stocked an additional annual 200,000 0+ parr in response to significant water quality issues in the Tyne estuary. In hot, dry summers dissolved oxygen levels in the estuary can drop below those critical for salmon survival.

This has periodically resulted in significant fish kills - occasionally in excess of an estimated 2000 adult salmon, approximating to almost 5 -10,000,000 in lost salmon egg production.

This we believe is largely a result of the lack of tidal mixing within the estuary, a legacy of development and human intervention.

Recently, very few salmon deaths have been observed and we have developed a predictive model that can give early warnings for when conditions are likely to result in salmon deaths.

We have been able to use releases of water from Kielder reservoir to both encourage fish to move out of areas of low dissolved oxygen and to slow the progression of the oxygen deficit in the estuary. Without these releases it is likely many salmon would have died in hot, dry summer conditions.

As we have not seen the same scale of salmon deaths in recent years we have determined that additional stocking in mitigation for estuarine issues is no longer necessary or appropriate.

We take the view that natural recovery was the driving factor behind the return of salmon to the River Tyne; in particular the closure of damaging heavy industries and the introduction of environmental legislation were the key factors in the start of the recovery.

The Kielder Salmon Centre was established for a defined purpose, to mitigate for the loss of a substantial area of spawning in the North Tyne for which we believe it does an excellent job. This stocking of salmon parr is a special case where the Environment Agency is obliged by the Northumbrian Water Transfer Scheme to restock the river North Tyne.

7.6 Pressures in the freshwater environment

Various pressures adversely impact on salmon and sea trout stocks in the fresh water environment including habitat loss and degradation, low flows, abstraction, water quality issues and pollution from diffuse and point sources, including agriculture and sewage.

Our response

We agree that addressing pressures within the freshwater environment including those mentioned above, and in improving fish passage and access to spawning areas for migratory salmonids is an important element to improving salmon and sea trout populations.

We protect and improve habitats, secure sufficient flows and protect water quality through our input to planning and through our permitting processes. We have worked closely with, and will continue working with angling clubs, rivers trusts and other partners on all our rivers on habitat improvement projects and fish pass schemes.

We promote effective land use and good farming practices and regulate agricultural activities to ensure freshwater habitats are protected.

These activities form key elements of the Salmon Five Point Approach, which was developed by the Environment Agency, Government and partner fishery organisations in 2015. The Approach's mission is to restore the abundance, diversity and resilience of salmon stocks throughout England.

Measures that we are jointly setting out to benefit salmon will also have significant beneficial environmental outcomes for rivers, natural capital and many other species of fish and other wildlife. Implementation of this approach will also assist in maintaining and developing sea trout populations, which also make a valuable contribution to the local economy and help to define the health of our river catchments.

7.7 Poor marine survival

Poor and declining marine survival of both salmon and sea trout smolts is a key issue in the performance of these stocks, to a greater degree than other factors, including exploitation in the net fishery.

Our response

We believe the biggest single factor impacting the status of salmon populations has been declining marine survival from emigrant smolts to returning adult spawners, which has approximately halved over the last 25 years. This has been largely linked to climate change induced environmental

changes which are believed to affect feeding. However, we know that when we address the pressures on salmon in the freshwater and coastal environments, we see a clear response with improved smolt production and returning numbers of adult fish.

There have been notable successes with improvements recorded in some salmon populations including the River Ure in Yorkshire and the rivers Tyne and Wear and the North East, where water quality and physical river habitats have been restored. These successes demonstrate that through careful management and partnership working, salmon stocks can recover when given the opportunity, even in the context of poor sea survival.

7.8 Poor performance of contributing stocks of sea trout

The performance of contributing stocks of sea trout, as measured by rod catches, sea trout rod fishery performance assessments and returning upstream fish counter data is a matter of concern on a number of rivers, including the River Wear and the Yorkshire Esk. There is no clear evidence of a harvestable surplus of sea trout that would support the maintenance of coastal netting for sea trout.

Our response

We are working with partners to address all factors affecting salmon stocks under the Salmon Five Point Approach, including water quality, fish habitat and access improvements, as well as working to better control exploitation.

Our latest stock assessments of sea trout stocks in Yorkshire and the North East which contribute to the net fishery provide some cause for concern. Some populations have been assessed, by reference to the performance of their respective sea trout rod fisheries, to be 'Probably at Risk' whereas others are assessed as 'Probably not at Risk'. Only the sea trout population from the River Tyne is assessed as 'Not at Risk'.

Sea trout stocks are likely to benefit from reduced exploitation in the North East coastal net fishery, and our management position reflects these circumstances.

7.9 Impact of by-catch mortality on salmon stocks

The impact of entanglement in sea trout beach nets is likely to result in mortalities of salmon, either by unavoidable damage during handling and release, or by deliberate retention by netmen. Salmon released from one net may subsequently become entangled in a second after release.

Our response

The latest netmen's logbook returns show only a very small number of salmon are entangled in the nets during the netting season, and we know from our direct field observations that the great majority of these are lightly entangled and can easily be released.

Sometimes fish remain free-swimming in the 'headpiece' of the net and can be 'scooped' out by the netmen gathering the net up without becoming entangled.

We conducted extensive field trials in 2019, gathering hundreds of hours of direct fisheries observations of the interaction of salmon and sea trout with beach nets, including the extensive use of underwater video cameras. These field observations clearly show that salmon are usually entangled in nets only lightly and can be released with very little damage.

These findings have been confirmed by more recent CEFAS studies in 2021, when field observations showed fish were all quickly released by hand from T nets, with few enmeshed to any significant degree.

Salmon released from nets have been observed to recover quickly, and it is not thought likely they would be repeatedly recaptured by other nets following their release.

We have no evidence that there is any retention of salmon caught in the net fishery and conduct fisheries patrols and inspections to monitor compliance with the requirement to release any salmon entangled in the nets.

Consequently, we take the view that the great majority of salmon are likely to survive being entangled and subsequently released from beach nets.

7.10 The impacts of predation on fish stocks

The impacts of predation in freshwater from otters, cormorants, goosanders and at sea from seals and porpoises is excessive, increasing and requires action to control.

Our response

Otters are native mammals protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981. It is an offence to disturb or kill otters without a licence from Natural England.

Predation is part of a naturally functioning ecosystem: fish are eaten by a range of predators, including otters, fish-eating birds and other predators. The numbers and distribution of these predators are largely determined by prey availability.

Otters are opportunistic feeders and show no strong preference for one fish species over another. They will take a range of different fish species in proportion to their local and seasonal availability. Eels are often cited as a favourite food, and where present and abundant they are frequent prey.

Not all river fisheries are adversely affected, particularly in parts of the country where otters have been present for longer or were never lost. Many factors, not just predation, contribute to fluctuations in fish population in rivers, and in general a healthy river fishery should not be adversely impacted by otter predation.

Cormorant numbers in the UK have increased from 2,000 in the 1980s to a current estimated over-wintering population of more than 30,000 in England alone. It can be difficult to accurately assess predation impacts on fisheries, as much of the evidence is anecdotal and has limited scientific basis.

Goosanders are fish eating specialists that will target which ever species are most abundant at the location and prefer small to medium sized species. They will aggregate in large numbers if there is abundant prey and can cause serious problems for salmonid populations in rivers in the north of England and Scotland.

The issue of licences for the lethal control of cormorants and goosanders is regulated by Natural England. Advice on the control of fish-eating birds and on the application process can be obtained from the Angling Trust website.

Two species of seals are found in the North East, grey seals and harbour or common seals. Grey seals are the larger and more numerous of the two species. It has been estimated that there are between 3,000-6,000 grey seals residing around the Farne Islands, the main colony in the North East of England. A smaller population of around 500 grey seals is found around Coquet Island.

The Tees estuary supports a small breeding population of harbour seals which are present throughout the year. Further north there is a small resident population of harbour seals at Holy Island in north Northumberland.

In Yorkshire, there is a large seal colony of around 300 both common and grey seals at Ravenscar, and seals are common elsewhere along the North Yorkshire coast.

Seals in England and Wales are protected under the Conservation of Seals Act 1970. The Act prohibits taking seals during a close season (01/09 to 31/12 for grey seals and 01/06 to 31/08 for harbour seals). It is an offence to intentionally or recklessly kill, injure or take a seal.

There is a general exemption for taking a seal which is disabled for the sole purpose of tending and releasing it when no longer disabled or killing a seal which was so seriously disabled that there was no reasonable chance of its recovering.

Licensed netmen in Yorkshire have reported an increase in seal numbers in recent years, with a resulting increase in the frequency with which seals visit their nets and take or attempt to take sea trout that are entangled.

As of 1 March 2021 amendments made to the Conservation of Seals Act 1970 by Schedule 9 to the Fisheries Act 2020 came into force. Individual seals can no longer be controlled under the 'netsman's defence' as this defence was removed from the legislation by Schedule 9 to the Fisheries Act.

The impact on salmon populations from predation by seals will vary significantly between years, and in different locations. A study by the MAFF Salmon and Freshwater Fisheries Laboratory (now CEFAS) in 1979 estimated losses of salmon caught in nets to seals in the North East net fishery to be around 5%, although this is likely to be highly variable.

It is not possible to quantify the impact of seal predation on salmon that do not encounter a net. Therefore, considerable uncertainty remains about the level of impact on local salmonid stocks as a result of predation by seals.

Seal diet is typically predominated by sand eels, together with cod, whiting, haddock, and flatfish. However, seals are commonly observed to consume salmon and sea trout in estuaries, around nets and river mouths. We recognise that salmon and sea trout have been estimated to comprise a substantial proportion of the diet in such areas at certain times.

The Environment Agency has no powers to regulate the number of birds, seals or other marine mammals. While there are multiple issues which impact on salmon, including those from piscivorous birds, that does not preclude the Environment Agency from fulfilling our obligation to appropriately regulate fisheries.

7.11 Tees Barrage issues

The performance of stocks of salmon and sea trout is adversely affected by the operation of the Tees Barrage, which impedes fish passage and encourages predation by seals.

Our response

There are five routes by which returning salmon and sea trout can ascend the Tees Barrage.

The primary route is over the radial gates at certain states of tide. Other routes that are also used by returning salmon and sea trout are through the navigation lock on the south bank, by using the original fish pass at the barrage on the left bank, through the canoe slalom course, and by using the newer Denil fish pass between the two hydropower turbines.

We are continuing to work closely with our partners at the Canal & River Trust, the Angling Trust and Salmon and Trout Conservation UK to better understand fish behaviour and migration patterns at the Barrage, using fish counters and underwater sonar technology, so that we can further improve fish passage opportunities.

Routes for fish passage at the barrage have been steadily improving, most recently by modifying the operation of the radial gates so that salmon and sea trout have a longer window of opportunity to pass upstream by this route. We will continue to explore ways to make fish passage easier in the future.

We will continue to explore opportunities with our partners to further improve fish passage at the Tees barrage.

7.12 Application of the precautionary approach

In determining our management recommendations for the beach net fishery, the NASCO precautionary approach should be followed.

Our response

In determining our position, we follow the NASCO guidelines and apply the Precautionary Approach to the conservation and management of salmon populations, thereby giving priority to conserving and protecting salmon stocks, and adopt the same approach for sea trout.

We follow the Regulators' Code and the statutory principles of good regulation as well as our duty to have regard to economic and social wellbeing.

We carefully consider the potential impact of our proposed regulations on economic growth, both for individual businesses and more widely, alongside consideration of our statutory duty to maintain, improve and develop fisheries.

We understand that our regulation may place a financial burden on licensees and we seek to maintain a net fishery where to do so would not adversely impact on salmon and sea trout stocks.

7.13 The size of the Whitby Conservation Area

In Yorkshire, the extent of the Whitby conservation area (District 3) allows J nets to be fished relatively close to the mouth of the Yorkshire Esk, in an area where returning adult salmon and sea trout will congregate before ascending the river. This increases the effectiveness of these nets, adversely affecting sea trout stocks in the River Esk, and potentially allows salmon to be caught in nets on multiple occasions.

Our response

The size and location of the Whitby conservation area was set under the provisions of the Yorkshire and North East regional fisheries byelaws 1995.

The closure of the drift net fishery, the closure of the beach nets for salmon, the shortening of the netting season at Whitby and the prohibition on night and weekend fishing for sea trout serve to reduce catch levels across the net fishery, including in District 3 around Whitby, increasing the protection offered to salmon and sea trout stocks.

As a result of our management approach of reducing the number of net licences issued over time, and the shortening of the netting season in most districts, the 2021 provisional net catch of sea trout in the whole Yorkshire and North East net fishery of 4731 fish is the lowest sea trout net catch since our records begin in 1952. This compares with a sea trout net catch of almost 60,000 sea trout in 2015.

For District 3, the 2021 provisional net catch of sea trout is 764 fish, compared to over 6,000 in 2015.

Many of these fish are likely to belong to sea trout populations other than the Esk. Data from the Living North Sea project examining sea trout genetics in net caught fish indicated around half the J net catch of sea trout in District 3 comprised Esk origin fish.

Although this represents a snapshot from one season, and one of the difficulties in managing a mixed stock fishery is that the contribution from each population will vary from year to year, a simple application of that proportion to the net catch suggests fewer than 400 Esk sea trout were captured in the net fishery in 2021.

Beach nets now only operate for a relatively short period in the earlier part of the year in District 3, before the majority of the sea trout run reaches the Esk. During that time, the nets are taken off overnight and at weekends.

These weekend and nightly closed periods offer a clear window of opportunity for salmon and sea trout to make their spawning migrations without becoming entangled in nets. This is likely to

increase the number of salmon and sea trout returning to rivers to spawn, thereby increasing recruitment and better contributing to healthy and sustainable fish populations.

There is no net fishing in District 3 between 1 July and 25 March, leaving the great majority of the sea trout run access to the river unimpeded by beach nets.

We take the view that the current specification of the conservation area, within which no netting for sea trout may take place, provides adequate protection for salmon and sea trout stocks from the Yorkshire Esk and other populations.

7.14 The number of licences issued in District 3 should be reduced

Reductions in the number of licences issued in the beach net fishery have been achieved under the current NLO by retirement and natural turnover. This has resulted in arbitrary reductions in fishing effort in different districts, as individual beach net licensees have left the fishery.

This has had the consequence of distributing fishing effort unevenly, with more nets present in some areas than others.

Fishing effort has remained relatively high in District 3 (Whitby) where net licences have reduced from 10 licences in 2012 to 7 in 2022, compared to the larger District 2 to the north, which has seen the single beach net licence issued being surrendered in 2015, and District 4 to the south, which retains the single licence issued since 2012.

This exerts an unsustainable pressure on returning stocks of Esk sea trout and negatively impacts on the rod fishery.

Our response

Netting effort in District 2 and District 4 has historically been much lower than in District 3, which is reflected in current patterns of fishing effort.

Fishing effort has reduced by 30% in District 3 since 2012, and net catch returns show that sea trout net catches are falling rapidly.

As a result of our management approach of reducing the number of net licences issued over time, and the shortening of the netting season in most districts, the 2021 provisional net catch of sea trout in the whole Yorkshire and North East net fishery of 4731 fish is the lowest sea trout net catch since our records begin in 1952. This compares with a sea trout net catch of almost 60,000 sea trout in 2015.

For District 3, the 2021 provisional net catch of sea trout is 764 fish, compared to over 6,000 in 2015.

Many of these fish are likely to belong to sea trout populations other than the Esk. Data from the Living North Sea project examining sea trout genetics in net caught fish indicated around half the J net catch of sea trout in District 3 comprised Esk origin fish.

Although this represents a snapshot from one season, and one of the difficulties in managing a mixed stock fishery is that the contribution from each population will vary from year to year, a simple application of that proportion to the net catch suggests fewer than 400 Esk sea trout were captured in the net fishery in 2021.

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These weekend and nightly closed periods offer a clear window of opportunity for salmon and sea trout to make their spawning migrations without becoming entangled in nets. This is likely to increase the number of salmon and sea trout returning to rivers to spawn, thereby increasing recruitment and better contributing to healthy and sustainable fish populations.

There is no net fishing in District 3 between 1 July and 25 March, leaving the great majority of the sea trout run access to the river unimpeded by beach nets.

Recent improvements in the sea trout rod catch for the Esk suggest further immediate reduction of netting effort is unnecessary.

7.15 Beach nets operate as a Mixed Stock Fishery (MSF)

The North East sea trout beach fishery is a Mixed Stock Fishery (MSF) exploiting multiple populations of sea trout, including those with no demonstrable sustainable surplus. No coastal MSF netting for sea trout should take place. The Environment Agency made the correct decision in closing the MSF for salmon based on salmon stock assessments and should apply the same approach to sea trout netting.

Insufficient scientifically robust information is available on which to base a decision as to whether an MSF should be operated for sea trout in the North East, and consequently, a precautionary approach should be adopted.

Our response

We agree that beach nets operate as mixed stock fisheries, in that they exploit sea trout from many different rivers, and hence separate populations, along the eastern coast of Britain.

This mode of operation introduces difficulties in fisheries management, as it is not possible to effectively protect the most vulnerable of the contributing stocks. This is because it is not possible to determine with high confidence the impact of the fishery on each of the contributing stocks.

The proportion of each exploited population contributing to the net fishery will differ from year to year, and in different parts of the fishery in each year. The variable contribution to the net fishery from each of the individual populations makes an assessment of the impact of the net fishery on individual contributing stocks very difficult.

As a result of these annual variations in catch composition, protecting the weakest of the contributing stocks proves problematic, since the impact of the fishery on the weakest of the contributing stocks cannot be known with high confidence.

The UK Government has international obligations to the North Atlantic Salmon Conservation Organisation (NASCO) to close such coastal mixed stock fisheries, as it is not possible to manage them in such a way as to effectively protect contributing salmon stocks. The salmon net fishery was closed in December 2018.

Our regulation of the net fishery is dependent on an assessment that contributing sea trout stocks have a surplus available for exploitation, as well as there being a minimal impact on salmon populations.

Whilst sea trout stocks would benefit from an immediate reduction in netting, there is no indication that the performance of any of the contributing stocks is of such concern that current reductions of fishing effort need to be accelerated, with the associated negative economic impacts for those currently participating in the net fishery.

This approach is consistent with NASCO guidelines, which state that if a decision is made to allow fishing on a stock that is below its conservation limit, on the basis of overriding socio-economic factors, fishing should clearly be limited to a level that will still permit stock recovery within a stated timeframe.

7.16 Night time sea trout netting should be restored in Yorkshire.

Night time netting for sea trout should be restored in Yorkshire, to allow netsmen to take advantage of the more productive night time period.

Our response

We restricted night time netting in Yorkshire and the North East under the 2018 national salmon byelaws for a number of reasons. Customarily nets fished at night have been left unattended, but

current regulations require close attendance at nets, in order that any salmon encountering a net could be seen, identified, and then promptly released.

Netting at night is not consistent with a requirement to return any salmon entangled in the net with least delay, since it is far more difficult to identify each fish entangled by species in the dark, and less likely that a fish encountering the net will be noticed. This would be likely to lead to an increase in the by-catch mortality of salmon.

A nightly closed period also offers a clear window of opportunity for salmon and sea trout to make their spawning migrations without becoming entangled in nets. This is likely to increase the number of salmon and sea trout returning to rivers to spawn, thereby increasing recruitment and better contributing to healthy and sustainable fish populations.

Therefore, we do not support fishing for sea trout during the hours of darkness.

7.17 Introduction of catch limits instead of regulating licence numbers

Catch limits should be introduced, restricting the net fishery to a catch of sea trout at our around current lowest returns.

Our response

The North East coastal net fishery operates as a mixed stock fishery, in that the beach nets exploit sea trout (and historically exploited salmon) from a large number of different rivers, and hence separate populations, along the eastern coast of Britain.

Sea trout from the River Tweed in Scotland, and the rivers Aln, Coquet, Tyne, Wear, Tees, Yorkshire Esk and recovering Ouse system are exploited by the net fishery.

This mode of operation introduces difficulties in fisheries management, as it is not possible to effectively protect the most vulnerable of the contributing stocks. This is because it is not possible to determine with high confidence the impact of the fishery on each of the contributing stocks.

The proportion of fish from each exploited population contributing to the net fishery will differ from year to year, and in different parts of the fishery in each year. The variable contribution to the net fishery from each of the individual populations makes assessing the impact of the net fishery on individual contributing stocks very difficult.

As a result of these annual variations in catch composition, protecting the weakest of the contributing stocks proves problematic, since the impact of the fishery on the weakest of the contributing stocks cannot be known with certainty.

The Environment Agency's position is that we will move to close net fisheries that exploit predominantly mixed stocks of salmon and/or sea trout and where the capacity to manage individual stocks is compromised.

We control the number of sea trout to be taken by the nets by regulating fishing effort, rather than setting a catch limit. We have consistently reduced fishing effort in the Yorkshire and North East net fishery under a series of reducing NLOs since 1992. These NLOs have reduced the number of licensees participating in the fishery from 187 licensees in 1993 to 36 in 2021.

In 2019 we also shortened the netting season in 5 of the 7 districts comprising the net fishery and closed the fishery for salmon. In recent years, our regulatory approach has seen sea trout net catches fall from 59,674 in 2016 to 4,731 in 2021, the lowest sea trout catch since our records begin in 1952.

It is not possible to set a robust catch limit or quota on a mixed stock sea trout net fishery which exploits a variable number of sea trout from each of the multiple populations contributing to the fishery when we do not have Conservation Limits or egg deposition targets developed for each contributing population. We cannot determine with confidence how many fish from each of the contributing stocks are taken each year.

Rather, we have employed a series of reducing NLOs that have seen sea trout catches fall as licensees retire and their licences are not reallocated. This approach strikes the most appropriate balance between offering sea trout stocks increased protection over time and minimising the socio-economic impacts of reducing the impact of the net fishery.

In 2015 we provided Defra with a detailed report analysing the benefits and risks associated with catch limits, and concluded the risks outweighed the benefits.

Controlling fishing effort is an effective means of regulating the impact of the sea trout net fishery, as can be seen from the substantial reduction in net catches in recent years.

7.18 Net licences should be passed on when licensees retire

Licensees should have the ability to pass on licences to their endorsees, or other nominated persons under Option 3, when they retire or choose to leave the net fishery.

Our response

This would be possible under Option 3. However, we do not support Option 3 as the preferred management option for the beach net fishery.

With regard to passing on licences, there is no set means of allocating licences as they become available – licences could be transferred to endorsees or others or allocated based on some other criteria, at the Environment Agency's discretion.

The provisions of previous NLOs (e.g. the 1992 NLO) allowed T and J net licences to be taken on by existing endorsees when the current licence holder retired. These provisions were removed by the 2012 NLO, as we sought at that time to reduce the size of the fishery over time, to provide better protection for fish stocks without adversely affecting existing licensees.

There is no entitlement or right for licensees to determine who would be allocated with their licence should they surrender it, with a fixed NLO in operation.

7.19 The EA should remove net licences from those that do not actively fish

A number of netsmen take out licences but do not use them to actively fish. As these licensees are gaining no economic benefit from taking out licences, they should be withdrawn.

Our response

We take the view that if an eligible licensee has taken out a licence but chooses not to fish, that is their personal decision and should not be used by us as a reason to remove their licence from them, this is a business decision for them to make.

Any licence that is taken out, but not utilised for fishing is not having any impact on salmon and sea trout stocks, and therefore there is no justification to consider removing these licences.

The potential future impact of a licensee resuming fishing following a period of abatement is not considered a strong enough reason to not renew licences that are currently taken out but not fished.

7.20 The net fishery should have more fisheries enforcement activity

The net fishery does not have adequate levels of fisheries enforcement activity being undertaken, allowing illegal exploitation of salmon and sea trout stocks.

Our response

The Environment Agency has dedicated enforcement resources to use in protecting salmon and sea trout stocks. We undertake targeted fisheries patrols, which complement our compliance and catch landing checks. We use an intelligence-led approach, employing modern surveillance

technology and focus on known enforcement issues, which improves our ability to prevent and deter any illegal activity. We work closely alongside partner organisations to maximise our resources on the ground. The intelligence that we use to target our enforcement activity relies on the close relationship that we have with the public, our customers and partner organisations, including the Inshore Fisheries and Conservation Authorities.

7.21 The rod fishery should have more fisheries enforcement activity

The rod fishery does not have adequate levels of fisheries enforcement activity being undertaken, allowing illegal exploitation of salmon and sea trout stocks.

Our response

The Environment Agency has dedicated enforcement resources to use in protecting salmon and sea trout stocks. As in our regulation of the coastal net fishery, we undertake targeted fisheries enforcement activities and use an intelligence-led approach, employing modern surveillance technology and focus on known enforcement issues, which improves our ability to prevent and deter any illegal activity. The intelligence that we use to target our enforcement activity relies on the close relationship that we have with the public, our customers and partner organisations, including the Angling Trust.

7.22 All Districts should have the same fishing season length

Rather than having differing end dates for the Districts comprising the net fishery, every District should have the same end date set.

Some respondents argued this should be the longer historic season ending 31 August, to offer equal netting opportunities to all licensees, whereas others indicated all District should be brought into line with the shortest season in Districts 1 and 2, ending 31 May, to confer better protection on fish stocks.

Our response

The beach net fishery is managed in seven coastal districts, with each historically having a different level of catch of salmon. Historic catches show that the salmon net catch declined from north to south, with the northernmost district (District 1) having the greatest catch and the southernmost districts (District 6 and District 7) having the lowest catch of salmon.

For the Northumbria area (Districts 1 and 2) we introduced a season from 26 March to 31 May effective from the start of the 2019 netting season. This represented a 3 month reduction from the former 31 August end date. For the area around Whitby (District 3) we introduced an end-date of 30 July. Further south, we introduced an end date of 31 July for Districts 4 and 5 and retained the end date of 31 August for Districts 6 and 7, where very few salmon were caught.

These changes were introduced to offer increased protection to vulnerable salmon stocks, but still allow a sea trout fishery in the earlier part of the year, as far as that was possible.

The end date for each district has been set at that date after which it is estimated that the level of bycatch on salmon becomes too high.

To maintain protections for salmon stocks, it is not appropriate to restore a longer netting season in the more northerly Districts of the net fishery.

Given the significant reductions in sea trout net catch in recent years, it is not believed necessary to further reduce the netting season in the more southerly districts of the net fishery at this time.

7.23 More research into the impact of the net fishery is required

Because the impact of the fishery is difficult to determine with confidence, further research should be undertaken to inform future management.

Our response

The Mixed Stock Fishery nature of the beach net fishery introduces inherent uncertainties into the impact of the fishery on contributing stocks, which cannot be overcome with additional monitoring.

The impact of the net fishery on each of the contributing stocks will vary between years, and at different times and locations in the fishery within each year.

The net fishery has been extensively studied over many years, and we have a good knowledge of its mode of operation and of the populations of sea trout and salmon it exploits or previously exploited.

Further research into the mode of operation and impact of the fishery would be expensive and unlikely to significantly improve our understanding of the fishery or modify our management approaches.

7.24 A better sea trout assessment model should be developed

There is currently a lack of reliable stock assessment information for sea trout. An accurate system for assessing individual sea trout populations, such that meaningful catchment conservation targets can be set would be advantageous for fisheries management purposes and would bring sea trout population data and species protection in line with that of Atlantic salmon.

Our response

We are actively developing an improved sea trout stock assessment model, which once completed will improve our management information for sea trout populations.

7.25 Disparity between net and rod fisheries

It is unfair that rod and net fisheries do not have the same fishing seasons for salmon and sea trout, or that rod fisheries remain open for salmon when net fisheries for salmon have been closed.

Our response

All salmon net fisheries have been closed to better protect vulnerable salmon stocks, many of which are failing to reach their management targets. As a Mixed Stock Fishery, the North East coast nets present a particular problem in that it is not possible to accurately assess their impact on specific salmon stocks or manage the nets to protect the weakest of those stocks. The sea trout net fishery has been allowed to continue with a requirement to release any salmon netted.

The end date for each district has been set at that date after which it is estimated that the level of bycatch on salmon becomes too great.

Rod fisheries operate on single populations of salmon and sea trout, which makes the impact of those fisheries on stocks easier to quantify. Catch and release rates in rod fisheries are very high, so the impact of those fisheries is lower than for nets. Consequently, rod fisheries are able to have longer seasons than net fisheries, and to fish for both salmon and sea trout on a predominantly catch and release basis.

7.26 The weekly netting period should be reduced by one or more days

To reduce the impact of netting on sea trout stocks, the weekly fishing period should be reduced from five days a week (Monday to Friday) to three or four days a week. This would allow greater opportunity for salmon and sea trout to reach their home rivers and improve spawning success.

Our response

We have substantially reduced fishing effort in the beach net fishery by reducing the number of licences issued, closing the drift net fishery, and closing the beach net fishery for salmon. We have also reduced the season length for the net fishery in five of the seven Districts comprising the fishery and prohibited night-time fishing.

The nightly and weekend closed periods already offer a clear window of opportunity for salmon and sea trout to make their spawning migrations without becoming entangled in nets. This increases the number of salmon and sea trout returning to rivers to spawn, thereby increasing recruitment and better contributing to healthy and sustainable fish populations.

The short netting season in most of the fishery allows salmon and sea trout to make their return spawning migration unimpeded by nets in the period most fish are returning to their home rivers.

Given the significant reduction in net catches of sea trout because of these measures to reduce fishing effort, we take the view that it is not necessary to further reduce the weekly fishing period for beach nets.

7.27 Displacement of commercial fishing effort to other species

The immediate closure of the beach net fishery could lead to the local Inland Fishery and Conservation Authority permitting more inshore netting targeting species such as bass or result in increased fishing effort on shellfish, lobsters and prawns as licensees have to diversify away from sea trout netting.

Our response

We recognise that decisions on the future management of the beach net fishery for sea trout may result in the displacement of fishing activities to other species, managed through other jurisdictions.

The development or extension of inshore gill net fisheries for other species could result in the incidental by-catch of salmon and sea trout.

This potential impact would be minimised through the adoption of a management regime that did not result in the immediate closure of the beach net fishery for sea trout and would allow fishing effort to be maintained or reduce naturally over time through natural turnover in the sea trout net fishery, without impacting on other stocks.

7.28 Reinstate the North East drift net and T and J net fishery to what it was before the early closure after the 2018 season.

The drift net fishery should be restored and the season length for beach netting returned to the former end date of 31 August each year.

Our response

This approach would compromise salmon and sea trout stocks, as well as posing a threat to the integrity of designated nature conservation sites.

This is not supported by our latest assessment of the performance of contributing stocks, the impact of the net fishery upon those stocks and the need to provide additional protection to many of those stocks by reducing exploitation.

This would be likely to substantially increase the level of exploitation in the fishery and would be contrary to our assessment of fisheries management need, our sea trout and salmon strategy and guidelines on the management of salmon issued by NASCO.

This would not meet our statutory duty to maintain, improve and develop fisheries. This option also has the clear potential to pose a threat to those rivers which are failing to meet their Conservation

Limit, or which are assessed as Grade 3 and having no available surplus stock for harvest or are recovering.

Appendix 1. Organisations responding to the consultation

Aln Angling Association
Angling Trust
Bishop Auckland District Angling Club
Canal and Rivers Trust
Chester-le-Street and District Angling Club
Danby and District Angling Club
Durham Fly Fishing Company
Esk Fishery Association
Fish Legal
Fisheries Management Scotland
Forth District Salmon Fishery Board
Fryup Fishing Syndicate
Hexham Anglers Association
Institute of Fisheries Management
Kingshawgreen Fishing Syndicate
North Eastern Inshore Fisheries & Conservation Authority
Northern Farmers and Landowners Group
Northumberland Inshore Fisheries and Conservation Authority
Northumberland Rivers Trust
Northumbrian Anglers Federation
River Tweed Commission
Salmon & Trout Conservation UK
Tay District Salmon Fisheries Board
Tees Rivers Trust
Tyne Rivers Trust
Tyneside Anglers Syndicate
Wear Rivers Trust
West End Anglers
Wild Trout Trust
Willington and District Angling Club
Witton-le-Wear Fly Fishers

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email

enquiries@environment-agency.gov.uk

or visit our website

www.gov.uk/environment-agency

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