



**Regulation & Compliance  
Sub-Committee Meeting**

**To be held at:**

**Thoresby College, South Quay  
King's Lynn, PE30 1HX**

**28<sup>th</sup> November 2013  
1030 hours**

Meeting: **Regulatory and Compliance Sub-Committee**

Date: 28 November 2013

Time: 10:30

Venue: Thoresby College  
10, Queen Street,  
King's Lynn,  
PE30 1HX



*"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."*

- 1 Welcome - *Chair*
- 2 Apologies for absence - *CEO*
- 3 Declaration of members' interests - *Chair*

#### **Action Items**

- 4 Minutes of the Regulation & Compliance Sub-Committee meeting on 18<sup>th</sup> September 2013 - *Chair*
- 5 Matters Arising
- 6 Byelaw for management of fishing activities in Wash and North Norfolk coast European Marine Site
  - i. Results of public consultation. - *Hd ER*
  - ii. Recommended amendments to byelaw - *Hd MP*
  - iii. Recommended amendments to regulatory notices - *Hd MP*

#### **Information Items**

- 7 Any other urgent business  
To consider any other items which the Chair is of the opinion are matters of urgency by reason of special circumstances which must be specified

Philip Haslam  
Chief Executive Officer  
13 November 2013

## Regulation & Compliance Sub-Committee

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



A meeting of the Regulation & Compliance Sub-Committee took place at Thoresby College, South Quay, King's Lynn on 18 September 2013 at 1030 hours

### Members Present:

Mr Tom Pinborough	Chair	MMO Appointee
Mr Ceri Morgan	Vice Chair	MMO Appointee
Cllr Michael Baker		Norfolk County Council
Cllr Hilary Cox		Norfolk County Council
Cllr Tony Turner		Lincolnshire County Council
Cllr Keith Patience		Suffolk County Council
Mr Conor Donnelly		NE Representative
Mr Roger Handford		EA Representative
Mr Neil Lake		MMO Appointee
Mr Roy Brewster		MMO Appointee

### Eastern IFCA Officers Present:

Phil Haslam	CEO
Sandra Cowper	Environment Officer (GIS)
Luke Godwin	Environment Officer (Data)
Julian Gregory	Head of Marine Protection
Eden Hannam	Head of Marine Conservation
Robin Strigner	Research Officer
Stephen Thompson	Research Officer
Pete Welby	Research Officer

### Also Present:

Leanne Stockdale                      MMO Representative – attending in an advisory capacity

### **R&C13/01    Welcome by the Chair**

The CEO welcomed Members to the meeting and advised them that through the Annual Plan the making of byelaws was an essential piece of work, it was now necessary for member to be content with the proposed mechanism to enforce byelaws.

### **R&C13/02    Apologies for Absence**

Apologies were received from Messrs Bagley and Garnett (MMO Appointees) and Mr John Stipetic (MMO Representative).

### **R&C13/03    Declarations of Interest**

Other than Declarations of Interest already lodged with the Clerk the only intervention was made by Mr Neil Lake who declared an interest as a Brancaster Common Rights Holder.

### **R&C13/04    Election of Chair / Vice-Chair**

Members were guided through the constitution and reminded that the byelaw making procedure had been delegated to the sub-committee.

**Following requests for nominees for the post of Chair of the Regulation & Compliance Sub-Committee it was Resolved that Tom Pinborough be elected to the role of Chairman.**

**Proposed: Cllr Hilary Cox  
Seconded: Mr Neil Lake  
All Agreed**

**It was further Resolved to appoint Mr Ceri Morgan to the position of Vice-Chairman of the sub-committee.**

**Proposed: Cllr Tony Turner  
Seconded: Mr Roy Brewster**

**R&C13/05 Minutes of the Regulation & Compliance Sub-Committee meeting on 26<sup>th</sup> September 2012**

R&C12/6: POLICY DEVELOPMENT FOR A SHORE LAUNCHED VESSEL ZONE: Members were advised that a Gentleman's Agreement had been brokered and officers remained in constant dialogue to ensure it stands. It remains an ongoing issue.

**R&C13/06 Byelaw for management of fishing activity in Wash and North Norfolk Coast European Marine Site**

The CEO began by reminding members that making the byelaw was a key expectation from Defra and the highest priority function for the Authority in 2013. The process had been formally delegated by the Authority to the R&C sub-committee. The members were reminded of the Authority's duties and responsibilities under the Marine and Coastal Access Act 2009, EU habitats directive and the associated the Habitats Regulations 2010 and the national vision for IFCAs. There is a statutory requirement for IFCAs to have in place protective byelaws to promote an ecological sound network of protected areas at favourable conservation status to achieve healthy seas, sustainable fisheries and thereby, a viable industry.

Cllr Baker questioned whether this legislation was necessary for the UK or whether the EU were imposing what they thought was best for the UK. The CEO acknowledged that protecting these areas would not be without impact on existing fishing practice which may reduce income but failing to take protective action risks infraction from the EU with associated financial penalties. It was explained that the scenario is not a 'one size fits all' but each IFCA must be achieve a suitable level of protection adhering to a precautionary principle. That said, officers have endeavoured to deliver solutions, through consultation and engagement with stakeholders that will best suit the Eastern district.

The basic principles to be applied to byelaw making were considered to be:

- Independence of IFCAs – meaning that whilst IFCAs have the ability to make byelaws they must show understanding of what they are doing and why.
- Precautionary Principle – the basic interpretation of this, in this instance, is that if there is no evidence that an activity will **not** damage a site then it must be assumed that it will and protection be applied as a precaution.

- Reasonable / Proportionate – under the Habitats Directive there is a requirement to take account of economic, social and cultural requirements and regional and local characteristics, consequently EIFCA is taking a reasonable / proportional approach to delivering Defra's revised approach which minimising the potential for negative impacts to the local fishing economy.

Leanne Stockdale advised that whilst Defra's preference is for the byelaw to be in place by 31<sup>st</sup> Dec 2013, in very extenuating circumstances there is a possibility of applying in writing for an extension to early 2014.

Having been informed of the byelaw making principles Members agreed to initially consider the actual byelaw before giving attention to the Regulatory Notices attached to the byelaw.

It was felt that as the areas being considered for closure are composed of ephemeral species a 'flexible byelaw' would be the most appropriate method to deal with them. This would allow the Authority to be responsive and focused on regulating the species. As the byelaw making procedure is time consuming a flexible byelaw would be more proactive to deal with the inevitable changes to the features.

The proposed byelaw had been prepared over several months during which the Authority's legal advisors had been consulted and Defra had provided guidance.

It was noted that in the paper put before members the 'Schedule' appeared after the Explanatory Note which would imply it was not part of the byelaw – it was acknowledged this was not the case and the positioning would be changed.

Conor Donnelly questioned whether the list of SPAs and SACs listed in the Schedule was definitive as he was aware new sites may be classified in the future. Initially it was thought this may give rise to amending the byelaw however, it was agreed it may be possible to add a sentence which would allow future areas to be included without having go through the process of amending the byelaw. The Schedule had been added to the byelaw as the Minister had wanted a clearer understanding of the scope of the byelaw.

Working through the wording of the byelaw members queried whether there were any standard guidelines on reviewing Regulatory Notices, officers believed the review period would vary on a case by case basis but as a safety net it had been included in the byelaw that review would take place no less regularly than every four years from the date the Regulatory Notice became effective. Defra had further questioned what would trigger prompt action, the CEO advised if the authority were presented with evidence the site had changed then the mechanism was in place to investigate, at which time the authority would be given the evidence to consider. Ultimately Authority members were the decision makers in discharging responsibilities drawing upon the support of the officers. Any decisions reached by this sub-committee would be reported back to the full Authority.

The section of the byelaw entitled Application & Exemption is the area that defines offences and gives the ability to enforce, however, members were

asked to note that MaCAA does not allow the rights of the Common Rights Holder to be overridden.

Mr Lake expressed concern that vessels were going to be expected to stow their gear when steaming across specified areas which he did not think was a practical request. The Head of Marine Protection advised that a definitive check and balance was required to assure the correct level of protective effect. Fishing operators would have the choice to exploit ground near to the protected area acknowledging that there would be a requirement to stow their gear should they wish to cross the protected area or, to avoid crossing the area by navigating around it. It was acknowledged that this would not be a straightforward procedure but was necessary to ensure that the feature under protection was not hazarded.

Mr Handford questioned whether there would be derogations for scientific fishing, he was advised there was a separate byelaw applicable to fishing for scientific purposes.

Moving onto the Explanatory Notes it was noted the wording was still being debated by Defra, however the HoMP believed the wording was adequate, the issue was that Defra did not understand EIFCAs established way of doing business.

**Having given the byelaw very careful consideration members;**

**a) Resolved to note the content of the papers provided.**

**Proposed: Cllr Hilary Cox**  
**Seconded: Cllr Tony Turner**

**b) Resolved to recognise the principles of byelaw making**

**Proposed: Ceri Morgan**  
**Seconded: Cllr Hilary Cox**

**c) Resolved to Agree to the proposed Protected Area Byelaw as presented.**

**Proposed: Ceri Morgan**  
**Seconded: Neil Lake**

**d) Resolved that the CEO, in consultation with the Chair, can negotiate minor changes which do not affect the material state of the byelaw with Defra.**

**Proposed: Cllr Hilary Cox**  
**Seconded: Neil Lake**  
**All Agreed**

*NB It was noted that any significant changes would be reported back to the sub-committee.*

**e) Resolved to direct officers to undertake a formal consultation process and to seek ministerial consent to make this byelaw.**

**Proposed: Cllr Hilary Cox**  
**Seconded: Neil Lake**

Discussion then followed into the Regulatory Notices. Initially Information Gathering had been undertaken as the process dictated the "best available evidence" be used to form decisions. It was also noted that whilst closed areas need to be well designed and navigable they also need to be simple enforceable shapes to give the best protective effect with a minimum of community impact, which took into account tow lines as far as possible.

Members were advised that all Regulatory Notices would be amended to include a paragraph which would state that for navigational purposes the information in Degrees and Decimal Minutes should be used.

It was also advised that there was some overlap of areas on Regulatory Notices with may cause debate and possible enforcement issues.

#### REGULATORY NOTICE No1: *Sabellaria Spinulosa Reef*

Mr Lake advised that whilst EIFCA had tried to accommodate the industry there were still issues with this proposal as the number of pots in the area meant there were too many to haul and the remaining corridor available for trawl fishing was too narrow. He also questioned why there was a need to close this area as the activity had gone on for generations and the 'reef' was still there. The Head of Environment and Research (Hd ER) advised that there was not enough information on shrimp beam trawling to state confidently that it does not have a detrimental effect, therefore it is necessary to apply the Precautionary Principle. If evidence is made available in the future then the area can be reviewed. Mr Brewster believed there was a German report which stated shrimp beaming was not harmful, however, Conor Donnelly advised that this report referred to a different member of the *sabellaria* species with a different structure to that in the area being considered.

The question of why is there still *sabellaria* growing if the fishing effort is harmful was again raised, at which point Conor Donnelly advised that whilst *sabellaria* is a common species *Sabellaria Reef* is very rare, he also advised that whilst the species is ephemeral there is an exponentially high increase in biomass in area of substantial reef. He also advised that currently areas were being based on 2009 data but more recent surveys had been conducted which would be analysed later in the year, the result of which may affect the closed areas.

Members were advised that it is ultimately their responsibility to protect these areas so a decision must be made whether to use the proposed method or they must come up with an alternative method of protection.

Mr Lake questioned whether it was possible to amend the closed area to allow fishing over part of the area which in itself could be used as a means of studying the effect of fishing compared to an area where no fishing is taking place. Whilst it was agreed this could be interesting there was concern that fishing the site could cause unnecessary damage, particularly as there was research work taking place in other parts of the country.

The Chairman reminded members that it must be remembered there remains the overarching issue that if a feature is not sufficiently protected financial penalties could be applied which are not insignificant, therefore members must make the right decision.

Whilst considering the issues with the closed area it was noted there was a consultation which would enable all interested parties to express their concerns, and at any point in time new evidence could trigger a review of the closed areas. To clarify the latter point it was agreed the wording on the Regulatory Notice would be amended to read "*Latest Review by Date:*".

REGULATORY NOTICE No2: *Boulder & Cobble Communities*

Mr Lake believed the area being closed was not affected by boulder and cobble as it would be damaging the gear whilst fishing. The Hd ER advised that available information showed the area to be relevant but further surveys had been undertaken and once the results were available the sites could be reviewed. It was questioned whether the results of the survey could be speeded up but as Cefas is renowned for very rigorous quality assurance process it was unlikely the results could be rushed.

It was questioned whether the current available evidence which had been collated using high resolution equipment had been made available as it may help to understand the reasoning for the proposed closed area – the Hd ER agreed this could be made available.

Mr Lake queried why an area was being proposed which could mean a loss of fishing potential as he thought the economics had to be considered as well as the feature. Leanne Stockdale advised that socio economics are applicable for the national MCZ process but not for the EU directed EMS. The CEO also advised that the initial duty is to protect the feature.

It was noted that this feature is highly mobile and the Authority will have to commit to biannual sidescan sonar surveys to monitor it.

REGULATORY NOTICE No3: *Zostera (eelgrass) beds*

It was noted this notice would be a prohibition of fishing with bottom towed gear in areas of *Zostera* (eelgrass) beds in areas of the North Norfolk coast. Only bottom towed gear was stated in this notice as the area is part of a NNR and therefore is further protected under those regulations.

REGULATORY NOTICE No4: *Zostera (eelgrass) beds*

This notices applied would prohibit all types of fishing in areas of *Zostera* (eelgrass) beds within the Humber Estuary SAC.

It was questioned whether there were any cockle beds in this area but research indicated there were none.

Mr Lake felt point B on the chart was too far north and was very close to shrimp towing areas. Members were again assured that if a review of the area was necessary it could be done once evidence was made available.

**Having considered the Regulation Notices members**

- a) Resolved to close to bottom towed gear Areas A to I to protect the biogenic reef of the *Sabellaria spinulosa* feature in the Wash and North Norfolk Coast European marine Site**

**Proposed: Cllr Hilary Cox  
Seconded: Conor Donnelly  
6 votes in favour, 4 abstentions**



**b) Resolved to Close to bottom towed gear Area J to protect the Sub-tidal Boulder and Cobble communities sub-feature in the Wash and North Norfolk Coast European Marine Site.**

**Proposed: Conor Donnelly  
Seconded: Cllr Tony Turner  
6 votes in favour, 4 abstentions**

**c) Resolved to close to bottom towed gear areas SH, EH, SF, BP and BC to protect the attributes of *Zostera* beds in the Wash and north Norfolk Coast European Marine Site.**

**Proposed: Ceri Morgan  
Seconded: Roger Handford  
6 votes in favour, 4 abstentions**

**d) Resolved to close to all fishing activity area K to protect *Zostera* as a sub-feature of the intertidal mud-flat and sand flat in the Humber Estuaries European Marine Site.**

**Proposed: Ceri Morgan  
Seconded: Roger Handford  
7 votes in favour, 3 abstentions**

**Finally members Resolved to direct the Authority staff to review the closed areas in the financial year 2016-2017.**

**Proposed: Ceri Morgan  
Seconded: Tom Pinborough  
All Agreed**

**R&C13/07 Progress Report on the Byelaw Review Process**

This item was included for information purposes – there were no comments.

**R&C13/08 Any Other Urgent Business**

There were no items of urgent business to consider.

The meeting closed at 1300 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*



**Action Item 6**

## Regulatory and Compliance Sub-Committee

**28<sup>th</sup> November 2013**

**Report by:** P. J. Haslam, Chief Executive Officer,  
J. Gregory, Head of Marine Protection,  
E. Hannam, Head of Environment and Research

### **Byelaw for the management of fishing activities in European Marine Sites**

#### **Purpose of report**

To report to Regulatory and Compliance sub-committee the results of the formal byelaw consultation process officers were directed to undertake at the meeting of 18 Sep 2013.

#### **Recommendations**

##### **Members are recommended to:**

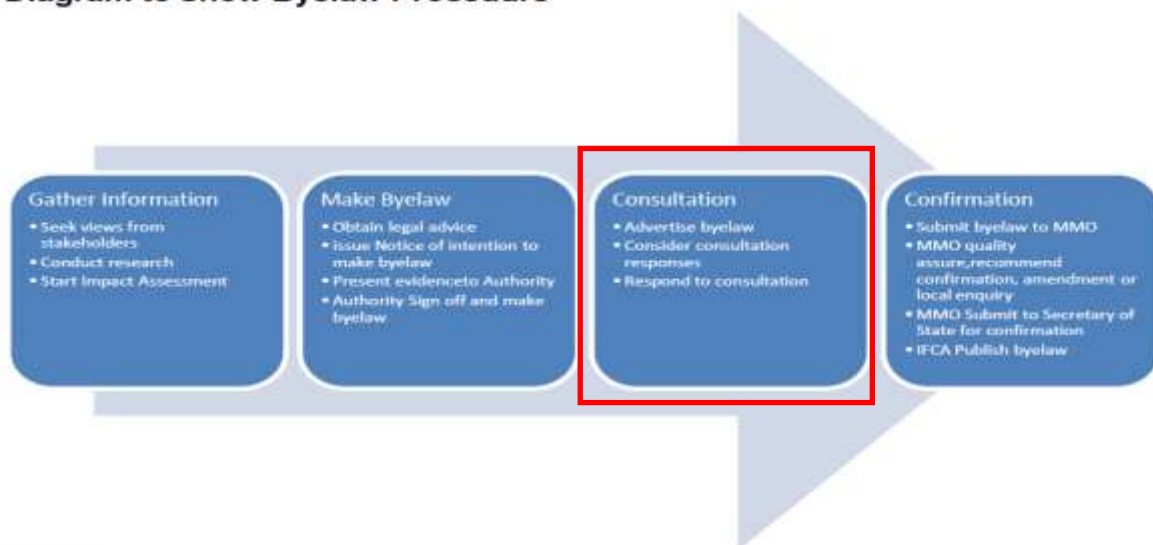
- **Note that there were 25 submissions following making the byelaw on 18 September 2013 (four of which were late)**
- **Note the summary of consultation responses found in Annex 1**
- **Agree the proposed actions listed below that have been derived from the consultation process and ongoing dialogue with Defra:**
  - Update Impact assessment following formal consultation
  - Revise the wording of Byelaw paragraph 10 to include: 'unless otherwise stated in the appropriate regulatory notice'.
  - Choose between two options for Regulatory notice 4 enabling better management of the European Marine Site (a chart setting out options is at Annex 2)
- **Direct Officers to:**
  - Produce operational procedures for introducing and reviewing Regulatory Notices including the types of information needed
  - Update the Enforcement risk register to reflect new byelaw
  - Explicitly state in the letter to the Minister the economic impact (on the pink shrimp fishery) of such a spatial closure.
  - Engage with Natural England and the Industry to complete a full Habitats Regulation Assessment for the Wash Pink Shrimp fishery, which could identify areas to investigate to minimise impact or amend the regulatory notices.
- **Agree the changes to the Byelaw and Regulatory Notices as a consequence of the on-going dialogue with Defra Policy Analysts**
- **Note that the dialogue with Defra is ongoing and there could be minor and technical changes**

- **Agree that any further minor technical changes can be made by officers in consultation with the Chair of the Authority and the Chair of the Regulatory and Compliance Sub-committee**
- **Direct that any if significant changes are required, that this matter is laid before the full Authority at the statutory meeting scheduled for January 2014**

## Background

The formal consultation period is a mandated element of the overall byelaw making process and has been conducted strictly in accordance with Defra guidance<sup>1</sup>. This guidance is summed up in the process diagram below, which highlights the consultation step.

**Diagram to show Byelaw Procedure**



## Consultation process

The aim of the consultation process is to formally engage stakeholders in the discussion about the proposed byelaw. The intent is to increase full community engagement in the management of the local marine environment. Consultation improves community understanding of the reasons for the byelaw being made and thereby increases the effectiveness of implementation. It also acts as a check for the need and practicality of the byelaw.

There is strong case-law around the importance of meaningful consultation, and Eastern IFCA is required to follow due process in making byelaws along with the requirement to show that it has 'taken into account' the points raised in the submissions. Failure to follow the appropriate process could contribute to a successful challenge using Judicial Review. Guidance from Defra sets out the mechanics of the consultation, including the time period, places to advertise and the requirement to consider and respond to consultation submissions.

Following the making of the byelaw by the Authority Sub-Committee in September 2013, the officers have been following Defra guidance and actively promoting the consultation.

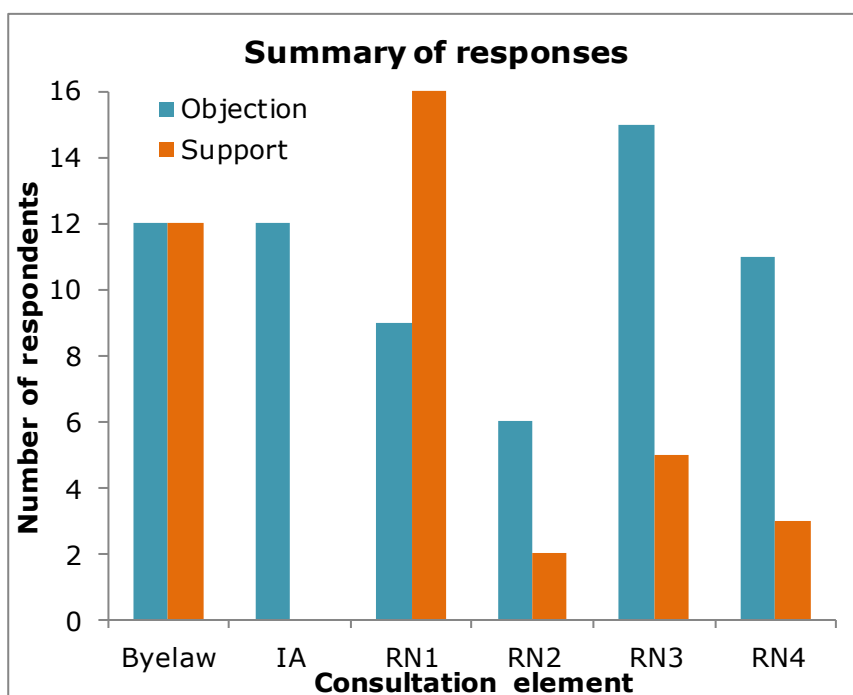
This promotion has included:

- Two weeks of advertising in national and local newspapers (including Fishing News)
- Community meetings
- Website
- E mail/Mail shots, including notification to those who submitted during the information gathering round, fishermen’s associations, Wash Fishery Order 1992 Entitlement holders, Members of Parliament and Local Authorities/Parish Councils.
- Twitter

### Consultation responses

To guide respondents through the process, a template was designed to draw comment on the byelaw, specific regulatory notices and impact assessment. In interpreting the responses significant rigour has been applied to ensure that each comment and statement has been scrutinised to identify any and all actionable objections that may have a material effect on either the byelaw or regulatory notices. Full summary of all the responses is set out in Annex 1 along with commentary by Eastern IFCA officers responding to the points raised and any resulting action recommended to Authority members.

There were 25 consultations responses (including four after the response deadline). As the graphs below display, responses were received from a spectrum of stakeholders ranging from individuals and commercial stakeholders to national Non-Governmental Organisations.



**Fig1.** The number of respondents who commented in support or objection of the byelaw, Regulatory notices and the Impact Assessment.

The four late entries have not been taken into account for the purpose of this figure but objections have been discussed in the paper.

<sup>1</sup> Defra IFCA byelaw guidance dated March 2011



**Fig 2.** The number of respondents by stakeholder type. One respondent may fit into more than one stakeholder (e.g. fisher and common rights holder). The four late entries have not been taken into account for the purpose of this figure but objections have been included in the paper.

Submissions to the Information Gathering were split between those who supported the byelaw, Regulatory Notices and Impact Assessment, and those who objected (submissions were roughly split equally between those in favour, and those opposed). Some submitters were supportive of some aspects of the proposal and objected to other parts.

### Significant Consultation Comment: Objections

Many of the responses alighted on similar concerns and these broad themes are listed below. Specific and detailed analysis of each point is set out in Annex 1.

**Table 1: Significant Consultation - objections**

<b>Comment</b>	<b>Comment</b>	<b>Change</b>
<b>Challenge the requirement for the regulation</b>	<p>A number of submitters pointed to the ability for IFCAs to consider softer measures, regulatory burden or alternatives. In setting out regulatory management measures for European Marine Site features at high risk of damage, Eastern IFCA is recognising the intent and expectations set out in Defra Policy Guidance from 24 Jan 2013</p> <p><a href="http://www.marinemanagement.org.uk/protecting/conservation/documents/ems_fisheries/policy_and_delivery.pdf">http://www.marinemanagement.org.uk/protecting/conservation/documents/ems_fisheries/policy_and_delivery.pdf</a></p> <p>Softer and non-regulatory measures will be considered for lower risk features over the next two-three years</p>	<p>→No byelaw change on these grounds</p>
<b>Concern of the economic and social impact within the Wash for the Pink Shrimp Fishery (and lack of mitigation)</b>	<p>Eastern IFCA recognises that in implementing management for high risk features in the Wash and North Norfolk Coast European Marine Site it is likely to significantly impact and potentially hazard wholesale the pink shrimp fishery in the Wash. This is reflected in the Impact Assessment accompanying the regulatory package.</p> <p>Due to the speed of implementation, further discussion to come up with technological or procedural solutions has been unsuccessful. Eastern IFCA would like to support further research in this area (as identified in a Habitats Regulation Assessment).</p> <p>As mitigation, Eastern IFCA has proposed a flexible byelaw,</p>	<p>→Explicitly state in letter to the Minister the economic impact of such a spatial closure.</p> <p>→Engage with Natural England and the Industry to complete a full Habitats Regulation Assessment, which could identify areas to investigate to minimise impact</p> <p>→No byelaw change on these grounds</p>

	that should allow easy amendment of management arrangements when further information is available.	
<b>Concerns over the status and protection of 'rights in common' holders</b>	'Rights in Common' are a set of protected uses attached to residents of a certain area (there is a requirement to record/register this right). They differ from 'Common rights', which generally apply to the wider population. As both terms are very similar in wording, there is considerable confusion. IFCAs have the ability to manage common rights as set out in section 158 of the Marine and Coastal Access Act 2009. The ability to manage Rights in Common is under dispute, and therefore Eastern IFCA has chosen not to apply byelaws at the moment to Rights in Common.	→No byelaw change on these grounds
<b>Concerns of the size and shape of proposed closed areas</b>	More comments were received about specific regulatory notices than the more generic byelaw wording. These comments mostly focused on size and shape of management areas and are set out below	
Boulder and Cobble Reef Communities	Management of boulder and cobble reef communities received comment from local fishermen, national trade groups and NGOs regarding our knowledge of its nature and extent and also changes that occurred to the shape following the rounds of information gathering. Eastern IFCA has drawn the protective closure as tightly and as simply as it possibly can, while preserving adequate buffer space to prevent damage to the feature. Information gathered during earlier discussions with industry was particularly helpful. There is no further scope for reducing managed areas without impacting directly on the ability to adequately protect the feature.	→No byelaw change on these grounds
<i>Sabellaria spinulosa</i>	Management of <i>Sabellaria spinulosa</i> reef communities received considerable comment, both in terms of our knowledge of its nature and extent and also changes that occurred to the shape following the rounds of information gathering. Eastern IFCA has drawn the protective closure as tightly and as simply as it possibly can, while preserving adequate buffer space to prevent damage to the feature. Information gathered during earlier discussions with industry and local NGOs were particularly helpful. Boundaries changed significantly following	→No byelaw change on these grounds

	information gathering and were presented to the Authority Sub-Committee on 18 September 2013. There is no further scope to reduce managed areas without impacting directly on the ability to adequately protect the feature.	
Eelgrass – North Norfolk	Management of Eelgrass beds on the North Norfolk coast received considerable comment, both in terms of our knowledge of its nature and extent and also changes that occurred to the shape following the rounds of information gathering. Eastern IFCA has drawn the protective closure as tightly and as simply as it possibly can, while preserving adequate buffer space to prevent damage to the feature. Boundaries changed significantly following information gathering and were presented to the Authority Sub-Committee on 18 September 2013. Boundaries were set using baseline data from 2010, and while recent surveys indicate that extent has decreased, there is a desire to return to 2010 levels.	→No byelaw change on these grounds
Eelgrass - Humber	Management of Eelgrass in the Humber was a later addition to the management process, and the Authority noted risks associated with lack of knowledge about local use. Formal consultation resulted in submissions from local anglers and bait diggers. This has resulted in further refinement in the management options for the site.	→Authority members are asked to choose between two options for Regulatory Notice 4 enabling better management of the European Marine Site (a chart setting out options is at Annex 2)
<b>Questions regarding the ability of Eastern IFCA to enforce the byelaw</b>	Eastern IFCA is required to manage and enforce byelaws using a risk based proportionate approach. Eastern IFCA has an agreed risk register for enforcement and this will need to be reviewed and updated. Using this approach, it is likely that sites would be under observation or formal monitoring. If feature damage or deterioration was detected enforcement measures would be increased. This could mean review, intelligence gathering or moves to prosecute.	→No byelaw change on these grounds →Update Enforcement Risk Register in light of byelaw change
<b>Concerns of the wording relating to 'lashed and stowed' of fishing gear</b>	There were large numbers of submissions on this issue regarding the ability to comply with this byelaw. Eastern IFCA originally approached the byelaw with the criteria that gear in closed area would not be able to damage features, and was easily and practicably visible/ enforceable. This resulted in the concept of 'lashed and stowed' to meet these criteria. In	→Wording is reviewed and officers are proposing new wording by amending the wording on byelaw paragraph to include: 'unless otherwise stated in the appropriate regulatory notice'.



	regards to shrimp beams, it was recognised that beams could meet the above criteria without having to formally be lashed and stowed. Officers propose new wording for situations such as this, which will use appropriate mechanisms in the regulatory notice when necessary.	
<b>Gaps in the Information Gathering (particularly in the Humber)</b>	<p>The Impact Assessment depends on the participation of the full community to provide information. While the information gathering process was able to inform some of this, there were still considerable gaps. These gaps can be filled with the participation of community members and the information they hold.</p> <p>In regards to the Humber, it was recognised at the Authority meetings of June/July 2013 that the Humber sites were not included in the original information gathering. Where possible following the consultation, this information has been added to the impact assessment to be delivered to the Minister.</p>	→Amend Impact assessment following formal consultation
<b>Process for Review</b>	<p>The process for reviewing Regulatory Notices is set out in paragraph 8 of the Byelaw, and would mirror the steps followed to make the byelaw as detailed in paragraph 4 of the byelaw. Both making and reviewing byelaws is heavily dependent on using the best available evidence. At times this information is incomplete, and the Authority is required to be precautionary.</p> <p>Regulatory notices shall be reviewed every four years (or less if stated in the byelaw). As these are Eastern IFCA's first regulatory notices, they will be formally reviewed in two years. This review will take into account new evidence including survey information. The Authority may choose to change regulatory notices between periods of review – for example, on the receipt of new conservation advice or other evidence such as detection of a new threat or significant change in the feature. This decision rests with the Authority.</p>	<p>→No byelaw change on these grounds</p> <p>→Operational procedures for reviewing Regulatory notices will be developed.</p>
<b>Need for/Benefit of habitat protection</b>	Guidance issued by Defra expects regulators to be consistent with Article 6 of the Habitats Directive so that <i>'management action will focus first on sites that contain features where</i>	→No byelaw change on these grounds

	<p><i>evidence suggests there is significant risk' where 'Risk relates to the sensitivity of the feature to the type of fishing, and is not related to the level of that fishing activity that may affect that feature'. The assessment carried out at a national level (which included IFCA, the MMO and Natural England) indicated that a small number of features carried residual risk from damage, despite the current condition, and that regulation of these activities was the desire of Defra to meet compliance with Article 6.</i></p> <p>Proposals were prepared with best available evidence. Further evidence could see changes at review.</p>	
<p><b>Concerns over the type and status of information used to inform site management (including in the Humber)</b></p>	<p>Eastern IFCA recognises that information was at times of variable quality in the process for forming the regulatory notices, but was guided by Defra on this issue who state <i>'the absence of adequate scientific information should not be used as a reason for postponing or failing to make management measures'</i>. Natural England is currently reviewing all its Advice packages for European Marine Sites which will help mitigate this lack of information and Eastern IFCA has proposed a byelaw to quickly respond to this further information.</p>	<p>→No byelaw change on these grounds</p>

**Table 2: Significant Consultation Comment – Support**

<b>Comment</b>	<b>Comment</b>
General Support of approach	There was equal numbers of support and objection to the proposed flexible byelaw. Most expressions of support were statements of general support for the approach taken to manage European marine sites. Comments mostly came from non-commercial individuals and NGOs. There was considerable support for Regulatory Notice 1, which received more statements of support than objection.
Support of byelaw flexibility	When expressing specific comment on the byelaw, the proposed flexibility was praised by submitters as an appropriate solution to features that have high temporal/spatial variability.
Supports Rights in Common exemption	The confusion of 'rights in common', and 'common rights' saw mixed comments on this issue. There was some support from submitters on this issue, partly out of self interest, and partly as a solution to this complex issue.

## Byelaw Development

Officers are still in discussion with the policy advisors within Defra over the appropriate wording of the byelaw. As was raised at the Regulatory and Compliance Sub-Committee 18 Sep 2013, there is still some unease with the Defra solicitors over their perceived risk in a flexible byelaw such as the one proposed by the Authority. There has been considerable dialogue between Eastern IFCA and Defra over the issue, and as part of the process, there has been some alteration (and improvement) of the byelaw.

The amendments have, in the main, been intended to address concerns over the perceived risk of the unlawful delegation of powers by providing clear parameters under which the Authority can regulate. It is relevant to note that the Authority's legal advisers and Defra lawyers do not appear to be in agreement on this issue.

The amendments made to the Byelaw and Regulatory Notices as a consequence of dialogue with Defra can be summarised as follows:

- a) Adding 'Restricted Areas' to the definition list and including them in Regulatory Notices to clearly differentiate them from 'Protected Areas' and to enable them to be reviewed and amended
- b) Revision of paragraph 2 of the Byelaw to reflect the purpose of making a Regulatory Notice (furtherance of conservation objectives) and that it will be predicated upon advice from Natural England
- c) Revision of paragraph 3 of the Byelaw to be a little more specific about the management measures that can be introduced in a Regulatory Notice
- d) Introducing a Habitats Regulations Assessment as part of the process for issuing, varying or revoking a Regulatory Notice (this would be undertaken in any case but this formalises it within the Byelaw)
- e) Introducing in paragraph 5 of the Byelaw a list of what will be included in a Regulatory Notice
- f) Reducing the maximum review period for a Regulatory Notice from six to four years
- g) Adding a schedule within the Byelaw to list those SAC's and SPA's (Protected Areas) for which a Regulatory Notice can be issued
- h) Removal of the first paragraph of the Explanatory Note, which referred to balancing the needs of inshore fisheries and local socio-economic considerations with the requirement to secure a sustainable marine environment. Whilst relevant to Eastern IFCA's overall role this does not accord with the requirement to adopt a precautionary approach to the management of European marine sites
- i) Reference, in the Explanatory Note, to the introduction and review of Regulatory Notices being undertaken in accordance with formal operational procedures set out by the Authority

The revised Byelaw can be found at Annex 3 and the revised Regulatory Notices at Annex 4.

Discussions are ongoing but have become bottlenecked due to constraints at Defra. It is hoped that we are close to an agreed version that would be very similar to the latest version set out in Annex 3. If a final copy of the byelaw can be agreed with only minor and technical amendments, officers seek the ability to proceed (with oversight from the Chairs of both the Regulatory and Compliance sub-committee and the Authority).

However, if there is considerable change from the current proposed text, Officers propose to return this to Authority for their opinion. The first opportunity to do this would be at the January 2014 Quarterly Statutory Meeting.

### **Authority actions**

In summary, in response to the submissions set out above, Authority members are asked to endorse the following regulatory changes:

- Amend Impact assessment following formal consultation
- Review and amend wording of byelaw paragraph 10 to include: 'unless otherwise stated in the appropriate regulatory notice'.
- Authority members are asked to choose between two options for Regulatory Notice 4 enabling better management of the European Marine Site (a chart setting out options is at Annex 2).
- Agree the amendments to the Byelaw and Regulatory notices made as a consequence of the ongoing dialogue with Defra

In supporting the Byelaw process, Authority members will direct officers to:

- Produce operational procedures for introducing and reviewing Regulatory Notices
- Update the Enforcement risk register
- Explicitly state in the letter to the Minister the economic impact (on the pink shrimp fishery) of such a spatial closure.
- Engage with Natural England and the Industry to complete a full Habitats Regulation Assessment for the Wash, which could identify areas to investigate to minimise impact or amend the regulatory notices.

### **Next steps and Implementation**

Defra guidance requires the Authority to respond to each submitter setting out its decisions in relation to their submission and answering any questions posed. This can only occur following the Authority meeting, and will be the task for December.

Implementation of the regulatory notices is dependent on Ministerial Assent. When this is granted, the Authority will:

- Update its enforcement strategy and risk based enforcement framework
- Write to all fishermen impacted on by the byelaw
- Provide posters outlining closures (particularly for Eelgrass beds)
- Update its website
- Any other activity that officers consider necessary to communicate the implementation of the byelaw.

### **Risk**

#### Legal

The Marine and Coastal Access Act 2009<sup>2</sup> states that the Authority 'must seek to ensure that the conservation objectives of an MCZ in the district are furthered'. This duty is central to the IFCA construct and is a requirement from central Government. Failure to take appropriate action to assure the requisite protective effect of features within the

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<sup>2</sup> MaCAA 2009 Part 6 Chpt 1 Art 154

site may result in infraction by the EU with associated financial penalties for non-compliance.

The byelaw making process has been designed to ensure that all stakeholders are engaged from the outset thereby reducing the opportunity for subsequent judicial review based upon a flawed process. There are many potential grounds for judicial review; however the three main categories are unlawfulness, unreasonableness and unfairness. In arriving at any decision relating to the management of fisheries in a European marine site, members must be mindful of any of these factors. The most likely risk of review is in connection with the public law duty not to abdicate or fetter decision making powers. It is an established principle that a public body's basic statutory functions, powers and duties are inalienable. Public bodies are not entitled to surrender or ignore their powers and duties but must exercise their own mind and must not fetter their discretion by rigidly adopting a particular course of action or approach.

### Financial

The direct financial implications for the Authority to note stem from the increased incidence of legal advice which in turn, will drive greater expenditure. To date engagement with legal professionals has been kept to essential byelaw review activity only and has driven costs of circa £1500. Any challenge to the byelaw making process will necessarily drive a requirement for legal opinion which has the potential to absorb significant sums of Authority funds. As a contingency, the legal budget has been increased to reflect a likelihood of increased demand and Authority members will be kept apprised of any legal challenge.

### Reputational

The delivery of the management of fishing activity in European Marine sites is a key deliverable upon which the effectiveness of the IFCA construct will be judged. The conservation remit of IFCAs is unequivocal and the expectation of both central and local Government is that Eastern IFCA will adhere to Defra's guidance and timescale. Clearly, any omission or tardiness will not reflect positively on the Authority.

### **Media engagement**

Given the increasing social interest in marine management and associated concerns over the environmental damage caused by human activity, it is likely that there will be media interest once the byelaw receives Ministerial sign off. Members will be provided with lines to take should they be approached by members of the local and national media.

### **Annexes:**

1. Summary of consultation responses
2. Options for revised eelgrass areas in the Humber EMS
3. Revised Protected Areas Byelaw
4. Revised Regulatory Notices

**Background Papers**

1. Minutes of Regulatory and Compliance Sub-Committee 18 Sep 13.
2. IFCA Byelaw Guidance, Guidance on the byelaw making powers and general offences under Part 6, Chapter 1, Sections 155 to 164 of Marine and Coastal Access Act 2009, March 2011.
3. Nigel Gooding (Defra) letter dated 14 Feb 13.

## Annex 1 Summary of responses – Flexible Closed Area Byelaw

### Support

<b>Comment</b>	<b>Stakeholders</b>	<b>Response Number</b>
Byelaw has appropriate flexibility	National NGO, Regional NGO, District Council, local government	1, 6, 7, 15, 22
RN 1 – appropriate buffers	National NGO, Regional NGO	1, 7
RN1 – General Support	National NGO, Regional NGO	1,7
RN 2 – General support	National NGO, Regional NGO	1, 7
RN 3 – General support	National NGO, Regional NGO, Parish Council	1, 15, 20
RN 4 – General support	National NGO, Regional NGO, Common Right Holder, District Council	1, 4, 6, 7
Byelaw – General support	National NGO, Regional NGO, Common Right Holder, District Council, local government	1,4, 6, 8, 11, 15, 22
IA – General support	Common Right Holder, District Council	4, 6
Byelaw – Common Right holder exemption	Common Right holder, national NGO, local government	9, 11, 15, 22
Byelaw – Supports consultation process for regulatory notices as set out in byelaw	local government	22

## Objection

<b>Comment</b>	<b>Stakeholders</b>	<b>Submission Number</b>	<b>IFCA response</b>	<b>Proposed change</b>
Stowing gear for RN1 is impractical/unsafe	Commercial fishermen	2, 3, 5, 17, 18	Eastern IFCA originally approached the byelaw with the criteria that gear in closed area would not be able to damage features, and was easily and practicably visible/enforceable. This resulted in the concept of 'lashed and stowed' meeting these criteria. In regards to shrimp beams, it was recognised that beams could meet this criterion without having to formally be lashed and stowed	Officers propose that wording be amended.
RN2 shape not appropriate – no cobble and boulder on commercial tow lines /eastern edge	Commercial fishermen	2, 3, 24	We are guided by Defra's Revised approach to the management of commercial fisheries to base management decisions on best available evidence. The boulder and cobble data was identified by the 2011 Cefas survey. This single survey partially covered the site. Natural England has commissioned a further, more extensive survey. Eastern IFCA has proposed a flexible byelaw; this approach allows for the Authority to implement, revoke and amend regulatory notices as further supporting evidence becomes available. Any changes will be subject to consultation as set out in paragraph 4 of the proposed Protected Areas Byelaw.	None at present
RN4 area too large	Commercial fishermen, recreational angler, bait digger	2, 8	In light of recent available evidence and input from local stakeholders during this consultation process, we are now in a position to reduce the size of RN4.	Options A and B to be presented to the Authority
RN4 – no trawling in protected area	Commercial fishermen	2	The submitter notes that large boat commercial fishing does not occur in the area, however, this area is adjacent to popular recreational fishing and bait digging areas and other commercial fishing activity may occur. This includes the potential for bait dragging, and beam trawling.	No change on these grounds
RN2 – likely to result in conflict with	Commercial fishermen	3	Impact Assessment highlighted likely impacts on shrimp fishery as a result of RN1 and 2. Eastern IFCA has drawn	No changes



potters [with shrimp trawlers]			the protective closure as tightly and as simply as it possibly can, while preserving adequate buffer space to prevent damage to the feature. Boundaries were changed following information gathering (reducing closed area from 749ha to 687ha), but some loss of access to shrimp ground (and resultant conflict with potters) cannot be avoided.	
RN2 – spill over of pink shrimp may make brown shrimp grounds unviable (not in IA)	Commercial fishermen	3, 24	This issue was not brought up in the information gathering phase, which is why the IA didn't take this possible effect into account.	No change to current RNs proposed. Further evidence is required to action this.
RN1 & 2 – no damage to feature so far	Commercial fishermen	17, 18	Defra's revised approach to fisheries management in European Marine sites <sup>3</sup> indicated that if there is a 'high risk' of a fishing activity potentially causing damage to an EMS feature, regulatory measures need to be put into place to prevent such damage. <i>Sabellaria</i> reef and cobble and boulder communities were highlighted as being at high risk of damage from bottom towed gear. As per the national approach, Eastern IFCA has proposed management measures that will protect these features regardless of the current state of the feature <sup>4</sup> . This will protect features against future shifts in fishing activity at these sites, for example an increase in trawling activity within The Wash. The benefit of adopting a 'flexible' byelaw approach is that should appropriate evidence be made available, Eastern IFCA can refine its approach further.	None
RN3 – Eelgrass at danger from natural processes	Common Right Holder, Parish Council	4, 14, 15, 20	Flexibility in byelaw to amend or even revoke closed areas if no longer appropriate.	No
RN3 – economic implications to mussel fishermen	Commercial fishermen	14	Observation on the speed, size and 'heavy handedness' of the approach, while noting natural change, increasing salt marsh and maintenance of rights in common.	No change on these grounds

<sup>3</sup> Defra's revised approach ref...

<sup>4</sup> Advice from Natural England; letter dated 16<sup>th</sup> April 2013

			Size and approach of managing high risk sites has been discussed by the Authority and the sub-committee who have acknowledged the problems that this speed and use of regulatory instruments brings	
RN3 – area too large	Commercial fishermen, local resident	14	Management of Eelgrass beds on the North Norfolk coast received considerable comment, both in terms of our knowledge of its nature and extent and also changes that occurred to the shape following the rounds of information gathering. Eastern IFCA has drawn the protective closure as tightly and as simply as it possibly can, while preserving adequate buffer space to prevent damage to the feature. Boundaries changed significantly following information gathering and were presented to the Authority Sub-Committee on 18 September 2013. Boundaries were set using a baseline data from 2010, and while recent surveys (2013) indicate that extent has decreased, the conservation objective is to return to 2010 levels.	No change to current RN3 area
RN3 & RN4 – traditional/non-commercial activities not damaging	Recreational angler, bait digger, national NGO, Local business, Common right holder, local resident, recreational boater, local government	8, 9, 10, 15, 16, 22	Whilst 'traditional' activities (e.g. hand gathering and bait digging) are in most cases conducted sustainably, Eastern IFCA is following the national approach with regards to these practices. As per Defra's guidance <sup>5</sup> if there is a 'high risk' of a fishing activity potentially causing damage to an EMS feature, regulatory measures need to be put into place to prevent such damage.	No change
RN3 - adequate processes in place to prevent damage	Common right holder, National NGO, Parish Council	11, 15, 21	Three submitters believed there are adequate protections in place. These include: <ul style="list-style-type: none"> <li>• Needing permissions</li> </ul>	Discuss with Natural England and the Common rights holders associations ways of enhancing

<sup>5</sup> Defra's revised approach ref...

			<ul style="list-style-type: none"> <li>• Protection through Rights in common</li> <li>• National Nature Reserve</li> </ul> <p>Eastern IFCA, in discussions with Natural England, identified that there are a number of overlapping protections for much of the north Norfolk Coast. Boat based activities, particularly dredging and trawling were identified as two activities that did not have the full management measures other activities had. With the expanding use of light bait gathering trawl and dredge gear there is a possibility that these high risk sites could be damaged. Other activities like bait digging is managed through the national nature reserve and SSSI measures. The MMO is considering recreational boat anchoring.</p>	protection.
RN3 – no trawling activity	Common right holder, Recreational angler, bait digger, local resident, recreational boater	9, 11, 13	Within areas protected by RN3 there is the potential for trawling activity to occur. The byelaw will protect against any future shifts in the level of activity at these sites.	No change
Byelaw – should not restrict recreational boating	Parish Council	20	<p>The proposed Protected Area byelaw can be used to restrict or prohibit fishing activity as per paragraph 3 of the said byelaw. Eastern IFCA is not empowered to prohibit boating activity nor does it have the intension to do so through this byelaw.</p> <p>The Marine Management Organisation is conducting a similar process to protect EMS features and may wish to bring in management measures relating to boating activity (for example anchoring at certain sites).</p>	No change

Formal consultation not long enough	Recreational angler, bait digger	8	Eastern IFCA conducted its formal consultation process as per guidance from Defra <sup>6</sup> . The guidance indicated that the byelaw should be advertised for 14 consecutive days and allows 28 days for responses after the last publication of the advertisement. The formal consultation lasted 46 days and lasted from the first advertisement on the 26 <sup>th</sup> September to the close on (and not including) 11 <sup>th</sup> November.	No change
Inadequate consultation – common law	Common right holder	11, 12, 13	As holders of rights in common are exempt from the byelaw they are not affected. Thus Consulting every registered holder of a right in common is not required.	No change
Byelaw - flexibility	Common rights holder, Local resident, Bait digger, recreational angler, recreational boater	9	Eastern IFCA has proposed a flexible byelaw to reflect the dynamic nature of the marine environment. This approach allows for the Authority to implement, revoke and amend regulatory notices as further supporting evidence becomes available. Any changes will be subject to consultation as set out in paragraph 4 of the Protected Areas Byelaw.	No change
RN3 – Illegal to restrict Common Rights	Common Right holder	12, 13	Paragraph 12 of the proposed byelaw makes the holder of a relevant rights of common exempt from the byelaw. This was included on legal advice after concerns were raised during the 'information gathering' pre-consultation.	No change
RN1 & 2 – Inconsistent with other activities (wind farm development, aggregate dredging etc)	Commercial fishermen	17,18	Developers of other plans or projects (e.g. wind farms, aggregate dredging etc.) have to ensure their projects do not adversely affect European Marine Sites, through the Habitats Regulations Assessment process. The objective of the current work (revised approach to fisheries management in EMS) is to ensure fisheries are managed in the same way. Eastern IFCA has liaised with MMO and NE to discuss consistency of protection for EMS features in the Wash – discussions on-going.	No change. Continue discussions with MMO/NE re. consistency of protection for EMS features in the Wash.
RN4 – clarity on	Recreational	8	Eelgrass beds are a sub-feature of the Humber Estuary	No change

<sup>6</sup> Defra guidance byelaw making guidance to IFCA's, March 2011

importance of eelgrass	angler, bait digger		Special Area of Conservation. As such, they are afforded protection through UK and European legislation. Eelgrass beds provide shelter to juvenile fish species and are associated with highly productive ecosystems and biodiversity.	
RN4 – Eastern IFCA has no power to extinguish bait digging	Recreational angler, bait digger, local resident, recreational boater	16	<p>Under the Marine and Coastal Access act 2009 Section 153(10), IFCA's are empowered to manage 'sea fisheries resources' which includes '<i>any animals or plants... that habitually live in the sea</i>' which includes bait such as lugworm and ragworm.</p> <p>Furthermore under the supplementary provisions in section 158, IFCA's are empowered to prohibit or restrict the exercise of a Right without consent in relation to a European Marine Site.</p> <p>Eastern IFCA has refined its original proposal with regards to bait digging in the Humber Estuary to reflect comments made by local anglers and bait diggers as part of the formal consultation. It is our intension to make the protected area of Regulatory Notice 4 smaller to accommodate bait digging activity whilst still maintaining an appropriate buffer around the eelgrass features at the site.</p>	Options A and B to be presented to the Authority
RN1 & 2 – Important shrimp grounds closed	Commercial fishermen	2,3,5	<p>Eastern IFCA is aware of the conflict between the closure of sites (for the protection of <i>Sabellaria</i> reef and boulder and cobble communities) and the pink shrimp fishery. The potential for loss in earnings has been made clear within the Impact Assessment which accompanies the proposals for consideration by the minister.</p> <p>Eastern IFCA has worked closely with the local fishing industry to balance our approach for protecting boulder and cobble and <i>sabellaria</i> reef within the Wash and North Norfolk European Marine Site. Refinements have been made to the original proposal to take into account concerns raised by shrimp fishermen within the scope of maintaining a</p>	The economic impacts to the pink shrimp fishery have been highlighted in the Impacts Assessment and this will be highlighted in the letter accompanying the proposed byelaw to the Minister.

			protective effect on the features. At present, the best available evidence indicates that prohibiting bottom towed gear over cobble and boulder communities and <i>sabellaria</i> reef is unavoidable the requisite protective effect is to be achieved. The benefit of adopting a 'flexible' byelaw approach is that should appropriate evidence be made available, Eastern IFCA can refine its approach further.	
IA – Not representative for Humber (including in-combination impacts on bait diggers)/ RN4 – No pre-consultation	Recreational angler, Bait digger, local business, recreational boating	8, 16	<p>Management of Eelgrass in the Humber was a later addition to the management process, because of uncertainty over feature presence and extent within the part of the Humber SAC that lies within Eastern IFCA district. The Authority noted risks associated with lack of knowledge about local use. The decision was made by the Authority<sup>7</sup> to proceed with the proposed prohibitions on the Humber taking into account the inherent risk of not conducting a pre-consultation. It was felt that the risk of not acting within the timeframe (as set by Defra<sup>8</sup>) was greater than that of not conducting a pre-consultation as engagement with the Humber stakeholders could be captured during formal consultation. This is not and will not be the approach taken for future work regarding the protection of EMS features, the process for which is written into the byelaw itself (paragraph 4).</p> <p>Further engagement with the stakeholders of the Humber Estuary during the formal consultation process has been extremely useful and has been used to refine Eastern IFCA's approach to protecting the eelgrass feature at the Humber EMS. As a result we now have a much clearer understanding of the activity at the site and look to include this in a revised Impact Assessment before submitting it to the Minister for assent.</p>	Information gained from the formal consultation will be included in the Impact Assessment

<sup>7</sup> minutes

<sup>8</sup> Defras advice

IA – not representative of traditional activities	National NGO	15	<p>There is a paucity of information regarding the economics of 'traditional' activities within Eastern IFCA's district. As such, the Impacts Assessment was primarily informed by the responses received from the 'Information gathering' pre-consultation. Whilst Eastern IFCA still has insufficient information to quantify economic impacts to local communities as a result of prohibition of some traditional activities, the formal consultation process has indicated that there is the potential for an impact. This will be reflected in the Impact Assessment which accompanies the proposals for consideration by the minister.</p>	Information gained from the formal consultation will be included in the Impact Assessment
RN4 – inadequate evidence (including re-establishment of eelgrass, current eelgrass extent and activity at the site.)	Recreational angler, bait digger, local business, recreational boating	8. 16	<p>Eastern IFCA cannot say with any certainty that eelgrass at the Humber site will recover or not. However, with a protective byelaw in place, the potential for re-establishment is increased. It is understood that eelgrass is also under pressure from natural processes, namely saltmarsh expansion and accretion; this is likely to impact on any potential for recovery of the feature.</p> <p>There is a paucity of information regarding the distribution and extent of eelgrass in the Humber Estuary however surveys have been carried out as recently as 2010 and by Eastern IFCA in 2013. Eastern IFCA's approach to protect eelgrass within the Humber Estuary is consistent with the national approach and Defra's guidance that <i>'the absence of adequate scientific information should not be used as a reason for postponing or failing to make management measures'</i>. As such, Eastern IFCA has been precautionary in prohibiting damaging activities at sites where eelgrass was known to occur.</p> <p>Further engagement with the stakeholders of the Humber Estuary during the formal consultation process has been extremely useful and has been used to refine Eastern IFCA's approach to protecting the eelgrass feature at the Humber EMS. As a result we now have a much clearer</p>	Information gained from the formal consultation will be included in the Impact Assessment

			understanding of the activity at the site and look to include this in a revised Impact Assessment before submitting it to the Minister for assent.	
RN4 – different approach to Southern IFCA who used 'soft measures'	Bait digger, recreational angler, local business, recreational boating	16	The submitters raises the issue that softer approaches could be used. This is something that the Authority could consider for amber/green risk sites. Red sites are required by Defra to have statutory regulatory protection. Southern IFCA has recently advertised byelaws moving to regulatory protection.	No change
RN1 – voluntary code approach would be more effective	Commercial Fishing	24	The submitters raises the issue that softer approaches could be used. This is something that the Authority could consider for amber/green risk sites. Red sites are required by Defra to have statutory regulatory protection.	No change
All RN – evidence used not provided within consultation for stakeholder consideration	Commercial Fishing	24	The relevant information used to support feature location, extent etc. is referenced within the Impact Assessment.	No change
RN1 - Taken no account of 'light' trawling gear	Commercial Fishing	24	<p>The evidence used to classify trawling as a high risk activity on cobble and boulder, <i>Sabellaria</i> reef and eelgrass did not distinguish between 'light' and 'heavy' fishing gear as this evidence does not currently exist.</p> <p>In line with Article 6(3) of the Habitats Directive, Eastern IFCA is taking a precautionary approach to protecting these features – it cannot be ascertained that these fishing activities will not have a detrimental effect on the feature.</p> <p>The benefit of Eastern IFCA's approach to introduce a flexible byelaw is that if appropriate evidence or advice is received, the regulatory notices can be reviewed.</p>	No change
IA/RN2- No alternative given other than closing	Commercial Fishing	24	Alternatives were explored within the Impact Assessment. Given the high risk rating of the activities proposed to be prohibited through the current regulatory notices the most	No change



pink shrimp grounds			<p>appropriate approach to protect the features by banning that fishing activity.</p> <p>The benefit of Eastern IFCA's approach to introduce a flexible byelaw is that if appropriate evidence or advice is received, the regulatory notices can be reviewed.</p>	
Seek clarification on rationale (incl advantages) behind flexible byelaw.	National NGO, Regional NGO	1, 7	The byelaw process is quite lengthy and the nature of the marine environment means that things can change and in particular features that are being protected can change relatively quickly. This combined with the requirement to consider the management of amber and green sites in the short to medium term (by December 2016) means that it is desirable to have in place a regulatory mechanism that enables the Authority to be responsive to changing circumstances. The proposed byelaw will enable Regulatory Notices to be issued, varied or revoked as evidence becomes available.	No change
Expect monitoring of <i>sabellaria</i> in buffer zones	National NGO, Regional NGO	1, 7	Eastern IFCA has been conducting <i>Sabellaria</i> surveys for the last 10 years and will continue to do so for the foreseeable future to assist Natural England's data set from which they provide their advice.	No change
Clarification that removal of NE corner of RN 2 area will not reduce buffer size below advice	National NGO, Regional NGO	1, 7	Buffer zones around the cobble and boulder feature in The Wash have not been compromised as a result of refining RN2 – buffer size still complies with the Natural England Guidance.	No change
Clarity on inconsistency of approach between RN 3 and RN 4 (ban on all gear types)	National NGO, Regional NGO	1, 7	<p>RN3 refers to the protection of eelgrass on the North Norfolk Coast. In this case, appropriate existing management measures were in place (in the form of SSSI legislation and a dedicated Nature Reserve Warden to carry out monitoring of activity) to fully protect the feature from hand gathering and bait digging activities. As such, Eastern IFCA only prohibited bottom towed gear.</p> <p>Whilst SSSI legislation exists at the Humber EMS, the</p>	No change

			absence of a NNR warden and paucity of information on activity, it was unclear as to whether appropriate management was in place to protect against damage of eelgrass. As such, Eastern IFCA took the precautionary approach to restrict a broader range of activity at the site through the regulatory notice.	
Clarity on how Eastern IFCA will enforce	National NGO, Regional NGO	1, 7	Eastern IFCA enforces fisheries management measures on a risk based approach. A risk register identifies the risk of byelaw infringement based on many factors including information from the shore based officers. Enforcement presence will reflect this approach.	No change
Clarity on how byelaw aligns with other policy from NE, MMO and the Marine Plans	District Council, Commercial fishermen	6, 24	<p>The legislative background behind the current proposals sits within the Marine and Coastal Access Act 2009, the Conservation of Species and Habitats Regulations 2010 and the Habitats Directive (92/43/EEC) and ultimately reflects both Eastern IFCA's obligations under MaCAA and Defra policy (Defra's revised approach to management of commercial fisheries in European Marine Sites).</p> <p>The nature of the current proposals reflects formal conservation advice from Natural England but also feedback from stakeholders from both the pre-consultation and formal consultation.</p> <p>We have worked closely with the Marine Management Organisation, who are also putting in management measures as per Defra's revised approach, to align our approaches locally and nationally.</p> <p>With regards to the Eastern Marine Plans, the current proposals reflect the Marine Policy Statement (specifically 3.8.7 and 3.8.10) in having considered and highlighted economic impacts to the inshore fishing industry through the impacts assessment.</p>	No change

Common right holder exemption needs to be clearer	Common right holder, Recreational angler, bait digger, local resident, recreational boater, National NGO	9, 15	The Explanatory Note in the Protected Areas Byelaw has been reworded to reflect these comments.	No change
Clarity on section 4(b) – meaning of stakeholder, Clarity on process for consulting stakeholders for future revisions etc.	Common right holder, Recreational angler, bait digger, local resident, recreational boater, National NGO, Parish Council, local government	9, 15, 20, 22	<p>'Stakeholders' as referred to in paragraph 4(b) refers to any user of an area which is subject to a proposed Regulatory Notice (including common rights holders). This is likely to differ on a case by case basis and as such, the decision as to how to target a consultation will vary. It is likely that in some cases, more targeting is needed (for example, if recreational anglers are likely to be affected, angling forums and magazines may be used as a method for advertising – this may not be required however if a proposal for a ban on potting activity were proposed).</p> <p>The approach will often be further refined by results from a pre-consultation.</p> <p>It is the intention of the Authority to make the most efficient use of resources in each case by applying the most appropriate approach in each case.</p>	No change
Clarity on 'shooting' as a fishing activity	Common right holder, Recreational angler, bait digger, local resident, recreational	9	<p>'Shooting' is a technical term referring to the deployment of nets from a fishing vessel. It is important to capture the many and varied fishing methods applied around our district to have a strong legal basis on which to enforce regulatory management measures.</p> <p>Whilst Eastern IFCA appreciates the term may cause limited</p>	No change

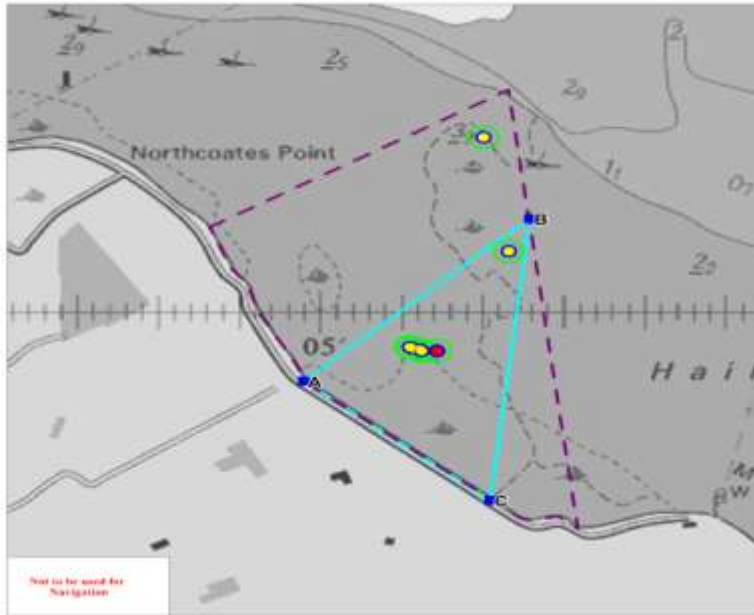
	boater		confusion, it is likely to be understood by the target audience of the byelaw, i.e. fishers. A slight change has been made to the wording to seek to eradicate any confusion.	
Authorities and SNCBs should work closer with common rights holders to protect conservation features	Common right holder	11	Eastern IFCA, in discussions with Natural England, identified that there are a number of overlapping protections for much of the north Norfolk Coast. Boat based activities, particularly dredging and trawling were identified as two activities that did not have the full management measures other activities had. With the expanding use of light bait gathering, trawl and dredge gear, there is a possibility that these high risk sites could be damaged. Other activities like bait digging is managed through the national nature reserve and SSSI measures. The MMO is considering recreational boat anchoring.	Discuss with Natural England and the Common rights holders associations ways of enhancing protection.
Clarification on process for receiving information and 'evidence' to trigger revision etc of regulatory notices (including during current process)	National NGO	15	Regulatory notices shall be reviewed every four years (or less if stated in the byelaw). As these are Eastern IFCA's first regulatory notices, they will be formally reviewed two year. This review will take into account new information including survey information. The Authority may choose to change regulatory notices between periods of review – for example on the receipt of new conservation advice or other upon detection of a new threat or significant change in the feature. This decision rests with the Authority.	No change
Byelaw – section 7 not clear enough	National NGO	15	This submitter considered wording of paragraph 7 was unclear – assume this was from the byelaw which states <i>'The Authority shall review a Regulatory Notice as specified in the Regulatory Notice and no less frequently than every four years from the date the Regulatory Notice'</i> Officers consider this wording relatively clear, stating that the period of review will be set out in the regulatory notice for a period of no greater than four years	Consideration given to new wording
Byelaw – more	National NGO	15	Under the Marine and Coastal Access act 2009 Section	

clarity on what fishing practices EIFCA is empowered to prohibit			<p>153(10), IFCA's are empowered to manage 'sea fisheries resources' which includes 'any animals or plants... that habitually live in the sea' which includes bait such as lugworm and ragworm.</p> <p>Furthermore under the supplementary provisions in section 158, IFCA's are empowered to prohibit or restrict the exercise of a Right without consent in relation to a European Marine Site.</p>	
RN3 - Clarity on why 2010 report used instead of 2013/ Clarity on why 5 eelgrass areas were removed	National NGO	15	<p>Areas that requirement management have to take into account that advice from Natural England over conservation status of the feature. This status is determined using a base line. In the case of the Eelgrass on the North Norfolk Coast, this baseline is based around the survey in 2010, while the 2013 survey indicates change from this baseline.</p>	Continuing to work with Natural England to monitor the site.
RN3 - Concerns over restricting hand gathering/bait digging in areas where currently no eelgrass exists	National NGO	15	<p>Areas that require management are bigger than the current extent to provide a level or precaution in the management – and this includes:</p> <ul style="list-style-type: none"> <li>• Creating a buffer zone</li> <li>• Providing for recovery of the feature</li> <li>• Creating boundaries that are recognisable and therefore easily communicated and enforced</li> <li>• Adaption for climate change and natural processes</li> </ul> <p>Site boundaries can be changed using the flexible byelaw approach when new information becomes available.</p>	Continuing to work with Natural England to monitor the site.
RN3 - Clarity on what monitoring will take place	National NGO	15	<p>We will be working with Natural England to implement a suitable monitoring programme as part of Natural England reviewing its Regulatory 35 advice packages for all European Marine Sites.</p>	Continuing to work with Natural England to monitor the site.
RN4 – Clarity on why area is so large	National NGO	15	<p>The shape and size of a managed area is determined by a number of criteria, including:</p>	Boundaries altered to reflect submissions.

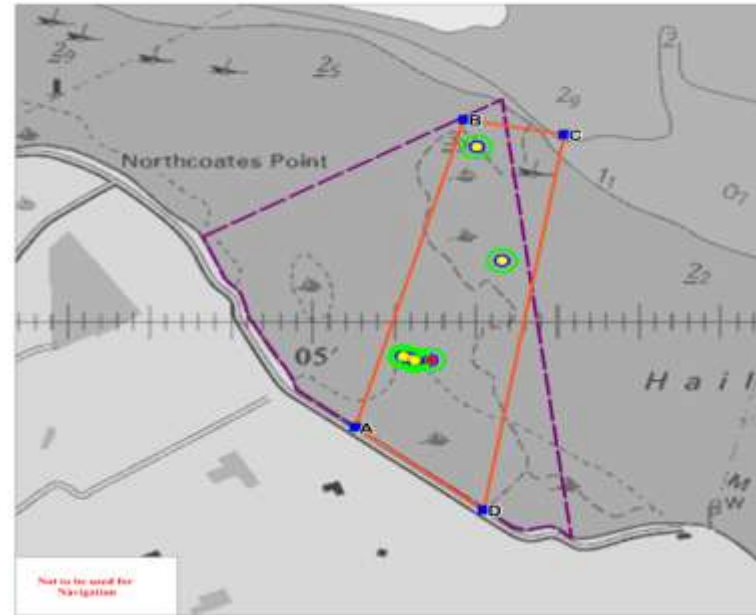
including use of NE advice			<ul style="list-style-type: none"> <li>• The shape and size of features</li> <li>• The conservation status of the feature and the requirements for maintenance or recovery of the feature</li> <li>• The possible activities at the location</li> <li>• The threats to the feature, and the buffer required</li> <li>• Using simple geometric shapes to create boundaries</li> <li>• Using recognisable landmarks to identify boundaries.</li> <li>• Information gathered through information and consultation rounds</li> </ul> <p>During the formal consultation, Eastern IFCA was able to discuss with the local angling club the feature and its management. Boundaries will be altered following their submission.</p>	
RN4 – Buffer zones do not include provision for turning vessels	Recreational angler, bait digger, local resident, recreational boater	16	Threats to features are different in different parts of the country, and buffers reflect this. Eastern IFCA has followed JNCC guidance on buffers to give adequate protection to features. The likely gear deployed in this area means a buffer larger than this is not required.	No change on these grounds

## Annex 2 – Options for Eelgrass in the Humber Estuary

Discussion Chart - Humber Eelgrass



Option A - Area = 170.8 hectares



Option B - Area = 259.7 hectares

<p><b>Key</b></p> <ul style="list-style-type: none"> <li><span style="border: 1px dashed purple; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Consultation - prohibited area</li> <li><span style="border: 1px solid cyan; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Prohibited area option A</li> <li><span style="border: 1px solid orange; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Prohibited area option B</li> <li><span style="display: inline-block; width: 5px; height: 5px; background-color: blue; margin-right: 5px;"></span> Location points</li> <li><span style="border: 1px solid blue; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> 50m buffer</li> <li><span style="border: 1px solid green; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> 100m buffer</li> <li><span style="display: inline-block; width: 5px; height: 5px; background-color: yellow; margin-right: 5px;"></span> Eelgrass Record</li> <li><span style="display: inline-block; width: 5px; height: 5px; background-color: red; margin-right: 5px;"></span> Eelgrass sighted 2013</li> </ul>		<p>Date: 15/11/13</p> <p>Ref: Options Chart Humber Eelgrass Prohibited Area.wor</p> <p><small>© Crown Copyright and the Hydrographic Office All Rights Reserved. Edition 76/01/2009/011 This product has been derived in part from material obtained from the UK Hydrographic Office with the permission of the Admiralty of Her Majesty's Stationery Office and the Hydrographic Office (www.ukho.gov.uk)</small></p>	<p>Eastern <b>IFCA</b> Inshore Fisheries and Conservation Authority</p>
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## **Annex 3 – Revised Protected Areas Byelaw**

### **EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

#### **MARINE AND COASTAL ACCESS ACT 2009**

##### **Protected Areas Byelaw**

*The Authority of the Eastern Inshore Fisheries and Conservation District in exercise of the powers conferred by sections 155 and 156 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.*

##### **Interpretation**

1. In this byelaw: -

- a) 'the Authority' means the Eastern Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Eastern Inshore Fisheries and Conservation Order 2010 (SI 2010/2189);
- b) 'the District' means the Eastern Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of the Eastern Inshore Fisheries and Conservation Order 2010 (SI 2010/2189);
- c) 'Regulatory Notice' means a notice issued by the Authority in accordance with paragraphs 2 to 6;
- d) 'Fishing' for the purposes of this byelaw includes: digging for bait; the shooting, setting, towing and hauling of fishing gear; gathering Sea Fisheries Resources by hand or using a hand operated implement; catching, taking or removing Sea Fisheries Resources and fish shall be construed accordingly.
- e) 'Fishing Gear' for the purpose of this byelaw includes: any nets, pots, ropes, anchors, surface markers, lines, dredges, grabs, rakes or other implements used or deployed during Fishing.
- f) 'Protected Area' means any of the areas listed in Schedule 1;
- g) 'Restricted Area' means an area defined within a Regulatory Notice and for which a management measure has been introduced by that Regulatory Notice.

##### **Regulatory Notices**

2. In order to further the conservation objectives of a Protected Area identified in formal advice from Natural England, including any ecological or geomorphological process on which a conservation objective is wholly or partly dependant, the Authority may issue a Regulatory Notice in relation to fishing within a Protected Area in accordance with the procedure outlined in paragraph 4.
3. A Regulatory Notice may contain provisions for one or more of the following management measures within a Restricted Area:



- a) Prohibition of all fishing;
- b) Prohibition of specified methods of fishing;
- c) Prohibition of fishing during specified periods;
- d) Prohibition of fishing using fishing gear of a specified description
- e) Limiting fishing effort in pot fisheries;
- f) Prohibition of fishing using vessels of a specified description.

In this paragraph 'specified' means specified in the Regulatory Notice.

- 4. The procedure for issuing, varying or revoking a Regulatory Notice shall include the following steps:
  - a. Acquisition of relevant available evidence including:
    - i. Scientific and survey data, and scientific advice provided by the Authority, the Centre for Environment, Fisheries and Aquaculture Sciences or such other persons as the Authority thinks fit;
    - ii. Advice given by Natural England or other external authorities, organisations, persons or bodies as the Authority thinks fit; and
    - iii. Information from any other relevant source;
  - b. Consultation by such methods as the Authority considers appropriate, with such stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by any restrictions or prohibition;
  - c. Undertaking a Habitats Regulations Assessment as set out in regulation 61 of the Conservation of Species and Habitats Regulations 2010 (as amended);
  - d. Undertaking an impact assessment on the introduction of a Regulatory Notice;
  - e. Consideration by the Authority of all information arising from subparagraphs (a) to (c) above;
  - f. Where the Authority decides to issue, vary or revoke a Regulatory Notice, the detail shall be published in relevant local media.
- 5. A Regulatory Notice will specify:
  - a. Protected Area;
  - b. Characteristic for protection;
  - c. Management measures;
  - d. Exemptions to management measures or to paragraph 10 (carriage of fishing gear);

- e. Restricted Area(s) coordinates;
  - f. Commencement date;
  - g. Latest review date;
  - h. Expiry date (if applicable).
6. A Regulatory Notice issued by virtue of paragraph 2:
- a. Takes effect from the date specified in the Regulatory Notice; and
  - b. Remains in force (unless revoked) for such period specified in the Regulatory Notice or, if no period is specified, until revoked.
7. The Authority shall review a Regulatory Notice as specified in the Regulatory Notice or sooner and in any case no less frequently than every four years from the date the Regulatory Notice takes effect.
8. The procedure for reviewing a Regulatory Notice shall include:
- a. The steps set out at sub-paragraphs 4 (a) and (b) above and where a variation of the Regulatory Notice is being considered the steps set out at sub-paragraphs 4 (c) and (d);
  - b. Consideration by the Authority of all the information arising from sub-paragraph (a) above.
  - c. The decision of the Authority to maintain, vary or revoke a Regulatory Notice will be published in relevant local media.

### **Application and Exemption**

9. Contravention of a provision of a Regulatory Notice constitutes a contravention of this byelaw.
10. Where a Regulatory Notice contains a provision which restricts or prohibits fishing using fishing gear of a specified description in a Restricted Area no vessel shall, unless permitted within the Regulatory Notice, carry any such fishing gear in that Restricted Area unless it is stored in such a way that use cannot readily be made of it for any purpose.
11. Any exemptions to the management measures set out in a Regulatory Notice will be included in that notice.
12. This byelaw shall not apply to any person performing an act which would otherwise constitute an offence against this byelaw, if that act was carried out in exercise of any right of common held by that person.

## **Schedule 1**

The areas listed in this schedule are those within which a Regulatory Notice may be issued by the Authority. They are restricted to Special Areas of Conservation and Special Protection Areas for which the Authority is the lead fisheries regulator (collectively known as Natura 2000) as defined in Article 3, Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive

### **Special Areas of Conservation**

Humber Estuary SAC

The Wash and North Norfolk Coast SAC

North Norfolk Coast SAC

Minsmere to Walberswick Heaths and Marshes SAC

Benacre to Easton Bavents Lagoons SAC

Alde, Ore and Butley Estuaries SAC

Orfordness - Shingle Street SAC

### **Special Protected Areas**

Humber Estuary SPA

Gibraltar Point SPA

The Wash SPA

North Norfolk Coast SPA

Breydon Water SPA

Great Yarmouth and North Denes SPA

Benacre to Easton Bavents SPA

Minsmere – Walberswick SPA

Alde - Ore Estuary SPA

Deben Estuary SPA

Stour and Orwell SPA

I hereby certify that the above byelaw was made by Eastern Inshore Fisheries and Conservation Authority at their meeting on 18<sup>th</sup> September 2013.

**Philip Haslam**

Chief Executive Officer

Eastern Inshore Fisheries and Conservation Authority

6 North Lynn Business Village, Bergen Way, Kings Lynn, Norfolk PE30 2JG

The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155(3) of the Marine and Coastal Access Act 2009, confirms the Protected Areas Byelaw made by the Eastern IFCA on 18<sup>th</sup> September 2013. The said byelaw comes into force on ..... 2013.

**Chris Preston**

Head of Marine Planning and Sustainable Fisheries

A Senior Civil Servant, for and on behalf of the Secretary of State for Environment, Food and Rural Affairs

**Explanatory Note**

*(This note does not form part of the byelaw)*

*The introduction and review of Regulatory Notices will be undertaken in accordance with formal operational procedures set out by the Authority. All decisions relating to Regulatory Notices will be undertaken by the Authority or a properly constituted sub-committee in meetings that are open to the public and conducted in accordance with the Authority's Constitution and Standing Orders. Regulatory Notices will be reviewed in accordance with the review date set at the time that the notice is made or upon receipt of evidence that in the opinion of the Authority warrants an earlier review.*

*Paragraph 10 of this Bylaw specifically preserves personal "rights of common". These are particular specialised and defined rights held by "commoners" in respect of registered "common land". Such rights cannot be prohibited by byelaws.*

*"Rights in common" relate only to registered common land and this Bylaw retains full force and effect against all other persons, including those exercising their common law right of fishery and any person exercising a private or several right of fishery. If you have any doubts about the applicability of this Bylaw to you, you should seek guidance from Eastern IFCA before fishing for or taking any sea fisheries resources.*

## **Annex 4 – Revised Regulatory Notices**

### **EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

#### **MARINE AND COASTAL ACCESS ACT 2009**

##### **Protected Areas Byelaw**

##### **Regulatory Notice 1**

*The Authority of the Eastern Inshore Fisheries and Conservation District in exercise of the procedure set out in the Protected Areas Byelaw issues the following Regulatory Notice for that District.*

#### **Interpretation**

In this regulatory notice: -

- a) 'Bottom towed gear' means any 'fishing gear' as defined in paragraph 1(e) of the Protected Areas Byelaw designed to be towed, dragged or pushed through the water whilst in contact with the seabed.
- b) 'Beam trawl' means a trawl net where the mouth or opening of the net is kept open by a beam, which is mounted at each end on guides or skids which travel along the seabed.

**Protected Area:** The Wash and North Norfolk Coast SAC

**Characteristic for protection:** Biogenic reef of the Sabellaria spinulosa feature

**Management measure:** Prohibition of fishing with bottom towed gear

**Exemptions:** A vessel engaged in fishing using a beam trawl may transit through the restricted area with the beam hoisted so that it is above the sea.

**Restricted Area:** Areas A, B, C, D, E, F, G, H and I as per the attached chart and associated coordinates

**Commencement date:** To be inserted (upon Ministerial assent for the byelaw)

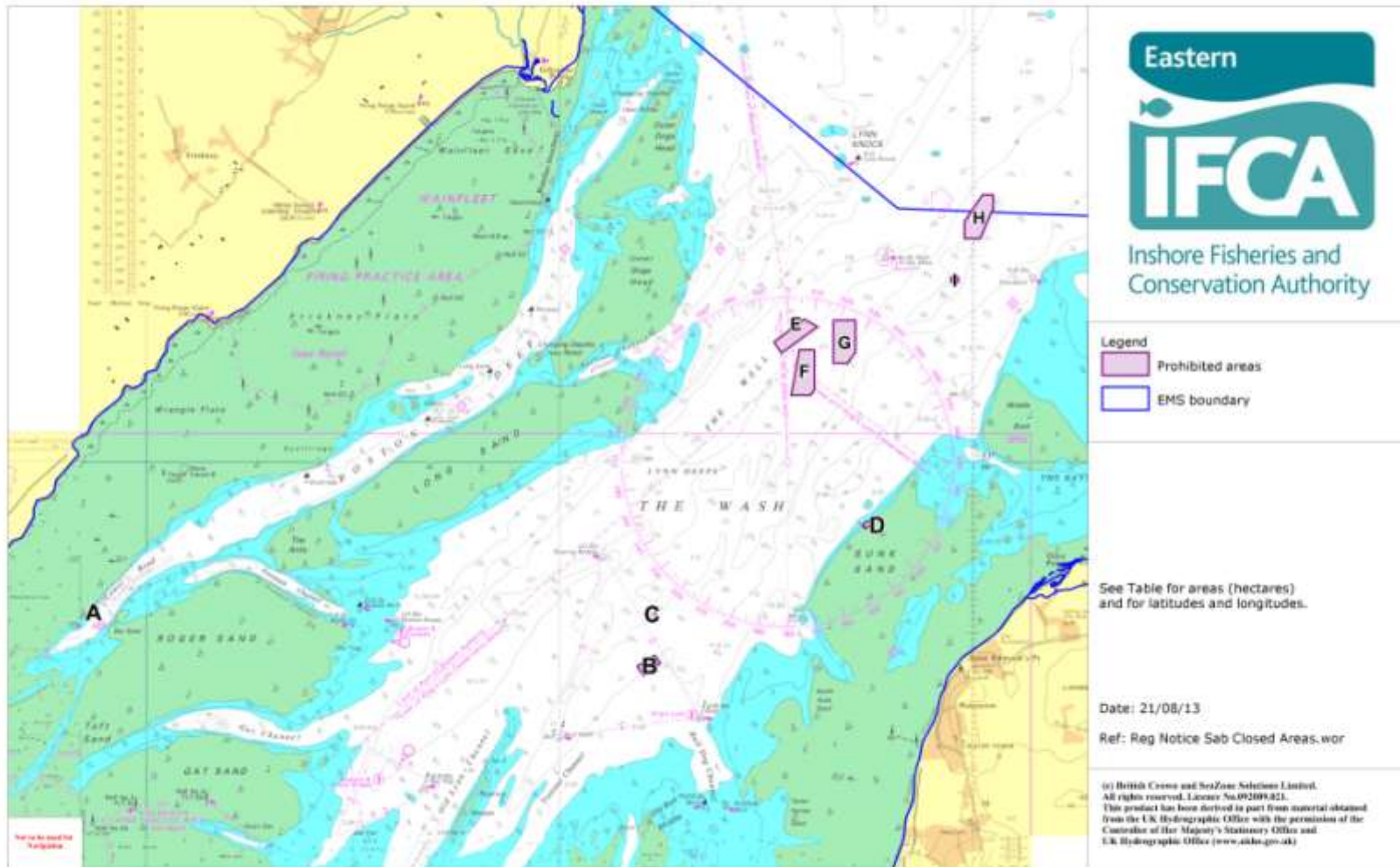
**Latest review date:** 31st March 2017

**Expiry date:** Not applicable

**Note:** Coordinates are shown in decimal degrees for reference purposes only. Any enforcement of this Regulatory Notice will be based upon the coordinates expressed as degrees and decimal minutes.

**PROTECTED AREA BYELAW**

**Regulatory Notice 1: Ross worm reef (*Sabellaria spinulosa*) - Bottom towed gear prohibited areas**



**Latitudes and longitudes of prohibited areas 'A' to 'I'**

		Decimal Degrees		Degrees and Decimal Minutes				Area (hectares)
Area	Point	Latitude	Longitude	Latitude		Longitude		
A	A	52.964435	0.145241	52°	57.87 'N	00°	08.71 'E	3.794
A	B	52.964188	0.146791	52°	57.85 'N	00°	08.81 'E	
A	C	52.963664	0.147152	52°	57.82 'N	00°	08.83 'E	
A	D	52.961834	0.144229	52°	57.71 'N	00°	08.65 'E	
A	E	52.962244	0.142960	52°	57.73 'N	00°	08.58 'E	
B	A	52.952530	0.371312	52°	57.15 'N	00°	22.28 'E	16.02
B	B	52.950690	0.373795	52°	57.04 'N	00°	22.43 'E	
B	C	52.947586	0.367045	52°	56.86 'N	00°	22.02 'E	
B	D	52.949891	0.364405	52°	56.99 'N	00°	21.86 'E	
C	A	52.964384	0.368918	52°	57.86 'N	00°	22.14 'E	7.048
C	B	52.964384	0.371836	52°	57.86 'N	00°	22.31 'E	
C	C	52.961141	0.371836	52°	57.67 'N	00°	22.31 'E	
C	D	52.961141	0.368918	52°	57.67 'N	00°	22.14 'E	
D	A	52.985208	0.457681	52°	59.11 'N	00°	27.46 'E	2.397
D	B	52.984399	0.458720	52°	59.06 'N	00°	27.52 'E	
D	C	52.983316	0.456385	52°	59.00 'N	00°	27.38 'E	
D	D	52.984350	0.455282	52°	59.06 'N	00°	27.32 'E	
E	A	53.034174	0.431825	53°	02.05 'N	00°	25.91 'E	40.87
E	B	53.032392	0.437149	53°	01.94 'N	00°	26.23 'E	
E	C	53.025959	0.422598	53°	01.56 'N	00°	25.36 'E	
E	D	53.028618	0.419534	53°	01.72 'N	00°	25.17 'E	
F	A	53.026787	0.429855	53°	01.61 'N	00°	25.79 'E	62.53
F	B	53.026778	0.435741	53°	01.61 'N	00°	26.14 'E	
F	C	53.016950	0.435880	53°	01.02 'N	00°	26.15 'E	
F	D	53.015641	0.434208	53°	00.94 'N	00°	26.05 'E	
F	E	53.015683	0.426479	53°	00.94 'N	00°	25.59 'E	
G	A	53.033880	0.443482	53°	02.03 'N	00°	26.61 'E	66.62
G	B	53.033880	0.452515	53°	02.03 'N	00°	27.15 'E	
G	C	53.026167	0.452500	53°	01.57 'N	00°	27.15 'E	
G	D	53.023447	0.449136	53°	01.41 'N	00°	26.95 'E	
G	E	53.023440	0.443482	53°	01.41 'N	00°	26.61 'E	
H	A	53.064353	0.503645	53°	03.86 'N	00°	30.22 'E	59.33
H	B	53.064353	0.507926	53°	03.86 'N	00°	30.48 'E	
H	C	53.061156	0.507926	53°	03.67 'N	00°	30.48 'E	
H	D	53.053696	0.502576	53°	03.22 'N	00°	30.15 'E	
H	E	53.053696	0.496399	53°	03.22 'N	00°	29.78 'E	
H	F	53.057992	0.496399	53°	03.48 'N	00°	29.78 'E	
I	A	53.044412	0.490953	53°	02.66 'N	00°	29.46 'E	2.726
I	B	53.044412	0.493889	53°	02.66 'N	00°	29.63 'E	
I	C	53.043163	0.493889	53°	02.59 'N	00°	29.63 'E	
I	D	53.043163	0.490953	53°	02.59 'N	00°	29.46 'E	

**EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**MARINE AND COASTAL ACCESS ACT 2009**

**Protected Areas Byelaw**

**Regulatory Notice 2**

*The Authority of the Eastern Inshore Fisheries and Conservation District in exercise of the procedure set out in the Protected Areas Byelaw issues the following Regulatory Notice for that District.*

**Interpretation**

In this regulatory notice: -

- a) 'Bottom towed gear' means any 'fishing gear' as defined in paragraph 1(e) of the Protected Areas Byelaw designed to be towed, dragged or pushed through the water whilst in contact with the seabed.
- b) 'Beam trawl' means a trawl net where the mouth or opening of the net is kept open by a beam, which is mounted at each end on guides or skids which travel along the seabed.

**Protected Area:** The Wash and North Norfolk Coast SAC

**Characteristic for protection:** Sub-tidal Boulder and Cobble Communities sub-feature

**Management measure:** Prohibition of fishing with bottom towed gear

**Exemptions:** A vessel engaged in fishing using a beam trawl may transit through the restricted area with the beam hoisted so that it is above the sea.

**Restricted Area:** Area J as per the attached chart and associated coordinates

**Commencement date:** To be inserted (upon Ministerial assent for the byelaw)

**Latest review date:** 31st March 2017

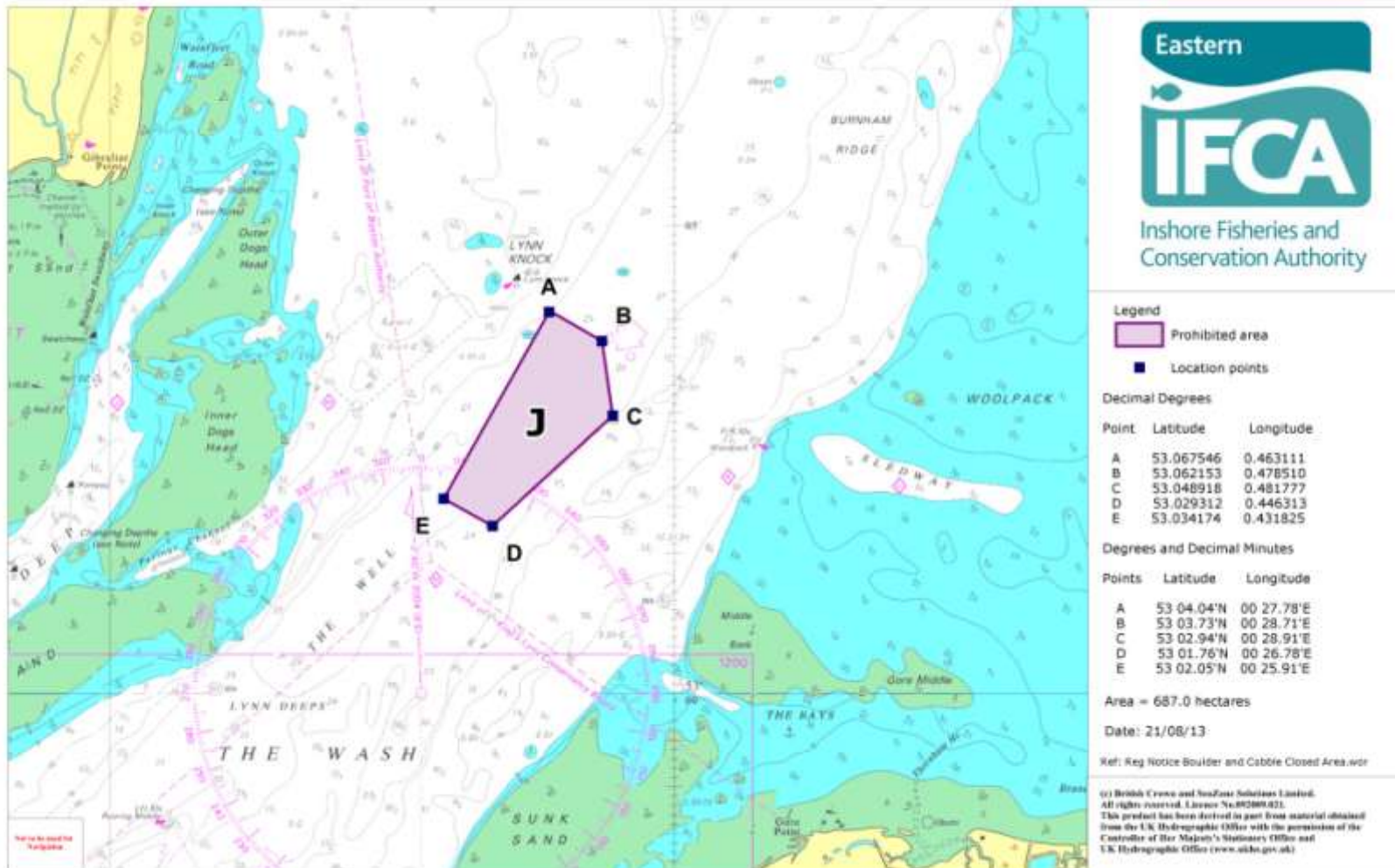
**Expiry date:** Not applicable

**Note:** Coordinates are shown in decimal degrees for reference purposes only. Any enforcement of this Regulatory Notice will be based upon the coordinates expressed as degrees and decimal minutes.



**PROTECTED AREA BYELAW**

**Regulatory Notice 2: Boulder and Cobble Communities - Bottom towed gear prohibited area**



**EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**MARINE AND COASTAL ACCESS ACT 2009**

**Protected Areas Byelaw**

**Regulatory Notice 3**

*The Authority of the Eastern Inshore Fisheries and Conservation District in exercise of the procedure set out in the Protected Areas Byelaw issues the following Regulatory Notice for that District.*

**Interpretation**

In this regulatory notice: -

- a) 'Bottom towed gear' means any 'fishing gear' as defined in paragraph 1(e) of the Protected Areas Byelaw designed to be towed, dragged or pushed through the water whilst in contact with the seabed.

**Protected Area:** The Wash and North Norfolk Coast SAC

**Characteristic for protection:** *Zostera* (Eelgrass) beds

**Management measure:** Prohibition of fishing with bottom towed gear

**Exemptions:** Not applicable

**Restricted Area:** Areas SH, EH, SF, BP and BC as per the attached chart and associated coordinates

**Commencement date:** To be inserted (upon Ministerial assent for the byelaw)

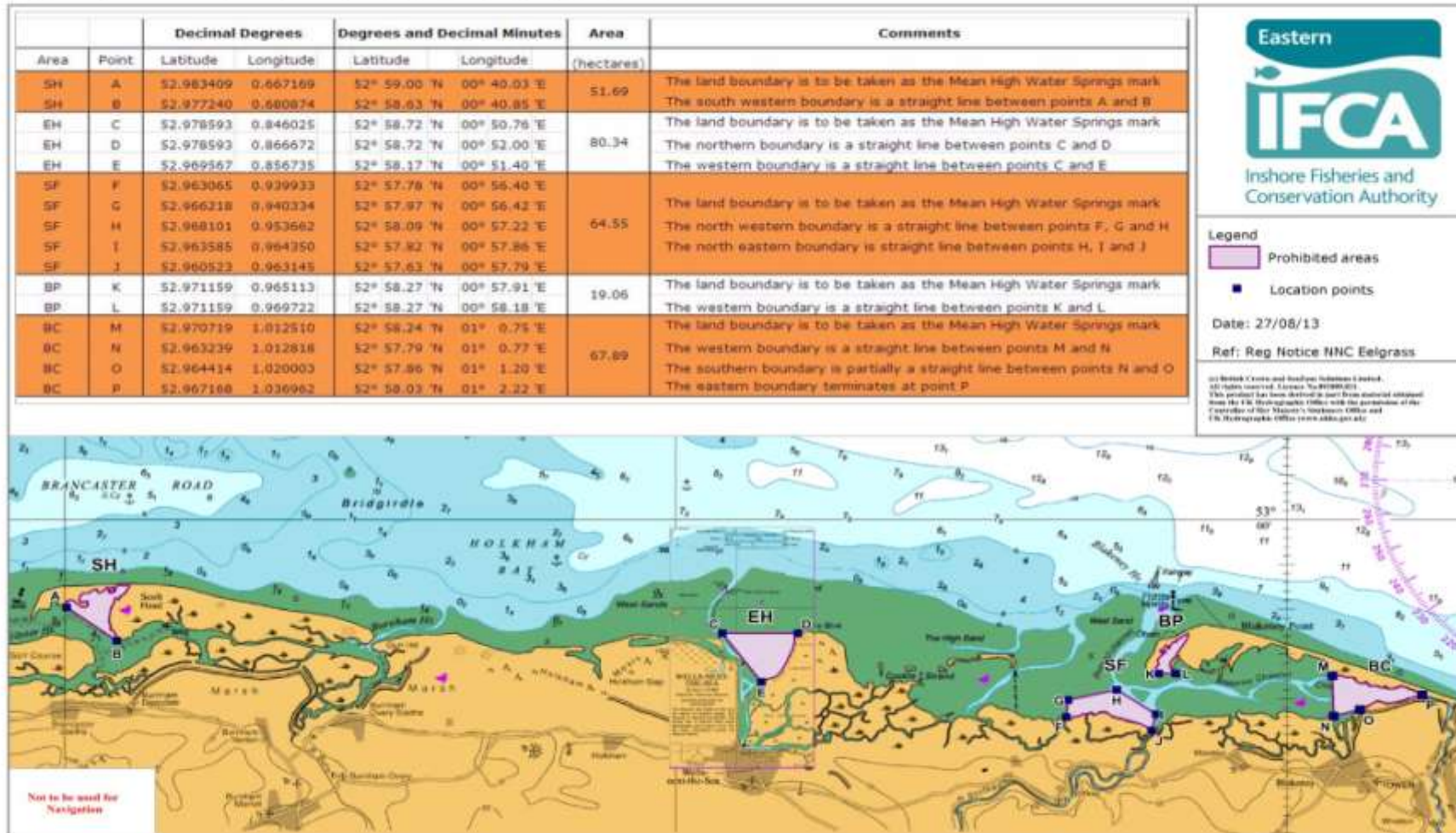
**Latest review date:** 31st March 2017

**Expiry date:** Not applicable

**Note:** Coordinates are shown in decimal degrees for reference purposes only. Any enforcement of this Regulatory Notice will be based upon the coordinates expressed as degrees and decimal minutes.

**PROTECTED AREA BYELAW**

**Regulatory Notice 3: Eelgrass (*Zostera*) - Bottom towed gear prohibited areas**



**EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**

**MARINE AND COASTAL ACCESS ACT 2009**

**Protected Areas Byelaw**

**Regulatory Notice 4**

*The Authority of the Eastern Inshore Fisheries and Conservation District in exercise of the procedure set out in the Protected Areas Byelaw issues the following Regulatory Notice for that District.*

**Interpretation**

In this regulatory notice: -

- a) 'Bottom towed gear' means any 'fishing gear' as defined in paragraph 1(e) of the Protected Areas Byelaw designed to be towed, dragged or pushed through the water whilst in contact with the seabed.
- b) 'Handwork' means the collection of sea fisheries resources, including bait, using the hands or handheld 'fishing gear' as defined in paragraph 1(e) of the Protected Areas Byelaw.
- c) 'Crab tiling' means laying artificial items or structures in intertidal areas to gather crabs for the purpose of fishing.
- d) 'Angling' means fishing using a rod and line or a hook and line

**Protected Area:** Humber Estuary SAC

**Characteristic for protection:** *Zostera (eelgrass)* beds

**Management measure:** Prohibition of the following:

- Fishing with bottom towed gear
- All fishing by handwork
- Fishing by crab tiling

**Exemptions:** The prohibitions do not apply to angling

**Restricted Area:** Area K per the attached chart and associated coordinates

**Commencement date:** To be inserted (upon Ministerial assent for the byelaw)

**Latest review date:** 31st March 2017

**Expiry date:** Not applicable

**Note:** Whereas coordinates are shown in decimal degrees and in degrees and decimal minute formats, any enforcement of this Regulatory Notice will only be based upon the coordinates expressed as degrees and decimal minutes.