



Welsh Government

Call for Evidence: Shore-based Netting in Wales

Date of issue: 20 January 2025

Action required: Responses by 28 February 2025

Mae'r ddogfen yma hefyd ar gael yn
Gymraeg.

This document is also available in Welsh.

Overview

The Welsh Government is seeking information about shore-based netting in Wales. The data gathered through this call for evidence will be used to help determine whether additional regional or national protections are needed to prevent migratory fish bycatch by shore-based nets in Wales.

How to respond

Responses can be submitted by email, post or via an online form on the Welsh Government website at:

<https://ymateb.gov.wales/s/T3YAI5/?lang=999919>

E-mail/postal responses should be sent to the address below to arrive by 28 February 2025 at the latest. Please ensure you state "Call for Evidence: Shore-based netting in Wales" in the subject box.

By e-mail: Fisheries@gov.wales

By post:

Call for Evidence: Shore-based netting in Wales
Fisheries Division
Welsh Government Office
Rhodfa Padarn
Llanbadarn Fawr
Aberystwyth
SY23 3UR

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

Call for Evidence: Shore-based netting in Wales
Fisheries Division
Welsh Government Office
Rhodfa Padarn
Llanbadarn Fawr
Aberystwyth
SY23 3UR

Email: Fisheries@gov.wales

Telephone: 0300 0604400

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UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA)

The Welsh Government will be data controller for any personal data you provide as part of your response to this call for evidence. The Welsh Ministers [and the Counsel General to the Welsh Government] are also a 'competent authority' for law enforcement purposes as defined in section 30 of the DPA.

In general, the Welsh Government may process data relating to this call for evidence for two broad purposes, being 'general purposes' and 'law enforcement purposes'. General Purposes will include where Welsh Ministers have statutory powers they rely on to process this personal data to enable them to make informed decisions about how they exercise their public functions and fulfil their public task. In particular, the data gathered through this call for evidence will be used to help determine whether additional regional or national protections are needed to prevent migratory fish bycatch by shore-based nets in Wales, as described in this call for evidence. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this call for evidence is about or when planning future consultations. Where the Welsh Government undertakes further analysis of call for evidence responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data. Where the Welsh Government considers that personal data provided may contain evidence that a criminal offence has been committed, the Welsh Government may share that personal data with the relevant enforcement authority, where the Welsh Ministers or the Counsel General are not themselves the enforcement authority.

Law Enforcement Purposes will include where the Welsh Ministers and those acting on their behalf or the Counsel General to the Welsh Government have statutory powers to prevent, investigate, detect or prosecute criminal offences. The Welsh Government would be processing your personal data for Law Enforcement Purposes where the information you provide describes a crime that may have taken place or an alleged offence that is being investigated where the Welsh Ministers or the Counsel General are the enforcement authority.

In order to show that the call for evidence was carried out properly, the Welsh Government may publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please ensure you tick the box at the bottom of the question section of this call for evidence when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the call for evidence response then these published reports will be retained indefinitely for scientific or historical research purposes. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have a number of information rights. The rights under the DPA and the UK GDPR are similar but not identical.

Under UK GDPR your rights include the right to:

- be informed of the personal data held about you;
- access personal data held about you (the right of subject access);
- informed about how and why your data is used;
- have your data rectified, erased or restricted;
- object to or restrict processing;
- portability of your data;
- not to be subject to a decision based solely on automated processing;
- lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection

Under Part 3, Chapter 3 of the DPA your rights include the right:

- to be informed about the collection and use of your personal data
- to access your personal data
- to (in certain circumstances) require us to rectify inaccuracies in that data
- for (in certain circumstances) your data to be erased, and
- the right not to be subject to automated decision-making.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

e-mail: DataProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113
Website: <https://ico.org.uk>

Section I – Introduction

The Sea bass Fisheries Management Plan (FMP) for English and Welsh waters was published in December 2023. The plan was developed jointly with the UK Government and complies with the requirements of the Fisheries Act 2020 and the Joint Fisheries Statement (JFS) 2022.

The aim of the Bass FMP ('the FMP') is to ensure effective management of bass stocks in English and Welsh waters over a 6-year period. The FMP identified 9 goals, each of which has associated actions that focus on domestic evidence and management priorities.

The Wales Sea Bass Advisory Group (WSBAG) was established in January 2024 to advise officials and the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs on the prioritisation and implementation of the FMP actions in Wales. The WSBAG is comprised of a diverse range of stakeholders with an interest in bass fisheries.

Goal 8.1 of the bass FMP includes a commitment to '*review the practice of shallow inshore and shore-based netting to determine whether additional regional or national protections are needed to prevent migratory fish bycatch*'. As part of this commitment, Welsh Government officials worked with the WSBAG to review the current practice of shore-based netting ('the SBN review'):

[Review of the practice of shore-based netting in Wales | GOV.WALES](#)

The purpose of the SBN review was to open discussions about the need for additional regional or national protections to prevent migratory fish bycatch by shore-based nets in Wales. The review included background information on the need for a review, a description of shore-based netting along with a brief history of shore-based netting activity and its regulation in Wales. Please refer to the SBN review which is published with this document for further information.

The review highlighted a number of issues with the existing regulations including that the regulations vary between the North and South Wales areas and are not adaptive. It also noted there is limited data available on bass removals and other catch and bycatch by shore nets and that to improve the management of shore-based netting and the bass fishery in Wales as a whole, accurate information is required. The WSBAG agreed the review highlighted the need to gather more information and data about shore-based netting activity before considering any changes in management. A call for evidence and a voluntary catch recording system were both suggested by the WSBAG as appropriate ways of gathering such information.

As a result, the Welsh Government is now conducting a call for evidence to seek information from those directly involved in shore-based netting to better understand the numbers involved, the timing / frequency of the activity, where the activity takes place and the quantities of both targeted and bycatch species caught.

While the call for evidence will gather some information fishers already hold, the Welsh Government are considering the merits of introducing a voluntary catch

recording scheme in order to gather data about catches going forward. Linked to this, to improve our understanding, the Welsh Government is also considering commissioning scientific studies on bycatch and discards. Those who respond to the call for evidence will be given the opportunity to contribute to these studies if they choose.

This is not a consultation on developed proposals but rather an early stage request for input to help the Welsh Government formulate its proposals and shape the recommendations it will make to Ministers.

Do not feel obliged to reply to all questions.

In answering the questions please provide any relevant data, research evidence, survey material, practical examples or experience which supports your views (or provide links or references to the same).

The information gathered will be used to consider if additional measures are needed to improve the regulation of shore-based netting. Any subsequent proposals to change existing regulations based on this information will be subject to public consultation before any changes in management.

Section II - Questions

We would like to gather information from as many shore-based netters as possible about their netting activity in Wales.

Please state:

1. Name:

2. Address:

3. Post Code:

4. Email:

5. Organisation (if any):

Please answer the questions below in as much detail as possible referring to Annex 1 for information about the current regulations on shore-based netting.

Answers should **only** be relevant to the period **2021-2024**.

6. Please indicate whether you are a shore-netter or if you have observed this activity in Wales:

Commercial shore-netter:

Sole trader

Partner

Limited company

7. Do you have a commercial fishing vessel?

Yes

No

8. Recreational shore-netter

Yes

No

9. Observer of shore-netting (please answer questions 24 & 25)

Yes

No

10. Which months of the year did you fish with shore-based nets each year in the period 2021-2024?

11. Where did you fish with shore-based nets each year in the period 2021-2024 (please be as specific as possible)?

12. How many days did you fish with shore-based nets each year in the period 2021-2024?

13. What was your target species whilst using shore-based nets in the period 2021-2024?

14. How much bycatch of bass did you take with shore-based nets each year in the period 2021-2024 (kilograms)?

15. What other species did you observe whilst using shore-based nets in the period 2021-2024 including fish, mammals and birds?

16. What length (metres) were the nets you used?

17. What mesh size (millimetres) did you use?

18. How many nets did you use/set at any one time?

19. How did you use (method/configuration) the shore-based nets?

20. Did you record your shore-based netting activity (when, where, catches) in the period 2021-2024?

Yes

No

21. If yes, would you be willing to share your records with us?

Yes

No

22. Going forward, would you be prepared to voluntarily share future catch return data in relation to shore-netting activities, i.e. through a voluntary catch recording system?

Yes

No

23. Would you be willing to participate in a scientific study on bycatch by shore-based nets?

Yes

No

24. Where and when have you observed shore-based netting activity in Wales whilst fishing or as an observer in the period 2021-2024 (please be as specific as possible)?

25. For each of these locations given in question 24, what is the maximum number of shore-based netters you have observed fishing at any one time?

26. Do you consent to the Welsh Government Fisheries Division using your details to contact you for further information/discussions on this topic?

You may withdraw your consent at any time. Should you have any questions about this process, or wish to withdraw your consent please contact:

Fisheries@gov.wales

Yes

No

27. Responses to this call for evidence are likely to be made public, on the internet or in a report.

Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response.

If you do not want your name or address published, please tick here, we will then redact them before publishing:

Annex 1: Shore-based netting regulations in Wales

The use of shore-based nets is currently regulated by a range of provisions contained in byelaws and statutory instruments. These provisions apply in different geographic areas and regulate the use of shore-based nets for different purposes.

Byelaws

The Byelaws of the former North Wales Sea Fisheries Committee (NWNWSFC), South Wales Sea Fisheries Committee (SWSFC) and the Environment Agency (EA) have had effect since 1 April 2010 as if made by the Welsh Ministers in a statutory instrument by virtue of article 13(1), (3) and (4) and Schedules 3, 4 and 5 to the Marine and Coastal Access Act 2009 (Commencement No. 1, Consequential, Transitional and Savings Provisions) (England and Wales) Order 2010.

The current regulations for fishing for bass in England and Wales include assimilated regulations which derive from the Common Fisheries Policy (CFP).

Byelaws of the former SWSFC apply in the area of South Wales described in those Byelaws. Byelaw 30 prohibits the placing and use of any fixed nets in the area and at the times listed in the byelaw. Byelaw 30 also provides powers to authorise the placement and use of fixed nets for the fishing of sea fish for scientific purposes, or for stocking and breeding.

Byelaws of the former NWNWSFC apply in the area described in Byelaw 24(a). Byelaw 24 restricts the use of fixed engines for the purposes of section 37 of the Salmon Act 1986. The placing and use of a fixed engine is prohibited in the areas described and for the periods set out in the Byelaw.

The Byelaws of the former SFCs also include restrictions relating to the manner and use of shore-based nets, including the net length, mesh size, clearing frequency, and how many nets an individual can have in use simultaneously (see Table 1 and Byelaws 30, 32 and 33 of the SWSFC and Byelaws 7, 8, 11 and 24 of the NWNWSFC). They also specify a number of areas where other restrictions apply, such as closed periods during the spawning season. This has resulted in extensive fishery closures targeting key river mouth locations along the Welsh coastline (Figure 1) where migratory fish vulnerable to shore-based netting are known to be present.

The provision in the Byelaws of the former SFCs is supplemented with further location restrictions and closed periods, beyond the SFC territory, through the EA Wales (South) Byelaw 3 and EA Wales (North) Byelaw 5.

To view the full details of the byelaws, please use the following links:

[Inshore Fishery Legislation – North Wales](#)

[Inshore Fishery Legislation – South Wales](#)

Table 1: This table details the byelaws set by the Sea Fisheries Committee and former Environment Agency for both North and South Wales.

Regulation	South Wales byelaws	North Wales byelaws
Net placement	The net is to be cleared of fish at least once every two tides if set below the low water mark, and at every low tide if set in the intertidal zone	The nets are to be used in such manner that salmonids are not taken. If such fish are taken, the fixed engine is to be re-set to avoid any re-occurrence.
Net length	Cannot exceed 200m	Cannot exceed 275m
Net height	No stake net shall have a height above the seabed greater than 1.25 metres.	None
Distance between other nets (minimum)	200m	137.5m
Mesh size	When the mesh is stretched diagonally lengthwise of the net a flat gauge 100 mm broad and 2mm thick shall pass through it easily without pressure when the net is wet.	When the mesh is stretched diagonally lengthwise of the net a flat gauge 89mm broad and 2mm thick shall pass through it easily and with sufficient manual pressure. Small nets: 65 mm
Maximum no. of nets	No more than one net at any one time, and this must be fished and serviced by the person who set that net unless they have informed the Committee in advance of the net being serviced.	None
Freshwater restrictions	No net is to be placed within 200 metres of any freshwater source.	None

Assimilated EU Law

The current regulations for bass fishing in England and Wales include assimilated regulations which derive from the Common Fisheries Policy (CFP):

- assimilated Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures (“assimilated Regulation (EU) 2019/1241”)
- assimilated Council Regulation (EU) 2020/123 of 27 January 2020 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (“assimilated Regulation (EU) 2020/123”)

Post-Brexit, these regulations have been retained and adapted into UK law and, in relation to fishing for bass, have been subject to amendments by the following instruments:

- The Sea Fisheries (Amendment etc.) Regulations 2021
- The Sea Fisheries (Amendment etc.) (No. 2) Regulations 2021
- The Sea Fisheries (Amendment) Regulations 2023

Commercial bass fishing with nets

Article 10(1) of assimilated Regulation (EU) No 2020/123 prohibits UK fishing vessels and commercial fisheries from shore to fish for, retain, tranship, relocate or land bass in ICES divisions 4b and 4c and in ICES sub-area 7. An exception is provided for by-catches in up to 50 shore-based gill nets that are not set from a vessel. Furthermore, there is no limit set on the amount of bycatch which may be caught by shore-based nets.

The Minimum Conservation Reference Size (MCRS) of bass which may be retained is 42cm.

Recreational bass fishing

Under the current regulations for recreational bass fishing, bass may only be taken as provided for by Article 10(5) of assimilated Regulation (EU) 2020/123. Article 10(5) provides that in recreational fisheries, including from shore, the following provisions apply in the Welsh zone:

- a) During the period from 1 February to the end of March in each calendar year, only catch-and-release fishing with a rod or handline for bass is permitted.
- b) During January and during the period from 1 April to the end of December in each calendar year, no more than two specimens of bass may be caught and retained per fisherman per day. The minimum size of bass which may be retained is 42cm.

Point (b) of the first subparagraph above does not apply to recreational fixed nets, which may not be used to catch or retain bass at any time.

Bass Nursery Areas (BNAs)

The Bass (Specified Areas) (Prohibition of Fishing) Order 1990 prohibits the fishing for bass by any fishing boat within the areas in England and Wales described in the schedule during the periods specified in relation to each area. The 1990 Order designated 12 BNAs in Wales (Figure 1) and the closure periods for each are listed below:

Bass Nursery Area	Closure Period
Aberthaw Power Station	All year
Burry Inlet	Between 30 April and 1 November
Taf, Teifi, Gwendraeth Estuary	
Milford Haven	

Teifi Estuary	
River Dyfi	
River Mawddach	
Dwyrhyd/Glaslyn Estuary	
Conwy Estuary	
Dee Estuary	Between 31 May and 1 October

These spatial restrictions only apply to fishing from a boat. With the exception of the Dee, shore-based nets can still be used in BNAs during the closed periods. Furthermore, there are parts of the Aberthaw power station and Conwy BNAs which are not covered by fixed net restrictions.

In 1999, the principal Order was varied to prohibit the use of sand eels as bait when fishing for bass in BNAs.

Figure 1: Map of the areas with byelaws restricting the use of nets and bass nursery areas (BNAs).

