



**35th EIFCA
Statutory Meeting**

To be held at:

**The Boathouse Business Centre
1 Harbour Square, Nene Parade, Wisbech, Cambs, PE13 3BH**

**Wednesday
30th January 2019**

1030 hours

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Meeting: 35th Eastern IFCA Meeting

Date: 30th January 2019

Time: 1030hrs

Venue: The Boathouse Business Centre,
1 Harbour Square, Nene Parade,
Wisbech, Cambridgeshire, PE13 3BH

Revised Agenda

- 1 Welcome – *Clerk*
- 2 To accept apologies for absence – *Chair*
- 3 Declaration of Members' interests – *Chair*

Action items

- 4 To receive and approve as a true record, minutes of the 34th Eastern IFCA Meetings, held on 7th November 2018 – *Chair (pg 1)*
- 5 Matters arising (including actions from last meetings) – *Clerk*
- 6 To receive a report to consider Health and Safety risks and mitigation – *Hd Operations (pg11)*
- 7 To receive a report on a meeting of the Finance & Personnel sub-committee held on 16th January 2019 – *Hd Finance & HR (pg17)*
- 8 Provisional budget for 2019/20 and provisional forecast for 2019/2024 - *Hd Finance & HR (pg19)*
- 9 To receive and approve the Finance Officer's report on payments made and monies received during the period October 2018 to January 2019 – *Hd Finance & HR (pg25)*
- 10 Quarterly Management Accounts - *Hd Finance & HR (pg28)*
- 11 Shrimp fishery management (Marine Protected Areas Byelaw 2018 and Shrimp Permit Byelaw 2018) – *Senior IFCO (Regulation) (pg30)*
- 12 Wash shellfish survey methodology – *Senior MSO (Research) (pg51)*

- 13 Wash Fishery Order licence fees – *Senior IFCO (Regulation) (pg66)*
- 14 Wash Fishery – slipper limpet removal – *Senior MSO (Research) (pg88)*
- 15 Eastern IFCA / MMO collaboration – *CEO (pg95)*
- 16 CEO update – *CEO (pg100)*
- 17 Quarterly progress against Business Plan priorities – *CEO (pg109)*

Information items

- 18 Marine Protection Quarterly reports – *Senior IFCOs (pg117)*
- 19 Marine Science Quarterly reports – *Senior MSOs (pg126)*
- 20 Association of IFCA minutes – *Dr. Bolt (pg141)*

Any other business

- 21 To consider any other items, which the Chairman is of the opinion are Matters of Urgency due to special circumstances, which must be specified in advance.

J. Gregory
Chief Executive Officer
15th January 2019

34th Eastern IFCA Meeting

"Eastern IFCA will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry".



A meeting of the Eastern IFCA took place at The Boathouse Business Centre, Wisbech on Wednesday 7th November 2018 at 1030 hours.

Members Present:

Cllr T Goldson	(Chair)	Suffolk County Council
Cllr Paul Skinner	(Vice Chair)	Lincolnshire County Council
Shane Bagley		MMO Appointee
Dr S Bolt		MMO Appointee
Roy Brewster		MMO Appointee
Cllr M Chenery of Horsbrugh		Norfolk County Council
Cllr D Collis		Norfolk County Council
Tania Davey		MMO Appointee
John Davies		MMO Appointee
Charlie Moffatt		NE Representative
Rob Spray		MMO Appointee
Keith Shaul		MMO Appointee
Paul Tyack		MMO Representative
Mike Warner		MMO Appointee
Stephen Williamson		MMO Appointee

Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of Finance and HR
Greg Brown	Project Officer / IFCO
Jon Butler	Head of Operations
Luke Godwin	Senior IFCO - Regulation
Julian Gregory	Chief Executive Officer (CEO) & Clerk
Ron Jessop	Senior Marine Science Officer
Judith Stoutt	Senior Marine Science Officer
Rebecca Treacy	Marine Science Officer

Minute Taker:

Jodi Hammond

EIFCA18/78 Item 1: Welcome

The Clerk welcomed members to the meeting, introducing new MMO Appointee members, Tania Davey and Mike Warner.

The Chair also advised members he had received a letter from IFCA Chief Officers Group thanking the CEO for the work he is doing on the IVMS project and the significant contribution he has made to the project as the Senior Responsible Owner.

EIFCA18/79 Item 2: Apologies for Absence

Apologies for Absence were received from Messrs Garnett, Hirst and Worrall (MMO Appointees), and Councillors Coupland (LCC), FitzPatrick (NCC) and Vigo Di Gallodoro (SCC).

EIFCA18/80 Item 3: Declarations of Members Interest

Messrs Bagley, Brewster and Williamson declared an interest in Item 12 on the agenda, relating to the Marine Protected Areas Byelaw 2018 and the Shrimp Permit Byelaw 2018.

EIFCA18/81 Item 4: Minutes of the 33rd EIFCA Meeting, held on 18th July 2018

Members Resolved to approve the minutes as a true record of the proceedings.

Proposed: Cllr Skinner

Seconded: Cllr Chenery of Horsbrugh

All agreed

EIFCA18/82 Item 5: Matters Arising

EIFCA18/65 IVMS PROJECT UPDATE: The CEO reminded members that they had previously been made aware of the potential of issues with the funding model with respect to potential risks associated with being the applicant for EMFF funding. AIFCA had commissioned legal advice and whilst it was possible for the issues identified to be mitigated there was a varying appetite for risk amongst the IFCAs. As a consequence, the decision had been taken not to proceed with the IFCAs as applicants. It was now hoped the MMO would be able to act as the applicant. The decision would be made at a board meeting on 13th November. In this scenario IFCAs would still be engaged with the project, which would continue as a joint project.

EIFCA18/66 MPA FISHERY MANAGEMENT MEASURES: An Emergency Byelaw had been made to protect the unregulated area of the Wash. Following which it was possible to open an area to cockle fishing. The next step would be to decide how to regulate this area, once the Emergency Byelaw expired.

In addition to these matters arising the CEO reminded members there had previously been discussion with regard to greater collaborative working with the MMO. The matter was going to be investigate further at an exploratory workshop on 15th November. Members would be advised of the outcome.

EIFCA18/83 Item 6: Health & Safety Risks

Having reviewed H&S procedures the Head of Operations was able to advise training requirements had been identified and would be completed during the following months.

More incidents had been identified than in previous months, which was felt to be an indication that Officers were now being made aware of the true picture. It was noticeable that items of equipment were failing on Three Counties.

There had been two further incidents of aggression towards Officers and the decision had been taken to purchase Body Cameras, which would be used for H&S as well as evidence gathering. Mr Shaul questioned whether members of the public would be made aware of the presence of these cameras when they were being used. The CEO advised that the use of video surveillance was only an issue if used covertly. It was intended the cameras were to be worn overtly and that officers would advise they would be recording. It was hoped the cameras would have the affect of calming down any contentious situations.

Cllr Chenery of Horsbrugh queried who would do the H&S training. The Head of Operations advised there would be a one-day Fire Risk Assessment which he would attend himself and all other Officers would receive 1.5 hrs of generic H&S training.

Members Agreed to Note the report.

EIFCA18/84 Item 7: Disclosable Pecuniary Interests revisions

The CEO advised members this review had been carried out to ensure the Authority remained compliant with the Localism Act 2011 as well as ensuring all members eligible to vote were given the opportunity to do so.

The Senior IFCO (Regulation) talked members through the review process and the decisions made on whether dispensations could be granted. It was noted that in some instances, contribution to debate was permissible but without the ability to vote. The generic approach had been tailored slightly to ensure, for example, fishers were not prevented from voting on all fisheries rather than just the ones in which they took part.

A new register had been put together which also catered to the specific requirements of the two new members as legal advice was that employment was considered a DPI. However further investigation had revealed it was not a direct DPI, this was all explained in detail in the papers provided.

Members were advised that should any new interests arise as a result of items on the agenda they were obligated to advise the Officers.

Members Resolved to:

- **Note the revised list of Disclosable Pecuniary Interests for MMO appointees, the rationale for its revision and the assessment of revised DPI conflicts with Authority Business.**
- **Agree to grant dispensations from s.31(4) of the Localism Act 2011 (c.20) to MMO Appointees, as set out in Appendix 2, to allow participation in discussions and where relevant, voting on matters for which they have a Disclosable Pecuniary Interest for the period of four years or until their term of service is expired (whichever is first)**

Proposed: Cllr Chenery of Horsbrugh

Seconded: Cllr Skinner

All Agreed

- **Agree to implement the recommended procedure with regards to considering DPIs prior to meetings.**

Proposed: Cllr Chenery of Horsbrugh

Seconded: Dr Bolt

All Agreed

EIFCA18/85 Item 8: Report on the Finance & Personnel Sub-Committee held on 17th October 2018

The Head of Finance & HR briefly outlined the matters discussed by the sub-committee.

Members were given a verbal update on the progress of renegotiating the office lease. New terms had been negotiated, with the assistance of a solicitor, the new terms meant the lease would be a rolling 1-year lease meaning the Authority would only be responsible for one years lease at the point in time that alternative accommodation became available.

The Vessel Replacement process was ongoing however the tender process for design and oversight of the build had revealed the Officers had underestimated the cost involved for this process, Members were therefore advised the cost was likely to be in the region of £1.25k. Selection of a supplier to undertake this work was progressing with Executive Officers meeting potential companies during the following week.

Members Agreed to Note the content of the report

EIFCA18/86 Item 9: Finance Officers Report on payments made and monies received during the period 1st July to 30th September 2018

This paper provided members with a monthly breakdown of expenditure and income against budget headings.

The Head of Finance & HR explained the slightly higher than expected expenditure, such as training which included payment in advance for a

training programme which would take place over two years, and the overhaul of the engine on John Allen which had cost £1800.

Members Agreed to note the content of the report.

EIFCA18/87 Item 10: Finance Officers Quarterly Management Accounts

The report was based on actual expenditure figures to date. The obvious underspend was due to the IT maintenance contract not having been charged for – this had been addressed. Income was slightly less than anticipated as a result of the licence toll increase not having been implemented.

Members Agreed to note the content of the report.

EIFCA18/88 Item 11: Annual Report 2018

The Report was produced on an annual basis in accordance with Defra guidance and it followed the same format as in previous years.

The Chair believed it was an excellent report. The CEO thanked the Project Officer for taking the lead on co-ordinating the Report, and all Officers who had contributed to its content.

Members Resolved to Approve the Annual report 2017/2018 and to Direct the CEO to publish the report and distribute it to Defra.

Proposed: Cllr Chenery of Horsbrugh

Seconded: Dr Bolt

EIFCA18/89 Item 12: Marine Protected Areas Byelaw 2018 and Shrimp Permit Byelaw 2018

The CEO reminded members that the development of the HRA for shrimp fisheries had been very challenging over the last 2 years. The result was a requirement for a byelaw to apply closed areas and for a mechanism to manage fishing effort. The two byelaws had been out for formal consultation, the results of which formed the basis for this item.

The consultation had identified an issue with iVMS and an issue with a closed area which didn't appear to have justification for its closure, it was therefore thought to be more prudent to remove that closed area until suitable supporting evidence was available.

The Senior IFCO (Regulation) advised there had been 38 responses, discussion with Defra Policy department, as well as legal advice from EIFCA's solicitors.

Members were advised there had been a potential issue identified with the use of iVMs, consequently the Shrimp Permit Byelaw had been amended to state vessels within the District would need to have iVMS

operating at all times if they were named on a shrimp permit. Closures of the two most inshore areas on the North Norfolk coast were also proposed to be removed until further evidence was available. In addition, the use of Veil nets also required further investigation. An updated impact assessment had been provided for members consideration.

These changes raised the question of whether a further period of consultation was required. As changes to the use of iVMS were considered a fundamental difference the proposal was to begin re-consultation following the same method of advertisement previously employed. The other elements were not considered to be significant enough to necessitate re-consultation.

The CEO emphasised this was not saying the closures were not necessary just that there was not a sufficiently clear link in the HRA that justified it. It was entirely possible that further work would identify such evidence, and this would be a priority.

Ms Moffatt advised that NE had not had time to consider the impact removing these two closed areas would have on the advice they had provided. They would need time to reconsider, which may result in a differing opinion on the site integrity once the changes were considered.

Ms Davey questioned whether the two areas in question were not considered as much at risk because of their sediment type. The Senior IFCO (Regulation) advised the areas consisted of intertidal sand and a mix of subtidal sand, mixed sediment and mud and were not deeper than 10m below chart datum and therefore the methodology used in the other closures did not necessarily apply.

The recommendation was to proceed with the byelaw having removed these two areas. The process had taken two years, during which no protection had been put in place so it would therefore seem prudent to get some protection in place whilst reviewing the two other areas.

Mr Williamson expressed his concern with regard to the future of the shrimp fishery and all the proposed closures. He was very grateful for the work IFCA were putting into ensuring the fishery remained viable.

The CEO advised members that all consultation responses were provided in Appendix 1 to the papers, he advised one which had been received from the MCS had been a significant objection. EIFCA and NE met with MCS to discuss their objection but felt there was nothing to warrant any further changes.

Ms Moffatt proposed an amendment to the proposed recommendation. The proposal was to add wording to the affect that members would agreed to make the changes to the byelaws as set out in Table 1, 'subject to agreement from NE regarding the impact to the HRA'. Ms Moffatt advised NE would have to review the advice and if there was detailed

evidence there then the byelaws could progress with the original closures rather than waiting for the next re-iteration.

The amendment was seconded by Ms Davey.

The CEO requested a recess to consider the proposed amendment. The meeting was postponed from 1125-1135 hrs.

The Chair enquired whether the CEO was happy to accept the proposed amendment. The response was negative on the basis that the CEO believed it was important to get protection in place as soon as possible. He believed that, if justified, the additional two areas would be added within a matter of weeks/months and as such he felt this represented very low risk overall.

The seconder was asked whether they wished to speak at this point or later. Ms Davey opted to speak later. Other comments on the amendment were requested.

Mr Spray expressed his concern that protection should be in place as soon as possible with additional protection being added at a later date.

Ms Davey advised that her main concern was the lack of evidence to support these two areas. She appreciated it had taken a lot of time and effort to reach this stage but believed NE advice was important to ensure there was no adverse effect. However, she added that providing these areas were addressed and reinstated within a matter of months she thought it could be acceptable.

Members were asked to vote of the amendment:

To make the changes to the byelaws set out in Table 1, subject to agreement from NE, having considered the effects on the HRA.

Proposed: Ms Moffatt

Seconded: Ms Davey

With two votes in favour, 1 abstention and all other votes against, the motion to amend was not carried. The motion was dismissed.

Members Resolved to:

- **Note the summary of consultation responses and Eastern IFCA's consideration of the objections raised at Appendix 1.**
- **Agree to make the changes to the byelaws as set out in Table 1.**

Proposed: Cllr Skinner

Seconded: Cllr Chenery of Horsbrugh

With 2 abstentions and all others who were eligible to vote voting in favour the motion was carried.

- **Direct Officers to re-consult on the Shrimp Byelaw 2018 regarding the amendment related to provisions for inshore Vessel Monitoring Systems**

Proposed: Cllr Chenery of Horsbrugh

Seconded: Dr Bolt

With no abstentions and no votes against the motion was carried.

- **Direct the CEO to submit the Marine Protected Areas Byelaw 2018 as set out in Appendix 7 for confirmation by the Minister.**

Proposed: Cllr Collis

Seconded: Cllr Chenery of Horsbrugh

With no abstentions and no votes against the motion was carried.

- **Agree to delegate authority to the CEO, following 're-consultation' on the matters set out, to make changes to the Shrimp Permit byelaw that do not alter the intent of the management measures and to submit to the Minister for approval.**

Proposed: Dr Bolt

Seconded: Cllr Chenery of Horsbrugh

With no abstention and no votes against the motion was carried.

EIFCA18/90 Item 13: Formal operating procedure for introducing, varying or revoking permit conditions.

Members were advised there had been a process in place under the old Protected Areas Byelaw, which has subsequently been revoked. A procedure is required in relation to the issuing, varying or revoking of flexible management measures under the Whelk permit byelaw 2016 and the proposed Shrimp permit Byelaw 2018.

There being no questions members agreed to Note the content of the report and Resolved to adopt the revised formal operating procedures as set out in the Appendix to the paper.

Proposed: Cllr Chenery of Horsbrugh

Seconded: Mr Shaul

All Agreed

EIFCA18/91 Item 14: Calendar of Meetings

Members were provided with a list of dates for meetings which could be pre-scheduled in 2019.

Whilst reviewing the dates it became apparent that the meeting scheduled for 1st May would not be acceptable as it would clash with District and Borough councillors canvassing for re-election. It was Agreed to amend the date to 15th May. The CEO then advised of an administrative difficulty with the meeting scheduled for 24th July, it was suggested this be put back to 31st July.

Members also considered the sub-committee structure, it was noted that some of the sub-committees only met once a year and it may be possible to review their remit in line with the next review of the standing orders.

Members Resolved:

- **To approve the calendar of meetings with the exception of the Statutory Meetings in May and July which would be changed to the 15th and 31st respectively.**

Proposed: Cllr Goldson

Seconded: Cllr Chenery of Horsbrugh

All Agreed

- **To Direct officers to undertake a review of the sub-committee structure.**

Proposed: Mr Shaul

Seconded: Mr Davies

All Agreed

EIFCA18/92 Item 15 – Report to Parliament on the conduct and operation of Inshore Fisheries and Conservation Authorities

Each year Defra prepare a report on the conduct of IFCAs. Previously this had been an in-depth look, this year a different approach had been taken. IFCAs had been asked to complete a self-assessment questionnaire.

Dr Bolt advised there had also been an open consultation, however he was not aware what level of response had been received. He was concerned the timescale for putting the report before parliament could be delayed due to EU exit. Under normal circumstances he would expect it to be March 2019.

Members Agreed to note the content of the report.

EIFCA18/93 Item 16 – Fisheries White Paper Consultation

Members considered the paper and Agreed to note the content of the report.

EIFCA18/94 Item 17 – Resolution

Members Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for item 18 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act.

Proposed: Cllr Collis

Seconded: Mr Davies

All Agreed

EIFCA18/95 Item 18 – Complaint against the Authority

Summary in accordance with Section 100(c)(2) of the Local Government Act 1972

Members had been advised at the previous meeting that a complaint had been made to Suffolk County Council implying EIFCA were failing in their duties. This complaint had never been made to EIFCA. As a response the CEO had provided a detailed report, which SCC had used to respond to the complainant.

SCC had raised a question with regard to the allocation of MMO appointees, to which the CEO had advised them the selection was entirely the responsibility of the MMO.

Members Agreed to note the content of the report.

EIFCA18/96 Item 19 – Quarterly progress against Business Plan priorities

Members Agreed to note the content of the report.

EIFCA18/97 Item 20 – Marine Protection Quarterly Reports

Members Agreed to note the content of the report.

EIFCA18/98 Item 21 – Marine Science Quarterly Report

Members Agreed to note the content of the report.

EIFCA18/99 Item 22 - Association of IFCA Minutes

Dr Bolt advised members the Defra spending review 2019 would address the funding beyond 2020. AIFCA were building a business model to support IFCA's beyond 2020, Defra were seeking a strong case to continue central funding.

The Chair advised that at every available opportunity he raises this matter with MPs, and suggested other Councillors take the same opportunities.

There being no other business the meeting closed at 1203 hours.

Vision

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Action Item 6

35th Eastern Inshore Fisheries and Conservation Authority meeting

30th January 2018

Health and Safety update

Report by: Jon Butler, Head of Operations

Purpose of report

The purpose of this report is to update members on health and safety activity and incidents, risks and associated mitigation over the last reporting period

Recommendations

It is recommended that members:

- **Note** the contents of this report

Background

H&S law requires employers to assess and manage risks and, so far as is reasonably practicable, ensure the health, safety and welfare of all its employees and others affected by workplace activities.

The Authority has declared its intent to promote and nurture an appropriate health and safety culture throughout the organisation.

Incidents

The table in *Appendix 1* summarises the incidents that have occurred since the last authority meeting:

Risks/Mitigation

The Head of Operations has now completed Fire Safety Management training for premises, internal processes have been reviewed and relevant risk assessments and checks are now in place for both Bergen Way and Unit A. Fixed Wire testing has been identified as required in addition to PAT testing this has either been carried out or dates booked in February.

As per my last report generic H & S training for officers has been delayed due to IT issues outside of IFCA control, the Borough Council have been rolling out updates to all IFCA laptops this month and I am hopeful this will resolve the issue, so the online training can take place.

IT issues in relation to the storing of Body Camera Footage has delayed the planned roll out. The Borough Council are looking to resolve this and roll out is planned for mid-February.

All Authority staff have had the opportunity to complete a wellbeing questionnaire. This is an anonymous survey with the results being analysed by NCC Wellbeing team. A report will be prepared and shared with the management team to address any issues. Further to this a wellbeing workshop is planned for all staff members alongside Mental Health First Aid for managers to support staff.

Members would wish to be aware of the H & S risks at *Appendix 2*. There have been no changes since the last report.

Date	Nature of incident	Injury / damage occurred	Action Taken	RIDDOR Y/N	Investigation complete Y/N	Name of investigating Officer	Follow-up action required Y/N. If Y then what?
29/11/18	Person Slip/trip/fall	Yes	Reported to line manager	N	Y	Simon Lee	Yes, officer slipped on Rib whilst cleaning vessel, resulting in black eye. Officers reminded to take extra care when working on wet surfaces.
04/01/19	Vessel fouled propeller	Yes	Vessel returned to port, support from RNLI	N	Y	Simon Lee	Yes, investigation undertaken to identify any lessons learnt, Skipper and crew dealt with situation well. Vessel repaired and brought back into service W/C 14/01/19
07/01/19	Vessel, electrical fault	Yes	Fault identified, and replacement part ordered	N	Y	Lee Torrice	Yes, Water ingress to electrical component caused damage to Niema control box supporting Nav 6 system. Part to be replaced during refit and source of water ingress fixed.

Eastern IFCA Health and Safety risks

Risk	Intervention	Residual Risk	Risk rating* (Current)	Risk rating* (Previous)
1. Failure to develop a full suite of risk assessments to cover the range of activity undertaken by Eastern IFCA officers	<ul style="list-style-type: none"> • Introduction of revised management system (policies and process) • Managers tasked to review and develop the suite of risk assessments • Training session on risk assessments for first line managers 	<ul style="list-style-type: none"> • New or unusual activities may be overlooked and not have a risk assessment in place 	Tolerate	Treat
2. Unreported incidents/unilateral decisions with little regard for safe working practices.	<ul style="list-style-type: none"> • Leadership • NCC H&S officer led review of policy and procedure • Training • Equipment • Management systems to capture incidents • Routine agenda items at all meetings at all levels of Authority 	<ul style="list-style-type: none"> • Injury to personnel as a result of failure to acknowledge or adhere to H&S direction and guidance 	Tolerate	Treat
3. Inappropriate conduct of vessels at sea	<ul style="list-style-type: none"> • Leadership • Briefings • Formal training and assessment • Periodic review of performance • Record of personal training inc. refreshers maintained 	<ul style="list-style-type: none"> • Death/injury of personnel/third parties through un-seamanlike operation of vessels at sea 	Tolerate	Treat
4. Whole Body Vibration	<ul style="list-style-type: none"> • Risk awareness training to manage impacts. 	<ul style="list-style-type: none"> • Personal injury from boat movement owing to lower 	Tolerate	Treat

	<ul style="list-style-type: none"> Health monitoring process to be developed. 	resilience as a result of individual physiology		
5. Lone working operations	<ul style="list-style-type: none"> Management scrutiny of any proposal for lone working. Introduction of electronic support means 	<ul style="list-style-type: none"> Failure of devices to give requisite support. Personnel interventions render devices unreliable or unworkable. 	Tolerate	Tolerate
6. Staff injury/long term absence through inappropriate posture at office work stations	<ul style="list-style-type: none"> Information. Training. Risk assessment. Provision of suitable bespoke equipment where reasonable. Access to NCC H&S team. Occupational health assessment KLWNBC H&S specialist advice 	<ul style="list-style-type: none"> Individual failure to adhere to guidance 	Tolerate	Tolerate
7. Staff stress through exposure to unacceptable behaviour of stakeholders	<ul style="list-style-type: none"> Introduction of Unacceptable Behaviour policy Stakeholder engagement plan and activity delivered in pursuit of corporate communications strategy. Dialogue with Stakeholders to ensure appropriate tone of communications Conflict resolution training for "front line" Officers 	<ul style="list-style-type: none"> No change in behaviour of some stakeholders. Long term sickness caused by stakeholder hostility 	Tolerate	Tolerate
8. Damage to vehicles, trailers	<ul style="list-style-type: none"> Formal trailer training for unqualified officers 	<ul style="list-style-type: none"> Failure to adhere to training 	Tolerate	Treat

and/or equipment through inappropriate operation.	<ul style="list-style-type: none"> Refreshers for those with previous experience Periodic vehicle maintenance checks training In-house assessment for drivers using unfamiliar vehicles (crew transport, 4x4) 	<ul style="list-style-type: none"> Mechanical failure of vehicle or trailer 		
9. Physical fitness of personnel to undertake arduous duty	<ul style="list-style-type: none"> Staff briefing Management overview to ensure rostered duties are appropriate and achievable Reasonable work adjustments Routine periodic medical assessment (ML5) 	<ul style="list-style-type: none"> Individual health fragilities Individual lifestyle choice 	Tolerate	Tolerate

*

Risk Rating
High
Medium
Low

Risk Treatment	
Treat	Take positive action to mitigate risk
Tolerate	Acknowledge and actively monitor risk
Terminate	Risk no longer considered to be material to Eastern IFCA business
Transfer	Risk is outside Eastern IFCA ability to treat and is transferred to higher/external level

Vision

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Action Item 7

35th Eastern Inshore Fisheries and Conservation Authority meeting

30th January 2019

Report by: Andrew Bakewell – Head of Finance & HR

Meeting of the Finance & Personnel Sub-committee held on 16th January 2019

Purpose of report

To inform members of the key outputs and decisions from the Finance & Personnel Sub-Committee meeting held on 16th January 2019.

Recommendations

Members are asked to:

- **Note** the content of the report.

Finance Matters

Members considered and:

- Resolved to note and agree the Provisional Budget for the year to 31st March 2020.
- Resolved to note and agree the Provisional Forecast of income and expenditure for the 4 years to 31st March 2024.
- Noted the External Audit report.

HR Matters

Members considered and:

- Received the HR Update Report which included
 - Head of Finance and HR reverting back to 3 days per week
 - Welcoming Emma Godwin to the Authority as Data and Admin. Officer

Exclusion of the Public

Resolved that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items:

Vessel Replacement Update

Members resolved to note the report which included:

A brief update was provided by the Head of Operations including the following key points:

- Change of thinking following the meetings with the Naval Architects which indicated a higher than budgeted build cost.
- Inspection of Northumberland IFCA's new vessel.
- Review of surveying methodology.
- Officers are aiming to procure a suitable vessel within the original £1.5 million budget.

Background Papers

Unconfirmed minutes of the F&P sub-committee meeting held on the 16th January 2019.

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Action Item 8

35th Eastern Inshore Fisheries and Conservation Authority meeting

30th January 2019

Budget for 2019/2020 and to note the provisional forecast for 2020/2024

Report by: Andrew Bakewell – Head of Finance & HR

Purpose of report

To set out the Provisional Estimates of Expenditure for the financial year 2019/2020 which have been recommended for approval by the Authority by the Finance and Personnel Sub-Committee (FPSC) at their meeting held on 16th January 2019, and to set out the Provisional Forecast of Estimates for the period 1st April 2020 to 31st March 2024 to be noted by the Authority

Recommendations

To Resolve, in accordance with Section 101(6) of the Local Government Act 1972, to approve estimates of expenditure for the period 1st April 2019 to 31st March 2020, and to note the Provisional Forecast of Estimates of expenditure for the period 1st April 2020 to 31st March 2024.

Members are asked to:

- **Approve** the Budget for the period 1st April 2019 to 31st March 2020
- **Note** the Provisional Forecast of Estimates for the period 1st April 2020 to 31st March 2024.

Background

The FPSC, having considered the draft estimates of expenditure for financial year 2019/2020, resolved to recommend to the Authority that the constituent County Councils contribute a levy in the total sum of £1,411,008 (including 2% inflationary increase). The County Councils, as previously agreed, will also be requested to contribute £150,000 in respect of asset replacement.

The Levy which includes ‘New Burden’ funding would be in the proportions set out in the Statutory Instrument establishing the constitution of the Authority ie. The following proportions:

	Norfolk County Council 38.5% £	Suffolk County Council 28.9% £	Lincolnshire County Council 32.6% £
Contribution from County Council Funds	391,492	293,873	331,498
Asset replacement (Year 1)	57,750	43,350	48,900
New Burden Funding Allocation	151,999	114,420	127,726
Total Levy	601,241	451,643	508,124

Proposed expenditure under the main budget heads is shown on the sheet attached to this report.

The Authority is asked to confirm the FPSC’s recommendation to Levy a total of £1,561,008 (comprising £1,411,008 revenue and £150,000 asset replacement) and approve the estimates of expenditure for the period 1st April 2019 to 31st March 2020.

The Authority is further asked to note the Forecasts of Estimates of expenditure for the period 1st April 2020 to 31st March 2024. The Forecast of Estimates is attached to this report.

New Burden Funding confirmed at current level until 2020.

Background documents

Unconfirmed Minutes of FPSC meeting held 16th January 2019

Highlights

Salaries – increase reflects a full year with a full complement and includes 2% inflation from April 1st.

General Expenditure – little change overall with increases where applicable for inflation

Vessel costs – anticipate overall reduction from 18/19 for non-recurring “one-off” costs.

Income – modest increases for 2019/20 (licence fees).

Provisional Budget 2018/2019

	2018/2019 Budget	2018/2019 Act/Proj	2019/2020 Preliminary Estimate
	£	£	£
Salaries & Wages	1,037,946	1,041,912	1,070,104
General Expenditure	211,900	212,148	207,803
<u>Departmental Operational Costs</u>			
Marine Science	6,250	8,555	10,698
Marine Protection	22,000	23,949	24,323
Media	1,600	690	704
<u>Vessels</u>			
Moorings & Harbour Dues	3,700	4,703	4,403
Research Vessel - Three Counties	89,000	62,433	63,724
Enforcement Vessels - John Allen/ANO RIB(S)	41,500	52,715	48,223
Seaspray	4,200	4,000	4,750
Vessel Hire			
Vehicles	25,000	25,324	26,210
TOTAL EXPENDITURE	£ 1,443,096	£ 1,436,429	£ 1,460,942
 INCOME	 70,000	 59,860	 65,000
EXPENDITURE LESS INCOME	£ 1,373,096	£ 1,376,569	£ 1,395,942
<i>LESS New Burden Funding</i>	394,145	394,145	394,145
Net Expenditure	978,951	982,424	1,001,797
Levies	996,925	996,925	1,016,863
Surplus/(Shortfall)	£ 17,974	£ 14,501	£ 15,066

Preliminary Estimates of Expenditure 2019/2020
 Details of Expenditure - Salaries & Wages and General
 Expenditure

Table 2

	2018/2019 Budget	2018/2019 Projection	2019/2020 Preliminary Estimate
<u>SALARIES</u>			
Staff Remuneration	787,839	770,445	810,687
Pension	169,163	193,825	176,292
National Insurance	81,744	77,642	83,125
TOTAL	1,037,946	1,041,912	1,070,104
<u>GENERAL EXPENDITURE</u>			
<i><u>Accommodation</u></i>			
<i>(Rent, Rates, Insurances, Utilities)</i>			
Rent	34,665	34,665	34,665
Business Rates	15,810	15,082	15,534
Water Rates	850	707	729
Service Charges	3,900	3,026	3,087
Insurance - Buildings	700	986	1,035
Insurance Office & General	8,250	8,079	8,482
Electricity	5,000	4,489	4,624
Cleaning	750	846	863
Maintenance & Redecoration	9,125	5,971	4,310
TOTAL	79,050	73,851	73,329
<i><u>General Establishment</u></i>			
Advertisements & Subscriptions	17,600	18,787	19,041
Legal & Professional Fees	11,000	15,414	12,960
Telephones (Office & Mobile)	8,130	6,558	6,591
Postage & Stationery	6,000	5,961	8,821
Equipment Hire & Renewals	5,000	2,750	
IT Support (including Citrix)	33,850	33,266	33,344
Uniforms & Protective Clothing	5,000	8,752	7,703
Medical Fees	1,500	916	916
Recruitment	2,000	2,671	1,194
Sundry inc. Meeting Costs	3,520	3,490	3,538
TOTAL	94,600	98,565	94,108
<i><u>Officers' Travel & Subsistence</u></i>			
General Travel - Fares, Taxis etc	3,000	3,573	3,573
Subsistence Payments	2,250	1,690	1,690
Overnight Subsistence	1,500	1,250	1,250
Hotel - Accommodation & Meals	8,000	7,394	7,542
TOTAL	14,750	13,907	14,055
<i>Members' Travel</i>	3,500	1,532	1,532
<i>Training</i>	20,000	24,293	24,779
TOTAL GENERAL EXPENDITURE	211,900	212,148	207,803

Departmental Operational Costs

<i>Marine Science</i>	6,250	8,555	10,698
<i>Marine Protection</i>	22,000	24,896	24,323
<i>Media</i>	1,600	690	704

Preliminary Estimates of Expenditure 2018/2019**Table 3**

Details of Expenditure - Vessels & Vehicles

	2018/19	2018/19	2019/2020
	Budget	Projection	Preliminary Estimate

MOORINGS & HARBOUR DUES

Rent - Sutton Bridge Moorings

Maintenance		500	303
Berthing & Harbour Dues	3,700	4,203	4,100
TOTAL	3,700	4,703	4,403

RESEARCH VESSEL**Three Counties**

Maintenance & Repairs	26,000	13,161	12,088
Refit	35,000	24,896	26,141
Insurance & Certification	11,500	17,143	18,250
Fuel	16,500	7,233	7,245
TOTAL	89,000	62,433	63,724

ENFORCEMENT VESSELS**John Allen/Sebastian Terelinck**

Maintenance & Repairs	21,000	46,686	32,119
Upgrade			
Insurance & Certification	3,500	3,500	3,500
Fuel	17,000	2,529	12,604
TOTAL	41,500	52,715	48,223

Seaspray

Maintenance & Repairs	1,200	1,000	1,500
Insurance & Certification	1,000	1,500	1,500
Fuel	2,000	1,500	1,750
TOTAL	4,200	4,000	4,750

VEHICLES

Insurance	8,500	9,683	10,183
Fuel & Sundries	10,000	10,220	10,527
Servicing	5,000	3,969	4,048
Vehicle Tracking	1,500	1,452	1,452
TOTAL	25,000	25,324	26,210

Forecast to March 2024

	2019/20	2020/21	2021/22	2022/23	2023/24
Income					
Levies	1,016,863	1,037,200	1,057,944	1,079,103	1,100,685
“New Burden”	394,145				
Other	65,000	80,000	85,000	95,000	105,000
Total Income	1,476,008	1,117,200	1,142,944	1,174,103	1,227,700
Expenditure					
Staff cost	1,070,104	1,101,000	1,125,000	1,150,000	1,185,000
Administration	207,803	208,000	210,000	210,000	210,000
Operations	35,725	36,000	34,500	35,500	36,000
Vessels	121,100	120,000	130,000	135,000	140,000
Vehicles	26,210	28,000	28,500	29,000	29,500
Total	1,460,492	1,493,000	1,528,000	1,559,500	1,600,500
Surplus/Shortfall	15,066	(375,800)	(385,056)	(385,397)	(372,800)
New burden alt.		394,145	394,145	394,145	394,145
Adj. Surp/s/fall		18,345	9,089	8,748	21,345

Reserves

The amounts held in EIFCA's ear-marked reserves estimated at 30.09.2018 are set out below:

	£
ICT Fund	10,000
Legal and Enforcement Fund	75,000
Office Improvement Fund	10,000
Operational Fund	150,000
Research Fund	78,169
DEFRA Grant	18,292
Vehicle Renewals Fund	60,000
Vessel Replacement Fund	<u>1,506,105</u>
	<u>1,907,566</u>

Movement in reserves

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Opening	1,907,566	1,922,067	1,402,133	539,978	140,202	282,859
Revenue	14,501	15,066	(375,800)	(385,056)	(385,397)	(372,800)
Utilised		(685,000)	(1,035,000)	(568,000)	(30,000)	(40,000)
Balance	1,922,067	1,252,133	(8,667)	(413,078)	(275,195)	(129,941)
New burden?			394,145	394,145	394,145	394,145
Adjusted			385,478	(18,933)	188,950	264,204
Cap. Cont. CCs		150,000	154,500	159,135	163,909	168,826
Final	1,922,067	1,402,133	539,978	140,202	292,859	433,030

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Action Item 9

35th Eastern Inshore Fisheries and Conservation Authority meeting

30th January 2019

Report by: Andrew Bakewell – Head of Finance & HR

Payments made and monies received during the period 1st October 2018 to 31st December 2018

Recommendations

Members are asked to:

- **Note** the content of the paper

Background

It is an audit requirement that the Authority's receipts and payments are presented to Members on a quarterly basis.

The report on Payments made and monies received during the period 1st October to 31st December are shown in the table below.

The payments have been made in accordance with EIFCA's Financial Regulations and the necessary processes and approvals have been carried out.

Background documents

There are no background documents to this paper

Finance Officer's Report on Payments Made and Monies Received during the period
1st October 2018 to 31st December 2018

Payments made during the period 1st October 2018 to 31st December 2018

	Month 7	Month 8	Month 9	TOTAL
	£	£	£	£
Transfers to EIFCA Salaries Acct.	90,000.00	85,000.00	85,000.00	260,000.00
Rent, Rates & Service Charges	1,992.51	1,933.55	12,445.15	16,371.21
General Establishment	29,972.52	4,720.71	7,275.76	41,968.99
Legal Fees			2,681.00	2,681.00
Staff Travelling & Subsistence	1,685.95	557.73	1,590.12	3,833.80
Members' Allowances				
Training	2,071.75	565.00	2,406.25	5,043.00
Moorings/Harbour Dues	730.20	1,954.80	649.17	3,334.17
Three Counties Operating Costs	6,593.96	991.84	3,023.79	10,609.59
FPV JA & ST –Operating Costs	3,968.20	75.35	2,232.61	6,276.16
Vehicle Operating Costs	1,385.75	1,680.75	2,352.06	5,418.56
Communication and Development	243.00			243.00
Marine Science	47.55	30.86	17.23	95.64
Enforcement	750.14	7,494.34	2,156.45	10,400.93
Wash & Nth Norf. EMS Project			298.68	298.68
Wash Fishery Order			2,759.02	2,759.02
Assets				
Petty Cash				
VAT recoverable (Quarter)	14,058.37	3,194.08	5,506.93	22,759.38
TOTAL PAYMENTS MADE	153,499.90	108,199.01	130,394.22	392,093.13

Monies received during the period October 2018 to December 2018

	Month 7	Month 8	Month 9	TOTAL
	£	£	£	£
Levies				
WFO – Licences	572.00			572.00
WFO – Tolls				
Whelk licences	250.00	250.00		500.00
Wash & North Norfolk Coast EMS	14,418.00	3,006.00		17,424.00
VAT				
Fixed Penalty Fine				
EHO sampling	3,328.00	5,888.00		9,216.00
Lay rents	365.90			365.90
Court costs	570.00	414.60		984.60
Interest	6.75	13.35	6,925.87	6,945.97
Asset Sales			2,000.00	2,000.00
Miscellaneous	4,484.50	1,149.20	263.97	5,897.67
TOTAL MONIES RECEIVED	23,995.15	10,721.15	9,189.84	43,906.14

Notes

General Establishment – Month 7 includes IT Support for the year 18/19 £25,200.

Legal Fees – Month 9 spend is for legal advice for the lease extension for current offices from Fraser Dawbarns LLP.

Enforcement – Month 8 includes £7,357.92 for purchase of body cameras for officers.

Wash Fishery Order – Lay rents paid to Crown Estates.

Asset Sales – RIB Conchita sold to Norfolk Constabulary.

Vision

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Action Item 10

35th Eastern Inshore Fisheries and Conservation Authority meeting

30th January 2019

Report by: Andrew Bakewell – Head of Finance and HR

Report on the Management Accounts for the third quarter of the 2018/19 financial year

Purpose of report

To set out the Third Quarter Management Accounts for members to note.

Recommendations:

Members are asked to:

- **Note** the Management Accounts

Explanatory Notes

Expenditure overall £7,058 over budget as follows:

Salaries and on costs working	£6,163 saving - vacancies part year and part time	
		Yielded savings of £32,163 offset by charge for pension squeeze £26,000
General expenditure	£3,958 overspend – Accommodation (£7,263 saving), Members travel (£2,232 saving) offset by overspends: Gen Ohds (£9,517) and Training (£3,927) One-off costs lease extension legal advice £3k and timing issues indicate that the variance will be reduced by the end of the year	
Media & Comms	£ 717 saving	
Enforcement	£ 3,745 overspend	purchase of body cameras £7k
Marine Science	£ 2,433 overspend	Sonde repairs and storage racking
Vessels	£ 11,018 overspend	- JA engine repairs (18k) offset by savings TC, Seaspray. One off costs relating to Lowestoft moorings £900.
Vehicles	£ 7,216 saving	- Insurance paid last year
Income	£5,280 shortfall -	WFO, EHO, Surveys, permits less than anticipated

Management Accounts Financial Year 2018/2019

	ACTUAL Year to Date Qtr 3 £	BUDGET Year to Date Qtr 3 £	VARIANCE	MEMO Budget For Year £
<u>SALARIES & WAGES</u>				
Staff Remuneration	568,862	590,879	22,017	787,839
Pension	146,046	126,872	(19,174)	169,163
National Insurance	57,988	61,308	3,320	81,744
TOTAL	772,896	779,059	6,163	1,037,946
<u>GENERAL EXPEND</u>				
Accommodation	48,385	55,648	7,263	70,800
Insurance	8,079	8,250	171	8,250
General Establishment	86,767	77,250	(9,517)	94,600
Officers' Expenses	11,243	11,063	(180)	14,750
Members' Travel	393	2,625	2,232	3,500
Training	18,927	15,000	(3,927)	20,000
TOTAL	173,794	169,836	(3,958)	211,900
Media & Comms	483	1,200	717	1,600
Enforcement	20,245	16,500	(3,745)	22,000
Marine Science	7,121	4,688	(2,433)	6,250
<u>VESSELS</u>				
Moorings/Harbour Dues	4,572	3,700	(872)	3,700
<u>Vessel Operating Costs</u>				
Three Counties	59,132	60,500	1,368	89,000
FPVs JA & ST	43,880	31,125	(12,755)	41,500
Seaspray	1,909	3,150	1,241	4,200
TOTAL	109,493	98,475	(11,018)	138,400
<u>VEHICLES</u>				
Operating Costs	13,659	20,875	7,216	25,000
TOTAL	13,659	20,875	7,216	25,000
TOTAL EXPENDITURE	1,097,691	1,090,633	(7,058)	1,443,096
<u>INCOME</u>				
Bank Interest	6,994	4,950	2,044	5,000
Levies	1,391,070	1,391,070	-	1,391,070
WFO Licence Tolls	19,794	25,000	(5,206)	25,000
Whelk licences	2,805	4,700	(1,895)	6,250
Sale of assets	3,277	2,000	1,277	2,250
Fixed Penalties & costs	5,296	3,750	1,546	5,000
Surveys		3,000	(3,000)	4,000
EHO sampling	13,816	15,000	(1,184)	20,000
Lay rents	3,638	2,500	1,138	2,500
TOTAL INCOME	1,446,690	1,451,970	(5,280)	1,461,070
Reserve movement	n/a	n/a		17,974

Vision

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Action Item 11

35th Eastern Inshore Fisheries and Conservation Authority meeting

30th January 2018

Shrimp Management Measures

Report by: L. Godwin, Senior IFCO (Regulation)

Purpose of report

To report on progress made towards implementation of shrimp management measures including further consideration of two proposed closed areas, the requirement for use of 'veil nets' and consideration of electronic monitoring device requirements.

Recommendations

It is recommended that members:

- **Note** the consideration of restricted areas 32 and 33 and the requirement for all shrimp fishing vessels to use separator trawls or sorting grids ('veil nets') including advice from Natural England set out in Appendix 1;
- **Agree** to implement restricted areas 32 and 33 in the next iteration of the Marine Protected Areas Byelaw;
- **Agree** to introduce the Shrimp Permit Condition to require all shrimp fishing vessels to use separator trawls or sorting grid;
- **Note** the summary of responses to the re-consultation of the Shrimp Permit Byelaw 2018 and the amended Impact Assessment;
- **Agree** in principle to introduce the Shrimp Permit Condition to require electronic monitoring devices;
- **Agree** to delegate authority to the CEO to make a final decision as to whether electronic monitoring devices should be implemented through a provision of the Shrimp Permit Byelaw 2018 or as permit conditions issued under the same byelaw having sought advice on the matter;
- **Agree** to delegate authority to the CEO to amend the wording of the electronic monitoring device requirements in either the Byelaw or permit condition in accordance with advice received.

Executive summary

Members agreed to remove three elements from the proposed shrimp measures at the 34th Eastern IFCA meeting, namely two restricted areas and the requirement to use 'veil nets' on all shrimp beam trawls so as to allow for further consideration of the need for these measures.

On consideration, including dialogue with Natural England, officers recommend that restricted areas 32 and 33 are required to conclude site integrity of the Wash and North Norfolk Coast MPA and that these closures should be implemented during the next iteration of the Marine Protected Areas Byelaw. Further consideration of the 'veil nets' requirement, also including dialogue with Natural England, concludes that there is a compelling case for its inclusion for the protection of site integrity as a preventative measure. This relates to the bycatch of non-target species affecting the distribution and structure of biological communities within subtidal sandbanks and intertidal flats and affecting food availability for harbour seals. It is recommended that members introduce the measure in both Category One and Two permits.

Officers undertook a formal consultation on the amended Shrimp Permit Byelaw 2018. There were limited responses to the consultation and none which related specifically to the amendment however, impacts in relation to smaller business models in relation to electronic monitoring device requirements were identified. These have been reflected in the Impact Assessment for the measures and are not considered of risk to business continuity.

Electronic monitoring device provisions within the Shrimp Permit Byelaw 2018 are anticipated to precede and ultimately be replaced by national requirements. The drafting of the associated provisions was in line with the direction of travel for the national proposals, but these have yet to be confirmed and may have changed. As such, to enable effective amendment of the measures as required, officers are exploring whether these can be removed from the face of the byelaw and included as permit conditions. It is recommended that members agree in principle to remove the provision in the byelaw relating to electronic monitoring devices and to include them as permit conditions instead. It is recommended that authority is delegated to the CEO to make a final decision as to whether the measures should be byelaw provisions or permit conditions.

Background

Eastern IFCA made two byelaws at the 33rd Eastern IFCA meeting with a view to implement shrimp management measures primarily for the protection of Marine Protected Areas (MPA).

Officers undertook a formal consultation of the two byelaws and reported responses at the 34th Eastern IFCA meeting. On consideration of the responses, further legal advice and as a result of further scrutiny from officers, members agreed to amend the two byelaws.

Two proposed restricted areas were removed from the Marine Protected Areas Byelaw 2018 so as to allow further consideration. Officers were also directed to submit the amended byelaw (i.e. without restricted areas 32 and 33) to the MMO for formal QA so as not to unduly delay the protective effect of the other proposed restricted areas.

Officers were also directed to re-consult on the Shrimp Permit Byelaw 2018 given that one amendment (in relation to electronic monitoring devices) was

considered to be substantially different from the byelaw which had already been consulted on. For reference, the amendment was as follows:

To amend the wording of the requirement for vessels to have an electronic monitoring device from:

- when engaged in shrimp fishing;
- to:
- at all times the vessel is within the district if the vessel is named on a shrimp permit.

In addition, officers were directed to re-consider the permit condition which requires all shrimp fishers to use a separator trawl or sorting grid (i.e. a veil net) because the rationale for this permit condition was not overtly clear within the Habitat Regulation Assessment for the fishery within the MPA.

Report

Submission of the Marine Protected Areas Byelaw 2018

Officers submitted the amended Marine Protected Areas Byelaw 2018 to the MMO for formal QA. At the time of writing, no formal advice has been received.

Consideration of restricted areas 32 and 33 and requirement for 'veil nets'

Natural England provided written advice to Eastern IFCA with regards to the removal of restricted areas 32 and 33 from the Marine Protected Areas Byelaw 2018 and the requirement for all shrimp fishers to use 'veil nets' as per a permit condition of the Shrimp Permit Byelaw 2018. In summary, Natural England were of the view that all three elements needed to be included in order to ensure site integrity. Natural England provided supporting evidence and narrative as rationale for such and this is summarised in the table at Appendix 1.

Officers in turn considered the advice provided by Natural England and this consideration is set out in Appendix 1 also. Officers agree that restricted areas 32 and 33 are required to achieve site integrity and recommend that the restricted areas are implemented during the next iteration of the Marine Protected Areas Byelaw.

Officers initially had outstanding queries regarding whether the use of 'veil nets' was required for all vessels to support the conclusion of "no adverse effect on site integrity". In particular, the feature which is considered most likely to be impacted (harbour seal) is presently considered to be in favourable condition. Officers sought further rationale from Natural England with regards to their advice that veil nets are required to achieve site integrity. On consideration of the additional advice from Natural England, officers recommend that the requirement for veil nets is included as permit conditions as originally proposed. The key rationale for this is as follows:

- Without the permit condition, there is the potential for additional fishers to operate within the fishery without using a veil net – whilst current activity may not be impacting the feature, increases in the proportion of the fleet which use them may lead to a detrimental impact;

- Natural England consider that the mitigation adds robustness to the conclusion of 'site integrity' given the beneficial impacts this measure would have on fish assemblages which contribute to the composition of communities within the designated habitats;
- There is a compelling body of evidence which indicates wider ecological benefits to the measures which indirectly benefit site integrity and ecosystem functioning in general.

In addition to its application in The Wash and North Norfolk Coast SAC (i.e. through a Category One permit), it was originally proposed that the requirement would apply to shrimp fishing throughout the district. Given the beneficial impacts of the measure on wider ecosystem functioning and that shrimp fishing outside of the Wash and North Norfolk coast is also thought to occur (albeit at much lower levels) within other Marine protected Areas within the district, it is proposed that the Category Two permit also includes this provision.

The proposed wording of the permit condition is set out in Appendices 2 and 3.

Further consideration of the impact of requiring veil nets

At the 34th Authority meeting, only limited consideration was given to the potential impacts of a veil net requirement given that it was recommended that the measure was not introduced at that time.

In addition, as a result of further consultation, more is known about shrimp fisheries outside of the Wash and North Norfolk Coast SAC which were not included in the original Impact Assessment. Consideration of the potential impacts on shrimp fishers is considered in more detail in the associated impact assessment, which is available at http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/02/2019_01_17_Shrimp_Permit_Byelaw_IA_ver5.pdf. The two key impacts are also summarised below.

Installing veil nets on smaller beams makes the shrimp fishing gear fish less effectively - fishers raised concerns that installing 'veil nets' in shrimp fishing gear with a lesser beam width (i.e. less than 4m) reduces the effectiveness of the gear. Cacthpole *et al* (2008) reported that use of veil nets resulted in a 14% reduction of marketable shrimps however, this considered the impacts of gear greater than 8m aggregate. Officers are unaware of any study which would inform as to the effectiveness of smaller shrimp trawls installed with a veil net. Advice was sought from 'Seafish' and a net manufacturer who indicated that a veil net could be installed and would work under the same principle as on larger gear and that it would likely cost a fisher in the region of £350. Seafish is a Non-Departmental Public Body (NDPB) set up by the Fisheries Act 1981 to improve efficiency and raise standards across the seafood industry and who often advise on gear improvements.

One response suggested that a trial is undertaken to determine the potential impact on the effectiveness of fishing with 'smaller gear' using veil nets. However, such would likely be difficult to undertake and would not have an impact on the conclusion that veil nets are needed in any case to conclude no impact on site integrity within the Wash and North Norfolk Coast SAC.

Rationale for requiring their use outside of the Wash and North Norfolk Coast is also compelling, particularly given that the Natural England advice relates to the wider impacts of bycatch mortality having indirect impacts on site integrity and that the vast majority of the Eastern IFCA district is a designated MPA.

It is also worth noting that the Shrimp Processors Organisation Ltd (who lead on the development and implementation of the Shrimp fishery accreditation) have indicated that there are actually eight vessels identified as not requiring veil nets under the Shrimp Fishing Nets Order 2002 but that five of these use veil nets anyway. This is a clear indication of the general consensus of the use of veil nets despite some reduction in catch of marketable shrimp.

Cost to smaller business models / vessels vs benefit of the measure (outside of the Wash and North Norfolk Coast SAC – responses from the recent re-consultation of the Shrimp Permit byelaw 2018 have indicated that there are smaller shrimp fisheries which undertake very limited fishing activity (this is explored further below in relation to the requirement to have I-VMS). Although these fishers did not object during the consultation to this measure, their smaller business models are considered in the Impact Assessment.

Anecdotally, a small number of fishers from the North Norfolk Coast (but east of the Wash and North Norfolk Coast SAC) retain very small amounts of shrimp ('100 pints' of shrimp have been described as a 'good catch') which they sell directly to consumers. The same fishers have also advised that they have not prosecuted the shrimp fishery for 10-15 years preceding 2018 which was the first-year shrimp were productive enough on the inshore grounds for them to fish but do also raise a concern that larger vessels may be fishing out the grounds using much larger gear. Given that the information provided indicates that these fishers do not rely on shrimp catches to sustain a business model, the potential impact on these fishers is considered as a low risk to business continuity. It is however suggested that the viability issues they face in the context of over-exploited fishing grounds can be considered as part of the shrimp fishery sustainability work-stream.

Other fishers, thought to be primarily from Suffolk, catch small amounts of shrimp to use as bait in other fisheries. The amount of fishing effort in this regard are even less well understood given that the catch is used as bait and therefore there is no record of the catch. Costs of installing veil nets are likely to be high compared to the value of the catch given that the value is essentially zero as the catch is used as bait. That said, the one-off (transitional) cost associated with installing a veil net (or similar) is still marginal in the context of wider business costs and the likely value of the catch obtained from using the shrimp as bait. Therefore, the risk to business continuity is again considered low for these fishers.

Shrimp Permit Byelaw 2018 - re-consultation

Officers put the amendment of the Shrimp Permit Byelaw to formal consultation by advertising it in the Fishing news, sending letters to shrimp fishers and associations and by publication on the Eastern IFCA website. The formal consultation closed on the 21st December 2018.

Four responses were received in relation to the re-consultation representing one association and three individual fishers. It is worth noting that the responses raised concerns outside of the scope of the present consultation and one response was in its entirety about the shrimp permit fee rather than the amendment to the byelaw regarding electronic monitoring devices. In fact, none of the responses dealt with the amendment specifically (i.e. the requirement for an electronic monitoring device to be on at all times) but did relate to I-VMS more generally. Having reviewed the responses, it is determined that there are no 'new' issues identified beyond those raised during the original consultation and which were considered by the Authority at the 34th Eastern IFCA meeting. Officers will respond fully, setting out responses as per the consideration given at the 34th Eastern IFCA meeting.

In summary, the consultation primarily revealed further concerns from smaller business models and in particular in relation to the cost of I-VMS. Some smaller scale shrimp fishers prosecute the fishery to such a limited extent that, when considering I-VMS costs in the context of the shrimp fishery alone, the costs are likely to be prohibitively large to continue prosecuting this fishery. However, it is considered appropriate to consider I-VMS costs in the context of all fisheries prosecuted given that the requirement will ultimately extend to all fisheries and the inclusion in the shrimp permit byelaw only reflects the intention for a pathfinder project within the Eastern IFCA district which focusses on shrimp fishers in the first instance. The draft Impact Assessment has been amended to reflect this issue which is at http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/02/2019_01_17_Shrimp_Permit_Byelaw_IA_ver5.pdf.

Shrimp Permit Byelaw 2018 – electronic monitoring devices

The requirement for vessels to have an electronic monitoring device is written into the face of the byelaw. The byelaw was drafted in this way to ensure that non-compliance was deterred through application of the maximum 'penalty level' – that is, the scale of financial administrative penalty assigned to different offences. Provisions written into a byelaw attract a higher penalty level than, for example, permit conditions which are set at the lowest penalty level.

This provision was included as part of this byelaw as it was intended to precede the proposed national requirement for vessels under 12m in length to have I-VMS so as to enable an effective pathfinder project.

The wording of the provision was written in accordance with the Devon and Severn IFCA byelaw and with the (albeit informal) consensus of the I-VMS policy working group (previously part of the I-VMS project) and in line with what had been informally agreed to be the direction of travel for the wording of the national Statutory Instrument (SI). However, it has come to officers attention that the wording may vary from the originally accepted approach and is not yet confirmed in any case.

It should be noted also that the proposed SI will not include requirements for vessels larger than 12m in length. Instead, it is the intention of the project that IFCA's will implement byelaws with the same effect for larger vessels.

Ultimately, the inclusion of the electronic monitoring device provision is intended to be temporary and to precede the potential national rollout.

Given that the wording of the SI is yet to be confirmed, officers are exploring the potential to remove the electronic monitoring device provision from the face of the byelaw and implement it as permit conditions instead. This will ensure that they can be amended more easily should the SI contain a different approach. The inherent risk is that it attracts a lower penalty level. Officers intend to liaise with an independent legal advisor and with MMO policy to determine the legality of doing this.

Furthermore, it is likely that by the time the byelaw reaches MMO legal for formal QA, there may be a firmer view on the direction of travel and wording of the national SI. It is therefore also recommended that the CEO is delegated authority to amend the wording of the electronic monitoring device requirement in accordance with the development of the drafting of the national SI. Given that the current wording of the provision within the Shrimp Permit Byelaw 2018 represents the 'strictest' version of the provision, it is likely that changes to the wording will only have the effect of reducing the burden on industry, therefore not requiring further consultation.

To ensure that due process is observed, officers recommend that members agree in principle to make permit conditions which contain the electronic monitoring device requirements as presently written into the face of the byelaw and as set out in Appendices 2 and 3. It is further recommended that members agree to delegate authority to the CEO to make the final decision as to whether the electronic monitoring device provisions should be implemented through the byelaw provision or the permit conditions including amending the wording considering the advice which is being sought.

In effect, the change is administrative only and will not result in the effects of the measures changing and such measures have been to formal consultation. The only difference would be the lower penalty level associated with a related offence. However, it is advised that the Authority formally introduce the permit conditions in principle and in accordance with the byelaw so as to avoid any potential challenge that due process was not observed.

Shrimp Permit Byelaw 2018 – next steps

Member agreed to delegate authority to the CEO to formally submit the amended Shrimp Permit Byelaw 2018 following completion of the re-consultation. It is recommended that the byelaw is not submitted until the permit conditions have been finalised as set out above and in line with the proposed delegated authority of the CEO.

Financial implications

No financial implications are identified.

Legal implications

There are legal implications inherent in the making of byelaws however these are mitigated through application of Defra guidance (including undertaking

consultation and producing impact assessments) and scrutiny of the proposed measures by MMO and Defra before consent.

Appendices

1. Natural England Advice and Eastern IFCA consideration
2. Category One Shrimp Permit: proposed Permit Conditions
3. Category Two Shrimp Permit: proposed Permit Conditions

Background papers

1. Minutes of the 33rd meeting of Eastern IFCA held on 18th July 2018
2. Minutes of the 34th meeting of Eastern IFCA held on 7th November 2018

Appendix 1 – Natural England advice; Eastern IFCA consideration and recommendations relating to the three mitigation measures not taken forward in November 2018

Mitigation measure	NE advice and rationale	EIFCA consideration	Recommended action
Closed area 32 (inshore north Norfolk coast)	<p>Adverse effect on site integrity cannot be ruled out if this closure is not implemented.</p> <ul style="list-style-type: none"> • Contains large area of intertidal sand and muddy sand • HRA shows these biotopes are sensitive to repeat trawling • Shrimp returns show area is a targeted fishing area • Lower confidence in activity evidence for north Norfolk coast (than for The Wash) so requires more precautionary approach • Low level of shrimp trawling in The Wash embayment on intertidal sand and muddy sand as most activity targets subtidal areas and channels – NE satisfied that activity on intertidal sand and muddy sand in The Wash can be maintained at 	<p>Agree this closure is required to enable conclusion of no adverse effect on site integrity (AEOSI).</p> <ul style="list-style-type: none"> • Area 32 includes a large proportion of intertidal sand and muddy sand on north Norfolk coast; there is no other protection in the SAC for this feature outside The Wash; • HRA shows these biotopes can be sensitive to repeat trawling; • Part of area 32 is a targeted fishing area (shrimp returns data for 2016 and 2017 in agreement) – though it is not as heavily fished as subtidal areas of The Wash and the central/western part of the north Norfolk coast; • No EIFCA sightings data for north Norfolk coast so more precautionary approach (to management of intertidal sand and muddy sand feature) is appropriate • There is less biological/environmental evidence for north Norfolk coast (than for The Wash) so more precautionary approach is appropriate 	Include closed area 32 in next iteration of MPA byelaw

Mitigation measure	NE advice and rationale	EIFCA consideration	Recommended action
	current low levels with no adverse effect on site integrity	Whilst closing this portion of the intertidal sand and muddy sand habitat is a different approach from that taken along the rest of the north Norfolk coast, closure of a portion of the habitat provides a protective effect, without which AEOSI cannot be discounted.	
Closed area 33 (seasonal corridor on north Norfolk coast)	<p>Adverse effect on site integrity cannot be ruled out if this closure is not implemented.</p> <ul style="list-style-type: none"> • Relatively low levels of shrimping in this area; protecting this area will avoid damage through displacement from vessels in The Wash • Collectively the suite of management measures enables AEOSI to be ruled out. • The overall suite of closures is relatively large, contain a variety of habitat/biotope types, and are linked through tidal flows 	<p>Agree this closure is required to enable conclusion of no adverse effect on site integrity</p> <ul style="list-style-type: none"> • Although significant displacement of vessels from The Wash is not predicted, this closure would provide some protection if displacement occurs • North Norfolk coast closures are an important component of the overall suite of measures that enable AEOSI to be ruled out • There is no target proportion of site to be closed. However, we recognise that larger, hydrodynamically linked closed areas containing a range of habitats (e.g. closures 31, 32 and 33 collectively¹) achieve greater ecological benefits than smaller, single habitat closures. 	Include closed area 33 in next iteration of MPA byelaw

¹ Eastern IFCA had originally presented a single large closure in this area but it was separated into three areas by the introduction of the seasonal corridor through the centre of the closure.

Mitigation measure	NE advice and rationale	EIFCA consideration	Recommended action
	<ul style="list-style-type: none"> • North Norfolk coast closures 31, 32 and 33 collectively provide connectivity and recovery of communities protecting the continuum of habitat type between closed areas • North Norfolk coast has been surveyed much less extensively than The Wash, but broad trends have been identified. Available evidence suggests the eastern section of the north Norfolk coast is more heterogeneous (than the central and western sections) – may indicate greater sensitivity • Need to consider shallower and deeper areas [of subtidal mixed sediment] for protection in north Norfolk coast because limited evidence available on relative sensitivity • Despite closure 33 being seasonal (to protect juvenile fish/spawning season), there is still value in the closed area for connectivity between areas 31 	<ul style="list-style-type: none"> • Proposed closure 33 includes heterogeneous (mixed) habitats, potentially of greater sensitivity than central and western sections of North Norfolk coast. • Initial analysis of EIFCA north Norfolk coast surveys (July and October 2018) show sensitive type of subtidal mixed sediments occur in shallow as well as deeper (than 10m depth) areas – therefore cannot rule out need for protection of this feature in shallower waters • The seasonal closure would limit impacts on juvenile fish, present in greater numbers in summer (April to mid-Oct). Fish are not a named feature of the SAC, but this closure would protect SAC seabed habitat features during the closed season and provide a continuous area of protection with areas 32 and 31. • The spatial closures (MPA Byelaw 2018), gear restrictions and effort management (Shrimp Permit Byelaw 2018) are designed to collectively form mitigation to enable AEOSI to be ruled out. The byelaws were agreed by the Authority at the same time (July 2018; confirmed November 2018 after consultation) but the effort restriction mechanism has not yet been confirmed. It is likely that the spatial closures (MPA byelaw 2018) will be in 	

Mitigation measure	NE advice and rationale	EIFCA consideration	Recommended action
	<p>and 32, and with expected low levels of activity and a recovery time of six months, there would still be ecological benefits to the site as a whole</p> <ul style="list-style-type: none"> Additional management measures within the suite of agreed measures are yet to be implemented. There is therefore a need to be more precautionary with regards to closures. NE highly recommend the reintroduction of closure 33 to ensure AEOSI can be ruled out. 	<p>place before the gear restrictions/effort management (Shrimp Permit byelaw 2018) since the latter byelaw was re-issued for consultation in November 2018 in relation to changes in I-VMS (inshore Vessel Monitoring System) requirements.</p>	
Requirement for all vessels to use veil nets	<p>It is of Natural England’s opinion that with the removal of the requirement for all vessels to use veil nets, that adverse effect on site integrity still cannot be ruled out</p> <ul style="list-style-type: none"> The HRA assumes all vessels participating in the shrimp beam trawl fishery utilise veil nets. 	<p>Agree that ‘veil nets’ are required by all vessels in order to rule out adverse effect on site integrity</p> <ul style="list-style-type: none"> At time of writing the HRA, it was understood that all vessels participating in the shrimp fishery did utilise veil nets. Subsequently it has been ascertained that a small number of vessels (2 or 3) do not use veil nets. For clarification, the majority of shrimp fishing vessels are required to use veil nets (or sorting grids)² (EC Regulation). 	<p>Require all vessels to use veil nets in Shrimp Permit Byelaw (on basis of wider sustainability)</p>

² http://www.legislation.gov.uk/uksi/2002/2870/pdfs/uksi_20022870_en.pdf

Mitigation measure	NE advice and rationale	EIFCA consideration	Recommended action
	<p>Based on this assumption, no further management was required because the threat of impact was removed</p> <ul style="list-style-type: none"> • EIFCA gave a mitigation score of 1 – no intervention required – for harbour seals. Since this score was on the basis that veil nets were mandatory, it is of NE’s opinion that this is no longer an appropriate score. • The requirement to use veil nets was taken into account in NE’s advice as an additional supporting factor in being able to rule out an AEOSI in relation to Harbour seals and the “removal of non-target species” pressure. • If vessels are not utilising veil nets, this aspect of the HRA needs to be reassessed. • Evidence on bycatch levels of The Wash shrimp beam trawl fishery (Catchpole <i>et al</i> 2008) shows there is significantly less 	<p>By not progressing the requirement for all vessels to use veil nets from the Shrimp Permit Byelaw 2018, EIFCA are not removing the requirement for vessels to comply with the EC Regulation.</p> <ul style="list-style-type: none"> • A re-assessment of the impacts to harbour seals (in terms of prey availability) is outlined here: Mitigation score of 1 for harbour seals was on the basis that evidence (Thompson <i>et al</i> 2016) shows the conservation objectives for harbour seals are being met. Direct evidence was not found for the food availability conservation objective, but judgement was made that the expanding adult population and increasing breeding success indicate that food availability is not limited. The assumption that veil nets were mandatory was a further factor in assigning the mitigation score, but even having ascertained that a small number of vessels do not currently use veil nets, the evidence still suggests that conservation objectives are being met for harbour seals. It is considered that the mitigation score of 1 is still appropriate for harbour seals. However, it is accepted that a requirement for all vessels participating in the shrimp fishery to use veil nets would provide protection against any increase in the number of vessels that do not use veil nets. 	

Mitigation measure	NE advice and rationale	EIFCA consideration	Recommended action
	<p>bycatch and small shrimp when veil nets are used.</p> <ul style="list-style-type: none"> • Protected habitats and species may be significantly impacted by the removal of the requirement for all vessels to utilise veil nets • Evidence on bycatch levels is limited, and therefore a measure that results in a decrease in bycatch acts as a robust supporting measure to enable a greater confidence to support a judgement of no adverse effect. It should therefore remain as a requirement of the fishery. 	<p>This reduces potential future impacts on harbour seals through pressure on prey availability as a result of shrimp bycatch.</p> <ul style="list-style-type: none"> • Designated habitats could be impacted by the removal of the requirement for all vessels to utilise veil nets – through alterations to the communities of species that occur within these habitats. EIFCA assessed that impacts relate to fish and shrimps and their predators rather than to habitats, but it is accepted that habitats could be impacted through alterations to community distribution and structure as a result of shrimp bycatch. (e.g. Alverson et al., 1994),(Kaiser et al., 2001). • HRA (section 6.3.2 Technical restrictions) identified it is important that the fishery remains within the limits (fishing gear and effort levels) described in the HRA so that impacts do not increase beyond assessed levels, to enable the conclusion of no AEOSI. Including a requirement for all shrimp vessels to use veil nets would provide a mechanism to ensure impacts do not increase (e.g. if new vessels with smaller gear enter the fishery). The Shrimp Processor Organisation Ltd (who are responsible for implementing the shrimp fishery accreditation) has indicated that some eight vessels which are likely 	

Mitigation measure	NE advice and rationale	EIFCA consideration	Recommended action
		<p>to fish within the fishery are not required (under the Shrimp Fishing Net order 2002) to use veil nets but that five of these do still use them. There is potential that the number of vessels which do not use veil nets could increase and therefore, the inclusion of the measure is preventative of a potential impact.</p> <ul style="list-style-type: none"> • EIFCA recognise that use of veil nets results in significantly less bycatch and small shrimp retained. We recognise that NE consider a measure that results in a decrease in bycatch adds confidence to the HRA conclusion of no AEOSI (with mitigation implemented). Whilst we have assessed that without this measure in place there is no AEOSI because the evidence shows that harbour seal populations within the site are thriving, there is a risk associated with wider, indirect impacts on site integrity and for the number of fishers not using veil nets to increase beyond that considered within the HRA. • EIFCA support the mandatory use of veil nets in terms of wider sustainability of the fishery. 	

Appendix 2 – Category One Shrimp Permit: proposed Permit Conditions



Eastern Inshore Fisheries and Conservation Authority

Shrimp Permit Byelaw 2018

Flexible Permit Conditions – Category One Permit

These flexible permit conditions relate to Category One shrimp permits issued under the Shrimp Permit Byelaw 2018 and should be read in conjunction with that byelaw.

Permit conditions

Try-nets

1. No vessel shall carry or deploy more than one 'try net'.
2. 'Try-nets' must;
 - a) be deployed and hauled by hand;
 - b) be no more than 500 millimetres in length;
 - c) be no more than 20 kilograms in weight;
 - d) not have tickler chains or any other attachment designed or with the effect of penetrating the seabed except guides, skids or shoe.

Prohibited attachments

3. A vessel must not carry or deploy a net, the mesh of which measures between 16 and 31 millimetres which has the following attachments:
 - a. tickler chains;
 - b. any item designed or with the effect of penetrating the seabed except guides, skids or shoes.

Guides, skids and shoes

4. A vessel must not carry or deploy a net, the mesh of which measures between 16 and 31 millimetres which uses guides, skids or shoes unless the surface of such which comes into contact with the seabed is flat across its entire length.

Requirement to have a separator trawl or sorting grid

5. A vessel must not carry or deploy a net, the mesh of which measures between 16 and 31 millimetres unless:
 - a) It is a try net; or
 - b) Netting, the mesh of which measures at least twice that of the codend and no more than 70 millimetres, is fitted across the entire cross-section of the net in such a way that;
 - i. sea fish cannot reach the codend without first passing through the netting; and
 - ii. there is a hole in the net through which all sea fish that do not pass through the netting are able to escape; or
 - c) A rigid grid, the spacing between the bars of which is no more than 20 millimetres, is fitted across the entire cross-section of the net in such a way that;
 - i. sea fish cannot reach the codend without first passing through the grid; and
 - ii. there is a hole in the net through which all sea fish that do not pass through the grid are able to escape

Electronic monitoring devices

6. A person must not use a vessel which is named on a shrimp permit without a fully functioning, remotely accessed electronic reporting device on board the vessel at all times and where the required information is transmitted at least once in every three minutes.
7. If the remotely accessed electronic reporting device installed pursuant to paragraph 5, has failed to transmit the required information, for whatever reason, a person must;
 - a. if at sea, immediately cease fishing and immediately return to port or leave the Eastern IFC District;
 - b. if at port or outside the Eastern IFC District, remain there.
8. Where a remotely accessed electronic reporting device has been repaired or replaced the permit holder or named representative must provide a copy of the engineer's report to the Authority confirming that the equipment is fully operational before;
 - a. leaving port within the district;
 - b. entering the area of the Eastern IFC District; or
 - c. using the vessel within the Eastern IFC District.

Commencement date: xx/xx/xxxx

Latest review date: xx/xx/xxxx

Expiry date: n/a

I hereby certify that the above permit conditions were made by Eastern Inshore Fisheries and Conservation Authority at their meeting on the 30th January 2019. The above eligibility criteria come into effect on xx xx xxxx

Julian Gregory

Chief Executive Officer

Eastern Inshore Fisheries and Conservation Authority

6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk PE30 2JG

Appendix 3 – Category Two Shrimp Permit: proposed Permit Conditions



Eastern Inshore Fisheries and Conservation Authority

Shrimp Permit Byelaw 2018

Flexible Permit Conditions – Category Two Permit

These flexible permit conditions relate to Category Two shrimp permits issued under the Shrimp Permit Byelaw 2018 and should be read in conjunction with that byelaw.

Permit conditions

Try-nets

1. No vessel shall carry or deploy more than one 'try net'.
2. 'Try-nets' must;
 - a) be deployed and hauled by hand;
 - b) be no more than 500 millimetres in length;
 - c) be no more than 20 kilograms in weight;
 - d) not have tickler chains or any other attachment designed or with the effect of penetrating the seabed except guides, skids or shoe.

Prohibited attachments

3. A vessel must not carry or deploy a net, the mesh of which measures between 16 and 31 millimetres which has the following attachments:
 - a. tickler chains;
 - b. any item designed or with the effect of penetrating the seabed except guides, skids or shoes.
 - c.

Guides, skids and shoes

4. A vessel must not carry or deploy a net, the mesh of which measures between 16 and 31 millimetres which uses guides, skids or shoes unless the surface of such which comes into contact with the seabed is flat across its entire length.

Requirement to have a separator trawl or sorting grid

5. A vessel must not carry or deploy a net, the mesh of which measures between 16 and 31 millimetres unless:
 - a) It is a try net; or
 - b) Netting, the mesh of which measures at least twice that of the codend and no more than 70 millimetres, is fitted across the entire cross-section of the net in such a way that;
 - i. sea fish cannot reach the codend without first passing through the netting; and
 - ii. there is a hole in the net through which all sea fish that do not pass through the netting are able to escape; or
 - c) A rigid grid, the spacing between the bars of which is no more than 20 millimetres, is fitted across the entire cross-section of the net in such a way that;
 - i. sea fish cannot reach the codend without first passing through the grid; and
 - ii. there is a hole in the net through which all sea fish that do not pass through the grid are able to escape

Electronic monitoring devices

6. A person must not use a vessel which is named on a shrimp permit without a fully functioning, remotely accessed electronic reporting device on board the vessel at all times and where the required information is transmitted at least once in every three minutes.
7. If the remotely accessed electronic reporting device installed pursuant to paragraph 5, has failed to transmit the required information, for whatever reason, a person must;
 - a. if at sea, immediately cease fishing and immediately return to port or leave the Eastern IFC District;
 - b. if at port or outside the Eastern IFC District, remain there.
8. Where a remotely accessed electronic reporting device has been repaired or replaced the permit holder or named representative must provide a copy of the engineer's report to the Authority confirming that the equipment is fully operational before;
 - a. leaving port within the district;
 - b. entering the area of the Eastern IFC District; or
 - c. using the vessel within the Eastern IFC District.

Commencement date: xx/xx/xxxx

Latest review date: xx/xx/xxxx

Expiry date: n/a

I hereby certify that the above permit conditions were made by Eastern Inshore Fisheries and Conservation Authority at their meeting on the 30th January 2019. The above eligibility criteria come into effect on xx xx xxxx

Julian Gregory

Chief Executive Officer

Eastern Inshore Fisheries and Conservation Authority

6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk PE30 2JG

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Action Item 12

35th Eastern Inshore Fisheries and Conservation Authority meeting

30th January 2019

Wash shellfish survey methodology

Report by: R. Jessop (Senior MSO)

Purpose of report

The purpose of this report is to advise members of the conclusions of a review of the Wash Fishery Order 1992 cockle and mussel surveys, with a view to identifying opportunities for improved cost efficiency, and to seek agreement for some of the low-risk options to be implemented. Members are also asked to direct officers to explore further and assess the risk of additional options.

Recommendations

It is recommended that members:

- **Note** the contents of the paper;
- **Note** officers have already successfully trialled surveying some mussel beds that are close to each other on the same day, resulting in a saving of 3 days of sea-time.
- **Direct** officers to implement the following low-risk options to the survey regime:
 1. Remove 342 sample stations from the cockle survey regime where no cockles have been found during the past 10 annual surveys
 2. Align 418 cockle sample stations that are currently surveyed at a higher resolution to the same resolution used throughout the rest of the site, allowing a saving of a further 102 stations
 3. Reduce the survey frequency on five of the smaller mussel beds to biennial rather than annual surveys
- **Direct** officers to explore further the option of reducing cockle survey station resolution across the whole site and to report back their findings, including assessment of the associated risks.

Background

Eastern IFCA commits significant resources to regulating the cockle and mussel fisheries within the Wash Fishery Order. These costs include conducting the cockle and mussel surveys, completing impact assessments and enforcing management measures - all of which are necessary to enable a fishery that takes place entirely within a heavily designated Marine Protected Area (MPA).

At the 27th Full Authority meeting held on 15th February 2017, members agreed to achieving 50% cost recovery from the industry for regulating the WFO cockle and mussel fisheries. At the 31st Authority meeting in January 2018 it was agreed to postpone the increase in fees pending further work to refine the proposal. As a significant proportion of the costs associated with regulating these fisheries is used to conduct the stock assessment surveys, at the 32nd Authority meeting in April 2018, members directed the officers to undertake a review of the cockle and mussel surveys to determine if and where costs can be reduced and to identify associated benefits and risks of doing so.

Report

The total cost of managing an individual fishery will vary depending on several factors (such as enforcement requirements, complexity of management measures etc.). In a 'typical' year, where officers undertake both a mussel and cockle survey and only a hand-work cockle fishery opens, the cost to the Authority would be in the region of £153,467. In years where mussel fisheries and a cockle dredge fishery operate, the total cost may be as high as £308,317. Of this, approximately £51,000 is used to conduct the cockle surveys (including data analysis and reporting) and £60,000 to conduct the intertidal mussel surveys. A high proportion of these costs are associated with conducting the surveys at sea, utilising the Authority's research vessel *RV Three Counties*.

Following the April Authority meeting, a detailed review of the cockle and mussel survey regimes was conducted. This review examined the current methodologies used for these surveys, the information they produce and the requirements for this information. It then explored various options that could be used to reduce costs, including the use of different types of survey vessel and technologies in addition to changes to the survey design. In each case the benefits and risks associated with the changes were highlighted. A detailed report of the review can be found on the Authority's website at http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/11/2018_Cockle_mussel_survey_review_ver1.pdf.

The report contains a summary table of the options and their risks and benefits, which has been reproduced in Appendix 1 of this paper.

Some of the options, when examined in detail, were found to be unfeasible or carried Health and Safety concerns, while for others the associated risk of the loss of accuracy, confidence and/or precision was considered too high to implement. A number of feasible options were identified, however, that could be implemented with a lower risk. These are detailed below.

Removal of sample stations from areas not supporting cockles

Excluding the sites on the Stubborn Sand, which were formally part of the Le Strange Estate until 2018, the current cockle survey regime has 1,464 sample stations. A low-risk approach to reducing survey costs would be to remove the sample stations that do not support cockles from this regime. To determine what costs could be saved by using this approach, the historic dataset was analysed to identify any sites in which no cockles had been found during any of the previous surveys between 2008 and 2018. This analysis found 342 of the

stations had not supported cockles during the 11-year period. Because only 1,150-1,250 of the 1,464 stations get surveyed in any given year³, this would actually equate to a saving of approximately 215 stations per year if these stations were removed from the survey regime (see figure 1). Based on an average sampling rate of 17.5 grabs/hour, this would result in a saving of 12.3 hours from the time taken to conduct the surveys. This would equate to a saving of £3,150, which at 50% cost recovery would be equivalent to £25.41 per entitlement.

Because this approach would only remove stations in which cockles have not been identified previously, the risks are relatively low. The main danger is that should a settlement occur in these areas once the stations have been removed, those cockles would remain undetected and not contribute to the survey data. At an average value of £350/tonne, it would only take 27 tonnes of adult cockles to be present in these areas for the fishers to lose whatever savings had been made by removing these stations.

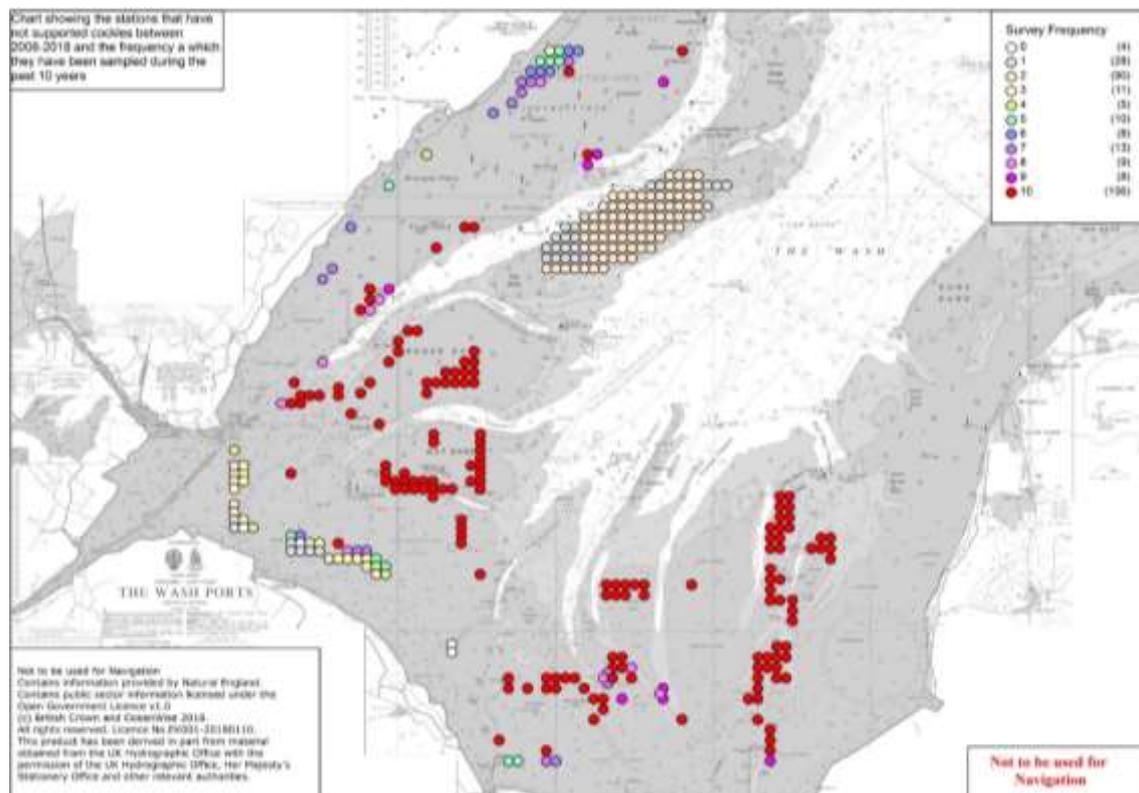


Figure 1 – Chart showing the cockle survey stations in which no cockles have been found during the period 2008-2018. Colours denote the frequency at which they have each been surveyed in the last 10 years

³ Not all sample stations are regularly surveyed. The 79 stations on the Long Sand are only sampled if there is sufficient time at the end of the survey, as this bed only attracts cockle settlement on rare occasions and in recent decades, has only supported a significant cockle fishery in 1979. The remaining stations that are frequently missed are those located at elevations above 4.0m chart datum. These mostly form a band along the upper shoreline, close to the green marsh areas of the coast where they are difficult to access with the survey vessel.

Reducing sample stations by aligning survey resolution of high-resolution sites with that of the rest of the site

In the current survey regime, the sample stations in the majority of the sample areas are spaced 0.2 degrees North-South and 0.3 degrees East-West apart. This equates to grids of a size 370m x 340m. Within the Black Buoy, Herring Hill, Mare Tail, Gat and Holbeach survey areas, however, there are 418 stations that are spaced 0.15 degrees North-South and 0.3 degrees East-West apart, which equates to grids of 280m x 340m. Reducing the sampling resolution in these areas to match that used in the rest of the site would save 102 stations. This would save approximately 6 hours of sampling, equivalent to £1,543.03, or £12.45 per entitlement.

The risk of doing this would be a reduction in survey precision and confidence in the high-resolution areas, but only down to levels provided by the surveys in the rest of the site. Additionally, because the majority of the remaining survey stations would be relocated, site specific data from the historic dataset could no longer be directly applied to them. Time will be required assigning the new stations, changing the database and entering the new sites into the vessel plotters. This will take several days to complete but will be a one-off task.

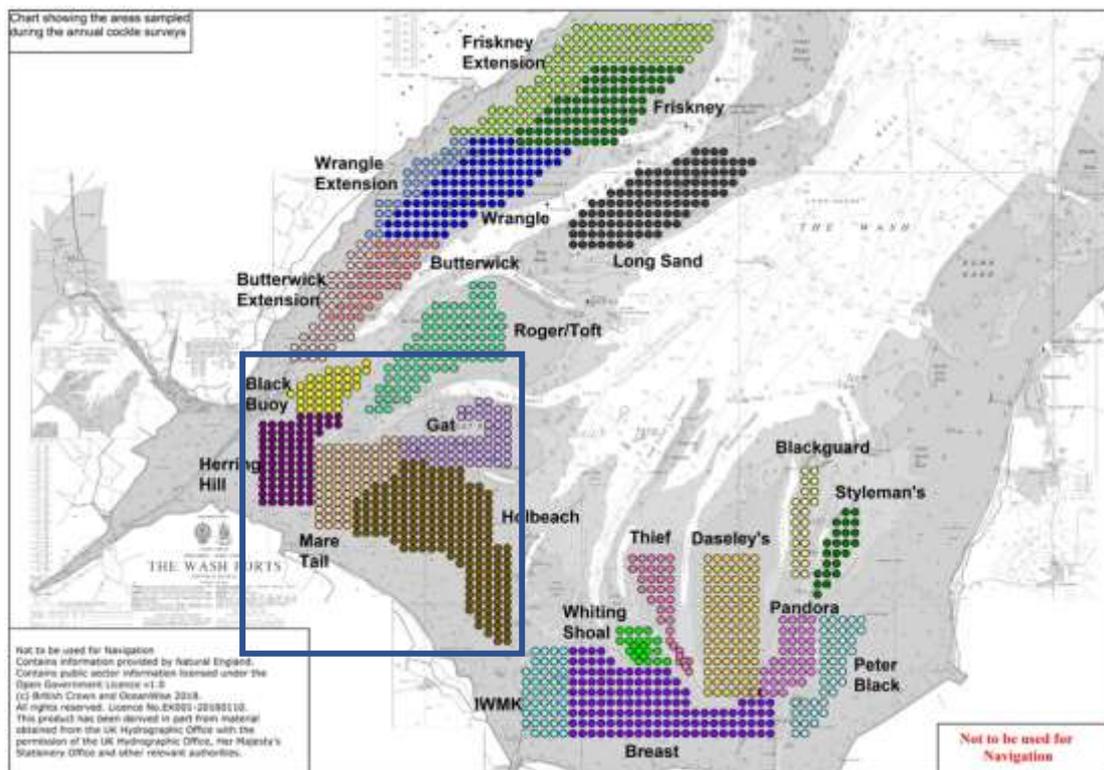


Figure 2 – Chart showing area of Black Buoy, Herring Hill, Mare Tail, Gat and Holbeach currently surveyed at higher resolution to rest of site.

Surveying more than one mussel bed per day

Due to the size and distances between mussel beds, in most cases only one bed is surveyed on a given day, usually requiring the survey vessel to beach close to the bed. The costs associated with conducting the mussel surveys are based on surveying 20 areas of mussel bed at a rate of 1 bed per day. During

the past three years, however, a trial has been successfully conducted in which certain pairs of beds that are close together have been surveyed on the same day. These are:

- West and Mid Gat
- Shellridge and East Mare Tail
- West and East Breast

While an additional team of surveyors is required to be on board to conduct the surveys, this approach saves the cost of three days of vessel time. This results in a cost saving of £7,281.99, or £58.73 per entitlement at 50% cost recovery. Because this approach has been successfully trialled and carries no risk, it will be continued.

Reduce the survey frequency on five of the smaller mussel beds to biennial rather than annual surveys

Although the analysis of the data showed there was too much annual variation on the mussel beds to confidently estimate their stock in lieu of conducting an annual survey, some of the beds are relatively small, individually supporting less than 2% of the total mussel biomass. If these beds were only surveyed on alternate years in rotation, the maximum inaccuracies caused by failing to detect annual variation would only amount to approximately +/- 3% of the total mussel biomass, or approximately +/- 360 tonnes. These beds are:

- East Mare Tail (1.0% of total stock),
- Shellridge (1.4% of total stock),
- Roger (0.5% of total stock),
- Main End (1.8% of total stock),
- Pandora (1.4% of total stock).

Because in recent years the East Mare Tail and the Shellridge beds have been surveyed on the same day, reducing the survey frequency of these five beds to alternate years would save two days per year from the survey programme.

When combined with the option of surveying multiple beds on the same day, as described above, the total number of vessel days required to conduct the mussel surveys would be 15 days (albeit on three of those days, additional crew would be required). This would save a total of £13,414.23, or £108.18 per entitlement at 50% cost recovery.

Exploring a strategy of reducing cockle survey resolution across the site

During the review, the options of reducing the cockle survey resolution across the whole site was examined. Three scenarios were explored in which the number of survey stations were halved, quartered and eighthed. The analysis, which looked at the impacts on the resultant 95% confidence margins, indicated the confidence margins were not badly affected when the number of stations were halved (declining from approximately +/- 11-12% of the mean biomass to +/- 16-18% of the mean biomass). Beyond this level, however, confidence intervals declined to +/- 23-29% when the stations were quartered and to +/-

25-46% when eighthed. Reduction in sampling resolution, therefore, has an associated risk in terms of loss of confidence.

In addition to the loss in confidence, there is also a loss of precision. Table 1 shows the grid dimensions when the survey resolutions are changed by these amounts.

Table 1 – Number of survey stations, grid dimensions and area of each grid at current, half, quarter and eighth survey resolutions

Option	Number of stations	Grid dimensions (m)	Area per grid (ha)
Current	1,362	370 x 340	12.6
Half	695	518 x 476	24.7
Quarter	341	740 x 680	50.3
Eighth	174	1036 x 952	98.6

These figures reflect the minimum resolution at which spatial management measures, such as closed areas, can be conducted. Reducing survey resolution would, therefore, result in closed areas around high densities of juvenile stocks being larger. However, because the stations would be further apart and less frequent, there would also be an increased chance that the high-density patches requiring protection would be missed during sampling and remain undetected. Reducing survey precision, therefore, carries the risks that larger areas than are necessary may be closed, whereas some areas requiring protection may be undetected. Because of the risks associated with this option, it is proposed that officers conduct further analysis before bringing a proposal to members.

Financial implications

Implementing the proposed changes would reduce the costs associated with the cockle surveys by £4,693 and the mussel surveys by £13,414. Based on a 50% cost recovery, these changes would equate to a saving of £146 per entitlement for the industry.

Legal implications

As set out in the IFCA Vison, maintaining the viability of industry is an objective for Eastern IFCA. This is balanced against our duty to provide value for money with regards to use of public funds. There is an inherent risk of legal challenge with regards to the recent decision to increase licence fees to help cost recover the management of the WFO 1992 fisheries. It is incumbent on Eastern IFCA, therefore, to ensure that the cost of the surveys and management is cost effective. The proposed changes help to reduce the financial burden that the surveys place on the industry and the tax payers while still maintaining appropriate protection to the conservation features of the site.

Conclusion

The review of the WFO cockle and mussel survey regimes has identified some low-risk options for reducing their costs. If implemented, these will reduce the combined cost of the surveys by £18,107. A further option, which could reduce the cockle survey effort by half, is being examined further and the associated risks assessed.

Appendices

Appendix 1 - Table summarising the options explored during the review.

Background Papers

1. Minutes of the 27th meeting of Eastern IFCA held on 2nd February 2017
2. Minutes of the 31st meeting of Eastern IFCA held on 31st January 2018

Appendix 1

Table summarising the options explored during the review. For more details, see the report found on the Authority website at http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/11/2018_Cockle_mussel_survey_review_ver1.pdf

Change to current regime	Implications on cost	Associated risks
Cockle surveys		
Reducing crew numbers from 5 to 4.	Because the vessel would need to be at sea an additional 4 days to compensate for slower sampling rates, the cost of surveys would <u>increase</u> by £6,764.09 (equivalent to £54.55 per entitlement).	Reducing crew from 5 to 4 would result in sampling rates declining from approximately 17.5 grabs/hour to 14 grabs/hour. This would require the vessel to be at sea for 19 days instead of 15 days to complete the surveys.
Chartering a faster research vessel to conduct surveys as day trips rather than current method of staying at sea overnight	<p>Using <i>Tamesis</i> to conduct the surveys would increase the cost of the surveys by £15,000 (equivalent to £242 per entitlement).</p> <p>Unless a local vessel could be chartered, whose daily costs were equal to or lower than that of <i>Three Counties</i>, this option would not be cost effective. Should the Authority at some stage replace <i>Three Counties</i> with a fast day-boat, the figures indicate the costs and time taken to conduct the surveys would be similar to those currently incurred.</p>	<p>Although faster steaming times are achieved, these barely compensate for the time lost by no longer staying at sea overnight.</p> <p>Working two tides per day on day trips would also create problems with MCA regulations concerning safe working hours. This would require a second team to measure samples ashore.</p> <p>Unless <i>Three Counties</i> is replaced with a faster vessel, the Authority would need to charter a vessel for the surveys.</p>
Chartering fishing vessels for surveys	Precise costs are dependent on how many days would be required to complete the surveys and the daily charter cost for	Unless equipped with a winch on a hydraulic retractable A-frame, sampling

	<p>the vessel. Costs are estimated to range between a minimum of £27,000 (15 days @ £1,000/day vessel charter) to £64,400 (23 days @ £2,000/day vessel charter). The fieldwork currently costs £46,290.75 to conduct, so costs could amount to a saving of up to £19,290.75 or an additional burden of up to £18,109.25.</p> <p>Chartering alternative vessels to conduct the surveys would be an additional burden to the Authority, so would possibly require a higher level of cost recovery.</p>	<p>rates would be reduced, requiring more time to conduct the surveys.</p> <p>Unless the vessel could remain at sea for several days, surveys would take longer to complete. Maximising working during day trips could incur MCA regulations concerning safe working hours.</p> <p>Unless vessel is equipped properly for deployment of Day grab, there could be H&S concerns.</p>
Removal of whole beds from survey area	<p>Removal of the Wrangle Extension, Long Sand, Styleman's and Blackguard sites would save 75 stations. This would save approximately £1,864.49 (equivalent to £15.03 per entitlement).</p> <p>This would result in an average loss of 61 tonnes of TAC (equivalent to £21,350 @ £350/tonne)</p>	<p>Removal of whole beds from survey area would result in loss of information from those areas. This could result in reductions to the TAC that potentially outweigh any savings made.</p> <p>Absence of Year-0 juvenile cockle data could result in un-surveyed beds having to remain closed.</p>
Reducing frequency at which beds are surveyed and using rolling average for years when not surveyed	<p>The bed with the least annual variation is the Breast Sand. Not surveying this bed in any particular year would reduce sampling by 129 stations, or 1 day at sea. This would result in a saving of £3,086.05 (equivalent to £24.89 per entitlement).</p>	<p>There are large annual variations in cockle biomass on the beds. Attempts to estimate stocks in lieu of survey data will be subject to large inaccuracies that would affect the TAC. Using this approach on the Breast Sand in recent years would have</p>

		<p>resulted in an overestimation of stock in 2008 of 722 tonnes and an underestimation in 2014 of 607 tonnes.</p> <p>An absence of Year-0 juvenile cockle data would mean an alternative method of protecting juvenile stocks would be required to be implemented.</p>
Removal of sample stations from areas not supporting cockles	<p>Removal of survey stations that have not historically supported cockles would reduce the survey regime by an average of 215 stations. This would save an estimated 12.3 hours sea time, resulting in a cost saving of £3,150, (equivalent to £25.41 per entitlement).</p>	<p>Because this approach would only remove stations in which cockles have not been identified previously, the risks are relatively low. However, should a settlement occur at these stations after they have been removed, they would remain undetected. At £350/tonne, it would only take 27 tonnes of adult cockles to be present in these areas for the fishers to lose whatever savings had been made by removing these stations.</p>
Reduction of sampling resolution in Herring Hill, Mare Tail, Gat and Holbeach sites to match that used elsewhere in The Wash	<p>This would reduce sampling by 102 stations, saving approximately 6 hours sea time. This would result in a saving of £1,543.03 (equivalent to £12.45 per entitlement).</p>	<p>There would be a reduction in accuracy in these areas, but only down to levels provided by the surveys in the rest of the site.</p> <p>Because the survey stations would all be moved to new locations, site specific data from the historic dataset could no longer be applied to them.</p>

		Time would also be required assigning the new stations, changing the database and entering the new sites into the vessel plotters. This would take several days to complete but would be a one-off task.															
<p>Reduction of sampling resolution by increasing distances between sample stations. Scenarios were tested looking at sampling regimes of 1,362, 695, 341 and 174 stations</p>	<p>Reducing survey resolution would have the following costs in terms of sea time and survey costs:</p> <table border="1" data-bbox="831 616 1402 799"> <thead> <tr> <th>Stations</th> <th>Sea days</th> <th>Cost</th> </tr> </thead> <tbody> <tr> <td>1,362</td> <td>15</td> <td>£50,865.15</td> </tr> <tr> <td>695</td> <td>11</td> <td>£38,520.95</td> </tr> <tr> <td>341</td> <td>8.8</td> <td>£31,731.64</td> </tr> <tr> <td>174</td> <td>7.5</td> <td>£27,719.78</td> </tr> </tbody> </table> <p>Although survey costs could be significantly reduced using this approach, the loss of accuracy and spatial resolution may require the introduction of new management measures to adequately protect juvenile stocks. Cost of associated enforcement measures would need to be assessed.</p> <p>Impacts of any changes in survey resolution on the ability of the fishery to respond to circumstances such as the desire to implement adaptive fisheries would also need to be assessed to</p>	Stations	Sea days	Cost	1,362	15	£50,865.15	695	11	£38,520.95	341	8.8	£31,731.64	174	7.5	£27,719.78	<p>Impacts of the reduction of survey resolution on the accuracy of the data used to estimate stock biomass and TAC would need to be assessed. The likely precision of regimes under examination will be compared to the current regime of 1,362 stations, which. current methodology indicates an accuracy of +/- 11.7%. This would decline to approximately +/- 23.4% for 341 stations and +/- 31.1% for 174 stations.</p> <p>Reduction in the number of survey stations implies that the remaining stations will be further apart. Impacts of this reduced spatial resolution would need to be considered in the light of –</p> <ul style="list-style-type: none"> • The ability to identify and protect areas of spat (including any potential new measures required) • The layout of the reduced number of sampling stations to ensure effective sampling
Stations	Sea days	Cost															
1,362	15	£50,865.15															
695	11	£38,520.95															
341	8.8	£31,731.64															
174	7.5	£27,719.78															

	consider whether any fishing opportunities would be lost.	<ul style="list-style-type: none"> The ability to maintain a valid time series of data for understanding various aspects of the cockle stocks such as our understanding of settlement patterns, growth rates, the dynamics of “atypical” mortality and predicting where and when die-offs are likely to occur. <p>Time would be required assigning the new stations, changing the database and entering the new sites into the vessel plotters. This would take several days to complete but would be a one-off task.</p>
Using dredges to collect samples	To provide similar coverage and accuracy to that of the current grab survey, a dredge survey is likely to take more time both in terms of deploying equipment and measuring samples. Costs would most likely increase.	<p>Dredges are not considered the most appropriate method for surveying cockles, either not providing sufficient spatial coverage, or producing too large samples to measure. Additional problems of determining their efficiency at fishing also reduces their accuracy.</p> <p>A survey using dredges would have a much larger environmental impact than current use of a Day grab.</p>
Using remote sensing techniques	Methods not appropriate	Neither the RoxAnn AGDS, the EdgeTech side scan sonar, or satellite imagery are capable of accurately charting cockle beds so are not appropriate methods. In

		all cases, physical samples would still be required to estimate stock biomass.
Using drones	Method not appropriate	Drones will not detect infaunal cockles. As such would not be able to assess stocks.
Mussel surveys		
Utilising a faster vessel to conduct the surveys	<p>Using a faster vessel could save 1.5 to 2 hours steaming per day from the current regime. If the Authority were to change <i>Three Counties</i> for a faster vessel, this could result in savings of between £7,345.81 and £9,794.42 (equivalent to £59.24 and £78.99 per entitlement).</p> <p>If the Authority chartered a faster vessel, charter costs would greatly exceed any saving that could be made.</p>	Provided the vessel could still safely beach near the mussel beds, there would be no associated risks
Reducing the number of crew used to conduct the surveys from 5 to 4	<p>The option of reducing the crew by incorporating the engineer into the survey team was explored but found not to be possible due to MCA policies regulating lone working aboard vessels.</p> <p>Reducing the survey team on 4 of the smaller beds would result in a saving of £1,056.56 (equivalent to £8.52 per entitlement)</p>	Reducing the survey team on the smaller beds would risk losing flexibility to survey other more sheltered areas if the planned survey was postponed due to poor weather. This would result in additional costs being incurred.
Reducing the number of survey days by surveying multiple beds per day	Due to distances between beds, this is only possible for some beds. By taking this	The only risk associated with this approach is it does not provide any

	<p>approach, the number of survey days could be reduced from 20 to 17 (but three of these surveys would require a larger crew in order to survey two beds). This approach would achieve a cost saving of £7,281.99 (equivalent to £58.73 per entitlement).</p>	<p>contingency to survey additional beds that might be identified. Additional surveys required would incur additional costs.</p>
<p>Reducing the number of survey days by reducing the sampling frequency of beds and using rolling average for years when not surveyed</p>	<p>If combined with the option of surveying multiple beds on the same day, the total number of vessel days required to conduct the surveys could be reduced to 15 days. This would produce a total saving of £13,414.23 (equivalent to £108.18 per entitlement).</p>	<p>The data shows there are large annual variations in stock biomass on all of the beds. Reducing survey frequency and using a rolling average would, therefore, risk introducing large inaccuracies to the stock estimates. This could be minimised by only using this approach on some of the smaller beds that individually support <2% of the total mussel biomass. If the East Mare Tail (1.0%), Shellridge (1.4%), The Roger (0.5%), Main End (1.8%), and Pandora (1.4%) beds were only surveyed on alternate years in a rotation, the maximum inaccuracies caused by failing to detect annual variation would amount to approximately +/- 3% of the total mussel biomass, or approximately +/- 360 tonnes.</p>
<p>Using dredges to collect samples</p>	<p>To provide similar coverage and accuracy to a grab survey, a dredge survey is likely to take more time both in terms of deploying equipment and measuring</p>	<p>Using dredges would be much less accurate than the current method.</p>

	samples. Costs would most likely increase.	A survey using dredges would have a much larger environmental impact than the current foot surveys.
Using remote sensing techniques	Vessel access to the beds would still be required to collect physical samples, so no savings would be made.	Although some of the mussel beds can be seen on satellite images of The Wash, not all of the beds are visible. Their accuracy and resolution is low confidence, therefore. Physical samples would still be required to assess the stock and to determine its biomass.
Using drones	Vessel access to the beds would still be required to collect physical samples, so no savings would be made.	Because physical samples would still need to be collected, requiring surveyor to access the beds, drones are unlikely to be able to save any time spent surveying.

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Action Item 13

35th Eastern Inshore Fisheries and Conservation Authority meeting

30th January 2018

Wash Fishery Order 1992 Licence fees

Report by: L. Godwin, Senior IFCO (Regulation)

Purpose of report

The purpose of this report is to propose a mechanism to recover the previously agreed 50% of costs through increased licence fees.

Recommendations

It is recommended that members:

- **Note** the amended costs associated with WFO fisheries management set out in Appendix 1;
- **Note** the implementation the first incremental increase of WFO Licence Fees as of the 1st April 2019;
- **Agree** in principle to implement the new licence fee model set out in Appendix 2 as of 1st April 2020 pending provision of further legal advice and consultation with Defra and Licence holders as required.

Executive Summary

Officers have undertaken a review of the licence fee model, taking into account the issues highlighted in January of 2018. The intention of the new model is to fairly distribute costs associated with managing the fishery which are almost entirely borne by Eastern IFCA.

A new licence fee model is proposed, which sees 50% of the cost of stock surveys recovered annually. In addition, costs associated with the delivery of specific fisheries are recovered (at a rate of 50%) through an additional fee charged to enable access into that fishery. These costs include compliance costs, the production of Habitat regulation Assessments and the administration of licences and catch returns data.

The main limitation of the model is that, with the exception of costs associated with the hand-work cockle fishery, delivery costs are unlikely to be recovered at the 50% rate. This reflects the limited uptake of other fisheries. However, 50% cost recovery of survey costs is much more likely.

It is proposed that this model is implemented in April of 2020. It is further proposed that the fees at April 2020 are set at 0.75 of the rate at 50% cost recovery so as to reflect the agreement that increases in fees will be incremental. 50% cost recovery would therefore be achieved in April 2021.

The licence fee for a hand-work cockle licence will increase as of April 2019, which is in accordance with the original proposal so as to start to recover some costs, albeit behind schedule, whilst Defra are consulted, and independent legal advice is sought.

Background

Eastern IFCA commits a significant resource to regulating the mussel and cockle fisheries within the WFO. Costs are associated with the cockle and mussel surveys, completing impact assessments and enforcing management measures all of which are necessary to enable a fishery. The total cost of managing an individual fishery will vary depending on several factors (such as enforcement requirements, complexity of management measures etc.). In a 'typical' year, where officers undertake a mussel and cockle survey and only a hand-work cockle fishery opens, the cost to the Authority would be in the region of £135,360 to £153,467 (depending on the survey costs – see agenda item 12). In years where a mussel fishery (harvestable or relaying) is open also, this rises to as much as £186,187 (or £168,081 with revised survey costs) and if a cockle dredge fishery were to operate, the total cost may be as high as £308,317 (or £290,210 with revised survey costs).

Licence fees currently represent only a small proportion of this cost (between 7 and 13%) and given the current tightening of the public purse, Officers investigated the potential for greater cost recovery.

At the 27th Eastern IFCA meeting, members agreed to achieving 50% cost recovery over a three-year period starting April 2018 and directed officers to undertake consultation with the industry and to seek ministerial approval.

The results of this consultation were presented at the 31st Eastern IFCA meeting which highlighted issues and concerns associated with the present licence fee model. In particular, officers identified that both licences (i.e. the hand-work licence and the dredge licence) had not been taken into account and that as a result, in years where there was both a hand-work and dredge fishery, cost recovery could be in the region of 70% rather than the agreed 50%. In addition, officers had identified that the estimated costs associated with the WFO fisheries needed to be amended to reflect changes in the allocation of resources within the management of the fishery.

Officers were directed to postpone the first incremental increase in licence fees towards 50% cost recovery until April of 2019 and to consider an amended licence fee model.

Report

First incremental increase in licence fees

Officers have made application to Defra to increase licence fees in accordance with the first incremental increase. This would see the fee for a hand-work licence rise from £330 to £678 as of April 2019.

It was originally agreed to increase the licence fees in equal increments until reaching 50% cost recovery. It is recognised that, given the ongoing consideration of costs and a licence fee model, the proposed increase to £678 may not represent an equal increment towards 50% (i.e. because the total cost may be lower), however this licence fee increase was featured in the consultation with the industry which was reported on at the 31st Eastern IFCA meeting. As such, licence holders are aware of the planned increase.

For context, the increased licence fee (£678) would represent less than 28% cost recovery and is less than the WFO 'dredge' licence fee which is £690 which has been in place for a number of years. Compared to the value of a fishery with a Total Allowable Catch (TAC) of 2000 tonnes (which is conservative but a potential scenario for the 2019 fishery), at a value of £400 per tonne (which again is conservative but has been the case in years of poor cockle yield), the total amount recovered would represent circa 5.3% of the total, first sale value of the fishery. The fishery in 2018 had a TAC of 4462 tonnes and the value of cockles has been reported to be as high as £800 per tonne for some catches. It is therefore not considered to be a prohibitively large increase and would not be likely to pose a risk to business continuity for WFO licence holders.

Article 9(2) of the WFO requires Eastern IFCA to obtain the consent of the Minister (via Defra) to vary licence fees. At the time of writing the Minister has yet to provide consent.

It should be noted also that the separate dredge licence fee (£690) still applies. It is considered appropriate that this fee remains in place until a new model for licence fees is implemented given that, even if both licences were taken out, the total contribution to cost recovery would not exceed 50%.

Eastern IFCA are awaiting a formal response from Defra regarding the planned fee increase. The fee increase cannot be implemented until Eastern IFCA has received the consent of the Minister, but this is anticipated to have been received in good time to implement the increase as planned.

New licence fee model

Officers reviewed the licence fee model to address comments made during the consultation and structural issues identified by officers having scrutinised the current model. A proposed model is set out below. An assessment of how this addresses the consultation responses is also set out below.

Proposed model

Costs to the Authority are split into two types of costs:

- Survey costs – these relate to the cost of stock surveys for both mussel and cockle fisheries and are applicable before a fishery is opened.
- Fishery delivery costs – these relate to the delivery of a fishery and primarily relate to activities which either occur as a result of the survey results or during a fishery. These include undertaking Habitats Regulation Assessment, administration of the licences and input of catch returns, and compliance costs associated with a particular fishery.

Under the original cost recovery model proposed, all the above costs were considered together and were to be applied to the cost of a hand-work licence. Under that model, costs associated with the delivery of fisheries which may not have happened were applied to a licence (e.g. compliance activities for a mussel fishery).

However, Eastern IFCA incurs a cost associated with undertaking surveys regardless of whether a fishery occurs (e.g. a mussel survey occurs every year but there have only been two fisheries in the last five years).

Therefore, a new model is proposed which would see the survey costs recovered each year, but ‘delivery’ costs would only be recovered where a related fishery actually occurs.

To achieve this, it is proposed that there is a single WFO Licence which can be ‘endorsed’ for a fishery. The fee for a WFO Licence would consist of the ‘survey cost’ and the cost associated with a catch returns book. For the licence to be used in a fishery, it would also have to be ‘endorsed’ for that fishery and the associated fee would reflect the ‘delivery costs’ for the fishery. The following endorsements would be available:

- Hand-work Cockle;
- Hand-work Mussel;
- Dredge cockle;
- Dredge mussel.

For example;

A fisher purchases a WFO licence and a hand-work cockle endorsement in June. The associated fee would include the ‘survey cost’ and the ‘delivery cost’ of a hand-work cockle fishery.

Eastern IFCA subsequently open a hand-work mussel fishery in the following September. A further endorsement is required and the fee for this includes only the ‘delivery cost’ associated with the hand-work mussel fishery.

It is likely that ‘endorsements’ will be added ‘out of synch’ with licences (for example, two months after acquiring the licence), adding a complexity to the system. It is recommended therefore that endorsements would last for 12

months or for the duration of the licence, whichever is shorter. In this way, fishers would still be obliged to contribute to the annual survey cost to fish each year on any endorsement. Officers are exploring the potential for this mechanism through dialogue with Defra.

Consideration of licence and endorsement costs

The costs associated with issuing a 'Licence' annually are the survey costs and the costs associated with issuing of catch returns forms. These costs are occurring each year regardless of which fishery is opened. Survey costs are considered in Action item 12 of this meeting. Depending on the outcome of that paper, the 'survey cost' element of Licence fees at 50% cost recovery would be:

- £898.07 – if cost saving in Action Item 12 **is rejected**; or
- £752.05 – if cost saving in Action Item 12 **is agreed**.

Survey costs include the total cost of both the mussel and cockle survey. This reflects that these costs are borne by Eastern IFCA regardless of whether a fishery is opened or not

Costs associated with issuing of catch returns forms are set out below:

Cost of book: £4.57

Cost of pre-paid envelopes: (£0.57 per pre-paid envelope x 12)

*Associated contribution through licence fee at 50% cost recovery: **£5.70***

The total 'Licence fee' element of the cost would therefore be: £903.77 or £757.75 depending on the outcome of Action Item 12.

Delivery costs are different for each fishery and would be recovered through the 'endorsement fee'. They are summarised below and set out in more detail in Appendix 1.

Cost element	Fishery cost to EIFCA			
	<i>Hand-work cockle fishery</i>	<i>Dredge cockle fishery</i>	<i>Hand-work mussel fishery</i>	<i>Dredge mussel fishery</i>
Compliance requirements	£37,288.43	£117,311.25	£7,753.47	£15,329.69
Habitat Regulation Assessments	£1,873.05	£1,873.05	£1,873.05	£1,873.05
Administration of licences and catch returns	£1,203.64	£1,203.64	£1,203.64	£1,203.64
Planning and development	£1,741.64	£1,741.64	£1,741.64	£1,741.64
Total cost	£42,106.76	£122,129.58	£12,571.80	£20,148.02
Contribution by licence holders at 50% cost recovery	£21,053.38	£61,064.79	£6,285.90	£10,074.01
Endorsement fee at 50% cost recovery	£339.57	£984.92	£101.39	£162.48

Compliance requirements – These are based on minimum likely requirements for compliance related activity during each of the fisheries. The costs vary most greatly in relation to the cockle dredge fishery given the high risk associated with the fishery and the requirement to undertake seaborne compliance throughout the fishery.

The costs of compliance activities are likely to vary greatly for a fishery depending on the circumstances of the fishery. For example, where risk of non-compliance increases, or intelligence is received, resource allocated to compliance activity will increase accordingly. Therefore, the costs estimated for compliance are considered of low to medium confidence but are considered to reflect the lower end of the likely costs (assuming for example good compliance). There is only a low risk of the licence fee contribution exceeding the actual cost incurred and this is more than mitigated by other factors which will lend towards less than 50% being recovered overall (considered in more detail below).

Habitat Regulation Assessment (HRA) – this cost has been estimated based on the time required to successfully submit an HRA for a hand-work cockle fishery. The cost associated with a cockle dredge fishery HRA will likely be much greater given that such has not been attempted for more than ten years and the greater complexity of the potential impacts on the marine protected area. In addition, the cost of potential ‘contingency fisheries’ (for example in relation to cockle die-off) or modification of management measures during a fishery is not included. It could be argued that these should be included as, over the past five years, four have included a contingency fishery.

Administration – these costs include the officer time spent inputting catch returns data into the Eastern IFCA systems and is a marginal cost in comparison to others. It is likely to be an underestimate also given that it does not include the significant effort usually spent on pursuing missing returns and in investigating applications for licence variations.

Planning and development – these costs include the time spent in developing management measures including consultation with the industry and reporting to the Authority.

Therefore, for a WFO Licence and a hand-work cockle fishery endorsement, the total fee at 50% cost recovery would be £1,096.75 (assuming cost savings are agreed in Action Item 12). This is almost £300 lower than the originally proposed fee at 50% cost recovery as a reflection of lower survey costs and having considered delivery costs of all fisheries separately.

Limitations of the proposed model

In order to effectively cost recover 50% of the costs borne by the Authority, the most reliable way to achieve this is to charge a fee after the fishery has occurred. In this way, the actual costs can be monitored and can be shared between all those who actually participated in the fishery.

The WFO however sets out that a fee is payable '*before or upon receipt*' of a licence. Cost recovery mechanisms are therefore limited to predicting the likely cost of a fishery. There is the potential that in some years, the total licence fee will exceed 50% cost recovery however, this is considered unlikely whereas the potential for licence fees to be less than 50% is much more likely.

Key limitations include:

- Fewer than 62 licences are taken out each year – 50% cost recovery is based on splitting the costs evenly between the 62 Entitlements. However, on average, 58 licences are taken out each year with several Entitlement holders maintaining an Entitlement by purchasing a licence every other year.
- Fewer than 62 endorsements for a fishery taken out – with the exception of the cockle licence, it is unlikely that the number of endorsements for each fishery will approach 62. It could be prohibitively expensive and probably disproportionate to distribute costs over fewer than 62 licences or based on the actual number likely to be granted as so few other fishers prosecute the other fisheries. For example, only four fishers prosecuted the 2018 mussel relaying fishery (and two of these vessels only prosecuted the fishery on two occasions). Splitting the 'delivery costs' of the fishery between these four fishers for example would make the licence prohibitively high. The result is that Eastern IFCA is very unlikely to recover 50% of the cost of fishers other than the hand-work cockle fishery. It should be noted that the intention is to review this process once implemented so as to learn from the experience and revise in future years necessary. This step wise approach is intended to limit the impacts on the industry from a sudden large increase.

- Costs not considered -
 - Recent WFO fisheries have seen additional resource expended as a result of protracted correspondence with a minority of fishers who are dissatisfied with the Authority's management of the fishery. A significant resource is often diverted from other priorities to investigate and draft responses including seeking legal advice. This cost is not considered as part of the annual costs.
 - In addition, recent WFO fisheries include innovative fisheries management decisions and a flexible approach. It is now commonplace that management measures are reviewed in the light of engagement with the industry (or other stakeholders) for the benefit of the fishery or the protection of the environment. This also requires a significant resource including, for example additional surveys, development of new licence conditions and procurement of legal advice.

Given the limitations set out above, it is unlikely that 50% of costs will actually be recovered in any given year.

Consideration of comments made during consultation against proposed model

Table 1. Key concerns raised by licence holders during the formal consultation are set out below with consideration given to how the proposed model addresses these concerns.

Issue raised	EIFCA Comments
<p>Obligation to pay fee (for a cockle licence) to retain 'entitlement' for other Licences.</p>	<p>Several fishers legitimately retain an 'entitlement' to a licence with the intention to use it in a mussel fishery but have no intention of operating in the cockle fishery. Due to reduced mussel stocks, Eastern IFCA has not been in a position to open a mussel fishery ('seed' or 'harvestable') with any regularity in recent years. A seed mussel fishery was opened last year (2018) and prior to that, there had not been a fishery since 2014. As such, the only way to get a licence for such in the future is to maintain the entitlement through purchasing the licence made available (i.e. a hand-work licence) once every 24 months.</p> <p>It could be argued however that paying for a licence without using it to fish each year to retain an 'entitlement' is taking advantage of / abusing the related provision of the Order. In the context of a long waiting list and concerns raised that the fishery is difficult for new applicants to enter this could be a positive step in creating greater 'licence mobility'. Where any fisher intends to retain an Entitlement but not use it, an increased fee would be an incentive to reconsider retaining the Entitlement.</p> <p>By making available a WFO licence, the fee for which relates only to cost recovery of 'survey costs', greater cost recovery can be achieved whilst still keeping costs relatively low. A fisher who intends to fish for mussels only could retain an Entitlement by purchasing a WFO licence without an endorsement once every other year. This does however make Eastern IFCA's intention to achieve approximately 50% cost recovery less likely to be realised. That said, only a minority of fishers are thought to retain Entitlements in this way – over the last four fisheries, two Entitlements did not land any cockles and a further two Entitlements landed cockles into only one fishery).</p>

	<p>Given that Eastern IFCA incur a cost in relation to undertaking surveys regardless of a fishery opening or not, it is appropriate that such fishers contribute to cost recovery. The cost of doing this would increase in as a result of the change to licence fees however, the proposed change to the licence fee model mitigates against this by making available a licence which cannot be used to fish but is cheaper so as to enable fishers to retain an Entitlement.</p>
<p>Poor timing – increased fees in context of ‘declining industry’</p>	<p>The weight of landed cockles has shown an upward trend since 2011, in part because of the development of innovative (and as such resource consuming) management measures including ‘contingency fisheries’ and additional access to a greater number of beds through use of intricate closures. The 2017/18 fishery was not as strong as was initially thought after the surveys but the fishery still landed in excess of the average weight of cockles over the past 10 years (the average being 3600 tonnes and the landed weight being for the fishery being 5000 tonnes). The 2018/19 cockle fishery was considered more successful (albeit with a lower TAC) because the first sale value of cockles was much greater.</p> <p>Industry viability in the context of poor fisheries is however considered. The Impact Assessment acknowledges the potential for the productivity of the cockle fishery to vary annually in addition to overheads (e.g. through increases in fuel costs) however the proposed model does not allow for factoring in fishery productivity as the majority of EIFCA costs do not vary based on a successful or poor fishery and such a model would be less likely to achieve 50% cost recovery.</p> <p>To put the licence fee into context two scenarios are presented below which set out the proposed licence fees (at 50% cost recovery) as a proportion of the first sale value of catch:</p> <p><i>‘Poor’ hand-work cockle fishery</i> – with a TAC of 2000 tonnes and with the price of cockles being £0.40 per kilo, the cost to the fishers would represent circa 8.5% of the total first sale value of the fishery (if all 62 fishers took out a licence – the proportion will be lower when fewer vessels take out a licence).</p>

'average' hand-work cockle fishery - (as determined through analysis of data from 2010 to 2017) with a TAC of 3600 tonnes and the price of cockles being £0.57 per kilo, the licence fee and endorsement fee would represent circa 3.3% of the value of the fishery.

The current licence fee represents 2.6% and 1% of the first sale value of the fishery in a poor and average fishery respectively. When the fee is considered per licence holder, the proportion as a reflection of each vessel's first sale value of cockles is 7.9% in a 'poor' fishery and 3.1% in an 'average' fishery.

Based on previous consultation with the industry, average annual overheads are estimated as £12,501 per vessel. It should be noted however that this is based on very limited feedback from the industry, taking into account only three different vessels. Average first sale value of cockles per vessel are determined as £38,909 (although this varies greatly depending on the TAC of the fishery and the value of the cockles). Overheads and the fee applicable to cockle fishers in a hand-work fishery would therefore represent circa 35% of the income of fishers. Under the current licence fee, the same is estimated as 33% for an 'average' fishery. Under the 'poor' fishery example, total first sale value of fisheries is estimated as £13,793. In this scenario, the overheads and licence fee as a proportion of earnings are 99%, essentially making the fishery unviable. That said, the vast majority of this relates to the overheads for running a vessel rather than the licence fee (i.e. more than 90%).

When considering 'overheads', there is a risk that even this modest increase in fee (i.e. circa £700 more per vessel in the 50% cost recovery scenario) could have an impact on business models when the fishery is not productive. However, the impact of the licence fee itself is considered marginal as, in a 'poor' fishery example, the fishery would likely be unviable even under the current licence fee model given the high estimated overheads of running a vessel. Vessels which operate within the cockle fishery only are

	<p>likely to be most affected, many vessels however operate in several Wash-based fisheries including whelk and brown shrimp fisheries. Such fishers as much less likely to be impacted.</p> <p>Ultimately fishers must make a business decision as to whether any fishery is viable to prosecute, and this often depends on the productivity of the fishery. In most cases, the productivity of a fishery is unknown to a fisher before it is prosecuted. In the case of the WFO fisheries, significantly more information is available to fishers on which to base such a decision and this is considered as mitigation in the potential impacts on fishers. Therefore, it is not considered likely that the proposed fee increases in relation to a hand-work cockle fishery will represent a significant risk to business continuity.</p> <p>Where additional fisheries are prosecuted, and further endorsements are required, the likely impact on a fisher's earnings is more difficult to determine because these 'other' fisheries have not occurred for several years. That said, endorsement fees associated with mussel fisheries are very small (£101.39 for a hand-work fishery and £162.48 for a dredge fishery) and as such less likely to have an impact. The endorsement fee associated with a cockle dredge fishery however is £984.92. Overheads related to a cockle dredge fishery are likely to be higher (given the cost associated with dredge fishing gear) however, the fishery is also considered to be more profitable as the daily catch restriction is 4-tonnes per day thus requiring fewer trips.</p>
<p>Parity amongst fleet – vessel capabilities limit the ability of different vessels to exploit the fishery but have the same licence fee.</p>	<p>Few vessels are unable to exploit the fishery at a 2-tonne daily quota and which actively participate regularly in the hand-work cockle fishery.</p> <p>Whilst some smaller vessels may be limited in the amount of cockle they can carry, the relationship with the value or the profit may not be linear and overheads are likely to be lower for smaller vessels which also have fewer crew.</p>

<p>Should look to save money on survey design rather recoup cost</p>	<p>Eastern IFCA has undertaken a review of the WFO stock surveys and identified some cost savings to the tune of £18,107 with a negligible impact on the robustness of the survey. The review highlighted that further cost saving can be achieved but only by reducing the accuracy and reliability of the survey. That said, consideration is being given to whether robust conclusions could still be drawn from a reduced survey method.</p> <p>In addition, other costs associated with the management of the WFO have been reviewed and further refined and the proposed model would see a fairer distribution of these costs. Where future cost saving can be achieved Eastern IFCA is committed to do so to provide value for money.</p>
<p>Disproportionate effect on smaller business models</p>	<p>The productivity of the cockle fishery varies annually. The Total Allowable Catch (TAC) varies significantly (e.g. from 957 tonnes (2011) to 8,609 tonnes (2016)). In addition, markets and overheads will vary year to year.</p> <p>Smaller business models are by their nature less likely to be able to absorb additional costs and variations in market prices and overheads. The fee increase represents an increase in the average overheads of circa 10% (at 50% cost recovery). Whilst this is a significant increase, as a proportion of the average profit made by a cockle vessel, the licence fee is relatively smaller – between 3.3 and 8.5%. In some years the proportion of the licence fee may be greater although fishers will generally know the TAC prior to starting fishing activity and can therefore make a business decision on that basis.</p>
<p>Cost recovery from other bodies (Natural England)</p>	<p>There is no mechanism through which to recoup costs associated with the fishery from other bodies nor is there a duty on other bodies to contribute to such.</p>

Implementation of the new licence fee model

It is proposed that the above licence fee model is implemented as of April 2020 but that associated fees are charged at 0.75 of the rates payable at 50% cost recovery. This will serve to reflect the agreement that the cost increases will be incremental and will roughly follow the originally proposed increases of three equal instalments.

Licence fees would reflect the full rate at 50% cost recovery as of April 2021.

Officers are seeking clarification as to whether it is appropriate to consult with the industry on the proposed changes. A further consultation with licence holders will represent the least risk with regards to subsequent legal challenge, particularly in the context that the total fees payable in a year by a fisher could theoretically be greater than that consulted on initially (i.e. the cost of all four endorsements would exceed £1375).

Officers also intend to seek legal advice and the advice of Defra with regards to the proposals, particularly in relation to the use of a single licence and 'endorsements.

Furthermore, additional guidance and policy will need to be established prior to the implementation of a new system to ensure that licence holders are fully aware of how a new system would work.

Consideration of further cost savings

As per Action Item 12, further savings are to be considered with regards to survey costs. The intention is that any cost saving would be passed onto licence holders through reductions in the fee to maintain the 50% cost recovery agreed by members. For context, halving the number of survey stations would reduce survey costs by circa £12,000 (as set out in Action Item 12) which would reduce the fee associated with a Licence and hand-work cockle fishery endorsement from £1096 to circa £994.

Financial implications

No financial implications are identified relating to the above proposals save for the cost of having delayed the first incremental increase. There will be costs associated with seeking further legal advice and consultation as required.

Legal implications

As set out in the IFCA Vision, maintaining the viability of industry is an objective for Eastern IFCA. This is balanced against our duty to provide value for money with regards to use of public funds.

There is an inherent risk of legal challenge with regards to increased licence fees and it is incumbent on Eastern IFCA to ensure that fees are proportionate and reasonable. Officers reconsidered the proposals in light of the concerns raised by the industry and the oversight associated with the dredge licence fee and this is considered reasonable mitigation against this risk.

The proposed new licence fee model is sufficiently different and complex to warrant further consultation with licence holders so as to further mitigate risk although advice will be sought in this regard from a Defra policy perspective.

Conclusion

Officers have applied to Defra for the Minister to consider an initial increase in licence fee as planned for the 1st April 2019 and anticipate that a formal response will be received in time to implement such.

The proposed licence fee model is considered proportionate and addresses some of the concerns raised during the initial consultation on licence fee increases. Whilst an impact on industry is likely, it is unlikely to be of a scale which puts business continuity at risk.

Whilst the proposed model reduces the impact on fishers, it makes 50% cost recovery less likely, primarily because fewer licences are taken out annually than there are Entitlements for.

Overall, the proposed model is considered to represent minimal financial risk and no legal risk.

Appendices

Appendix 1 - WFO delivery costs

Appendix 2 – Proposed licence fee structure

Background Papers

3. Minutes of the 27th meeting of Eastern IFCA held on 2nd February 2017
4. Minutes of the 31st meeting of Eastern IFCA held on 31st January 2018

Appendix 1 - WFO delivery costs

Compliance costs associated with each fishery

Table 1. estimated annual costs associated with the management of a typical hand-work cockle fishery under the Wash fishery order 1992.						
Cockle fisheries enforcement						
<i>Officer costs</i>	Days	Officers	Officer grades	Duration		
Patrols (Sea - primary)	12	3	2 grade 5, 1 grade 6	4	£	3232.44
Patrols (Sea - secondary)	6	2	1 grade 5, 1 grade 6	10	£	2980.86
Patrols (Land)	32	2	1 grade 5, 1 grade 6	2.5	£	3974.48
Monitoring sands	5	6	1 senior skipper, 1 grade 6, 4 grade 5	10	£	7483.65
<i>Vessel costs</i>	Trips	cost/trip				
<i>FPV ST/JA</i>	12	985			£	11820.00
<i>RV Three Counties</i>	5	1,480			£	7400.00
Other costs						
<i>Vehicles</i>	Miles (return)	trips	cost /trip			
KL to Moorings	26	18			£	117.00
KL to Boston	70	16			£	280.00
<i>Subsistence (surveys)</i>	Allowance	trips	Officers			
Breakfast	6.41	0		0	£	0
Lunch	8.81	0		0	£	0
Evening meal	10.92	0		0	£	0
Nights away	33.27	0		0	£	0

Table 2. estimated annual costs associated with the management of a typical **Dredge cockle fishery** under the Wash fishery order 1992.

Cockle fisheries enforcement						
<i>Officer costs</i>	Days	Officers	Officer grades	Duration (hrs)		
Patrols (Sea - primary)	25	6	5 grade 5, 1 grade 6	14	£	49694.25
Patrols (Sea - secondary)	6	2	1 grade 5, 1 grade 6	10	£	2980.86
Patrols (Land)	50	2	1 grade 5, 1 grade 6	5	£	12420.25
Monitoring sands	5	6	1 senior skipper, 1 grade 6, 4 grade 5	10	£	7483.65
<i>Vessel costs</i>	Trips	cost/trip				
<i>FPV ST/JA</i>	n/a	985				
<i>RV Three Counties</i>	25	1,480		£	37000.00	
<i>Sea Spray</i>	25	n/a				
Other costs						
<i>Vehicles</i>	Miles (return)	trips	cost /trip			
KL to Moorings	26	13			£	84.50
KL to Boston	70	50			£	875.00
<i>Subsistence (surveys)</i>	Allowance	number	Officers			
Breakfast	6.41	19	6		£	730.74
Lunch	8.81	19	6		£	1004.34
Evening meal	10.92	19	6		£	1244.88
Nights away	33.27	19	6		£	3792.78

Table 3. estimated costs associated with the management of a typical **mussel Hand-work fishery** under the Wash fishery order 1992.

Mussel fisheries enforcement					
<i>Officer costs</i>	Days	Number Officers	IFCOs types	Duration	
Patrols (Sea - primary)		3	3	2 grade 5, 1 grade 6	4 £ 808.11
Patrols (Sea - secondary)		1.5	2	1 grade 5, 1 grade 6	10 £ 745.22
Patrols (Land)		2	2	1 grade 5, 1 grade 6	2.5 £ 248.41
Monitoring sands		1	6	1 senior skipper, 1 grade 6, 4 grade 5	10 £ 1496.73
<i>Vessel costs</i>	Trips	cost/trip			
RV Three Counties		1	1,480		£ 1480.00
FPV ST/JA		3	985		£ 2955.00
Other costs					
<i>Vehicles</i>	Miles (return)	trips	cost /trip		
KL to Moorings	26	4			£ 20.00
<i>Subsistence (surveys)</i>	Allowance	number	No Officers		
Breakfast	6.41	0	0		£
Lunch	8.81	0	0		£
Evening meal	10.92	0	0		£
Nights away	33.27	0	0		£

Table 4. estimated costs associated with the management of a typical **mussel Dredge fishery** under the Wash fishery order 1992.

Mussel fisheries enforcement					
<i>Officer costs</i>	Days	Number Officers	IFCOs types	Duration	
Patrols (Sea - primary)	9	3	2 grade 5, 1 grade 6	4	£ 2424.33
Patrols (Sea - secondary)	1.5	2	1 grade 5, 1 grade 6	10	£ 745.22
Patrols (Land)	2	2	1 grade 5, 1 grade 6	2.5	£ 248.41
Monitoring sands	1	6	1 senior skipper, 1 grade 6, 4 grade 5	10	£ 1496.73
<i>Vessel costs</i>	Trips	cost/trip			
RV Three Counties	1	1,480		£	1480.00
FPV ST/JA	9	985		£	8865.00
Other costs					
<i>Vehicles</i>	Miles (return)	trips	cost /trip		
KL to Moorings	26	10	£ 70.00		
<i>Subsistence (surveys)</i>	Allowance	Number	No Officers		
Breakfast	6.41	0	£		
Lunch	8.81	0	£		
Evening meal	10.92	0			
Nights away	33.27	0			

Other delivery costs applicable to all fisheries

Table 5. costs associated with production of Habitats Regulations Assessments to open fisheries within the WFO 1992

Officer costs	Days	No Officers	IFCOs types	Duration	Total cost
	7	1	MSO Senior	7.4	£ 1190.07
	3	1	MSO	7.4	£ 682.98

Table 6. costs associated with the administration of catch returns

Data entry – catch returns

Officer costs	Days	No Officers	Officers	Duration	Total cost
	8.4	1	Support Officer	7.4	£ 1203.64

Table 7. costs associated with the planning and development of WFO fisheries including development of management measures and consultation with WFO Licence holders.

Development and planning

Officer costs	Days	No Officers	IFCOs types	Duration	Total cost
	2	1	Chief Executive Officer	7.4	£ 831.00
	2	2	Senior IFCO	7.4	£ 910.64

Summary of WFO delivery costs

Compliance requirements – These are based on minimum likely requirements for compliance related activity during each of the fisheries. The costs vary most greatly in relation to the cockle dredge fishery given the high risk associated with the fishery and the requirement to undertake seaborne compliance throughout the fishery.

The costs of compliance activities are likely to vary greatly for a fishery depending on the circumstances of the fishery. For example, where risk of non-compliance increases, or intelligence is received, resource allocated to compliance activity will increase accordingly. Therefore, the costs estimated for compliance are considered of low to medium confidence but are considered to reflect the lower end of the likely costs (assuming for example good compliance). There is only a low risk of the licence fee contribution exceeding the actual cost incurred and this is more than mitigated by other factors which will lend towards less than 50% being recovered overall (considered in more detail below).

Habitat Regulation Assessment (HRA) – this cost has been estimated based on the time required to successfully submit an HRA for a hand-work cockle fishery. The cost associated with a cockle dredge fishery HRA will likely be much greater given that such has not been attempted for more than ten years and the greater complexity of the potential impacts on the marine protected area. In addition, the cost of potential ‘contingency fisheries’ (for example in relation to cockle die-off) or modification of

management measures during a fishery is not included. It could be argued that these should be included as, over the past five years, four have included a contingency fishery.

Administration – these costs include the officer time spent inputting catch returns data into the Eastern IFCA systems and is a marginal cost in comparison to others. It is likely to be an underestimate also given that it does not include the significant effort usually spent on pursuing missing returns and in investigating applications for licence variations.

Planning and development – these costs include the time spent in developing management measures including consultation with the industry and reporting to the Authority.

Appendix 2 – Proposed licence fee structure

Wash Fishery Order 1992: Licence fees

In order to fish within the Wash Fishery Order (WFO) 1992 fisheries, you must obtain a licence and an endorsement for a particular fishery. Separate fees apply for a licence and for an endorsement.

N.B. A WFO Licence can only be obtained in accordance with the WFO interim policies⁴ and after having paid the associated fee.

The fee for a WFO Licence is **£757.75**

In order to use the licence to fish within a particular fishery, the Licence must be endorsed for that fishery. The fee associated with different endorsements are set out below:

Fishery	<i>Hand-work cockle fishery</i>	<i>Dredge cockle fishery</i>	<i>Hand-work mussel fishery</i>	<i>Dredge mussel fishery</i>
Endorsement fee	£339.57	£984.92	£101.39	£162.48

WFO licences are valid for a period of 12 months after the date of issue. Endorsements are valid for a period of 12 months after the date of issue but must be associated with a valid licence.

If a WFO Licence expires before an endorsement expires, the Licence fee must be paid again to continue to use the endorsement until the end of the 12-month period that the particular endorsement is valid for.

For licences and endorsement issued between 1st April 2020 and 21st March 2021, the fee will be at a rate of 0.75 of the above rates as follows:

The fee for a WFO Licence is **£568.31**

Fishery	<i>Hand-work cockle fishery</i>	<i>Dredge cockle fishery</i>	<i>Hand-work mussel fishery</i>	<i>Dredge mussel fishery</i>
Endorsement fee	£254.68	£738.69	£76.04	£121.86

The full rates will apply from 1st April 2021 onwards.

⁴ http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/03/2017_02_15_WFO_Interim_Policy.pdf

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Action Item 14

35th Eastern Inshore Fisheries and Conservation Authority meeting

30th January 2019

Removal of slipper limpets from a high-density area near the Wash Fishery Order Toft Lays and associated monitoring programme

Report by: E. Quinn, Marine Science Officer

Purpose of report

The purpose of this report is to seek agreement for a proposal to remove slipper limpets from a small but high-density area on the Roger-Tofts in The Wash, and to use Wash Fishery Order funds to do so.

Recommendations

It is recommended that members:

- **Note** from the contents of the report that while slipper limpets have been present in The Wash in low densities for at least 20 years, a small high-density population was identified in 2018 near the Toft lays which has the potential to breed and spread faster than low-density populations to the detriment of the Regulated Fishery.
- **Note** that the proposed management will not eradicate slipper limpets from The Wash but is hoped to slow down their rate of spread and diminish the impact on the Regulated Fishery.
- **Agree** that the proposed monitoring, clear up and disposal of slipper limpets is undertaken as outlined in this paper.
- **Approve** the use of resources from the Wash Fishery Order (WFO) 1992 fund for the proposed plan to survey the affected area, remove the slipper limpets from the high-density site identified near the Toft lays and for their disposal ashore.
- **Agree** to officers not enforcing Regulation 8 (Mussels: minimum size) for the purpose of carrying out the proposed activity.
- **Delegate** authority to the CEO to approve expenditure once accurate costings are known.

Executive summary

The Authority has obligations under national law to maintain biological diversity and further the conservation objectives of marine protected areas. Invasive, non-native species are a threat to biodiversity in marine protected areas as well as to the viability of bivalve fisheries and mariculture, as they can alter local ecology and out-compete native species. Mussel beds in The Wash have been known to support a widespread, but low density, population of the invasive slipper limpet for over 20 years, however

only recently was the species recorded in high enough densities to have significant ecological impacts.

The area known to support a high-density population is approximately three hectares, within which slipper limpets are concentrated in gullies and dense clusters. Following a survey to estimate the quantity of established slipper limpets, it is recommended that efforts are made to remove this population from the area. A combination of hand-raking of slipper limpets and fouled mussel and back-raking of top sediment into cleared areas should be used to remove slipper limpets and smother areas where small individuals may remain. Following the clear up operation, the area should be monitored annually to track recovery of the population and effectiveness of removal.

The cost of the proposal will be in the region of £20,000 and it is proposed that the funds accumulated from Wash Fishery order licences is used to cover the costs.

Background

The slipper limpet is an invasive, non-native species listed under Schedule 9 of the Wildlife and Countryside Act 1981 and in the IUCN list of problematic alien species. The proliferation of the species in the Authority's district could have substantial biological and economic implications, both in terms of the physical impact to mussel beds and biogenic reef communities, as well as legal and reputational impacts on fishery stakeholders. It is illegal under the Wildlife and Countryside Act 1981 to introduce slipper limpets into the wild.

Eastern IFCA has been aware of low levels of slipper limpets in The Wash for several years and has been monitoring slipper limpet levels on the Gat sand specially.

Report

In April 2018, Marine Science Officers conducting a cockle survey near the WFO Toft Lays reported unusually high densities of the invasive slipper limpet, at greater numbers than previously recorded in The Wash. A foot survey of the lays and nearby area was undertaken in May to further assess the situation.

The survey found slipper limpets in high densities to the east of the lays, reaching a maximum of 88 slipper limpets 0.1m^{-2} , which is much greater than usually seen in The Wash. However, the species were only found in lower densities (≤ 19 slipper limpets 0.1m^{-2}) within the lays. Patches outside the lays were found settled on mostly dead mussel and slipper limpet shells in gullies, while within the lay's slipper limpets were settled on relatively healthy-looking, faster growing mussel.

At the low population densities seen throughout most of The Wash, the potential for slipper limpets to reproduce and settle is limited, however in the higher densities this becomes more likely. Slipper limpets pose little threat to fisheries or the environment at low densities however, at high concentrations, slipper limpets may be considered as a threat to native shellfish stocks in The Wash (including cockles and mussels). The ecological and fisheries impacts of settlement include:

- Reduced growth rate and survival of mussels. A fourfold to eightfold reduction in the survival of mussels fouled with slipper limpets has been reported, as well

as that shell growth in surviving mussels with attached slipper limpets is three to five times lower than in unfouled individuals;

- Modified trophic structure of benthic communities where dense populations of slipper limpets settle;
- Changes in sediment composition and near-bottom currents and dynamics due to the accumulation of pseudofaeces and fine sediment because of the filtration of slipper limpets as well as individuals protruding in stacks into the water column;
- Changed microbenthic community composition;
- Need for expensive cleaning operations of landed mussels to remove fouling and reputational impacts for the industry;
- Smothering of cockle beds where dense populations of slipper limpets settle, and the requirement to sort and dispose of slipper limpets caught while harvesting cockles. Slipper limpets have been noted on cockles as well as mussels in The Wash, though to a lesser extent.

Helping to reduce the spread and growth of the slipper limpet population in The Wash would have positive long-term financial implications for the fishing industry. The economic impact of slipper limpets on bivalve fisheries and mariculture are well-documented. If high-density slipper limpet populations in The Wash become widespread, this would incur costs to the industry cleaning fouled shellfish and sorting and separating heavily infested catches. Furthermore, slipper limpet infestation may lead to difficulties in the movement of stock from the mariculture lays for growing or selling, either through restrictions or reduced interest in infested stock. This would result in a loss of revenue for lay-holders.

In addition, Eastern IFCA has obligations under national law, set out in the Marine and Coastal Access Act 2009 and the Conservation of Species and Habitats Regulations 2010, to maintain biological diversity and further the conservation objectives of marine protected areas. Invasive, non-native species pose a threat to biological diversity and to the integrity of The Wash and North Norfolk Coast European Marine Site.

As such, there are clear drivers for Eastern IFCA to seek to take remedial action for the protection of the Regulated fisheries within The Wash and the associated habitats (including features of The Wash and North Norfolk Coast European Marine Site).

Proposed plan for remedial action

It is known that reducing the slipper limpet population of an area is difficult. Total eradication of slipper limpets from infested areas is not currently known to be possible, however, slowing their expansion would still go some way to limit the impact on the Regulated fisheries and provide important ecological and economic benefits. There are a number of potential means to manage the population of slipper limpets in The Wash where numbers start to increase to high densities. A review of removal and reduction techniques previously used elsewhere found that the most effective option would be an integrated approach to managing areas where slipper limpets have settled in high densities. A combination of hand-raking of slipper limpets and infested mussels, and subsequent sediment burial of raked areas was suggested. Regardless of the control mechanism used, the review found that resettlement could still pose a problem. There is only one record of a successful total eradication programme for slipper limpets; in which they were eradicated from a major mussel culture area in the

Menai Strait, after being inadvertently introduced there with a consignment of mussel seed. This was successful due to urgent remedial action taken by the fishing industry that involved removing the infested mussel seed and then smothering the remaining area with new slipper limpet free seed (Syvret and Fitzgerald, 2008). The success of the eradication programme in the Menai Strait can be attributed to the rapid response of the industry to the initial introduction. Because slipper limpets have been living in low densities in The Wash for many years and now have a widespread distribution, a similar approach to completely eradicate them would not be feasible here. Despite this, targeted intervention, as proposed, could be successful in slowing their spread. In particular, this dense bed may provide a form of haven for the slipper limpets from which to spread further and at higher densities. Removal of these could therefore potentially limit such expansion.

The proposed plan includes the following components:

Monitoring surveys

It is recommended that before any slipper limpets are removed from the area, a baseline survey is conducted to ensure that the high-density population recorded in early summer 2018 is still established in the area. Information collected from this survey will also assist the removal activities and allow an estimate of the quantity of slipper limpets that will be collected to be determined prior to their removal and disposal.

Further surveys would also be required to assess the effectiveness of the clear up operation and to monitor any future recovery of the slipper limpet population in the area. It is recommended that a survey is undertaken shortly after the clear up operation, and then on an annual basis either for five years or until the population returns to base levels, whichever comes first. Each survey will involve one day of vessel time and crew.

Clear up operation

It is recommended that fishermen are contracted to remove slipper limpets from the high-density area on the Roger Sand under the supervision of an Eastern IFCA officer. The proposed method of removal will involve fishermen hand raking slipper limpets and fouled mussel from infected gullies and other dense patches within a prescribed area into bags for removal from The Wash. This method will be similar to that used in WFO hand-worked cockle and mussel fisheries, but prop-washing will not be allowed. In addition, once gullies are thought to be clear, it is recommended that back-raking of sediment is used to smother the areas and any remaining slipper limpets.

Slipper limpets have a breeding season that can last between February and October, however peak breeding activity tends to occur in May and June, when 80 – 90% of females spawn. Because of these breeding dates, the removal of slipper limpets from the area would have greatest beneficial impacts if conducted before May.

Slipper limpet disposal

Eastern IFCA received advice from the Environment Agency on the disposal of shellfish. By-products associated with the removal of slipper limpets from the

area would come under Category 3 of the Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products regulation). Slipper limpets and mussels that require disposal will be categorized as such because they suit the following descriptions:

- Aquatic animals, and parts of such animals, except sea mammals, which did not show any signs of disease communicable to humans or animals;
- Aquatic and terrestrial invertebrates other than species pathogenic to humans or animals.

To ensure compliance with all legislation and advice from the Environment Agency, disposal of collected slipper limpets will require the services of a licenced waste contractor.

Costs

Estimated costs associated with the proposed project are as follows (Table 1).

Table 1. Estimated costs of delivering each element of the proposed project. Please note transport and disposal costs are based on a quote received in September 2018⁵.

Activity	Cost	Source of funding
Removal by contracted fishers	To be confirmed	WFO propagation fund
Survey on R.V. Three Counties	£2,750 / Day	
Collection and transport of shellfish	£200	
Disposal of shellfish	£125 / Tonne	
Estimated total cost (2019)	£6,075 + cost of contracting fishers	
Estimated total costs (subsequent years)	£2,750 / year, for up to four years	
Estimated total for entire project	£20,000	

Use of Wash Fishery Order funds to cover costs

Eastern IFCA charges fees for the issuing of WFO licences. Prior to 2009, use of funds accumulated from licence fees were limited to the 'improvement and cultivation' of the Regulated fisheries as per the Sea Fisheries (Shellfish) Act 1967 (the Shellfish Act). The Marine and Coastal Access Act 2009 amended the Shellfish Act to enable Eastern IFCA to use licence fees collected in this propagation fund 'for the benefit of the Regulated fishery' and for 'regulation' of the fisheries. There has been limited opportunity to use these funds in the interim and the current balance stands at nearly £120,000.

⁵Various licenced waste contractors have been contacted to quote costs for the disposal of shellfish waste. Pricing has been considered and the most cost-effective option chosen for use here.

The matter under consideration meets the requirements of the Shellfish Act for the use of these funds, primarily in relation to the potential impacts on the fishery of the spread of slipper limpets verbal legal advice has been received to this effect. It is estimated that total costs to undertake the proposed clear up, and all associated surveys under a scenario where these are undertaken for five years would be approximately £20,000. This, however, is dependent on the volume of shellfish removed and to be disposed of, the rates of those contracted to remove the slipper limpets from the site and number of days this takes, and the time it takes for the slipper limpet population to recover to base levels (number of surveys required).

It is recommended therefore that Members approve in principle the use of WFO funds to undertake the proposal and delegate authority to the CEO to approve the exact expenditure once known.

Further preventative measures

Movement of shellfish into The Wash in relation to the WFO Several fishery (the Shellfish Lays) is a potential vector for the introduction of invasive species and diseases. As a recognition of this, officers have over the past two years engaged with Lay Holders, providing information and guidance on how to avoid introducing invasive species (including slipper limpets) into The Wash and setting out their legal obligation not to do so. It should be noted that, where a fisher introduces an invasive species into The Wash, an offence will have been committed by that fisher under the Wildlife and Countryside Act 1981 as amended.

Movement of shellfish into lays is a strong vector for the spread of non-native species. The high-density patch has been found in the vicinity of WFO Shellfish Lays and our survey has indicated that slipper limpets (albeit in lower densities) are also found within the lays themselves. A large quantity of mussels is known to have been moved to these lays in November 2016 and were harvested throughout early 2018. These mussels were relayed into lays without prior notification or consent from Eastern IFCA, in contravention of the WFO Shellfish Lay lease conditions. However, our records indicate that the mussels in question originated from Morecambe Bay where no slipper limpets are present.

Prevention of bringing further invasive species is nonetheless considered of high importance and the development of a new biosecurity plan for The Wash is a feature of the priority workstream on biosecurity. Whilst the Biosecurity Plan itself is still in development, officers have still been proactive in protecting against introduction of invasive species (including, for example, consideration of mussel seed imports from areas known to contain Chinese mitten crabs). In addition, officers are looking to implement further restriction on the movement of shellfish into The Wash for relaying purposes through the development of new lease conditions although this has been delayed due to other priorities and difficulties in procuring legal advice on the matter.

There is the potential that the recent episode is the result of the introduction of infested mussel seed, however, low levels of slipper limpets have been known to occur within The Wash for some time and this is potentially the result of natural processes. Studies have indicated that slipper limpets are limited in their ability to establish themselves and spread by several factors including water temperature. Other areas have seen shifts from mussel dominated to slipper limpet dominated biotopes following warmer

winters, as has been increasingly seen in The Wash over recent years. Additionally, the use of bottom-towed gear (such as dredges or shrimp beam trawls) is thought to facilitate the spread of slipper limpets, as are strong current flows and bed load transport – all factors that could potentially facilitate the spread of the species in The Wash.

As such, it seems that events like this are more likely going forward (noting that so far, water temperatures have anecdotally been reported as relatively mild this winter) and that monitoring the abundance of slipper limpets will be of increasing importance. As of the 2018 WFO cockle surveys, officers have started to monitor invasive species (including slipper limpets) during the survey in The Wash to enable the development of a dataset to monitor spread. In reality though, it will be more important to identify and remove further high-density areas as and when they occur to limit spread, as complete eradication is extremely unlikely.

Financial implications

The costs associated with the proposal will be in the region of £20,000 however, the impact of this is mitigated through the use of WFO propagation funds. No other financial implications are identified.

Legal implications

Limited legal risks are identified with this proposal. Risk associated with using the WFO propagation fund is mitigated through the application of the conditions placed on such use under the amended Shellfish Act and through the provision of legal advice.

Whilst it could be argued that the proposed activity is, in part, being proposed for the purpose of managing The Wash and North Norfolk Coast European Marine Site and will enable the site to meet its conservation objectives, Natural England advised that a “light-touch” Habitats Regulations Assessment is required. Eastern IFCA completed an assessment that concluded the activities would not have an adverse effect on the integrity of the European Marine Site or have a significant impact upon special interest features of The Wash SSSI. Natural England considered the assessment and in recognition of the benefits of undertaking the removal as soon as possible, provided very prompt advice, which set out their assent and consent for the proposed work under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 and Section 281 of The Wildlife and Countryside Act 1981 (as amended), respectively. This will mitigate against the risk associated with meeting the requirements of the Habitats Directive and Conservation of Habitats and Species Regulations 2017.

Furthermore, the removal of slipper limpets will include the removal of a small quantity of mussel on which slipper limpets are attached. This is likely to include undersize mussel. There is no provision within the WFO to take undersize mussel. Therefore, Officers recommend that the Authority formally agrees that officers will not enforce this minimum landing size of mussels (i.e. Regulation 8 of the Wash Fishery Order 1992) for the purpose of this activity specifically.

Background Documents

Report on the possible expansion of the invasive, non-native slipper limpet population (*Crepidula fornicata*) on Wash Fishery Order 1992 shellfish lays http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/11/2018_04_Slipper_limpet_survey_report.pdf

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Action Item 15

35th Eastern Inshore Fisheries and Conservation Authority meeting

30th January 2019

Report by: Julian Gregory – CEO

MMO Collaboration

Purpose of report

The purpose of this paper is to update members on the proposed collaboration between the MMO and Eastern IFCA and to seek agreement for officers to further develop collaborative opportunities.

Recommendations

Members are asked to:

- **Note** the content of the report.
- **Agree** that officers should progress closer collaborative working with the MMO as identified in the report.

Background

During 2015 Defra initiated a workstream to achieve greater collaboration between the MMO and the IFCAs. This was subsequently formalised under the oversight of a joint IFCA and MMO Programme Board with six workstreams including accommodation, training, intelligence and operational collaboration. At the 21st meeting of the full Authority held on 28th October 2015 it was agreed that Eastern IFCA would participate fully in the programme.

Since 2015 Eastern IFCA has been at the forefront of developing collaborative working both at the local and national levels. Locally officers developed effective working relationships with MMO colleagues through a number of initiatives including shared accommodation at Kings Lynn and Lowestoft, shared Tasking and Coordinating arrangements for operational activity and routine joint patrols and operations. At national level the CEO has been an active proponent of the collaborative working agenda and associated workstreams as (previous) Chair of NIMEG and through membership of the IFCA Chief Officers Group and the Collaboration Programme Board.

During 2017 opportunities for greater collaboration were explored jointly by the Association of IFCAs and the senior management team and Board of the MMO. Two joint workshops were held on 5th June and 8th November 2017. An outcome of the second workshop was an agreement to establish a joint working group with an agreed Terms of Reference to develop options for enhanced collaboration.

In late June 2018 the working group met, and whilst discussions were constructive no significant progress was made. As a consequence, MMO colleagues considered that a separate but associated workstream in which they would work with an individual IFCA to explore opportunities for collaborative working may be beneficial. Eastern IFCA were considered a candidate due to the success of collaborative working with the MMO in the District.

Subsequent to the meeting the Director of Operations from the MMO and one of their Board members contacted the CEO to express their preference to work with Eastern IFCA and seeking a meeting with the MMO CEO.

At the 33rd meeting of the Authority held on 7th November 2018 members agreed that the CEO should engage with senior officers from the MMO to hold preliminary discussions on opportunities for greater collaborative working.

Report

On 15th November 2018 the CEO, Head of Operations and Head of Finance and HR from Eastern IFCA met with senior colleagues from the MMO to discuss the potential for developing a collaborative workstream.

The workshop was productive and there was agreement on the purpose of the proposed initiative and the key enablers. Following discussions on what opportunities might exist the following workstreams were identified:

1. IT/Data Sharing
2. Joint operational tasking and working
3. Marine Protected Areas
4. Marine licensing conditions
5. Localism

A number of potential projects and issues were also identified as were next steps and some immediate actions. Full details are set out in the notes of the meeting at Appendix A.

It should be noted that a current high priority for the MMO is preparation for EU Exit and as such, there may not be capacity to make significant progress in the short term.

Appendices

Appendix A – Notes from MMO / Eastern IFCA Workshop on 15th November 2018

IFCA Workshop – MMO and Eastern IFCA

Date: 15th November 2018

Attendees: Andrew Wareing, Julian Gregory, Aisling Lannin, Chris Proud, Kate Hargreaves, Jon Butler, Stephen Bolt, Andrew Bakewell

Agenda:

1. Discussion and agreement of purpose of the proposed initiative
2. Identify and agree key enablers
3. Discussion of opportunity
4. Next steps

1. Discussion an agreement of purpose of proposed initiative.

Key points:

- The Pilot is a local initiative between Eastern IFCA and MMO. It will examine what we do together, how we can do it better and what else we can do (across all areas of marine management).
- It will develop a better understanding of each other's organisations and develop a common perception of each other
- It will explore new/creative ideas, looking at how we can work together differently and more inclusively. It will be a safe place to test and try these ideas.
- It will focus on operational efficiency including services and how they are delivered and local accountability/engagement with a focus on customers/service users
- It is not a pathfinder, nor the integration of the EIFCA and MMO, so current structures and governance remain.

The workshop noted specifically the following issues it would like the pilot to address:

- Knowledge of and communication with each other
- Understanding of local engagement, decision making and priorities (noted that it needs to be broader than fisheries management)
- Tension between fisheries and licensing as well as marine planning and local priorities and decision making (current misconceptions)

2. Identify and agree key enablers

The workshop agreed the following as key enablers for success

- Trust/critical friends/joint understanding of the as is
- Better involvement in committees and decision making
- Two tier discussions – strategic and operational
- Local empowerment and delegation of process where required
- Clarity of purpose and risk appetite
- Agreed principles/ways of working
- Financial understanding of investment
- Understanding of decision making process

- Communications – open and honest and joint (one voice)
- Ownership is between EIFCA and MMO
- Agreed objectives
- Suggested list of projects

3. Discussion of opportunity

The workshop agreed five work streams of opportunities to develop future projects within:

6. IT/Data Sharing
7. Joint operational tasking and working
8. Marine Protected Areas
9. Marine licensing conditions
10. Localism

Suggested projects included:

- IT systems and data sharing – access and how to merge systems
- Explore opportunities within CCP for EIFCA involvement
- Joint working – boarding parties/training/tasking/patrols (developing a multifunctioning cross organisational team)
- Review cross warranting opportunities
- Explore 6-12nm remit and opportunities
- Risk – adoption of national and local risk
- Shared knowledge – shadowing/detached duties/placements
- Compliance – explore national/regional/local priorities and opportunities for shared monitoring, decision making and enforcement
- Localism – how use decision making process better and more collaborative
- Shared knowledge/expertise
- East Marine Plan – understand benefits/issues/opportunities
- Sustainable development – what this could look like/include
- MPAs – opportunities for closer collaboration and knowledge sharing
- Marine science (MPAs) – explore joint commissioning of evidence and understanding of its uses

4. Next steps and outputs

- Understand what we both do better – aims, objectives and priorities and operational activities/ways of working
- Explore MMO involvement in/relationships with EIFCA subcommittees
- Develop ToR for strategic group and working group
- Identify people from MMO/EIFCA for a working group
- Explore opportunities for EIFCA in CCP – Mobile Working project
- Develop joint staff communication
- Set up follow up meeting of strategic group

5. Actions

Action	Owner	Date	Status
Develop staff communications for EIFCA/MMO staff summary of new initiative what it is/is not. To be joint communication from JG/AW		15/11/18	
Discuss with CCP programme opportunities for EIFCA involvement – Mobile Working	KH/JB	15/11/18	
Send suggested names for working group to KH	AW/JG	15/11/18	
Set up follow up meeting (Jan/Feb 2019)	KH	15/11/18	
Discuss position of pilot within Marine Transformation Programme Board with TR	JG		

Vision

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Action Item 16

35th Eastern Inshore Fisheries and Conservation Authority meeting

30th January 2019

Report by: Julian Gregory – CEO

Chief Executive Officer's Update

Purpose of report

The purpose of this paper is to update members on contemporary issues of relevance to the Authority.

Recommendations

Members are asked to:

- **Note** the content of the report.

Updates

Issues covered in this update are:

1. Inshore Fisheries and Conservation Authorities: Conduct and Operation 2014-2018
2. Fisheries Bill
3. IFCA Evaluation
4. Spending Review 2019
5. Operation Blake

1. Inshore Fisheries and Conservation Authorities: Conduct and Operation 2014-2018

Section 183 (1) of the Marine and Coastal Access Act 2009 requires a four-yearly report on the conduct and operation of IFCAs to be laid before Parliament. The second such report has now been laid and it has been published online on the link below.

<https://www.gov.uk/government/publications/fisheries-and-conservation-authorities-conduct-and-operation-2014-to-2018>

Overall the report concludes that *'Since 2014, the IFCAs have delivered the recommendations of the previous report and they have demonstrated the local leadership that is expected of them as statutory regulators.'* The report is complimentary about the substantial legislative work undertaken by IFCAs, supported by extensive research, stakeholder engagement and collaborative working.

Perhaps unsurprisingly, it also identifies some areas for consideration/development including:

- Current and future funding in the context of increasing responsibilities
- The impact of regulation on the fishing industry and the sometimes divergent approach between neighbouring IFCAs
- The importance of '*close and honest*' engagement between IFCAs and fishing communities
- Representation of the various sectors on IFCA committees
- The need for IFCAs and the MMO to work together to address possible duplication of statutory duties

The report contains a section on each IFCA, which is based largely upon self-assessment questionnaires and case studies intended to demonstrate how the Defra Success Criterion have been met. There is also a summary of the responses received from the Call for Evidence in relation to each IFCA.

The Eastern IFCA section demonstrates the breadth of our work and our structured approach to business planning utilising the annual Strategic Assessment. It includes our innovative work on Community Voice in conjunction with the Marine Conservation Society and our significant contribution to national work is illustrated by a case study on Chairmanship of the Technical Advisory Group.

There were six respondents to the Call for Evidence, some of whom were complimentary about our committed and helpful approach to our work, our engagement with the community and our collaborative approach to our work.

There were also some negative comments inasmuch as it is perceived that the Authority should have taken steps to protect spawning bass and to have addressed 'illegal' bass fishing more effectively. Linked to this is a suggestion that the Authority has not taken full account of the economic benefits of the recreational sea angling and charter industries. There was also a suggestion that that the Authority may not always engage with the industry on the basis of timely co-management and partnership when management policies are being planned and introduced.

2. Fisheries Bill

The Fisheries Bill was introduced on 25th October 2018 and provides the legal framework for the United Kingdom to operate as an independent coastal state under the United Nations Convention on the Law of the Sea 1982 (UNCLOS) after the UK has left the European Union (EU) and the Common Fisheries Policy (CFP). It will be fully responsible for managing fisheries in the UK's Exclusive Economic Zone (EEZ) of 200 miles. This will include setting total allowable catches (TACs) and determining who has access to fisheries. The UK Government and devolved administrations will also have the ability to amend the fisheries regulations that will be transposed into UK law from EU legislation. In addition to this, a number of Articles in the EU CFP Regulations are revoked or amended, and the Bill includes a number of so-called Henry VIII powers that will enable ministers to amend or repeal certain provisions in an Act of Parliament using secondary legislation.

The Bill replaces the sustainability objectives currently in the Common Fisheries Policy with 6 fisheries objectives:

- Sustainability objective is to ensure that fishing and aquaculture activities are:
 - (a) environmentally sustainable in the long term, and
 - (b) managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies
- Precautionary objective is to:
 - (a) apply the precautionary approach to fisheries management, and
 - (b) ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above biomass levels capable of producing maximum sustainable yield.
- Ecosystem objective is to:
 - (a) implement an ecosystem-based approach to fisheries management so as to ensure that negative impacts of fishing activities on the marine ecosystem are minimised, and
 - (b) ensure that aquaculture and fisheries activities avoid the degradation of the marine environment.
- Scientific objective is to:
 - (a) contribute to the collection of scientific data, and
 - (b) base fisheries management policy on the best available scientific advice.
- Discards objective is to eliminate discards by:
 - (a) avoiding and reducing, as far as possible, unwanted catches, and
 - (b) gradually ensuring that catches are landed.
- Equal access objective is to ensure that the access of UK fishing boats to any area within British fishery limits is not affected by:
 - (a) the location of the fishing boat's home port, or
 - (b) any other connection of the fishing boat, or any of its owners, to any place in the United Kingdom.

The Bill sets out a process involving a Joint Fisheries Statement (JFS) and for England only, a Secretary of State Fisheries Statement (SSFS), by which the UK Government and the devolved administrations develop new fisheries policy. The bill requires the first JFS and SSFS to be prepared before 1st Jan 2021 and that they must be reviewed on a six-year cycle.

A SSFS is a document in which the Secretary of State states policies of the Secretary of State (however expressed) for:

- (a) making the best use of unwanted catches (where it is appropriate to do so) without creating a market for such of those catches as are below the minimum conservation reference size;

- (b) providing conditions for an economically viable and competitive fishing capture and processing industry and land-based fishing related activity;
- (c) providing for measures to adjust the fishing capacity of fleets to levels of fishing opportunities consistent with the precautionary objective, with a view to having economically viable fleets without overexploiting marine biological resources;
- (d) promoting the development of sustainable aquaculture activities to contribute to food supplies and security and employment;
- (e) contributing to a fair standard of living for those who depend on fishing activities, bearing in mind coastal fisheries and socio-economic factors;
- (f) contributing to an efficient and transparent internal market for, and ensuring a level playing field for the marketing of, fisheries and aquaculture products;
- (g) taking into account the interests of both consumers and producers;
- (h) promoting coastal fishing activities, taking into account socio-economic factors;
- (i) contributing to the achievement by 2020 of a good environmental status (within the meaning of the Marine Strategy Framework Directive).

Access

The Bill will revoke the current automatic rights for EU vessels to fish in UK waters and access to fish in the UK waters will be for the UK to negotiate and decide on the terms and foreign vessels will have to follow UK rules, including being licensed by the UK.

Fishing opportunities

The Bill revokes EU legislation which currently sets UK fishing opportunities and gives the Secretary of State powers to determine the UK's fishing opportunities (the maximum amount of fish that may be caught and the maximum number of days that may be spent at sea). The Bill also introduces powers to enable annual fishing opportunities, which the Secretary of State can allocate to the English industry, to be sold to those in the English industry.

Discard prevention charging scheme

The Bill contains a power to set up a scheme for charging English fishing licence holders that land fish in excess of their authorised quota. This will support the implementation of the landing obligation (which from January 2019 will require all species under quota to be landed) by encouraging the uptake of more sustainable fishing practices. The purpose of the scheme is to charge for unauthorised catches at a level which deters overfishing and thereby incentivises fishers to use more sustainable fishing practices and avoid unwanted catches.

Marine environment

The Bill extends the Fisheries Administrations' marine conservation powers to regulate fishing for the purposes of protecting the marine environment. The Fisheries administrations will be able to regulate fishing outside territorial waters and outside marine protected areas. It extends the Marine Management Organisation's (MMO) existing byelaw making powers to make byelaws or orders relating to the impact of fishing on marine conservation. In effect this means that the MMO would be given the

ability to make byelaws relating to the exploitation of sea fisheries resources for the purpose of conserving marine flora or fauna, or marine habitats within the IFCA districts by amending the Marine and Coastal Access Act 2009. It is not clear how this would work in conjunction with IFCA's duty under the same Act.

Cost recovery

The Bill extends the cost-recovery powers of the MMO in England to enable it to charge for services they provide to the fishing industry. The Secretary of State will be able to make regulations for the MMO to impose charges for carrying out certain functions:

- fishing quotas;
- ensuring that commercial fish activities are carried out lawfully;
- the registration of buyers and sellers of first-sale fish;
- catch certificates for the import and export of fish.

Grant schemes

The Bill provides powers to introduce schemes of financial assistance for the fish and fish farming industries, to improve the marine and aquatic environment, and to promote recreational fishing. The powers replace and broaden existing domestic funding powers and will allow new funding schemes to replace funding currently received under the European Maritime Fisheries Fund (EMFF).

Marine Management Organisation

The Bill includes the MMO as a "relevant national authority" along with the Scottish and Welsh Ministers and the Northern Ireland department and as such must exercise its functions relating to fisheries, fishing or aquaculture in accordance with the policies contained in a JFS and SSFS that are applicable to the authority, unless relevant considerations indicate otherwise. This effectively puts the relationship between the MMO and Defra on a statutory footing in terms of fisheries management.

3. IFCA Evaluation

Defra has instigated a tender process for '...suppliers to assess and prioritise current and future fisheries control and enforcement challenges in the UK EEZ and identify and appraise innovative solutions for addressing these challenges.' The closing date for tenders was 12th December 2018 with contract award being scheduled for 2nd January 2019 with a contract duration of 6 months. Information on the review taken from the tender document is set out below.

Background

Inshore Fisheries and Conservation Authorities (IFCAs) are statutory regulators created by the 2009 Marine and Coastal Access Act as successors to Sea Fisheries Committees (SFCs) in England. The 10 IFCAs are responsible for the sustainable management of sea fisheries resources in their Inshore Fisheries and Conservation Districts (IFCDs) to six nautical miles from coastal baselines. District boundaries and IFCA membership are set out in separate Statutory Instruments, made at the beginning of September 2010. IFCAs became fully operational on 1 April 2011.

Defra and the SFCs, in consultation with local and central government and nongovernmental organisations, developed a vision statement for IFCAs before they became operational:

“Inshore Fisheries and Conservation Authorities will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry.”

- A statutory review of IFCAs’ conduct and operations is carried out every 4 years. In addition, the performance of each IFCA is self-assessed against a range of success criteria based on five high-level objectives, developed from the vision statement: IFCAs are recognised and heard, balancing the economic needs of the fishery whilst working in partnership and engaging with stakeholders
- IFCAs implement a fair, effective and proportionate enforcement regime IFCAs use evidence based and appropriate measures to manage the sustainable exploitation of sea fisheries resources and deliver marine environmental protection within their district
- IFCAs have appropriate governance in place and staff are trained and professional
- IFCAs make the best use of evidence to deliver their objectives

With the exception of the Statutory Reviews, no independent evaluation of IFCA performance has yet been undertaken. The ten-year anniversary of the passing of the Marine and Coastal Access Act presents an ideal opportunity to assess progress in England on the governing and managing of inshore fisheries and marine environments. With the UK leaving the European Union and taking back control over its waters, there is also a chance to investigate whether inshore management arrangements can be extended or replicated for offshore management.

Project scope & aims

This invitation to tender is for an evaluation of the activities, operations, and actions of IFCAs. The evaluation will help inform the future governance and management of UK fisheries and marine environments. In particular, the evaluation shall explore whether IFCAs:

- Have the necessary structures and capacities to deliver on the vision for them.
- Provided adequate opportunity for *all* stakeholders to participate in marine and fisheries management.
- Have been successful in drawing up bylaws that effectively support environmental, economic, and social sustainability.
- Have set and maintained high standards for fisheries research, management, and enforcement.
- Have proactively engaged in collaborative and knowledge sharing partnerships.

The overarching aims of this research are to: (1) enhance understanding of how effective the design and implementation of the IFCAs has been; and (2) assess and understand the benefits and impacts the IFCAs have provided through their activities; and (3) to identify lessons learnt and best practices to inform the future governance and management of UK fisheries and marine environments (including management of

offshore waters). This research will support the development of thinking on England's long-term regulatory support for coastal communities, the marine environment, and the blue economy, post EU-Exit.

A complement to 2010-2014 and 2014-2018 statutory consultations required under article s183(1) of the Marine and Coastal Access Act 2009, the scope, aims, and objectives for this evaluation are partially informed by the consultations. The IFCAs have now existed for a period of time such that an in-depth evaluation is possible, and it is envisioned that this research will provide a broad evaluation of their effectiveness, efficiency, and impact.

The scope of this project does not extend to the conducting of primary natural science research. We are interested in understanding the environmental performance of IFCAs but this should be assessed using secondary analysis and/or social science methods (i.e. use of existing data, reviews of existing literature, interviews with natural scientists, etc.).

Objectives

1. To evaluate, overall, whether the IFCAs are delivering on the vision for them, set out in articles s153 and s154 of the Marine and Coastal Access Act 2009. The evaluation should consider whether:
 - The IFCAs support gold standard participatory fisheries science and management or require reform.
 - There are areas where the IFCAs have been more and less successful in delivering on their vision.
 - The IFCAs provide value for money in delivering their vision.
 - There are lessons and best practice learnt from the IFCA model which may be applicable to wider fisheries and marine management, including offshore waters.
2. To evaluate the structures and capacities of IFCAs. Sub-objectives should include (but not be limited to):
 - Ascertain whether IFCA committees are the appropriate size for the IFCA operations, including assessment against the criteria detailed in Appendix G.
 - Ascertain whether there is appropriate and balanced stakeholder representation on IFCA committees, including assessment against the criteria detailed in Appendix G.
 - Assessing whether IFCA inshore fisheries and conservation officers undergo sufficient training.
 - Assess whether the current level of funding for IFCAs is adequate to perform their remit.
3. To evaluate the collaborative working practices of IFCAs. Sub-objectives should include (but not be limited to):
 - Identifying the extent and nature to which IFCAs are working in collaboration with regulatory and delivery authorities (e.g. the MMO, Environment Agency, Border Force, police, etc.) on fisheries management and enforcement.
 - Identifying the extent and nature to which IFCAs are working in collaboration with adjoining IFCAs/Natural Resources Wales.

- Assessing how effective IFCA collaborations have been and identifying the scope to improve future collaborations.
4. To evaluate IFCA Communications. Sub-objectives should include (but not be limited to):
 - Assess how effective IFCAs are in communicating with local stakeholders, including through identifying the extent and nature of interaction with hard-to-reach stakeholders (e.g. those with low literacy, little access to online communications).
 - Assess ease of access to IFCA information (e.g. regulatory, opportunities) for stakeholders.
 - Identify whether IFCAs effectively share the stock information they gather.
 5. To evaluate the processes for IFCA bylaw creation and determine intended and unintended outcomes and impacts of bylaws. Sub-objectives should include (but not be limited to):
 - Assessing whether IFCAs have made effective use of bylaws.
 - Identifying the level and nature of local stakeholders' engagement and participation in bylaw creation and assessing its appropriateness.
 - Assessing whether bylaws are developed in a balanced manner, taking into account the different interests of *all* stakeholders.
 - Assessing whether IFCA bylaws are underpinned by robust evidence, including through the inviting of appropriate speakers to committee meetings.
 - Determining the environmental, economic, and social outcomes and impacts of the bylaws.
 6. To evaluate IFCA activities and work programmes.
 - Assessing how effective the IFCAs' efforts have been in developing their fishery/sea fishery resource (in cases where this has been needed).

4. Spending Review 2019

The IFCAs are funded by their constituent local authorities as set out in the Marine and Coastal Access Act 2009 Act. In line with the New Burdens Doctrine and to support the local authorities who are required to fund the IFCAs, Defra identified "New Burdens" funding to meet the increased financial burden on local authorities arising from the creation of IFCAs. As a consequence, since 2011, the Government has provided £3 million for each year shared by the ten IFCAs. This funding requirement was based on the numerous and substantial new duties of IFCAs in comparison with the preceding Sea Fisheries Committees. This funding was a vital step in supporting the local authorities which in turn funded the IFCAs to ensure that they were resourced for that purpose.

Although *prima facie* the funding of IFCAs has been static (though reducing in line with inflation) the new burdens currently provided to local authorities were reduced from that which was originally identified as being required when the Marine and Coastal Access Act was being drafted. The accompanying Impact Assessment stated that the cost of replacing the abolished Sea Fisheries Committees with IFCAs created an

ongoing new burden annual cost of £5m. This was cut to £3m following the Treasury 2010/11 spending review.

The present funding formula adopted by Defra provides an allocation of Spending Review monies to each IFCA. This is based on new burdens factors that include the number of new Marine Protected Areas, length of seashore, size of population and an allocation for the number of additional officers to deliver new duties. The total amount of £3m per annum was distributed between the IFCAs according to this formula.

For Eastern IFCA 'New Burdens' funding currently stands at £394,145 as part of the overall revenue budget of £1,411,006 for 2019/20, so approximately 28% of overall budget.

New Burdens funding has been extended over time and is currently due to expire in March 2020. In recognition of this Defra are including the issue of an ongoing contribution to funding for IFCAs as part of their work for Spending Review 2019. The IFCAs are actively engaged in this via the Association of IFCAs and have responded to a call for data from Defra. In addition, a submission is being prepared to make the case not only for continued funding but also an increase to reflect the previous capping of funds and the increased duties absorbed by the IFCAs since 2011.

5. Operation Blake

Operation Blake is the multi-agency response to the identification of Paralytic Shellfish Poisoning (PSP) in samples associated with the death of two dogs in Cley, Norfolk and Felixstowe, Suffolk in late December 2017 / early January 2018. A Gold Group, established by Eastern IFCA and chaired by the CEO, has overseen a co-ordinated response from the relevant agencies. The Gold Group last met in June 2018 as there has been no requirement for meetings since then.

At the 33rd Authority meeting in July 2018 members agreed that a bid would be submitted, by Eastern IFCA, to the EMFF programme to fund a longer-term sampling regime. The bid was subsequently prepared in conjunction with Cefas and was considered by the EMFF Board in November 2018. Some further work was requested by the Board and this was submitted before Christmas. A decision on the funding is still awaited.

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Action Item 17

35th Eastern Inshore Fisheries and Conservation Authority Meeting

30th January 2019

Report by: J. Gregory, Chief Executive Officer

Quarterly Progress Against Annual Priorities 2018-19

Purpose of report

The purpose of this report is to update members on progress against the objectives established in the Business plan as priorities for 2018-19.

Recommendations

Members are recommended to:

- **Note** the contents of this report

Background

Eastern Inshore Fisheries and Conservation Authority is mandated to produce an annual plan each year to lay out the expected business outputs for the year ahead.

With effect from 2016-17 the Authority adopted a model for business planning which uses a rolling five-year Business Plan incorporating annual priorities informed by the annual Strategic Assessment. The plan incorporates the high-level objectives agreed with Defra.

The move to a five-year business plan reflects the need to engage in longer term planning in the context of high levels of demand and the requirement to be flexible with priorities to reflect the dynamic nature of inshore fisheries, the marine environment and the policy landscape.

At the Planning and Communications Sub-Committee held on 14th March 2018 priorities for 2018/19 as set out in the 5-year Business Plan were agreed.

Report

The tables at the Appendix detail the progress against the key priorities for 2018-19, as set in the Business plan for 2018-23.

Risk

Significant complexities regarding the development of Shrimp management measures within the Wash and North Norfolk Coast MPAs have resulted in ongoing delays to

delivering this workstream. This workstream has now progressed with proposed management measures having been to formal consultation and further resource is required to consider the outputs of such. Resource allocated to other projects has, to an extent been subverted to work on the associated Habitats Regulation Assessment and development of measures with 'knock-on' effects on other work.

Conclusion

As per Appendix 1, priority workstreams are all underway but many have been delayed and rolled over to new financial years part due to unforeseen complexities. The complexity and detail involved in dealing with the red and amber risk MPAs has impacted upon other MPA work (including completing the Cromer Shoal MCZ assessment) during the quarter. However, this work is nearing completion and management measures for the Wash shrimp fishery are now being proposed.

Having introduced an Emergency Byelaw for the protection of an 'unmanaged' portion of The Wash, resource will be required to investigate the need for and potentially implement further, permanent measures by the 26th July 2019.

Background documents

Eastern Inshore Fisheries and Conservation Authority Business Plan 2018-23.

Appendices

1. Report on priorities set for 2018-19

APPENDIX 1

Eastern Inshore Fisheries and Conservation Authority

30th January 2019Quarterly Progress against Annual Priorities – Quarter 3

4 key priorities are established for 2018-19.

Financial Year 2018-19		
Priorities 2018-19	Progress	Comment
<p>1. To ensure that the conservation objectives of Marine Protected Areas in the district are furthered by:</p> <p>a. Delivering fisheries management measures for the 'Red Risk' designated features in the Inner Dowsing, Race Bank and North Ridge SCI, and the Haisborough, Hammond & Winterton SCI;</p> <p>b. Delivering fisheries management measures for 'Amber and Green' designated features within European Marine Sites (EMS) including shrimp management in the Wash and North Norfolk Coast SAC and completion of 'Amber and Green' HRA suite;</p> <p>c. Assessing the impact of fishing activities on the Cromer Shoal Chalk Beds tranche 2 Marine Conservation</p>		<p>1a. Ongoing. <i>Haisborough, Hammond & Winterton</i>: detailed review of evidence for feature extent is underway; liaison ongoing with Natural England. Currently in process of formalising agreed approach to management of potential reef areas.</p> <p><i>Inner Dowsing, Race Bank & North Ridge</i>: Delayed to enable focus on shrimp assessment/management. Work to recommence following Haisborough, Hammond & Winterton. Management measures to apply updated conservation advice from Natural England.</p> <p>1b. Ongoing. Closed areas: After formal consultation, two proposed closed areas were removed from the Marine Protected Areas Byelaw 2018 (The MPA Byelaw) pending further consideration. The MPA Byelaw has been submitted to MMO for formal QA and Officers are awaiting comments. The two closed areas which were removed have been reviewed (including the provision of advice from Natural England) and a recommendation is presented to the 35th Authority meeting to the effect that the closures should be introduced during the next iteration of the same byelaw.</p>

<p>Zone and delivering management measures (if required);</p> <p>d. Developing monitoring and control plans for highest risk MPAs as identified in the Strategic Assessment 2018;</p> <p>e. Delivering mitigation to the risk of 'food availability' in the Wash and North Norfolk Coast SAC in relation to private aquaculture;</p> <p>f. Introduction of measures to mitigate the risk of damage to the Wash and North Norfolk Coast SAC from 'unmanaged' bivalve fishing activity <u>if required</u>;</p> <p>g. Undertake gap analysis and initial assessment of fishing impacts within newly designated MPAs including the Harbour Porpoise candidate SAC (southern North Sea), the Greater Wash potential SPA and the extension to the Outer Thames estuary SPA.</p>		<p>Shrimp permit Byelaw: following consultation, several amendments were made to the byelaw including one which was substantial. As such, an amended byelaw was put to further consultation which ended 21st December 2018. Limited feedback was received regarding the change (also presented in Action Item at this meeting). Veil nets being made a condition of the shrimp permit is the subject of a recommendation to the 35th Authority meeting.</p> <p>1c. Ongoing. Progress made in addressing comments from Natural England on first draft of assessment. New advice from Natural England on management of chalk feature received December 2018. New evidence on chalk / potting interactions received November 2018; to be considered in updated assessment. Liaison with Natural England ongoing.</p> <p>1d. Ongoing. Monitoring and control plans drafted for shrimp beam trawl fishery and for dredge fisheries.</p> <p>1e. Ongoing. The Authority has an ongoing monitoring programme, whereby chlorophyll levels in the water column and mussel yields from sites close to the lays are sampled each month, to check the mussels grown in private aquaculture sites in The Wash are not having an adverse impact on the food available for wild stocks. To date, these parameters have remained above minimum threshold targets described in the HRA for the several fishery.</p> <p>1.f Ongoing – The Emergency Wash Byelaw 2018 was made on 27th July 2018 to address a gap between the area</p>
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		<p>covered by the Wash Fishery Order and the le Strange private fishery. Officers intend to consult informally on a replacement byelaw during this quarter and for the Authority to make a byelaw in Q1 of 2019/20.</p> <p>1.g. Ongoing. EIFCA to lead on assessment for Greater Wash SPA and extension of Outer Thames Estuary SPA in EIFCA district. Currently gathering information in relation to designated features of SPAs. Assessments to be drafted during Q4 2018-19, subject to officer availability. Guidance sought on approach for assessment and management of fishing in the very extensive Southern North Sea SAC.</p>
<p>2. To ensure that sea fisheries resources are exploited sustainably and in accordance with MSFD requirements by:</p> <ul style="list-style-type: none"> a. Developing fishery sustainability management measures for the brown shrimp fishery in conjunction with priority 1(b) above; b. Developing fisheries management measures for crab and lobster; c. Monitor fisheries management of bass in the context of European and national fisheries management measures and contribute to the development of Bass Nursery Areas; d. Investigate the cause of mussel mortality within The Wash. 		<p>2a. Ongoing – Management measures to be informed by Marine Stewardship Council Fisheries Management Plan and Marine Science project. Marine Science Officer working alongside the industry-led steering group to determine voluntary and regulatory management measures and Eastern IFCA’s involvement in monitoring compliance with voluntary measures. Fishery being assessed by an MSC accredited private consultancy, Acoura, who hope to deliver outcome of stakeholder consultation in next two months.</p> <p>2b. Ongoing – Although it was originally planned to deliver sustainability measures for crab and lobsters at the same time as measures for the protection of the Marine Conservation Zone, complexities with assessing the stocks have put the consultation for the sustainability measures behind. Further work is being conducted to model the stock data although it is not the intention that this will inform the coming development of management measures. Informal</p>

consultation on potential measures will be undertaken during Q1 of 2019/20.

2c. **Ongoing** – New proposals have been considered and agreed by the December Council meeting. but are yet to be published in full. Officers intend to consider impacts of 2019 measures in the context of protection of the fishery and industry viability and attribute engagement and enforcement resources as determined by risk. It should be noted that the ICES advice shows an improvement in stock health for the first time but that the uplift is marginal in the context of a truly 'healthy' stock.

2d. **Ongoing** – A joint research project was commenced in 2017 between the Authority and Hull University to investigate a possible cause of the high levels of mussel mortality witnessed in The Wash since 2009. Because previous sampling in 2010 indicated the parasitic copepod, *Mytilicola intestinalis*, is potentially the cause of the mortalities, this project focused on the presence of the intestinal copepod parasite, *Mytilicola intestinalis* and the pea crab, *Pinnotheres pisum*, found living within the mussels. Having dissected a total of 270 mussels taken from 5 beds from their part of the study, the university has not been able to draw any firm conclusions indicating either of these two parasites are responsible for the die-offs. However, this is a relatively small sample. Further samples are still being dissected by the Authority science team, which when combined with the university data will form a more robust dataset for statistical analysis.

<p>3. To ensure that the marine environment is protected from the effect of exploitation by;</p> <p>a. Reviewing district wide bio-security measures including risk assessment of invasive, non-native species;</p>		<p>Ongoing – Implementation of a Wash Fishery order Shellfish Lays biosecurity plan is pending completion of the redrafting of lease agreements (as advised by the Fish Health Inspectorate) which itself has been reprioritised in the context of delivering other priorities. The wider biosecurity assessment is still underway. Officers liaised with staff from NWIFCA to introduce mitigation measures to minimise the risk of Chinese Mitten Crabs being introduced into The Wash in mussel seed re-laid from Morecambe Bay.</p> <p>Having found high densities of invasive Slipper Limpets close to the Toft lays, a survey was conducted to assess their distribution. The feasibility of removing them and disposing of them ashore has been investigated, and recommendations are to be presented at the 35th Authority meeting..</p>
<p>4. To develop management of the fisheries regulated under the WFO 1992 by:</p> <p>a. Reviewing the Wash Fishery Order (1992) policy notes;</p> <p>b. Delivering updated Fisheries Management Plan, updated Regulations and partial cost recovery</p>		<p>4a. Delayed – Formal consultation on new policies has been postponed on several occasions in favour of other, higher priority consultations. It is intended that a consultation is held to also inform replacement of the WFO which expires in Jan of 2023.</p> <p>4.b Ongoing – WFO Regulations are with Defra legal for formal QA and officers have been in dialogue with them.</p> <p>Consultation regarding the Fisheries Management Plan and Regulations was delayed pending formal advice from Natural England regarding a 'long-term' HRA for the Wash cockle fishery and the development of a Monitoring and Control Plan for the fishery.</p>

		Licence fees have been increased in line with the first incremental increase agreed at the 31 st EIFCA meeting. Officers have reviewed the model for licence fees and the potential to cost save in relation to stock surveys and associated papers are presented at this meeting.
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Key:

	Complete
	In progress
	No progress

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Information Item 18

35th Eastern Inshore Fisheries and Conservation Authority meeting

30th January 2019

Report by: Greg Brown – IFCO / Project Officer

Marine Protection Quarter 3 report

Purpose of report

To provide members with an overview of the work carried out by the Marine Protection team during the period October, November and December 2018.

Recommendations

Members are asked to:

- **Note** the content of the report

Report

Enforcement and engagement priorities throughout district – overview

October

The enforcement priorities for October in areas 1 (Lincolnshire Coast) and 2 (The Wash) were: to investigate unmarked whelk fishing gear on the Lincolnshire coast, to complete landing inspections in relation to the WFO cockle fishery and to undertake landing inspections of charter vessels. In areas 3 (North Norfolk Coast) and 4 (Suffolk) the focus was on commercial crab and lobster landings, compliance with bass measures (both commercial and recreational) and whelk landing inspections. The engagement priorities for the month were in relation to the IVMS national consultation, the EIFCA informal consultation on crab and lobster measures and the formal consultation on the Marine Protected Area Byelaw and the Shrimp Permit Byelaw 2018. With recreational fishers the focus was on informing about the changes with bass regulations.

November

The enforcement priorities for November in areas 1 and 2 were the same as October with the focus on unmarked gear and cockle landing inspections. In areas 3 and 4 the priorities were charter vessel landing inspections, crab and lobster landings and enforcement of bass regulations in relation to night fishing. Whelk landing inspections

were a district wide priority as a reflection of reportedly high prices and large quantities being landed. Engagement priorities were in relation to the national I-VMS consultation.

December

Enforcement priorities changed in December from previous months, with a focus on netting compliance checks, engagement with skippers with new vessels and undersize fish retention by recreational anglers. As with previous months there was a district wide focus on undertaking commercial whelk landing inspections. The primary engagement priority was the shrimp byelaw re-consultation and further dialogue regarding crab and lobster management measures.

District overview of commercial fishing trends

Low activity during the reporting period along the Lincolnshire coast. In the Wash the focus at the beginning of the quarter was the cockle fishery but this shifted gradually to shrimps as the cockles became less productive. Some fishers in The Wash also moved over to target whelks. Along the north Norfolk coast, fishers continued to target crab and lobster, with catches of whelk also being reported as good. The crab and lobster fisheries were reported as high for the time of year at Cromer particularly. In Suffolk the fisheries were mixed and reported as average although generally the shellfish fisheries were poor.

District overview of recreational fishing trends

One of the main trends during the period was high catches of whiting including some non-compliance with the minimum size requirements. Although there were some reports of cod being caught, they were not caught in the numbers that have been reported in previous years. In the south of the district there were good catches of thornbacks, dogfish and whiting. The catches of flatfish were reportedly lower than usual.

EMS monitoring

Monitoring of 'restricted areas' under the Marine Protected Areas Byelaw 2016 was carried out throughout the reporting period. The following monitoring occurred:

Protected feature	Restricted areas	Number of separate patrols where one or more restricted areas was visited
<i>Sabellaria spinulosa</i> (Ross Worm) Reef	A, B, C, D, E, F, G, H, I	6
Sub-tidal stony Reef	J	0
Eelgrass beds (North Norfolk Coast)	SH, EH, SF, BP, BC	7
Eelgrass beds (Humber)	K	2

Area 1: West-North (Hail Sand Fort to Gibraltar Point)

Fishing Trends

October

There was very little activity on the Lincolnshire coast throughout the month. One vessel had been actively fishing for whelk but left the district during the month. Recreational anglers reported a month of poor catches, there were no reports of smoothhound, cod, or rays. Catches of whiting increased and catches of flatfish remained steady.

November

There was very little activity on the Lincolnshire coast throughout this month. No known vessels went whelk fishing and activity in the crab and lobster fishery was very low. Recreational anglers reported very little being caught and catches mostly consisted of flatfish and whiting with some reports of cod being caught around Grimsby.

December

Trends were mostly the same as November, with very low activity.

Metrics

Enforcement metric	Number completed
Shore Patrols	4
Port visits	10
Catch inspections (landings observed)	0
Catch Inspections (landing not observed)	0
Vehicle Inspections	0
Premises inspections	0
Enforcement actions/Offences	0
Intelligence reports submitted	2
Fishers engaged	13
Vessel Patrols	2
Boardings	2
Gear Inspections	1

Engagement / key messages received

Recreational anglers reported that they had a very poor season, with fishing not being good off the beaches. They were hopeful of catching some cod next year, with various reports of it starting to appear in the area.

Area 2: West-South (The Wash and North Norfolk Coast to Brancaster)

Fishing Trends

October

Both the Wash Fishery Order (WFO) Regulated cockle fishery and the Wash Restricted Area Fishery (Ferrier Sand) remained open throughout the month, but fewer fishers prosecuted the fishery. There was a significant increase in the shrimp landings this month and fishers reported that they were catching good quantities, however the price was low. The low price was reportedly a reflection of large quantities having been landed by Dutch fishers, having the effect of 'flooding' the market, thus reducing the demand and price.

November

Both cockle fisheries remained open, many fishers advised they were fishing in areas with softer sediments due to the poor weather conditions. Some fishers indicated that there was a lot of 'brood' (juvenile cockles and cockle spat) present on the Boston side of The Wash. The yield was reported as low, which was reducing the viability of the fishery although this is expected for this time of year as temperature start to decrease. Effort in the fishery decreased significantly. The majority of vessels either moved out of the area or on to other fisheries, with the majority targeting shrimp and some targeting whelk.

December

Fishing effort reduced during the month, the Wash Fishery Order Cockle fishery was closed, but the Wash Restricted Area remained open. Some fishers continued to work this area. Many fishers continued to target shrimp, with some targeting the whelk fishery.

Enforcement metric	Number completed
Shore Patrols	13
Port visits	16
Catch Inspected (landings observed)	28
Catch Inspections (landing not observed)	2
Vehicle Inspections	0
Premises inspections	0
Enforcement actions/Offences	2 Advisory Letters
Intelligence reports submitted	6
Fishers engaged	46
Vessel Patrols	13
Boardings	0
Gear Inspections	0

Engagement

Engagement generally focused on the key fisheries in the area and is broken down as such below. One of the other areas of engagement was the Shrimp Permit Byelaw and Marine Protected Areas Byelaw formal consultations.

The Wash Restricted Area (WRA)

Fishers suggested that there should be more open days to the cockle fishery to account for adverse weather conditions in the Winter months. Officers considered the request, but due to the limited remaining Total Allowable Catch (TAC), the decision was made not to change opening times. Fishers reported good catches off this new bed, but that they were still 'very shelly'.

Mussel fishery

Several fishers reported that mussels from the Welland Wall and from the WFO were good mussels and were growing on well in private lays.

Wash Fishery Order

Queries were generally centred on when the fishery will end. Some fishers reported that the yield was too poor to continue fishing, whereas others wished to continue until the TAC had been exhausted. Concerns were expressed around next years fishery, with several within the fishery expecting that the biomass of adult cockles available to the fishery to be limited in 2019/20. Some fishers expressed discontent that the fishery had been open so long, and that it is why hand working does not work. Others had the contradicting view and were pleased to have a longer running fishery, with the opportunity to continue fishing into the winter months.

Shrimp

Fishers reported very high catches of shrimp, but the price was low. Therefore, fishers needed high catches to ensure that trips are still viable. Much of the discussion within the industry had been in relation to the Shrimp Permit Byelaw and officers received and answered a range of questions in that regard. Some fishers felt that their responses had been ignored, although all respondents did receive a reply to responses. This information is summarised in other reports.

Area 3: East-North (Brancaster to Great Yarmouth)

Fishing Trends

October

Many fishers reported that throughout the whole year catches had been down, but it was difficult to pinpoint the reason why. The seasons between crab and lobster seemed to overlap more than usual, with less of a distinct split. Effort in the crab and lobster fishery started to decrease in the month, with fishers either bringing gear

ashore or changing gear to go whelk fishing. Bass catches and effort remained steady throughout the month.

Catches of herring were low throughout the month compared to previous years although effort did increase during the month. There was an abundance of whiting throughout the area, particularly close to the beaches. Catches of whelk were generally good with the focus mainly being on offshore areas.

November

Throughout the month the quantity of crabs reduced with many fishers opting to bring pots ashore, this was in part due to concerns following the ‘beast from the east’ last winter which caused significant damage to fishing gear that had been left at sea. Recreational anglers reported good catches of whiting, but these were generally small. Effort continued to increase in the whelk fishery. All other fisheries remained steady.

December

Fishers reported that there were lots of skate to be caught, and some big bass but not in high numbers. Some fishers reported that this was a poor autumn for herring, which is in contrast from area 4 where it was reported as abundant but without a viable market.

Enforcement metric	Number completed
Shore Patrols	32
Port visits	95
Catch inspected (landings observed)	26
Catch Inspections (landing not observed)	28
Vehicle Inspections	0
Premises inspections	2
Enforcement actions/Offences	3 Verbal Warnings
Intelligence reports submitted	11
Fishers engaged	80
Vessel Patrols	3
Boardings	0
Gear Inspections	0

Engagement

Engagement in this area was generally in relation to the anticipated management of the crab and lobster fishery, which was also the case in the last reporting period, comments received were as follows:

- Lobster should have a slot size (upper size limit) as this would stop large breeding females from being landed
- Measures should include a pot limitation
- Use of crab for whelk bait outside of the 6nm is adding pressure on to stocks

- Some fishers complained that others leave pots to soak for too long (10 to 20 days)
- If the crab size limited is increased, it would put people out of business
- Fishers have spent time and money putting in escape hatches themselves and do not want to be penalised with a change in hatch size

Other engagement in this area has been in relation to the Shrimp Permit Byelaw and two fishers have reported to officers that they do not feel that there should not be a shrimp permit, primarily due to the scale of the industry on this part of the coast. More detailed reports are found within Authority papers focusing on the consultation.

Some fishers continued targeting crab for longer this winter which was reported because of the warmer water temperatures and higher than normal catch rates. Some fishers had queries in relation to the landings obligation implementation (which was implemented 1st Jan 2019). Officers advised on the legislation and pointed fishers in the right directions for finding out more information.

Area 4: East-South (Great Yarmouth to Harwich)

Fishing Trends

October

Commercial fishers primarily concentrated on sole and ray. Sole landings were reported as improving and effort increased which was reportedly due, in part, to the reduced catches of bass and poor productivity of the cod fishery. Herring did arrive on this part of the coast during the month. Shellfish catches were reported as reduced from previous years, fishers believe that this was due to the storms earlier on in the year. Crab and lobster landings are reduced due to many fishers bringing gear ashore for the winter. Effort in the whelk fishery increased during the month.

Recreational anglers reported catches of cod and thornback ray in good quantities. The numbers of bass being caught reduced. Good catches of whiting and dogfish from the beaches were reported.

November

Commercial fishers reported good catches of sole. Trends remained the same for all other species. Recreational anglers reported that they were not catching flatfish but were catching lots of whiting. Throughout the month officers attended many tackle shops; owners and anglers alike were pleased to see IFCOs in attendance.

December

December was a poor month for fishing, with the weather frustrating many commercial fishers. The herring moved offshore, few cod were caught and catches of sole reduced, as did catches of thornback ray. The price of squid for bait increased which had the effect of reducing effort. Some fishers reported a good catch of bass for several days during the month.

Recreational anglers again reported good catches of Whiting. Although shellfish catches were again reported as poor, one fisher reported that the edible crab was full of meat and in better condition than much of the year with a better taste and texture. Therefore, some pots have been left out over winter.

Enforcement metric	Number completed
Shore Patrols	48
Port visits	112
Catch inspected (landings observed)	60
Catch Inspections (landing not observed)	89
Vehicle Inspections	1
Premises inspections	39
Enforcement actions/Offences	7 Verbal Warnings
Intelligence reports submitted	18
Fishers engaged	374
Vessel Patrols	7
Boardings	8
Gear Inspections	3

Engagement

Fishers from various ports had concerns around the implementation of I-VMS nationally and the impact that it will have on them. They also have concerns regarding potential changes in the catch reporting requirements and the landing obligation. Fishers also raised other issues including:

- Pulse fishing reportedly causing a lot of damage.
- Lack of cod
- warm water temperatures for the time of year
- Impacts of climate change on fisheries
- The inshore fleet should have greater fishing rights
- Problems with windfarms including noise pollution.
- Too many seals, which interact with fishing gear spoiling catch and damaging gear.

During the month of December one fisher reported that the whelk were now breeding in this area, and that as a management measure the fishery should be closed during this time

Other workstreams

Joint Patrols

During the period joint patrols were carried out with the Marine Management Organisation and Environment Agency (12 in total). Officers focused on dealing with areas of overlap in priorities and remit to add value to patrols.

Inshore vessel monitoring system installation

Officers facilitated the installation of a trial I-VMS unit in Suffolk. The vessel was an under 10m vessel with no cabin. The aim of the installation is to test of the capability of the units on small open vessels. The installation took less than 1 hour, and the intention is to leave the unit on for 3 months.

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Information Item 19

35th Eastern Inshore Fisheries and Conservation Authority meeting

30th January 2019

Reports by:

- a) Ron Jessop, Senior Marine Science Officer (Research)
- b) Judith Stoutt, Senior Marine Science Officer (Environment)

Marine Science Quarterly Reports

Purpose of report

The Authority runs a year-round programme of research projects, fishery assessment and development advice. This paper informs Members of key activities undertaken by the Authority's Marine Science team during the previous quarter, October to December 2018, any issues that have arisen (through internal or external drivers), and an indication of up-coming developments that could require future actions.

Recommendations

Members are asked to:

Note the report.

Background

The Marine Science team has further progressed workstreams for the assessment and management of fisheries in marine protected areas (the "revised approach"), and towards the sustainable exploitation of stocks. The programme of field surveys, quayside catch monitoring and measurement and laboratory analysis (set out in the Marine Science Plan) has been followed, to enable the gathering of evidence to inform management.

Research

Mussel stock assessment

The annual autumn Wash Fishery Order mussel surveys which commenced in September, were continued throughout this quarter. Unfortunately, a combination of poor weather and reoccurring problems with the research vessel's steering system impacted badly on the planned survey regime. Several attempts were made to reorganise missed surveys, but at the time of writing, 6 of the 20 beds remain unsurveyed this year. The data gathered from the mussel surveys are used to inform the management of two potential mussel fisheries:

- A harvestable fishery, focusing on stocks of adult ($\geq 45\text{mm}$ length) mussels, which usually occurs between December and April,
- A relaying fishery, taking seed from the inter-tidal beds for relaying into the Several fishery, usually occurring between April and June.

The surveys are conducted in Autumn, in time to inform potential harvestable fisheries. Although it has not been possible to collect the required information in time for this year's fishery, it is not thought to have had a large impact as the prospects for opening a harvestable fishery were very low. Before harvestable fisheries can be opened, the adult stocks must have achieved a SSSI Conservation Objective target of 7,000 tonnes. Following a widespread die-off of mussels between 2009 and 2010, however, adult stocks have failed to achieve this target. Although the adult stock in 2017 of 6,192 tonnes suggested there could have been potential for a fishery this year, particularly following a good settlement of seed in 2016, the adult stocks on the 14 beds which have been surveyed this year were found to have declined from 5,204 tonnes to 3,958 tonnes. Because the remaining 6 beds only supported 988 tonnes of adult mussels last year, and trends suggest have declined rather than improved, the Conservation Objective target was considered unlikely to be reached. The industry were informed in December of the situation and that the harvestable fishery would not be opened.

It is hoped that the remaining beds can be surveyed in January or February, ready to inform a potential spring relaying fishery. Although a good settlement in 2016 had helped the overall stocks to recover to their highest level since the 1980's, 13 of the 14 beds that have been surveyed this year have declined in stock since last year. This has resulted in the stocks on these 14 beds declining from 12,778 tonnes last year to 10,070 tonnes this year. As the remaining 6 beds supported 3,175 tonnes last year, there is still potential for the overall stocks to reach the Conservation Objective target of 12,000 tonnes that would be required to open a relaying fishery.

Mussel mortality

Because high levels of mortality have been seen on the intertidal beds in The Wash in recent years, a joint research project between the Authority and Hull University was commenced in 2017 to investigate possible causes. This project focused on the presence of the intestinal copepod parasite, *Mytilicola intestinalis* and the pea crab, *Pinnotheres pisum*, both of which are known to be present in The Wash. Although

preliminary reports from the university indicate no correlation was found between either parasite and the observed die-offs, tight time constraints meant the students were only able to sample a total of 270 mussels taken from 5 beds. To date, EIFCA officers have dissected a further 1,419 mussels collected from 11 beds, which when combined with the university data will provide a broader dataset. This will lend increased confidence in the statistical analysis from which potential correlations between parasites and mortalities might be seen.

Crab and lobster fishery sustainability

The programme of collecting bio-sample data to help assess the health of these stocks has continued this quarter, although samples were less frequent than earlier in the year as fewer crabs and lobsters have been landed due to the time of year. These data are used to inform Length Converted Catch Curve (LCCC) models, which in turn inform Yield Per Recruit (YPR) models. Although these models cannot determine whether the fishery is operating within Maximum Sustainable Yield (MSY), they do enable the stock to be assessed against F_{max} , which can be used as a proxy for MSY. Previously, bio-metric data have been pooled when running these models, so they have included samples from the North Norfolk Inshore, North Norfolk Offshore and The Wash fisheries. However, because crabs landed from the North Norfolk Inshore fishery tend to be smaller than those landed from elsewhere, pooling the data could be causing sampling artefacts. To eliminate these potential artefacts, the Inshore fishery data have been split from the dataset and separate models ran for this area. The modelled data from 2015 onwards suggest that both the Inshore and Offshore fisheries are being exploited above F_{max} , but particularly so for the Inshore fishery. These models have detected particularly high mortality rates for 2018, especially amongst the female crab population. It is thought this may be an effect of the severe weather in February, when the “Beast from the East” caused large numbers of crabs and lobsters to wash up on the beaches. Ongoing liaison with the industry regarding potential management measures will continue next year to determine the most appropriate approach.

Whelk sustainability

Over the past three years over 4,000 whelks have been dissected from samples taken from Lowestoft, Sea Palling and The Wash to determine their Size of Maturity (SOM). The data from these samples have been analysed this quarter. The results found the SOM for Lowestoft were 56.98mm for females and 53.50mm for males, while in The Wash they were a similar size at 54.59mm for females and 54.76mm for males. While these figures indicate the Authority’s Minimum Landing Size (MLS) of 55mm is appropriate, the figures from Sea Palling, in which females are maturing at 61.57mm and males at 59.18mm, suggest it is too low. Because of these differences seen in samples collected from Sea Palling, further samples will be tested next year from this area. It is hoped additional sites can also be incorporated into the study.

Because several other IFCA's and Cefas are conducting whelk studies, the IFCA Technical Advisory Group (TAG) are planning to create a Whelk Working Group next year. The objective of this group will be to support communal and comparable data collection, improving our overall understanding of whelk and to facilitate discussion on various management approaches.

Shellfish sampling for environmental health monitoring

Environmental Health samples have continued to be collected monthly on behalf of the local borough councils this quarter. Because poor weather prevented some of the samples from being collected earlier in the year, it has been important to maintain regular sampling this quarter to ensure 10 samples can be collected from each site during the year. Poor weather again caused disruption of the sampling in November, but it was possible to reorganise these trips to ensure the required samples were collected later in the month. In addition to collecting the Environmental Health samples during these trips, samples have also been collected at the same time for the SWEEP project. These have included taking chlorophyll readings from five sites in The Wash, meat yields of mussels from three other locations and continually recording in situ data at 10-minute intervals from the buoy sonde. These chlorophyll and meat yield data provide information to help us determine whether these parameters are above the minimum threshold levels of targets set in the Habitats Regulation Assessment for the Wash Fishery Order 1992 lays. This year's data shows levels have been safely above the threshold limits.

Habitat mapping

Side scan and video camera data collected during the autumn from the North Norfolk Coast has been analysed. This will provide additional evidence to inform the management of the brown shrimp fishery in that area.

A member of the marine science team has been invited to represent the IFCA's on an Imagery Analysis "task and finish" sub-group of Defra's Marine Protected Areas Group (MPAG). The purpose of this group will be to collaborate and identify synergies for improvement of acquisition, imagery and interpretation of imagery data for monitoring. It aims to provide a forum for sharing progress relating to using imagery data for monitoring, identify opportunities for solving current issues relating to the use of imagery data for monitoring, and to create an MPAG-level 'living' guidance document and accompanying set of tools and scripts. This is hoped to provide a basis on which JNCC can engage with stakeholders at the UK level, and which will eventually to feed into future NMBAQC guidance.

Environment

Assessment and management of commercial fishing in Marine Protected Areas (“Revised Approach” work)

This work remains the key priority for the Marine Science team. It directly supports the fulfilment of obligations relating to marine protected areas and has been subject to strict timelines set out by Defra. The Authority’s Business Plan sets out six priority marine protected area projects (see Table 1); during this quarter officers have focused on:

- liaison with Natural England in relation to amended mitigation for the shrimp beam trawling fishery in the Wash & North Norfolk Coast Special Area of Conservation;
- responding to queries and new evidence relating to the fisheries assessment for the Cromer Shoal Chalk Beds Marine Conservation Zone; and
- critical analysis of feature evidence, and agreement of approach to managing biogenic reef in Haisborough, Hammond & Winterton Special Area of Conservation.

Officers have also contributed to the production of a document outlining the progress IFCAs have made nationally with the assessment and management of fisheries in marine protected areas. The document, commissioned by the Association of IFCAs, is due to be launched in the Houses of Parliament on 12th February 2019.

(i) The Wash & North Norfolk Coast Special Area of Conservation

In October 2018, officers met with Jean-Luc Solandt (Principal Specialist, Marine Protected Areas) and Peter Richardson (Head of Ocean Recovery) of Marine Conservation Society, to discuss points raised in their response to the MPA Byelaw 2018 consultation. Their response (reported at Agenda Item 11 of the 34th Authority meeting, 7th November 2018) was critical of the Authority’s assessment of the shrimp fishery on the Special Area of Conservation, and suggested the mitigation was not sufficient to ensure no adverse effect on site integrity. The Marine Conservation Society also highlighted concerns that the conservation advice for the site (which is developed by Natural England) did not include fish species as sub-features of the site, meaning that impacts on fish did not have sufficient consideration in the assessment. The Marine Conservation Society suggested wider closure areas were required than those agreed by the Authority as part of mitigation to ensure no adverse effect on site integrity and argued for a “whole site” management approach, as opposed to the feature-based approach taken by the Authority (based on current conservation advice).

Officers set out how the agreed mitigation minimised or removed impacts on site features, and that the mitigation was being progressed with agreement from Natural England that it was sufficient to ensure no adverse effect on site integrity. The meeting

was constructive and officers were keen to build on the good relationship established with Marine Conservation Society through the *Community Voice* and *Agents of Change* projects, but Marine Conservation Society concluded that they remained opposed to the mitigation (in that it was not far-reaching enough) and would continue to push for a “whole-site management” approach. Jean-Luc Solandt informed officers that he would highlight this case study at the national “Coastal Futures” conference in January 2019.

Following the Authority’s decision (7th November 2018) to progress amended mitigation measures for the brown shrimp fishery, liaison has been undertaken with Natural England. Critically, Natural England have advised that their original advice (July 2018) – which was that with the agreed mitigation, the shrimp fishery will not have an “adverse effect on site integrity” – is no longer valid if the mitigation is amended. The Authority has a duty to ensure that fisheries do not have an adverse effect on the integrity of designated sites. Officers have considered the rationale provided by Natural England and recommend that the two closed areas removed from the mitigation in November 2018 are implemented. With regards to the requirement for veil nets, officers have requested further information from Natural England. Whether or not veil nets are required to be used by all vessels to prevent adverse effect on site integrity, studies clearly show that their use reduces bycatch and is therefore a sensible management measure. Details are provided at Agenda Item 11.

(ii) *Cromer Shoal Chalk Beds Marine Conservation Zone*

Officers completed the assessment of commercial fisheries in the Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ) in September 2018⁶. Initial feedback was received from Natural England in October 2018. This queried the chalk feature extent data used in the assessment (the most recent data provided by Natural England in June 2018 had been used) and requested clarification on several points including the intensity of fishing, occurrence of lost pots, impacts from anchors and in-combination effects with pipeline protection works. Officers have researched and developed responses to the queries; through investigation it was identified that another feature extent data source was available and should have been used to inform the assessment. This has resulted in a much greater extent of the site to be regarded as chalk, either exposed or overlain by mobile sediment. This affects the size of the area within which towed demersal fisheries require to be managed within the MCZ.

In November 2018, new evidence was provided to the Authority and to Natural England in relation to damage to exposed chalk within the MCZ, potentially caused by abrasion from ropes or contact with crab pots. This is currently being considered in relation to the assessment, which had initially concluded that potting fisheries at

⁶ At Agenda Item 21 of the 34th Authority meeting, 7th November 2018, it was erroneously reported that the assessment was completed in September 2016. This should have read September 2018.

current levels were compatible with the conservation objectives of the site. It is likely that some management of the potting fisheries will be required within the MCZ.

Natural England provided further advice in December 2018, in relation to management of chalk overlain by sediment, and damage to exposed chalk from ropes or from other physical impact. Officers are currently considering this advice whilst updating the fisheries assessment for the site. When progressed, management recommendations will be brought to the Authority for consideration.

Eastern IFCA officers have continued to support the Agents of Change project, run by the Marine Conservation Society, which aims to improve local support for well-managed MCZs. Marine science officer Stephen Thompson delivered a presentation in November 2018 to a workshop for UEA Geography students on marine protected areas and fisheries management, with a focus on the Cromer Shoal Chalk Beds MCZ.

The Wildlife Trusts have expressed a willingness to assist the Authority in developing a better understanding of the extent of the exposed chalk feature in the site, with a view to developing appropriate protection for sensitive features without undue restriction on low-impact activities. Officers are in discussion with the Wildlife Trusts and the national Marine Protected Areas Evidence Group in relation to evidence requirements for this site. It should be noted however that there is an expectation from Defra that the Authority will identify management sooner rather than waiting for evidence gaps to be filled.

(iii) *Haisborough, Hammond & Winterton Special Area of Conservation*

This site is designated to protect biogenic reef and subtidal sandbanks. Biogenic reef and towed demersal gear have been identified as a “red-risk” interaction and therefore towed demersal fisheries are required to be excluded from areas where the feature is found. During the quarter, officers have continued to examine the evidence supporting the conservation advice for the biogenic reef (*Sabellaria spinulosa*) feature of this site. It is intended that proposals for closed areas within the inshore (0-6nm) part of this site will be presented to the Authority once officers are satisfied that the supporting evidence is sufficiently robust. Liaison is ongoing with Natural England in relation to an agreed approach to the management of areas referred to as “potential reef” areas.

Two planned offshore wind farms, Norfolk Vanguard and Norfolk Boreas, are applying to route electricity export cables through Haisborough, Hammond and Winterton SAC. Whilst the nature conservation bodies, Natural England (within 12nm) and Joint Nature Conservation Committee (12+nm), are the statutory advisors in relation to conservation impacts, officers have raised concerns on behalf of the Authority in relation to potential impacts on biogenic reef in an area that has been initially identified for protection from fishing impacts. Officers have engaged in the formal planning process for these wind farms to ensure this issue is considered whilst the applications are under examination.

“Business as usual” Habitats Regulations Assessments

In addition to the “Revised approach” work, during the quarter officers have undertaken a habitats regulations assessment of the impacts of the proposed slipper limpet removal project (details at Agenda Item 14). The aim of the proposal is to reduce the spread of the invasive non-native species slipper limpet, which has the potential to smother intertidal mussel beds and therefore poses a risk to this commercial resource and ecological feature in The Wash. At time of writing, the assessment is being finalised. Initial liaison with Natural England has indicated that the proposed activity is not likely to result in adverse effects on the site.

A habitats regulations assessment will be undertaken if a Wash Fishery Order mussel fishery is proposed following completion of the current set of mussel surveys.

Table 1. Commercial fishing interactions in marine protected areas requiring (or potentially requiring) Eastern IFCA intervention

Site name	Interaction and matrix risk level	Assessment conclusion	Next steps
The Wash & North Norfolk Coast Special Area of Conservation	Beam trawling (shrimp)/subtidal sandbanks (subtidal mixed sediment and subtidal mud) Amber risk	Adverse effect cannot be confidently ruled out: mitigation required to reduce impact Research required to improve evidence around light beam trawl impacts	Authority agreement sought (Agenda Item 11) to include two disputed closed areas and veil nets requirement in Marine Protected Areas Byelaw 2018 and Shrimp Permit Byelaw 2018. Monitoring and Control Plan: initial plan drafted. Benthic monitoring plan to be developed.
The Wash & North Norfolk Coast Special Area of Conservation	Potting/ <i>Sabellaria spinulosa</i> reef; Potting/subtidal stony reef Amber risk	No adverse effect at current levels of activity (based on improved activity data and Defra potting impacts report)	Finalise conclusion and sign off with NE – in progress. Has been on hold to enable team to focus on and finish shrimp assessment.
Haisborough, Hammond & Winterton Special Area of Conservation	Towed demersal fisheries/ <i>Sabellaria spinulosa</i> reef Red risk	High-risk interaction (red risk on matrix) so no assessment required	Closed areas agreed by Authority Dec 2016 (Marine Protected Areas Byelaw) but on hold pending agreement with Natural England on rationale for closed areas. Ongoing liaison with Natural England. Stakeholder dialogue planned when draft closures are prepared.
Cromer Shoal Chalk Beds Marine	All commercial fishing within site on all designated features	Towed demersal gear to be excluded from chalk reef areas of site.	Consideration of new evidence and Natural England feedback on assessment. Update assessment and develop mitigation proposals.

Site name	Interaction and matrix risk level	Assessment conclusion	Next steps
Conservation Zone	All risk levels	Potting fishery is compatible with conservation objectives at current levels.	Engagement with local fishermen and other stakeholders on proposed mitigation. EIFCA officers to continue to work with Agents of Change project to promote local benefits of Marine Conservation Zone designation.
Inner Dowsing, Race Bank & North Ridge Special Area of Conservation	Potting/ <i>Sabellaria spinulosa</i> reef Amber risk	Not yet assessed (straddling site latterly transferred to EIFCA)	Review updated NE feature advice; undertake assessment – delayed to enable focus on Wash shrimp assessment, Cromer Shoal assessment and Haisborough, Hammond & Winterton SAC measures
Inner Dowsing, Race Bank & North Ridge Special Area of Conservation	Towed demersal fisheries/ <i>Sabellaria spinulosa</i> reef Red risk	High-risk interaction (red risk on matrix) so no assessment required	Agree updated core reef approach with NE - ongoing; Intention is to apply closed areas in future iteration of Marine Protected Areas byelaw. Work on this site to resume after Haisborough, Hammond & Winterton management is progressed (see above).

Partnership work and stakeholder engagement

Eastern IFCA officers continue to participate in a range of partnership and stakeholder groups. These enable sharing of information and identification of best practice, effective communication and information-gathering to inform assessments and support the development of appropriate management.

The table below sets out key events attended during October to December 2018:

Table 2: key partnership/stakeholder engagement events, October to December 2018

Event	Key partners	Purpose
Agents of Change workshop (18 th October) and regular liaison meetings	Marine Conservation Society; Local community	Improve awareness of and engender ownership of Cromer Shoal Chalk Beds Marine Conservation Zone
Marine Protected Area Inshore Working Group (x2)	Other IFCAs, Natural England, MMO, Defra	Information exchange and sharing best practice in assessment and management of fisheries in marine protected areas
Shrimp fishery assessment and mitigation	Marine Conservation Society, Natural England	To discuss MCS's comments on shrimp fishery assessment and agreed mitigation
Lincolnshire Wildlife Trust Coasts and Seas sub-group; Lincolnshire Nature Partnership coastal and marine topic group	Lincolnshire Wildlife Trust, Natural England, Humber Estuary Partnership, Greater Lincolnshire Nature Partnership	Presentation on EIFCA's shrimp fishery assessment and mitigation measures; Updates on progress relating to conservation of Biodiversity Action plan species and habitats, <i>Sabellaria spinulosa</i> reef and intertidal mussel beds.
Elasmobranchs (sharks, skates and rays) meeting	Sussex IFCA	Improve understanding of these species and best practice in their management
UEA Geography group: marine management workshop	University of East Anglia	Outline Marine Conservation Zone fisheries management considerations; promote awareness of Eastern IFCA role in marine management
Natural England meetings (various)	Natural England	Regular meetings to support working relationship, exchange information, discuss casework. Included meeting to review shrimp HRA and identify lessons learnt.

Event	Key partners	Purpose
Southern North Seas meeting	The Wildlife Trusts, Natural England, MMO, RSPB, Agents of Change	Information exchange and sharing best practice in relation to marine conservation in southern North Sea
Boston Advisory Group	Local community, Port of Boston, local landowners, Environment Agency, Natural England	Information exchange and identification of conservation issues relating to The Wash & North Norfolk Coast European Marine Site
King's Lynn Advisory Group	Local community, King's Lynn Conservancy Board, Wildfowlers, RSPB, Natural England	Information exchange and identification of conservation issues relating to The Wash & North Norfolk Coast European Marine Site
Suffolk Saltmarsh Group	Local Authorities, Marine Management Organisation	Highlight importance of saltmarsh for fisheries and flood defence; discuss area-specific studies
Suffolk Coast & Estuaries Community Conference	Local Authorities, Water Management Alliance, Wildlife Trusts, Natural England, local community	Community engagement in coastal and estuarine issues; special focus on saltmarsh. Sharing best practice.
CEFAS Bass workshop	CEFAS, East coast fishery stakeholders	Presentation and discussion of bass research findings to local fishery stakeholders
The Crown Estate offshore leasing event	The Crown Estate, offshore renewable developers, The Wildlife Trusts,	Announcement of new areas of interest for offshore energy development
North Norfolk Advisory Group	Local community, Wash & North Norfolk Marine Partnership	Information exchange; improve awareness of conservation issues;(particularly relating to offshore wind farm cables); fishery updates
Technical Advisory Group	Other IFCA's, Natural England, Cefas	Sharing best practice on matters relating to IFCA's' scientific remit

Marine Science officers also provide regular updates to the Eastern IFCA website and public communications via Twitter.

Eastern IFCA input to consultations on marine developments

The Eastern IFCA district is subject to multiple marine and coastal activities that are regulated through consents by authorities such as the Marine Management Organisation (MMO), the Planning Inspectorate, Environment Agency, Defra and the Authority itself. The Marine Policy Statement and East Marine Plans provide overarching context. The impact of activities on fishing and marine conservation interests is considered by Authority officers and highlighted to regulators through the consultation process. IFCAs are regarded as primary advisors to the MMO on marine licensing issues.

As well as providing consultation input, officers record feedback on whether and how our comments are reflected in planning or licensing decisions. MMO notifications on licensing decisions show that EIFCA’s input regularly forms part of MMO licence conditions.

In the period October to Dec 2018, the Eastern IFCA Marine Science team received 32 consultation requests. This is the highest number of consultations received in any one quarter (based on 2015 – 2018 records), the previous average being 20 consultations per quarter. Figure 1 shows the categories of development or policy that these consultations fit within. Once again, consultations relating to offshore renewable energy featured heavily, reflecting the large number of offshore wind farms currently in the planning, construction or operational stages around the Eastern IFCA district.

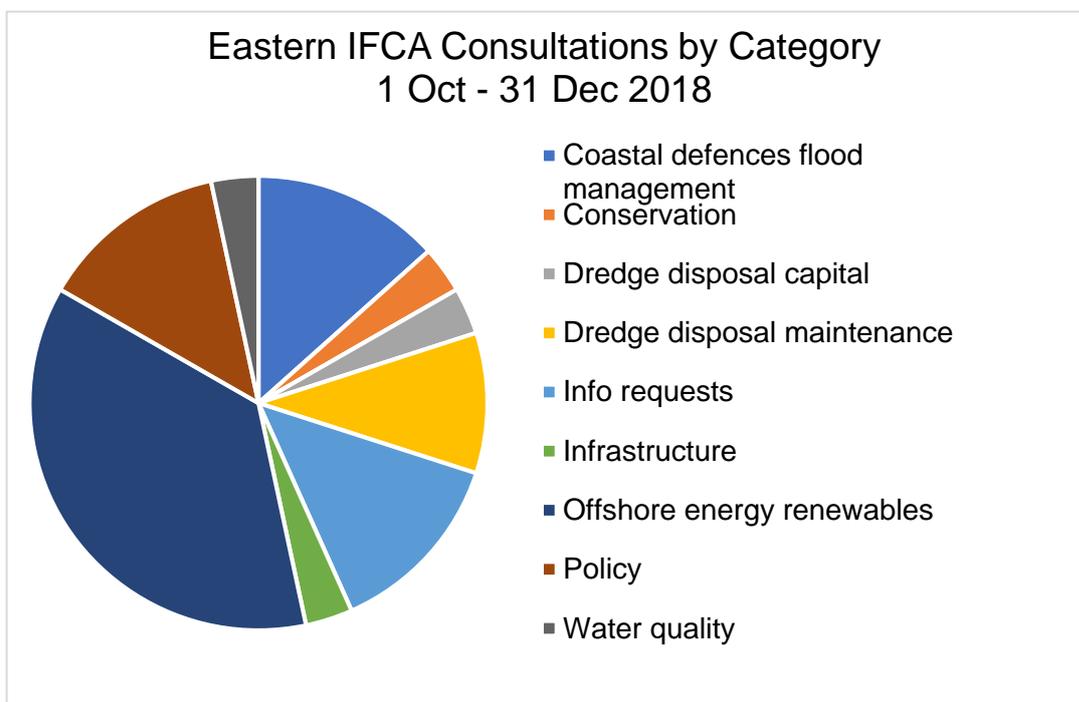


Figure 1 Consultations by category, October to December 2018.

Three examples of consultations responded to within the quarter are set out below:

- Of particular note during the quarter was an application by Orsted for a marine licence to undertake cable reburial / protection works on electricity export cables from Race Bank offshore wind farm, both within and outside of The

Wash. An objection was made to this proposal, because of the likely impacts on seabed habitats from associated dredging, spoil disposal and rock armouring within areas that the Authority has recently agreed (July 2018) to close to demersal fishing in order to protect seabed habitats. The applicant provided additional information to Eastern IFCA setting out why they consider impacts will be minimised. However, it is considered that permitting the proposed activities within the protected areas is not compatible with eastern IFCA's objectives of closing these areas. The issue has not yet been resolved.

- Officers also responded to the proposed Bacton to Walcott coastal management scheme, which includes the Sand Engine option: placement of large volumes of sediment to sufficiently nourish the beach for a 20-year period. Beach nourishment on this scale has never been undertaken in the UK, although schemes have been operated in the Netherlands. The applicants' consultants have worked with Eastern IFCA officers throughout the planning process to ensure inshore fisheries and conservation interests were duly considered. Officers agreed with the final environmental assessment that predicted no major adverse effects on fisheries or marine ecology. We recommended close liaison with fisheries stakeholders to minimise disruption.
- Eastern IFCA officers are continuing to engage in the planning process for the Hornsea 3 offshore wind farm. This project includes export cables making landfall at Weybourne on the north Norfolk coast. Eastern IFCA has highlighted potential impacts from cable works on protected habitats in the Wash & North Norfolk Coast SAC in an area that is closed to trawling. The project is currently under examination by the Planning Inspectorate; to date officers have attended two planning hearings and provided a written representation, written answers to the Examining Authority's questions, and agreed a Statement of Common Ground with the applicant, Orsted.

Derogations from Eastern IFCA byelaws

The marine science team processes requests for derogations from Eastern IFCA byelaws. These typically relate to retention of undersized fish or shellfish, and/or operation of vessels within restricted areas for shellfish relaying or for scientific survey purposes. As the majority of EIFCA's district (over 96%) has marine protected area designations, the process involves liaison with Natural England, with the requirement to consider the likelihood of impacts occurring on protected habitats and species within these areas.

Between 1st Oct and the 31st December 2018, one derogation was granted, and another request is pending, awaiting further details from the applicant (see below).

Table 3. Derogations processed 1st Oct to 31st December 2018

Applicant	Activity	Derogation granted
Eastern IFCA DERO_2018_11_21_135	Marine scientific research – To land undersize whelk for the purpose of establishing the size of sexual maturity of commercially exploited "stocklets" of the common whelk (<i>Buccinum undatum</i>) within the EIFCA district. Findings will provide evidence for the establishment of appropriate minimum landing sizes for this species which will be set as permit conditions under a permitting byelaw.	Yes
Apem Ltd DERO_2018_11_22_136	Scientific survey for characterisation of marine benthic communities within the vicinity of a proposed new harbour bridge development across the lower River Yare, Great Yarmouth.	Pending

A further six exemption applications were received from the following marine research institutes - Rijkswaterstaat Dienst Noordzee (1), Royal Belgian Institute for Natural Sciences (2), IBTS Denmark Tridens (1) and Cefas (2). Following review/further investigation the activities were found to be outside our District.

Financial implications

No new proposal is contained in this report – it is an information paper.

Publicity

No publicity is planned relating to this paper, other than reference to the Authority's marine science work on the Authority's website and newsletter.

Ron Jessop, Senior Marine Science Officer (Research)

Judith Stoutt, Senior Marine Science Officer (Environment)

Vision

The Eastern Inshore Fisheries and Conservation Authority will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry



Action Item 20

35th Eastern Inshore Fisheries and Conservation Authority meeting

30th January 2019

Report by: Julian Gregory, CEO / Dr Bolt

Association of IFCA Minutes

Purpose of report

The purpose of this paper update members on the Association of IFCA quarterly meeting held on 4th December 2018.

Recommendations

Members are asked to:

- **Note** the content of the report and the minutes of the AIFCA meeting held on 4th December 2018.

Background

The aim of the Association of IFCA is to assist and promote the regional IFCAs to ensure that the Authorities develop a leading and effective national role in fisheries and conservation management in line with the IFCA vision.

The Association is not a statutory body but was borne out of the previous Association of Sea Fisheries Committees and currently has nine Members (nine of the ten IFCAs) plus two associate members, Guernsey and the Isle of Man. The Association has been set up as a private limited company and is governed by Articles of Association, which are periodically reviewed. The Association is governed by twelve Directors, nine Chief Officers from the IFCAs, plus the Chairman, the Vice Chairman and the Chief Executive Officer of the Association, which meet quarterly. The Association holds quarterly member's forum meetings at which the 9 IFCA Chairs and Chief Officers as well as representatives from associate members attend and are predominantly held in London. The Association is funded primarily by its membership with each IFCA making a £13,000 annual contribution and the associate members making a £750 contribution per year.

Devon and Seven IFCA chose to leave the Association during 2017 and engagement is planned to encourage them to re-join.

Report

A quarterly meeting of the member's forum was held on 4th December 2018 and a copy of the draft minutes can be found at Appendix A.

Appendices

Appendix A – Unconfirmed minutes of the meeting of the Association of IFCA held on 4th December 2018

Appendix A

The Association of IFCAs
Members Forum Meeting
4th December 2018
Followed by the Directors Meeting
11:00 – 15:45

Friends House, 173-177 Euston Road, London, NW1 2BJ

Attendance for the Meeting

Chair: Tony Tomlinson

CEO: Stephen Bolt

Attendance: Andy Guy, Mike Hardy, Paul Williams, Robert Clark, Samantha Davis, David McCandless, Stephen Axford, Stewart Harper, Will Wright, Les Weller, Sean Ashworth,

Minutes: Sally Standring

Apologies for absence: Tim Dapling, Tom Hooper, Tony Goldson, John Lamb, Paul Skinner, John Humphreys, Julian Gregory

2. Updates from external organisations:

a. Defra updates: Martina Di Fonzo & Pippa Eames

The members welcomed Martina and Pippa to the meeting. Pippa confirmed that she had been brought in to deliver the day one readiness.

Martina gave an update of the directorates: Future of inshore fleet management and the involvement of the IFCAs. She said that Andy Carroll from Defra's Future Fisheries team is keen to attend the next AIFCA meeting in March 2019 to discuss this further. Joanna Messini was due to attend the meeting to give an update on IFCAs Conduct and Operations Report; however, due to unforeseen circumstances she was unable to attend. Martina confirmed that the members are aware that the tender for the Defra-commissioned evaluation of the IFCAs has now gone live. This closes on 12th December 2018. She has forwarded all queries to the relevant team. She would like to hear from IFCAs to consult on the amendments. RC said that Defra should look at byelaws as they were not able to adopt them. He has a record

of this on file and will send it to Martina. SB also stated that it would be a worthwhile exercise to dig out the emergency byelaws that went by the wayside. **Action 1: RC will send a summary to Martina.**

Martina briefly touched on the evaluation of the IFCAs and said the aim is to look at the structure of the IFCAs and to consider opportunities and deliver fisheries management; she confirmed that the aims are in the formal tender document that IFCAs will have returned. The timescale for the tender process will commence in January 2019 with a three-month period.

Martina answered various questions and comments. She stated that to also be aware of our proposal regarding a Welsh permitting amendment. Defra understands the Welsh Minister's ability to vary permits on licenses to be different from the IFCAs due to their different statutory basis. She said that Defra would like to hear from the IFCAs for thoughts on whether it would be necessary to hold a mini-consultation to consult all IFCAs on the concept of this amendment.

She also confirmed there is no more news on SR19 but grateful to all IFCAs for their input and will be happy to discuss at a later date. SB said he is in the process of putting together a narrative and matrix with the help of seven out of ten IFCAs, but it would be very helpful to have a follow up meeting with Defra. However, SB continued that Defra will have to get all ten IFCAs involved.

Tranche 3 update – in the third tranche 3 Defra have proposed to designate 41 Marine Conservation Zones by January 2019 to add additional features to 12 existing sites. These site designations will be announced and in place by June 2019. Defra plan to publish a full Government response to the consultation.

Martina briefly touched on Marine EU Exit SI and Environmental impact Assessment SI. She said this is concerning some of the legislation under which the IFCAs operate and it is directly applicable to the marine area which the IFCAs cover. The marine EU Exit SI received Ministerial approval and was laid for scrutiny on Tuesday 20th November. The SI & EM (explanatory memorandum) are available to view online. The Marine EU Exit team are doing a review to see what amendments may need to be made to the Marine Policy Statement as a result of EU Exit.

EU Maritime and Fisheries Funds – The UK will continue to participate in all EU programmes financed by the Multiannual Financial Framework (2014-2020) until their closure. It is expected that EMFF will continue to be open for new projects until 2020. Decisions on replacement domestic arrangements will be taken during the spending review 2019 (SR19) alongside decisions on all other domestic spending priorities.

Pippa Eames Update – Day 1 Readiness

Pippa explained that this campaign is in the very early stages and the focus for her is to understand the issues, concerns and barriers facing the industry regarding EU Exit and day 1 readiness. She confirmed that she needs to gather evidence and thoughts around the

Fisheries Bill and a potential no deal scenario. She has been tasked with developing the campaign and is keen for support to reflect any concerns. SB confirmed that on a national front the Fisheries White Paper would be a good starting point. SB will forward this to Pippa.

Action 2: SB to forward the Fisheries White Paper to Pippa Eames as a starting point for her campaign.

She is also very keen to explore ways that she can continue to capture information over the coming weeks and months. WW suggested Pippa is invited to the next COG meeting in January to discuss further. **Action 3: Pippa to be invited to the next COG meeting in January.**

1. Minutes of last meeting (25th September 2018)

Signed off as a true record.

a. Matters arising – Actions from last meeting

Action 2 – on the agenda

Action 3 - done – SH and SS to liaise with the meetings coordinator at Fishmongers.

Action 4 – future funding on the agenda

Action 5 – done

Action 6 – SB has received no response from Rachel Muckle

Action 8 – SS to remove Steven Axford's name from this action and replace with John Lamb

Action 9 – SB confirmed that MC is very busy with EU Exit. However, it has now become more urgent. SB will rewrite to Andrew Waring. TT confirmed that the MMO have now extended the life of their board members.

Action 10 – Working group has met

Action 11 – done

Action 12 – On the agenda

Action 13 – done and on the agenda

Action 14 – done

Action 15 – On the agenda

Action 16 – MH will resend – EU regulation of Sea Angling Article 55

Training lead by the MMO – TT confirmed that future efforts had been made to gather information from the MMO regarding the situation of the availability of EMFF funding for the LTO role. Considerable thanks should go to Dominic Bailey for his work both recently and previously to obtain some satisfaction on this from the MMO. TT has asked that we come back to this on the agenda. However, MH also wanted to second thanks extended to Dominic Bailey for the dialogue with the MMO.

5 a. Presentation on the Association Review by 3KQ – Rhuari Bennett

Rhuari introduced 3KQ as a small organisation helping large and small companies to work well and focus on working together effectively. He explained that the contents of the review have been taken directly from Terms of Reference. The aim from 3KQ is to gather evidence from and to include the wider members of IFCA to agree potential changes and to bring independence to the review. These include

- Themes and coverage
- Overall awareness and satisfaction
- What is it that AIFCA does – services provided, could there be improvements?
- Operation detail - providence, procedures, governance, policies
- Value for money
- Collaboration and consensus – building if you can collaborate and build consensus effectively.
- Public face – how well does the AIFCA manage their website, name etc.

Rhuari continued that an online survey will be sent to all 9 IFCA's (approx. 140 people). To be completed online. 3KQ will then analyse and report back. Members will not have to say who they are. However, 3KQ do see which IFCA they are from. This survey will take approximately 5 minutes to complete. There will also be telephone interviews with the Chair or Chief Officer. Telephone interviews are expected to take approximately 20 to 40 minutes. 3KQ also hope to interview one or more personnel from Defra. TT informed Rhuari that D&S is no longer an AIFCA member; however, he has spoken with the Chair of D&S and she is prepared to pay 1/10 of their share for 3KQ. Everyone is happy with this proposition. Rhuari asked if there were any volunteers for the task working group. He reiterated that this is not a decision-making group. TT suggested that it will be himself as Chair, Vice Chair (Les Weller), Paul Williams, Will Wright and one other chief officer. A decision was not reached at this meeting as some Chief Officers were absent. RH will send an email once a month and will touch base with SB who will forward to the chiefs. **Action 4: SS will circulate Rhuari's presentation to the members; she will also forward his and his partners (Richard Harris) email addresses to the members.**

3. Finance & Resources

SB gave an update and confirmed that an extra column had been added on page 11 for detailed income and expenditure account as it's been quite difficult to pro-rata. Licenses and insurances have increased and are over budget. The capital equipment insurance continues to change so premiums are increasing, and the excess has decreased to £1k. The agreement for the IFCA's is that whoever damages/breaks the equipment will have to pay the excess. There has also been an increase in the report due to £5k legal fees for iVMS with further leaps throughout the year. The review of the AIFCA has decreased from £12k to £11k.

4. Matters for decision

a. Election of Vice Chairman

Following the resignation of John Humphreys IFCAs will vote on the election of a new Vice Chair of the Members and Directors forums. Les Weller has been nominated. All in favour of this with a unanimous vote. Members asked to thank John for his contribution as Vice Chairman.

b. Shellfish Association of Great Britain (SAGB) Membership

SB gave a brief outline and confirmed that in the early years the Association should be a member of the SAGB to ensure IFCA representation at the SAGB. This would allow the IFCAs to opt out of membership without losing representation. Following recent correspondence from some IFCAs it is considered appropriate to revisit Association membership. The annual membership for the Association is £750 – due in March 2019. The original decision was to reduce the overall membership on IFCAs – assuming all IFCAs were members of £7500. SB asked for comments. SD said that Cornwall will maintain it for one more year. DMC said that NE is a member but not an active one. WW confirmed that they pay in. SA said they pay in and utilize as a networking opportunity. They have also presented once on cuttlefish issues. RC said they also pay in as they have rights to several orders and keeps SoIFCA alert of regulatory duties. SH's IFCA pays in and is very supportive of them. PW agrees with the briefing note from SB and does not support this. MH on the other hand is in support of this. He agrees that it is a good net working opportunity to meet people that otherwise would not attend and will continue to pay in. LW however, does not agree with MH and has said that it makes sense for AIFCA to be a member in order to cascade down to all members. TT stated that the logical decision is for the AIFCA to remain as a member. A majority is that the AIFCA remain as a member; this was proposed by TT seconded by LW. SB to maintain membership.

Environment Agency – Not on the agenda

Steven Axford gave a brief update following the presentation that he gave to the EA and ran through this with the members. He said these parties keep others informed of any data, research, collected information or other developments that may fully influence the decisions or activities for either party possible. In NEIFCA however, they have had a lot of complaints that these are affecting stocks etc. they have asked the EA for updates but have received nothing so far.

The main issues are:

- Rapid changes of EA representatives – never know who will be attending
- Geographical and team base of EA regional representatives and their priorities

- Coverage of EA reports to authority meetings
- Route for passing public complaints onto EA
- Route for escalating issues within EA
- Not consistent – there is no way of escalating these concerns. COG may be a way of raising these issues to a higher level
- EA participation of IFCA's on national issues
- Cooperation with EA marine team.

Steven A has suggested that a representative from EA comes to discuss these issues raised. Sean Ashworth gave a piece of advice to assist with these issues and said that there is a need to understand what its marine duties are and what its intended to be doing. He said that they have had the same EA representative for over a decade. Sean Ashworth's suggestion is to work out what issues there are and talk to the EA. He also suggested SA contacts the National Marine Team, Marine Monitoring team or the fisheries department who cover coastal waters. They also sit on NIMEG. **Action 5: SB to invite Kevin Austin from the EA to an AIFCA meeting. SA will also send notes to Paul Williams.**

5. Matters for Noting

- a. Appointment of National IFCA's Lead Training Officer

MH said that it has been confirmed by the MMO that the LTO post is untenable to receive funding. Therefore, as previously agreed, IFCA's will contribute to the cost of the post and courses which the LTO will run. A fee of £850 per delegate in 2019 for the Torquay course and the same for the advance courses which Ian Jones will provide, probably later in the year and in the meantime, he will also provide a short two-day refresher course for each IFCA at the extremely reasonable sum of £600 per course. Ian will contact individual IFCA's to find out their individual needs. The Association will cover any shortfall, anticipated for 2019 in the sum of approximately £7,000. A precise figure can be calculated when the exact numbers are known from every IFCA for attendance on the courses. Kent and Essex have agreed to host the post - on a similar basis to the Association MPA Project hosted by Southern IFCA.

- b. Conduct and Operations – dealt with
- c. Update on Future Funding & Spending review 2019

SB gave a brief update on future funding and said that he intends to speak to Defra to say we want to change the funding formula and to find out how the funding formula was devised back in 2010. Some have been allocated funds but has been capped at £2k. D&S were disadvantaged by the process as was EIFCA. SB is going to rework the figures individually as

there may be a possibility for the funding to be increased. **Action 6: SB will rework the narrative and figures for the funding paper**

d. Association of IFCA's Marine Protected Area Project Update

SB confirmed that funds have been allocated for a second year for the project. A launch date for the communications package has been confirmed for Tuesday 12th February 2019 between 4-6pm, to take place in Churchill Room at the Houses of Parliament. A list of attendees, including Defra's arms-length bodies, eNGOs, and the fishing industry sector, is currently being drafted and invitations will be sent out shortly. The launch will include a presentation on the project, speakers from NE and MMO and hopefully an introduction from a Minister. An invitation will be sent to Therese Coffey. In September the project was presented to Defra including Ruth Stubbles, Head of Domestic Policy which has received very positive feedback on the work the IFCA's have done and are doing for the management of MPAs.

The concept of the second year is to branch out and add more data. We expect to draw on AIFCA reserves for publications. SB said that Jamie Small may struggle to continue to work away from home. SH will have a conversation with Fishmongers on her behalf for her to 'hot desk' at their London offices. **Action 7: SH will talk to Fishmongers about a 'hot desk' for Jamie Small**

e. Annual report – for noting / comment

The members discussed issues surrounding the annual report. TT suggested SB re-presents this at the next meeting in March 2019. **Action 8: SB to re-present the annual report to the members in March 2019**

f. CEO Log

The members discussed the CEO log with some concern. RC said that as a Director, he has raised this issue in the past, that the log does not reflect comments and timings shown in the annual plan with what is being presented in the log. SD asked about the outcomes of two meetings shown in July. No further updates were available.

g. Directors Minutes – Done

AOB

WW informed the members that JL has been asked to give evidence on the Fisheries Bill on Wednesday 5th December. He said it would be useful if members had any comments that he could take back to JL. WW said that the English fleet have been given a disservice. IFCA's

should have a part in developing a role to enable fishing communities which should feed into a national fishing association. Discussions and comments followed. SD said that the Joint Fisheries Statement is about to proceed, and we should be making a statement to say we are the model to be used for English Inshore Waters. TT suggested taking the discussion to York with the National Conference of Flags coming soon. SD will advocate that discussion as the inshore fleet requires quota, and needs management based on YOGA – 25-year Environment Plan. TT said the MPA launch is a perfect example, however, if anyone has anything please feed this back to SB.

Close of meeting: 15:51

Date of next meeting Tuesday 5th March 2019 – Fishmongers

Actions from this meeting

Action Number	Action	By Whom
Action 1	RC said that Defra should look at byelaws as they were not able to adopt them. He has a record of this on file and will send it to Martina. SB also stated that it would be a worthwhile exercise to dig out the emergency byelaws that went by the wayside. Action 1: RC will send a summary to Martina.	RC
Action 2	SB to forward the Fisheries White Paper to Pippa Eames as a starting point for her campaign.	SB
Action 3	Pippa Eames from Defra to be invited to the next COG meeting in January.	SB
Action 4	3KQ - SS will circulate Rhuari's presentation to the members; she will also forward his and his partners (Richard Harris) email addresses to the members.	SS
Action 5	SB to invite Kevin Austin from the EA to one of our meetings. SA will also send notes to Paul Williams.	SB

Matters for Noting

Action Number	Action	By Whom
Action 6	SB will rework the narrative and finances for the funding paper	SB
Action 7	MPA report - SH will talk to Fishmongers about a 'hot desk' for Jamie Small	SH
Action 8	Annual report 2017-18 SB to re-present the annual report to the members in March 2019	SB