

Marine Protected Areas and Shrimp Permit Byelaw 2018 Formal consultation – Summary of responses

Themes	Comments
<p>Current proposals have no limit on the number of permits – this will potentially result in the fishery closing mid-season which would result in closure of processor factories with wider impacts, which are not explored in the impact assessment.</p>	<p>In recognition of the complexity of administering a permit scheme for shrimp fishing, Eastern IFCA intends to develop a model for issuing permits in slower time and as informed by a dedicated consultation.</p> <p>Implementation of the byelaw in its current form provides a mechanism to implement a permit scheme as appropriate. It also provides a simple ‘backstop’ to enable Eastern IFCA to ensure that the site is not significantly impacted by shrimp fishing as required under the Habitats Directive and The Conservation of Habitats and Species Regulations.</p> <p>This provision enables Eastern IFCA to close the fishery if there is an enhanced risk to site integrity. In this case, that is likely to be determined as fishing effort at levels in excess of what has been the case over the last ten years.</p> <p>The impact of having to close the fishery ‘mid-season’ is acknowledged in the impact assessment. The greatest impact would be felt by vessels whom do not have a Wash Fishery Order Licence or other target species. Impacts are however mitigated by the ability to fish outside of the Wash and North Norfolk Coast.</p> <p>Finally, there will also be a wider impact on loss of earnings from processor factories which rely heavily or solely on the processing of shrimps for certain periods of the year. These cannot be monetised with the available data however, it can be assumed that for the individuals who work for these factories the impacts will be significant loss of earnings.</p> <p>The likelihood of this occurring depends on the likelihood of ‘new’ vessels entering the fishery. Eastern IFCA has actively discouraged any ‘new’ vessels fishing for shrimp solely for the purpose of obtaining track-record if / when a permitting scheme is introduced.</p> <p>Ultimately, if the status quo is maintained then a ‘mid-season’ closure is unlikely to occur. Balancing the various needs of different business models will be difficult and it should be noted that (as set out below) there is a counter view that limiting the number of permits will also have a detrimental impact and may lead to the loss of fishing opportunity (e.g. through latent capacity, inability of new entrants etc.) and it is considered important to establish the best method for achieving the required effect with further consultation.</p> <p>Outcome: To acknowledge the potential impact in the Impact Assessment in more detail (as set out above) but not to change approach. The potential risk to businesses as a result of closing the fishery is low given that the current understanding is that maintaining effort (outside of most sensitive habitats) at recent levels will not impact the site.</p>
<p>Full-time shrimp fishers should be prioritised, and byelaw should enable year-round fishing for certain vessels with such track-record. Non-regular / part-time shrimp should be</p>	<p>As above, the details of the administration of permits will be developed in consultation with the industry to ensure that the fishery remains viable for various business models. It should be noted however that it is unlikely to be considered reasonable to provide preferential conditions to certain business models.</p> <p>Outcome: Consider as part of planned consultation on the administration of permits.</p>

<p>stopped from fishing before 'full-time' shrimp fishers.</p>	
<p>Small scale shrimp fishers have not been part of informal consultation / development of measures because they do not provide 'sales notes' i.e. are not part of the MMO landings data set. Informal consultation focussed on vessel from King's Lynn and Boston.</p>	<p>The informal consultation focussed on vessels identified as having landed shrimp in the period 2010 to 2017. These are primarily from King's Lynn and Boston. Responses received indicate that smaller amounts of shrimp have been landed by other fishers including from the North Norfolk Coast for which no or limited sales notes were supplied to the MMO and as such these do not appear on landings data or are from before 2010 (i.e. when the dataset starts).</p> <p>In addition, it is noted that some fishers from the North Norfolk Coast and Suffolk catch small amounts of shrimp to use as bait for long-lining. Additional information will be required to take these into account.</p> <p>Depending on the level of fishing activity and the location, there may be no impacts on individuals outlined above except for in relation to obtaining a permit and iVMS (or VMS+). Smaller vessels may be impacted to a greater degree if fishing occurs within a proposed closed area (MPA Byelaw) by a vessel that is unable to fish elsewhere.</p> <p>Outcome: Acknowledge potential additional fishers of smaller scale in the impact assessment.</p>
<p>Measures penalise 'small scale fishers' and are only beneficial to larger business models. Cost of measures (iVMS and permits) disproportionately impacts smaller business models.</p>	<p>Eastern IFCA has, through the informal and formal consultation ensured that all business models which rely on shrimp have been taken into account. Eastern IFCA has aimed to develop measures which represent the fairest balance.</p> <p>It is acknowledged in the impact assessment that impacts related to the provision of iVMS and permits will impact smaller business models to a greater degree as these costs will likely represent a larger proportion of their total turnover / reserves however, these still represent a relatively modest cost (i.e. £114 per annum for a permit and circa £168 for running costs of iVMS). It should be noted that iVMS is also likely to be a national requirement in any case and that the device and installation is to be funded.</p> <p>Outcome: No change to byelaw.</p>
<p>Permit scheme potentially excludes independent fishers who shrimp occasionally and rely on diversification leading to a loss of potential earnings.</p>	<p>Administration of permits will be developed in consultation with the industry to ensure that the fishery remains viable for the various business models which rely on it.</p> <p>It is recognised that diversification is a mainstay of the smaller scale, inshore fishers and that loss of this opportunity would have potentially serious consequences to business continuity.</p> <p>Outcome: Take into account during planned consultation on the administration of permits.</p>
<p>General concerns that the particulars of how permits will be administered is unknown and pending further work.</p>	<p>Administration of permits will be developed in consultation with the industry to ensure that the fishery remains viable for the various business models which rely on it.</p> <p>It is acknowledged that this is causing some concern to fishers and impacting on business planning into future years. However, given the complexities and lack of consensus amongst the industry, it is considered appropriate to develop this process in slower time.</p> <p>Outcome: Take into account during planned consultation on the administration of permits.</p>

<p>Impacts on persons engaged in procuring a new shrimp vessel / shrimp fishing gear who may not get a permit under the byelaw.</p> <p>Impacts on new / young fishers being able to enter the fishery if permit scheme policies do not take this into account. Additional burdens (and cost) which prevent new fishers entering the fishery.</p>	<p>Administration of permits will be developed in consultation with the industry to ensure that the fishery remains viable for the various business models which rely on it.</p> <p>Balancing the needs of emerging business models and those established within the fishery is difficult given that the resource (i.e. effort) is finite and must be shared out in some way. Eastern IFCA has, whilst discussing the permit byelaw over the last three years acknowledged that there is a business risk to obtaining new vessels / new fishing gear with the intention of fishing for shrimp given that these measures are in development.</p> <p>Outcome: No change to byelaw. Acknowledge risk to fishers regarding potential restrictions to access into this fishery.</p>
<p>There is little evidence in the HRA which sets out the need for veil nets.</p>	<p>The use of veil nets (separator trawls) is considered a responsible approach to minimise the impacts related to by-catch mortality. However, it could be argued that consideration of the use of veil nets through the HRA is not sufficient to evidence a need for this measure. It should be noted that vessels using shrimp beam trawls over 8m in length (aggregate) is already required through the Shrimp Fishing Nets Order 2002.</p> <p>Outcome: To remove the requirement for veil nets on all vessels operating under a shrimp permit. The need for this measure will be considered further in relation to the consideration of sustainability measures.</p>
<p>Requirement on all fishers to use a veil net will have an impact on smaller scale fishers (i.e. those with shrimp beams with a length of less than 8m aggregate).</p>	<p>Eastern IFCA has obtained expert advice from SeaFish and a large net manufacturer who consider that the use of separator trawls is viable for smaller fishing gear. However, Eastern IFCA does not intend to take forward this requirement at present in any case.</p> <p>Outcome: No Further Action.</p>
<p>Permits should be issued to skippers rather than vessel owners – conflict with Wash Fishery Order licencing system. i.e. some skippers are in part ownership of a vessel to enable access to the WFO.</p>	<p>The byelaw sets out that permit holders will be the owner of a vessel. This is consistent with the approach taken by other IFCAs in permitting schemes and with the Eastern IFCA whelk permit byelaw and Wash Fishery Order 1992.</p> <p>It is a slightly different approach to the MMO licencing system which requires that all vessel owners are named on a licence. This approach does not require a skipper / representative to be named on the licence at all.</p> <p>The UK system for monitoring track record, landings and vessel activity through vessel monitoring systems, relies on the vessel and not the skipper. i.e. provision of track record for a skipper would require data which is not presently retained, and no national system is set up for. As such, it is considered important that the vessel forms part of the permitting system.</p> <p>It is acknowledged that, because of the complexities and previous policies of the Wash Fishery Order, some skippers / vessel owners find themselves in a position where they have effectively sold their vessel (to WFO Licence Holder) so as to enable entry into this fishery. This circumvention of the WFO licence system means that they cannot be the holder of a shrimp permit as they are not the vessel 'owner'.</p> <p>An alternative system whereby all 'owners' must be named on a permit which effectively follows the hull rather than the vessel owner would not remedy this as, in theory, the present legal owner of the vessel could sell the vessel or retain the majority of shares at their discretion.</p>

	<p>The issue arises only where permits are limited and fishers in the situation above wish to fish in a manner outside of the conditions of the agreement between the legal owner and beneficial owner. Ultimately, the solution to this is limited and is perhaps better resolved by amendments to the WFO than the Shrimp Permit Byelaw. One important consideration is permit / licence turnover. The life span of vessels is more limited to that of people and as such, turnover will be greater, potentially allowing for more new entrants to enter the fishery. When considering the MMO model of issuing licences to the hull of a vessel (i.e. rather than a person having a degree of ownership) this is complimented by a provision to transfer licences between vessels. Business models which may need to replace a vessel can do so by transferring the licence. Being transferable also gives the licence a value and it is often the case that fishers will trade vessels with licences for a higher price. It also reduces the level of control the MMO has over the distribution of vessels and precludes some of the issues inherent in the Wash Fishery Order 1992 licencing system i.e. that vessel ownership is swapped / changed for the purpose of obtaining access to the fishery.</p> <p>Eastern IFCA has sought to avoid permits obtaining any value by making them non-transferable. Where there are a finite number of permits to be issued, under an MMO licence model vessel owners would not be able to replace vessels as the permit could not be transferred. A new permit would have to be obtained instead which may not at the time be available. This would likely be to the detriment of the business model.</p> <p>Outcome: To retain the provision as it currently is. There are limitations identified with any model for issuing permits and likely to be many unintended consequences. However, the current model is thought to represent the best balance between the various models identified.</p> <p>This model is used in the majority of IFCA permit byelaws. This model sets out that the ‘owner’ of a vessel can hold a permit and that the ‘owner’ is defined as the majority shareholder of the vessel. It essentially empowers the person with the most at stake in the fishing business</p>
<p>Potential Human Rights breach by issuing permits to vessel owners rather than skippers – a permit to fish is an essential part of a skipper’s trade which is removed by providing vessel owners with permits.</p>	<p>The same case could be made for the vessel owner’s business model. This model is in keeping with other IFCA models and that of the MMO (to a lesser degree) – see above. It is not thought to be a breach of Human Rights.</p> <p>Outcome: No change to byelaw.</p>
<p>Fishers should not have to pay to access a historic fishery.</p>	<p>The Marine and Coastal Access Act includes provision for Eastern IFCA to charge fees for permits and Eastern IFCA is, being a public body, able to do so to recoup costs associated with the management measures. Requiring a fee is in keeping with current with the legislation.</p> <p>Outcome: No change to byelaw.</p>
<p>Little evidence to support the need for the closure with regards to protecting juvenile fish.</p>	<p>Shrimp fishing activity is known to result in by-catch mortality, particularly in relation to juvenile fish. Area 33 was proposed to be closed as a continuum from closure 31 (North Norfolk coast offshore) and because it provides an important nursery ground for juvenile fish, which form part of the ‘water column’ sub-feature and are a food source for harbour seals (a designated feature of the site).</p>

	<p>It is, however, acknowledged that the HRA identified “no adverse effect on site integrity” from the removal of target species in relation to the ‘water column’ sub-feature. It could be argued that therefore, that no management is required under this sub-feature according to the HRA.</p> <p>Outcome: To remove the closure (closure 33) from the Marine Protected Areas Byelaw 2018. In recognition of the likely wider ecological benefits of this closure, it is recommended that it should be further considered in future iterations of management of the shrimp fishery.</p>
<p>Concerns that pot fishers will place pots in area during closed periods and not remove them, precluding trawling activity.</p>	<p>Eastern IFCA proposed that the area is closed in relation to the protection of a sub-feature of the marine protected area (the ‘water-column feature’). It was further proposed, after careful consideration and dialogue with the industry, that it would be proportionate to enable some fishing in the area during the periods when the sub-feature was not at risk of being impacted by towed gear i.e. when the area does not function as a nursery area for juvenile finfish.</p> <p>Outcome: Closed areas 33 and 32 are to be removed from the Marine Protected Areas Byelaw 2018 on the basis that these closures had not been identified as being necessary to avoid adverse effects on site integrity.</p>
<p>Wells to Blakeney closure includes habitats other than those which ‘require’ protection (i.e. sub-tidal mixed in waters deeper than 10m) and should not therefore be closed.</p>	<p>The HRA identified that subtidal mixed sediments and subtidal mud were the most sensitive habitats in the site, particularly where they occurred at depths greater than 10m below chart datum. For intertidal sand, the HRA found that impacts could not be ruled out, so a precautionary high mitigation score was given for this habitat.</p> <p>These areas had been proposed for closure as a continuum from closure 31 (North Norfolk coast offshore) and because these habitats provide an important nursery ground for juvenile fish, which form part of the water column sub-feature and are a food source for harbour seals (a designated feature of the site). However, closures 32 and 33 had not been identified as being <u>necessary</u> to avoid adverse effects on site integrity.</p> <p>Outcome: Closed areas 33 and 32 are removed from the Marine Protected Areas Byelaw 2018. It should be noted that there may be drivers and rationale to include these closures and such can be revisited as part of future iterations of the Marine Protected Areas Byelaw 2018.</p>
<p>Lack of limit on the number of permits is in conflict with the Fisheries Management Plan adopted under the MSC accreditation bid – i.e. need to limit the number of permits based on track record.</p>	<p>Administration of permits will be developed in consultation with the industry to ensure that the fishery remains viable for the various business models which rely on it. The development of the most appropriate model for administering the permit scheme will be informed in part by a consultation with the industry and the fisheries management plan proposed pursuant of Marine Stewardship Council accreditation.</p> <p>Outcome: To take into account during planned consultation on the administration of permits.</p>
<p>Lack of other technical requirements (e.g. increased minimum mesh size) as per MSC accreditation bid.</p>	<p>Eastern IFCA intends to implement conditions pursuant of fisheries sustainability after further consideration of the needs of the fishery from this perspective. We will consider the fisheries management plan proposed by the Marine Stewardship Council accreditation after the measures for the protection of the marine protected area have been implemented.</p> <p>Outcome: to take into account during development of fisheries sustainability measures.</p>

<p>I-VMS costs likely to be higher than expected and likely to impact smaller business models disproportionately (as much as 40 times more than estimated)</p>	<p>The costs provided by suppliers is an annual cost of £114 to £168 per year for I-VMS devices operating at 3-minute reporting rates. Officers have no reason to believe that these are not accurate.</p> <p>Outcome: No change to byelaw.</p>
<p>Requirement to transmit data at specified interval written into byelaw – this is unfair on fishers where the device has ‘no signal’ (i.e. out of gsm network range).</p>	<p>Electronic monitoring devices can store data which was intended to be transmitted whilst the device is ‘out of signal’. It is acknowledged that there may be areas where the device is out of signal and Eastern IFCA will over time develop this understanding and operate using discretion and proportionality with regards to enforcing this measure.</p> <p>Outcome: No change to the byelaw however, Eastern IFCA will develop proportionate policy with regards to the enforcement of I-VMS requirements considering the approach highlighted in the Eastern IFCA Enforcement Policy.</p>
<p>Reporting rate for units is unreasonably high (i.e. every 3 minutes).</p>	<p>Suppliers have indicated that the cost associated with the 3-minute reporting rate is the same as at 10 minutes. The cost of packages is between £114 and £168 for year.</p> <p>Data at this resolution is required to enable Eastern IFCA to assess levels of activity and impacts on the features of marine protected areas and is crucial to enable more discrete closed areas to be used as mitigation. The reporting rate is in keeping with the national approach.</p> <p>Outcome: No change to the byelaw.</p>
<p>Security of data held and concerns regarding the sharing of data. In particular, concern was raised regarding the vessel owner also being the owner of the data and thus able to access it – given the high spatial resolution of the data obtained, the fishing experience of the skipper (i.e. the value of the skipper) can be obtained by through getting the data.</p>	<p>Globavista (where the data is held) system operates in a private network where the live data is stored centrally in CEFAS at Lowestoft (CEFAS are UK Fisheries Administrations’ host provider). The data is mirrored across three FAs– MMO, Marine Scotland and DAERA (Northern Ireland). The reason for this is to provide resilience and redundancy to our users and data exchanges with local partner agencies.</p> <p>At all sites, the supplier is required to comply with ISO 27001 which is a recognised security standard for storage of data. Also access to Globavista Online/Mobile system is via username, password and reinforced by a secondary challenge, and the system is only accessible to officials only. The system audits the login sessions and the MMO have implemented processes to handle a data breach.</p> <p>One thing to note is that I-VMS data is also accessible via a service from I-VMS suppliers in accordance with the I-VMS specification. Access to their data is made available by default when a skipper signs up with any of the devices.</p> <p>Outcome: Provide feedback to concerned fishers once received regarding data ownership.</p>
<p>Closures are also required to protect areas of intertidal mud habitat and shallow mud, in part to provide a continuum from coastal waters to the deeper waters.</p>	<p>The conservation objectives were “restore” for subtidal mixed sediments and subtidal mud. The proposed closures in the Marine Protected Areas Byelaw 2018 provide protection of these most sensitive habitats. The assessment did not identify adverse effect on site integrity from impacts to intertidal mud.</p> <p>The assessment did not identify a requirement for closure of shallow mud habitat to provide a continuum from coastal waters to deeper waters.</p> <p>Outcome: No change to byelaw based on rationale above.</p>

<p>Monitoring and control plan needs to ensure sufficient data are gathered to understand effectiveness of mitigation measures. These should include 'control' sites (i.e. no take zones) to be used as a comparison.</p>	<p>Eastern IFCA are currently developing a monitoring and control plan for shrimp fishing. This will describe how we gather information on fishing activity and on the effectiveness of management measures. We intend that this will include monitoring of the condition of benthic habitats in heavily and lightly or non-fished areas across a range of habitat types.</p> <p>Outcome: Not relevant to byelaw. Eastern IFCA will develop monitoring and control plans in due course which will be effective and proportionate.</p>
<p>Larger and more widespread management measures (i.e. closures) are needed for practical and ecological benefit to site managers and the ecosystem.</p>	<p>Eastern IFCA accepts that bigger closures are likely to have greater ecological benefits, but the closures presented by Eastern IFCA in the Marine Protected Area byelaw are designed as mitigation to reduce impacts of the shrimp fishery to an acceptable level, identified through the HRA and based on the location of sensitive features in the site. These are to an extent limited to what is required under current government policy (i.e. the revised approach to fisheries management in marine protected areas) and the Habitats Directive. Natural England has agreed that with this mitigation in place (and the mitigation provided in the Shrimp Permit Byelaw) the fishery will not have an adverse effect on site integrity.</p> <p>Outcome: No change to byelaw based on rationale above.</p>
<p>The HRA does not provide robust scientific evidence that shrimp trawling will not deteriorate the SAC or disturb the species for which the site was designated. Therefore, under article 6(2) of the Habitats Directive, this activity cannot be allowed in the site.</p>	<p>The Habitats Directive does not state that there should be no deterioration or disturbance, but these should be avoided where they could be significant in relation to the directive's objectives. Guidance (EC 2000) states that favourable condition status <i>...can serve as a terms of reference to fix the limit of acceptable disturbance and deterioration with respect to the objectives of the directive.</i></p> <p>EIFCA's Marine Protected Areas Byelaw 2018 and Shrimp Permit Byelaw 2018 provide mitigation to ensure deterioration of natural habitats and habitats of species, and disturbance of species for which the area has been designated, are avoided.</p> <p>The assessment acknowledges limitations in some of the evidence but consider that as a whole the evidence is sufficient to support the conclusion of the HRA. This is also acknowledged by Natural England (statutory nature conservation advisors) who agree with the conclusions of the assessment.</p> <p>Outcome: No change to byelaw based on the rationale above.</p>
<p>Proposed measures do not have regard to the impact of shrimp trawling on sandeels which are a keystone species for other species of the site. This and many other by-catch species are largely ignored in the HRA.</p>	<p>Bycatch (i.e. removal of non-target species) in the shrimp fishery is considered in section 5.3.1 and Appendices 6-12 of the HRA. Sandeel was not found to be a significant bycatch species in the shrimp fishery (Eastern Sea Fisheries Joint Committee shrimp survey data, 1997-98, unpublished).</p> <p>Eight non-target species were considered in detail in the HRA. An explanation is given as to why each species was selected for this further consideration. Appendix 12 considers key species in biotopes of sub-features of the site, as described in the conservation objectives.</p> <p>Outcome: No change to byelaw based on rationale above.</p>
<p>Shrimp trawling causes a significant disturbance to benthic communities and shifts the balance within biotic communities to favour short-lived species at the expense</p>	<p>Shrimp trawling does cause disturbance to and changes in biological communities.</p> <p>The HRA concluded that without mitigation, "no adverse effect" could not be proven. Therefore, mitigation was designed to enable managers to rule out adverse effect, based on the evidence presented in the assessment.</p>

<p>of vulnerable, long-lived species, and reduces the diversity of the biological communities present in the habitats where this type of fishing is carried out. It also reduces the food provision for the animal species present in the site that are protected under the Birds or Habitats Directive.</p>	<p>The mitigation (spatial closures) is designed to protect the most sensitive species/communities by excluding shrimp fishing in habitats where they occur (deeper, more vulnerable mixed sediment and mosaic habitat; <i>Sabellaria</i> core reef, subtidal stony reef) and limiting effort/defining acceptable gear in the remainder of the site. Natural England has agreed with the conclusion of the assessment and the mitigation.</p> <p>Outcome: No change to byelaw as Eastern IFCA has concluded, in agreement with Natural England, no adverse effect on site integrity as a result of the proposed management measures.</p>
<p>It is logical that after decades of shrimp trawling in this area, the habitats and their biological communities have suffered serious degradation from this bottom-contacting fishing gear, and the conservation objective should be set to 'restore' instead of 'maintain' the site.</p>	<p>This is outside of Eastern IFCA's remit – we do not set the conservation objectives of marine protected areas.</p> <p>Outcome: No change to byelaw because the issue raised is not within the remit of Eastern IFCA.</p>
<p>The HRA does not fulfil article 6(3) of the Habitats Directive, which sets out it “may not have gaps and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the proposed works on the protected site concerned”. Eastern IFCA could not provide robust scientific evidence that shrimp trawling will not deteriorate the SAC or disturb the species for which the site was designated, this activity cannot be allowed in the site which is therefore a breach of Article 6(3) of the Habitats Directive.</p>	<p>A thorough scoping exercise was undertaken to ensure all relevant features and sub-features and pressures caused by the fishery were considered in the HRA, thus eliminating any gaps.</p> <p>Confidence in evidence was presented alongside each section of the assessment, and the conclusions were drawn in relation to both what the evidence shows and what confidence applied to the evidence. A level of disturbance is acceptable. The test of an appropriate assessment is whether the activity causes enough disturbance / deterioration to have an adverse effect on site integrity. As set out above, Eastern IFCA concluded in the HRA that the fishery will not cause an adverse effect on site integrity with the mitigation applied.</p> <p>Eastern IFCA set out that the balance of evidence was sufficient to support the conclusion of no adverse effects on site integrity, but only with mitigation applied as described. Natural England has agreed with the conclusion of the assessment and the mitigation.</p> <p>Outcome: No change to byelaws as per the rationale above.</p>
<p>Comments of NE show significant problems with the HRA</p>	<p>Eastern IFCA accept that NE has raised questions about some parts of the HRA. The HRA was developed over a significant time period which included significant feedback from Natural England and importantly, Natural England has agreed with the conclusion that with mitigation, the shrimp fishery will not have an adverse effect on site integrity.</p> <p>Outcome: No change to byelaws as per the rationale above.</p>
<p>Continued trawling will suppress the growth and development of <i>Sabellaria</i> crust, and then potentially reef. Significant extension of</p>	<p>The proposed mitigation ensures that <i>Sabellaria</i> reef is protected in line with Natural England's updated advice for this feature. The spatial closures incorporate extended reef areas, including the large closure in the central Wash that contains <i>Sabellaria</i> reef, crusts and mosaic habitat as well as subtidal mixed sediment and subtidal stony reef.</p>

protection to the central portion of deep water of the site is needed.	Outcome: No change to byelaws as proposals are in keeping with Natural England advice.
Eastern IFCA should introduce an increased minimum mesh size (22mm)	Eastern IFCA intends to consider fisheries sustainability measures subsequent to the completion of work for the protection of MPA. Outcome: No change to byelaw. Take into consideration as part of the planned work on fisheries sustainability.
Concerns that Eastern IFCA will increase permit fees	Any fee increases would have to be put to a formal consultation and a further Impact Assessment. Because the fees are written into the Byelaw, Eastern IFCA does not have the power to vary them without consent of the Minister. Outcome: No change to the byelaw.
No full-time shrimp fisher represented on Eastern IFCA (member)	Eastern IFCA committee includes a range of expertise including the owner of a shrimp processing factory. Insight into impacts on the industry are gathered during informal and formal consultations to inform decision making. Outcome: Not relevant to development of byelaw.
Public notice in Fishing News was not clear enough (EIFCA logo too small)	The public notice was considered sufficient to inform stakeholders and the size of logo was increased in the second consecutive advert. Outcome: Not relevant to development of byelaw.
Lack of parity between restrictions on fishers and those on windfarms	Windfarm developments are often considered to be of overriding national importance and as such are often exempted from having to meet the requirements of the Habitats Directive in the same way as fishing activity. Outcome: Not relevant to development of byelaw
Limited evidence for closure at Wells Harbour – particularly that evidence used was not specifically relevant to shrimp trawls as used by local fishers.	A closure was implemented at Wells for the protection of eel-grass since the implementation of the Protected Area Byelaw in May 2014. This closure was subsequently re-established under the Marine Protected Areas Byelaw 2016. Closed Area 32 incorporates a stretch of intertidal area along the North Norfolk Coast from Wells to Blakeney (approximately) and encompasses the original closed area at Wells and including an additional element which includes the Harbour which is being recommended as removed. It should be noted however that this does not remove the need to have a spatial restriction in place to protect the area understood to contain the ‘red-risk’ feature eelgrass at Wells which is already in place. Outcome: Area 32 is proposed as being removed (in relation to points above). The Wells closure will still require protection.
Health and safety concerns regarding the stowing of gear – i.e. it is dangerous to have to ‘lash and stow’ fishing gear when transiting a closed area.	The byelaw includes an exemption to this requirement in relation to shrimp fishing gear where a vessel is transiting a closure and where the vessel has been fishing immediately up to and will recommence fishing immediately after leaving the closed area, but the beams must be clear of the water. Outcome: Not relevant to development of byelaw.

<p>Disproportionate impact on fishers outside of the Wash – no need for district wide permit scheme given low levels of shrimp fishing activity elsewhere. Limited displacement expected (4%) therefore there is not sufficient drive to impose permit scheme outside of Wash and North Norfolk Coast SAC.</p>	<p>Given the potential for impacts within the Wash and North Norfolk Coast SAC, any level of displacement poses a risk the site integrity of other marine protected areas and in particular the Suffolk Estuaries. A permit scheme will enable Eastern IFCA to effectively monitor and manage as necessary, fishing activity throughout the district.</p> <p>In addition, the main shrimp fishery is known to extend outside of the Wash and North Norfolk Coast SAC (e.g. up the Lincolnshire coast) and ultimately the byelaw is intended to manage the sustainability of the fishery (in addition to the protection of designated habitats) and as such needs to include these areas.</p> <p>Outcome: No change to the Byelaw.</p>
<p>Number of tows permitted in fishery should be offset by technical requirements for gear types i.e. the requirement to have flat ‘shoes’ on beam trawls reduces the reassurance therefore more tows should be permitted.</p>	<p>The way effort is limited is part of ongoing work including and this includes the ‘amount’ of effort that can be permitted.</p> <p>The requirement to have flat shrimp beam ‘shoes’ is primarily a preventative measure to ensure that fishing gear does not change or adapt to include any item which may cause penetration. Effort limitations are primarily in relation to the pressure ‘abrasion’ rather than penetration and which will not be reduced by fishers using flat ‘shoes’. As such this will not have an impact on the total amount of effort which can be permitted.</p> <p>Outcome: No change to the byelaw.</p>
<p>Formal operating procedure not presented as part of formal consultation (referred to in schedule 1 in relation to flexible conditions and eligibility criteria).</p>	<p>The formal Operating procedure is not part of the byelaw itself and not subject to the consultation. Eastern IFCA has subsequently written and had Authority approval for a formal operating procedure.</p> <p>Outcome: No change to the byelaw.</p>
<p>Eligibility criteria with regards to previous offences is unreasonable / disproportionate. Marine and Coastal Access Act includes a provision for Courts to be able to remove a permit / restrict further permits therefore Eastern IFCA do not need the same power. Particularly given that it would not distinguish between ‘seriousness’ of offence (i.e. two relatively minor offences could restrict fishing for 3 years).</p>	<p>Eastern IFCA proposed eligibility criteria which would exclude fishers from obtaining a permit if they had been convicted of offences or received FAPs numbering more than two within a period of three years. This is included to ensure that fishers with a track-record of offences could be excluded from the fishery and encourages compliance. Crucially, the Marine and Coastal Access Act 2009 has a provision that a court may order the same (i.e. that they are excluded from receiving further permits) but only in relation to IFCA byelaw offences.</p> <p>Eastern IFCA also received legal advice to the effect that, as per the Rehabilitation of Offenders Act 1974, spent convictions (i.e. convictions which are more than 12 months old) cannot be used to prejudice a person’s employment.</p> <p>Legal advice received essentially indicated that the eligibility criteria could not be used for the desired timescales, and that to be in line with the Rehabilitation of Offenders act 1974 would need to be made stricter. Other responses indicated that the proposed eligibility criteria were already unreasonable/disproportionate.</p> <p>Outcome: Convictions and FAPs for offences removed from the eligibility criteria.</p>
<p>Benefits from the measures are not taken into account in the impact assessment and are not monetised. Further benefits should be outlined including:</p>	<p>The purpose of the impact assessment is to set out the costs and the benefits of the intervention. The form used is the standard form used by government departments. The impact assessment includes reference to the ecological benefits of the intervention as well as the likely impacts on fishing businesses.</p>

<ul style="list-style-type: none"> • Increase biodiversity • Increase productivity • Increase some commercial species (fish such as sandeels, dab, plaice, sole) • Increase resilience of the habitats and species to climate change and impacts. • Increase the diversity and assemblages of vertebrates and invertebrates. • Increase the feeding opportunities for seabirds, mammals and other species associated with wider SAC and SPA management objectives • Increase in non-use benefits to society (an understanding that spaces are left alone for nature) • Increase in natural food-web • Increase in abundance of brood stock and spawning inside closed areas • Spill-over into open fishing grounds. • Increased CPUE in areas open to fishing around closed areas, that will reduce the costs (fuel) associated with fishing harder and for longer in open areas. • Increased security of the fishery, knowing that part of the natural habitat of the exploited species is off-limits, therefore guaranteeing that there will be a consistent return into the fishery. 	<p>It is acknowledged that further benefits can be included in the narrative however, quantifying or monetising these is not possible with evidence which is currently available.</p> <p>Outcome: Included further benefits which are relevant to the management measures.</p>
<p>Some of the closures are too small to be effectively enforced or complied with by fishers and as such the measures will not have a protective effect.</p>	<p>The small closures are designed to protect <i>Sabellaria</i> reef in line with Natural England’s updated advice for this feature (NE, 2016).</p> <p>Small closures are effective as evidenced by small closures in The Wash Fishery Order 1992 cockle fishery. Fishers are provided coordinates of closures so as to enable them to programme plotters used on fishing vessels with the closed areas. The introduction of I-VMS will increase enforceability and the effectiveness of the measures.</p> <p>Outcome: No change to byelaws.</p>