

## The Yorkshire and North East Coast Net Limitation Order 2022

### Briefing Note

#### 1. The Yorkshire and North East Coast Net Fishery

A net fishery for salmon and sea trout has been in operation in one form or another in the North East of England for around 180 years, and has been licensed since 1865.

The net fishery is comprised of the tidal waters from Berwick on Tweed to the mouth of the Humber estuary. It extends between the high water mark and the seaward limit of the Environment Agency's jurisdiction at six nautical miles to sea. The fishery is divided into 7 districts.

As modern materials made nets much more efficient in the 1960's, the fishery became more productive and attracted new entrants, resulting in higher catches of salmon and sea trout.

Consequently, the first Net Limitation Order (NLO) was introduced in 1964, to set a limit on the number of licences available, to better protect fish stocks. This Order was followed by successive Orders in the 1970's and 1980's regulating different parts of the North East net fishery to protect stocks by limiting fishing effort. The whole net fishery was brought under a single unifying NLO in 1992, which was replaced in 2002 and again in 2012.

This latest 2012 NLO is due to expire in 2022. Therefore, the Environment Agency is currently reviewing all available evidence and will be consulting with interested parties to assist us in making a new Net Limitation Order to replace the current Order, to ensure the number of nets operating in the net fishery is properly regulated.

Until 2018, both drift nets and beach nets operated in the net fishery. National byelaws closed the drift net fishery at the end of the 2018 netting season, and restricted beach nets to catching sea trout only.

There are two types of beach nets currently operating in the net fishery: T nets and J nets.

##### 1.1 What is a T-net?

T-nets are predominantly used in the Northumbrian area of the fishery, north of the River Wear. T-nets are fixed nets operated from the shore, usually in specific berths, set out in plan view in the shape of a letter T. They comprise a 'leader', not more than 230m in length, stretching out at right angles to the beach to a 'headpiece' (not more than 92m long), which contains a series of traps with funnel entrances. Fish may become enmeshed or entangled in the leader of the net, but the majority are taken, either entangled or free-swimming, in the traps comprising the headpiece.

##### 1.2 What is a J-net?

J-nets are predominantly used in Yorkshire. J-nets consist of plain sheets of netting on a floated head rope which hang vertically in the water by means of a weighted foot rope and are set from the shore in the shape of a letter J. These nets are operated as fixed engines, held stationary by means

of weights, anchors or stakes. Fish are mainly caught by becoming enmeshed or entangled in the walls of the net. The maximum total length of the J-net is 370m.

## 2. What is a Net Limitation Order?

Net Limitation Orders (NLOs) are used to secure sustainable exploitation of salmon and sea trout stocks by controlling the number of licensed nets allowed to operate in the fishery. The limits in the Order also consider the interests of those who are licensed to fish and are dependent for their livelihoods on the fishing to ensure the economic impact of the Order is minimised, as far as that is consistent with providing necessary protections for vulnerable fish stocks.

## 3. How does the current NLO regulate the net fishery?

The current 2012 NLO controls the numbers of licences that may be issued for net fishing.

All other regulation of the net fishery is regulated by Acts of Parliament (e.g. Salmon and Freshwater Fisheries Act 1975) by local and national byelaws (e.g. setting the length of the netting season, the weekly and daily start and end times and the mesh sizes of the nets used in the fishery) or by licence conditions (e.g. imposing the requirement for licensees to attend their nets whilst they are fishing).

The current Order limits the issue of beach net licences only to T and J net licence holders who are already participating in the fishery. Licences cannot be transferred or passed on to other individuals. This means that as current licensees retire, or otherwise leave the fishery, their licences are not made available to new entrants.

In 2021, there were 36 beach net licences issued, a reduction from the 40 licences that were issued in 2020, and significantly below the combined total of 76 drift and beach net licences issued in the year before the current 2012 NLO took effect. The number of licences issued in the net fishery since 2012 are shown in Figure 1 below:

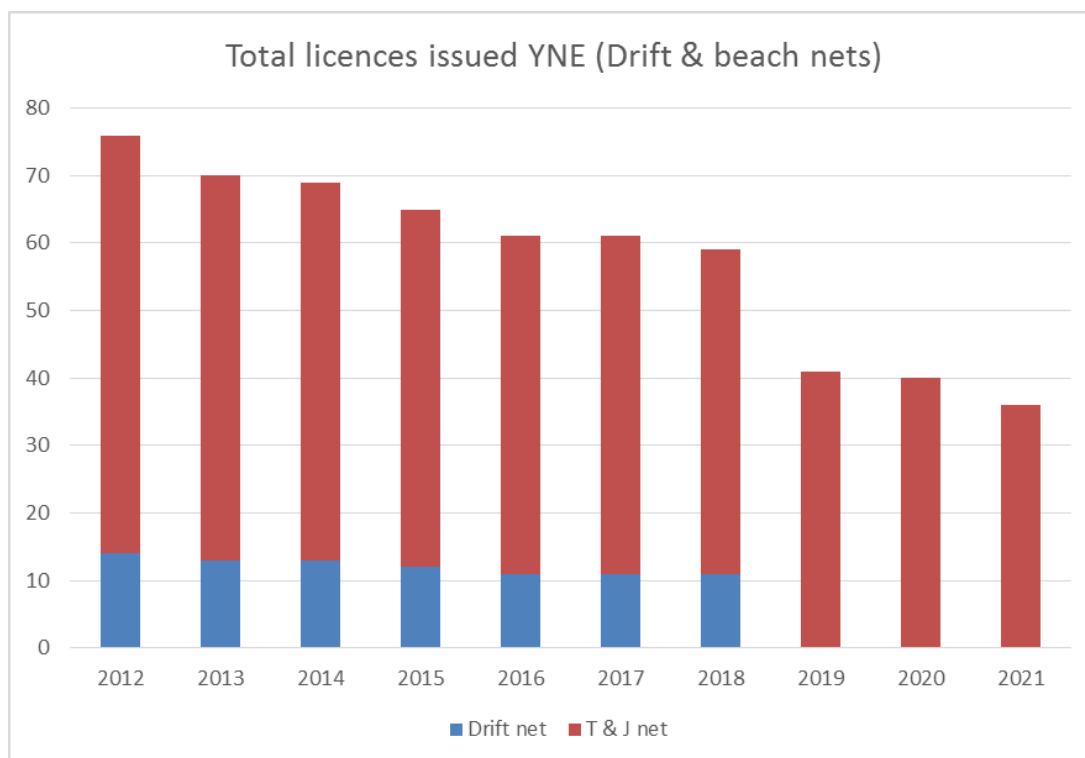


Figure 1. The number of drift and beach (T & J) net licences issued in the net fishery

This approach, first established by the 1992 NLO, has the effect of reducing net exploitation of sea trout in the fishery gradually over time, as licensees leave the fishery, whilst still allowing those already participating in the fishery to continue if they choose to do so.

In this way, fish stocks benefit from increased protection over time, but in a way that does not create excessive economic dis-benefit to those beach netsmen who wish to continue fishing for sea trout.

#### 4. The Environment Agency's Duties and Powers

The Environment Agency has a duty under the Environment Act 1995 to maintain, improve and develop fisheries of salmon, trout, freshwater fish, eel, lamprey and smelt. Net Limitation Orders may be used to control the extent of fishing in support of this duty or to protect the marine or coastal environment from significant harm. We also have more general duties to:

- Promote the conservation and enhancement of the amenity of inland and coastal waters;
- Conservation of flora and fauna dependant on the aquatic environment;
- Have regard to desirability of promoting economic growth and social well-being of local communities when we make regulatory decisions;
- Comply with the requirements of the Regulators' Code and Growth Duty

As part of our duty to maintain, improve and develop salmon and sea trout fisheries in England, the Environment Agency has the power under the Salmon and Freshwater Fisheries Act 1975 (SAFFA) Section 26 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.

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

Net Limitation Orders 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.

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

#### 5. Aims of the NLO Review

The NLO review has the following aims:

- 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 netsmen 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 regulations, directives (e.g. Habitats Directive) and agreements (e.g. by the North Atlantic Salmon Conservation Organisation).
- The views and aspirations of all stakeholders are invited and carefully considered in reaching our conclusions. Everyone with an interest will have the opportunity to contribute and have their views heard.

## 6. The Environment Agency's approach.

We will review provisions for replacing the 2012 NLO 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 with regard to best practice and current policy positions.

In reaching our conclusions, we will seek views from a wide range of stakeholders, and will closely consider the best and latest available scientific evidence.

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

In reviewing the NLO, 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, allowing a sea trout fishery as far as is sustainable and consistent with providing adequate protection for fish stocks, in line with precautionary principles.

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.

## 7. How many fish are caught in the net fishery?

Historically, the net fishery caught both salmon and sea trout. The beach net fishery was closed for salmon (but continued to fish for sea trout) and the drift net fishery closed completely in at the end of the 2018 netting season, hence there is a zero salmon catch for 2019 and 2020. Catch data for 2021 are currently being compiled.

Salmon catches from 1993 to 2020 are shown in Figure 2 below for information:

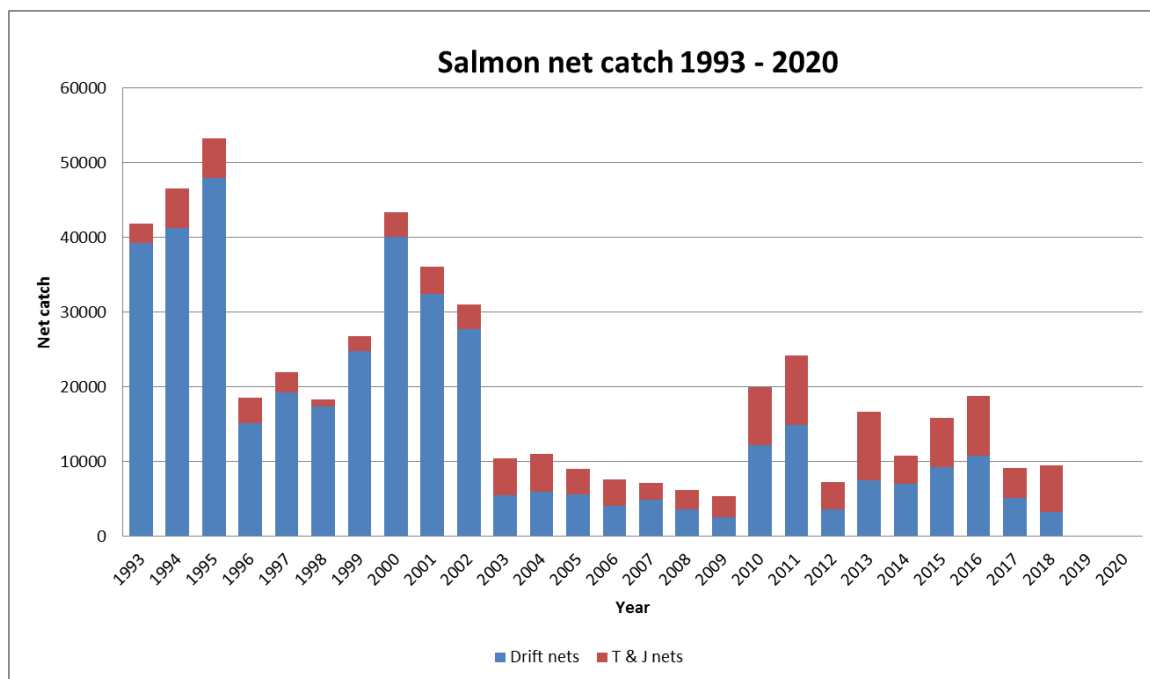
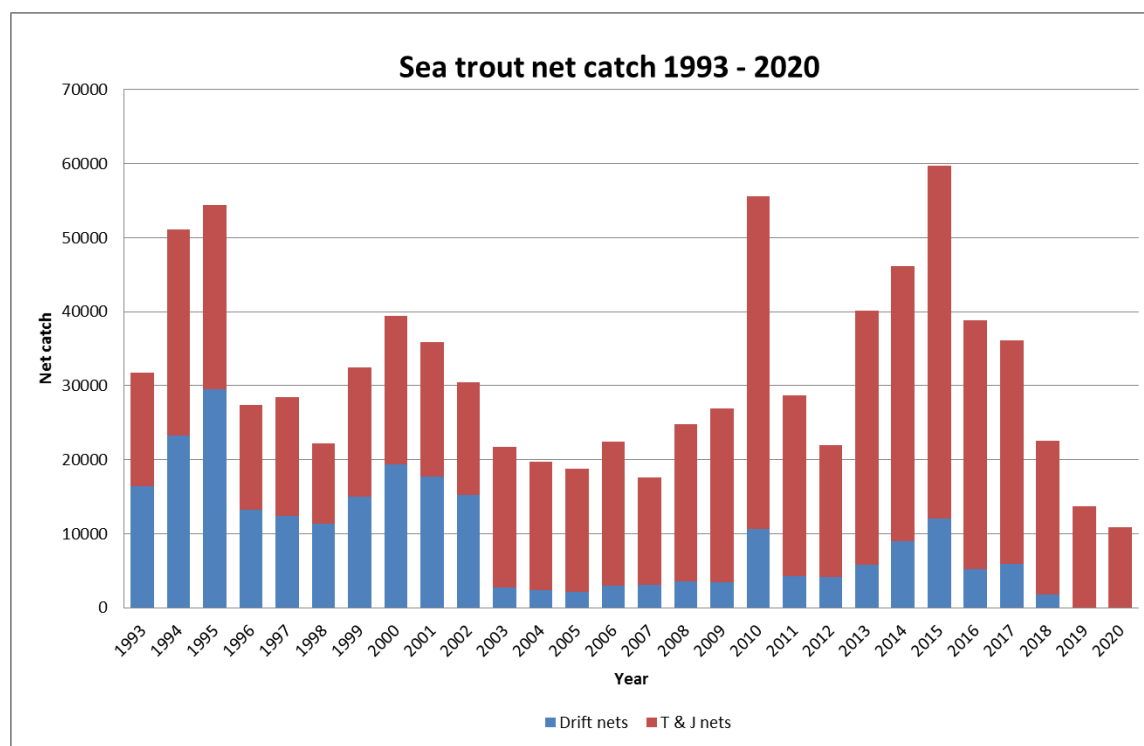


Figure 2. Salmon catches in the net fishery

The sea trout net catch from 1993 to 2020 is shown in Figure 3 below. Although the drift net fishery was closed after the 2018 netting season, the beach nets have continued to fish for sea trout only, returning any salmon caught from the 2019 season onwards, with most districts operating over a reduced netting season.



**Figure 3. Sea trout catches in the net fishery**

With the closure of the drift net fishery, the reducing number of licences issued under the current NLO and the shortening of the netting season for sea trout in most of the fishery districts, the sea trout catch has fallen substantially in recent years, to a low of 10,902 sea trout in 2020. This is the lowest declared sea trout net catch since 1954.

### 8. What is a “mixed stock fishery” and how does it need to be regulated?

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 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 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. This is an aspect that will be reviewed in the course of renewing the Order.

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."

## **9. How are sea trout stocks contributing to the fishery performing?**

The latest available assessment of the status of England's sea trout stocks for 2020 is based on declared rod catches, and has been produced by the England & Wales Sea Trout & Salmon Technical Working Group.

The assessment is designed to highlight the current status of sea trout populations, inform management actions to protect and enhance sea trout populations and to give an early warning about potential problems and assist the Agency in considering whether any further management actions, including exploitation controls, are required.

Of the major North East rivers contributing sea trout to the coastal net fishery, only the Tyne was assessed as 'Not at Risk' in 2020. The Coquet and Yorkshire Esk were assessed as 'Probably not at Risk' and the Tees and Wear sea trout stocks were assessed as 'Probably at Risk'.

We are developing a new method of sea trout assessment to calculate sea trout egg deposition and compare this to set egg deposition targets for major sea trout rivers, which we will also use in our determination of the most appropriate regulation of the net fishery.

## **10. How are salmon stocks exposed to the fishery performing?**

Although the beach net fishery has been closed for salmon and any salmon entangled in the nets must be released with least delay, the potential for inadvertent salmon bycatch mortalities exists. We will consider the performance of salmon stocks known to be exposed to the fishery in determining our position, including those salmon populations from rivers in Scotland that are designated as interest features of Special Areas of Conservation (SACs) under the Habitats Regulations.

The latest 2020 assessment of the performance of salmon populations in the North East's rivers exposed to the net fishery indicate that the Tees and Yorkshire Esk salmon stocks are assessed as 'At Risk'. The Wear and the Coquet salmon populations are assessed as 'Probably not at Risk', but with a declining trend. The Tyne's salmon population is assessed as 'Not at Risk' also with a declining trend.

In evaluating options for the replacement NLO, we will carefully consider the impact of the net fishery on these salmon stocks.

## **11. How can I contribute and make my views known?**

We will consult with stakeholders in 2022, and ensure everyone has the opportunity to put their views and ideas forward. There will be a formal online consultation process using a website which will have the relevant documents available for download and a means of submitting feedback, suggestions and ideas.

To ensure opportunities to contribute are maximised, we will also accept all forms of submissions from interested parties, including emails and letters. We will confirm correspondence details in the near future.

Following this formal consultation process, we will carefully review and consider all responses received, and use these, together with the latest data on the performance of the stocks contributing to the fishery, the impact of the fishery upon those stocks, a consideration of the socio-economic impacts of our regulations, best practice in fisheries management, NASCO advice and government policy to identify our preferred option.

This preferred option will then be formally advertised later in 2022, which will allow all those with an interest a further opportunity to provide their feedback, either in support of our management position, or to suggest alternative management of the net fishery.

Again, we will carefully consider all responses received, and use these to help us determine our final position. We will submit a new NLO to the Fisheries Minister for confirmation in the autumn of 2022. The new NLO will only come into effect once confirmed by the Minister, subject to any amendments or changes they require.

We anticipate the new NLO will be confirmed on or before December 2022, to take effect in time for the 2023 netting season.



**Jon Shelley CEnv MCIEEM MSc BSc**  
**Senior Specialist (Fisheries)**  
**North East Area**

Tyneside House, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR  
[jonathan.shelley@environment-agency.gov.uk](mailto:jonathan.shelley@environment-agency.gov.uk)