

Wash Restricted Areas Byelaw 2019

Summary for Formal Consultation



Eastern Inshore Fisheries & Conservation Authority (Eastern IFCA) implemented an emergency byelaw in 2018. This emergency byelaw prohibited fishing in a discrete area of The Wash without a permit and implemented provisions to manage shellfish fisheries which mirror those of the Wash Fishery Order 1992. Eastern IFCA intends to replace the emergency byelaw with a permanent byelaw. This is an opportunity for you to feed into Eastern IFCA's decision-making process.

The deadline for responses is midday on 22nd July 2019.

What is being proposed?

Eastern IFCA manages bivalve mollusc shellfish fisheries within the entire Wash embayment with the exception of the private fishery of the Le Strange Estate. On the 27th July 2018, the High Court handed down a judgement with the effect of changing the boundary of the Le Strange Estate. This has had the effect of opening an 'unmanaged' portion of the Wash (i.e. between the boundary of the WFO and the Le Strange Estate). Eastern IFCA is proposing to implement management measures for this area which reflect the management of the rest of The Wash. This includes:

- Prohibition on fishing for oysters, mussels, cockles, clams, scallops and queens without a permit;
- Permit fee of £44 per year;
- Suspend permits in the event of non-compliance with the provisions of the byelaw or failure to comply or obstruction of Inshore Fisheries and Conservation Officers;
- Eligibility criteria – only those with a Wash Fishery Order licence are eligible for a permit;
- Implement the Wash Fishery Order [Regulations](#) in the area;
- Implement management measure which reflect those implemented in Wash Fishery Order fisheries including:
 - Opening or closing fisheries;
 - Setting operating times for fisheries;

- Issuing, varying or revoking permit conditions and eligibility criteria;
 - Limiting the number of permits;
 - Suspending the issuing of permits.
- Implement temporary management measures at short notice which have to be reviewed within a certain timeframe;
- Implement mechanisms to manage the fishery in line with the management of the Wash Fishery Order fisheries (i.e. total allowable catch, open and closed periods etc.).

Why is this management needed?

IFCAs must manage fisheries in a way that is compatible with conservation targets for protected areas. The Wash hosts very important conservation features and valuable bivalve mollusc fisheries (primarily cockles). To ensure that neither the environment nor the stocks are damaged by fishing activity, this area is closed to fishing for oysters, mussels, cockles, clams, scallops and queens without a permit.

Eastern IFCA may open a fishery in this area if an assessment (including a stock survey and Habitats Regulations assessment) is undertaken and concludes no adverse effect.

Cockle and mussel fisheries in particular are dynamic and require a flexible approach to management. Under the Wash Fishery Order, Eastern IFCA is able to react quickly to the needs of the fishery and the environment by introducing, varying or revoking flexible management measures. Eastern IFCA is seeking to implement a flexible system which mirrors the flexibility achieved through the Wash Fishery Order. This will potentially involve short or no consultation for introducing, varying or revoking permit conditions for specific fisheries. Due process will be ensured by limiting the effect of such measures to specified time periods pending further review. This process is set out in the Formal Operating Procedure for the byelaw.

When will it take effect?

Eastern IFCA will consider the evidence supporting this management, and information on the likely impact on sea users in the affected areas. If approved, the byelaw would take effect once the byelaw is signed off by the Secretary of State.

Where will it apply?

The byelaw will apply in the area between the boundary of the Wash Fishery Order and the Le Strange Estate (see chart below).

How does it affect my activity?

Prior to the decision of the High Court, the area covered by the proposal was a private fishery. Therefore, the byelaw to manage the fishery is unlikely to affect any current activity. An impact Assessment has been drafted considering the impacts on fishery stakeholders.

Will the measures be reviewed?

The proposal will be reviewed after taking into account the information gathered from the public consultation. If implemented, the byelaw will be reviewed six years after coming into force.

Where can I find more information?

- [Draft Wash Restricted Area Byelaw 2019](#)
- [Draft Impact Assessment: Wash Restricted Area 2019](#)
- [Draft Eligibility Criteria](#)
- [Draft Permit Conditions](#)
- [Formal Operating Procedure](#)
- The Emergency Byelaw is available at the following link - <http://www.eastern-ifca.gov.uk/wash-emergency-byelaw-2018/>.

You are welcome to speak to Eastern IFCA staff in person or by telephone (01553) 775321, or by emailing mail@eastern-ifca.gov.uk

Can I make a comment?

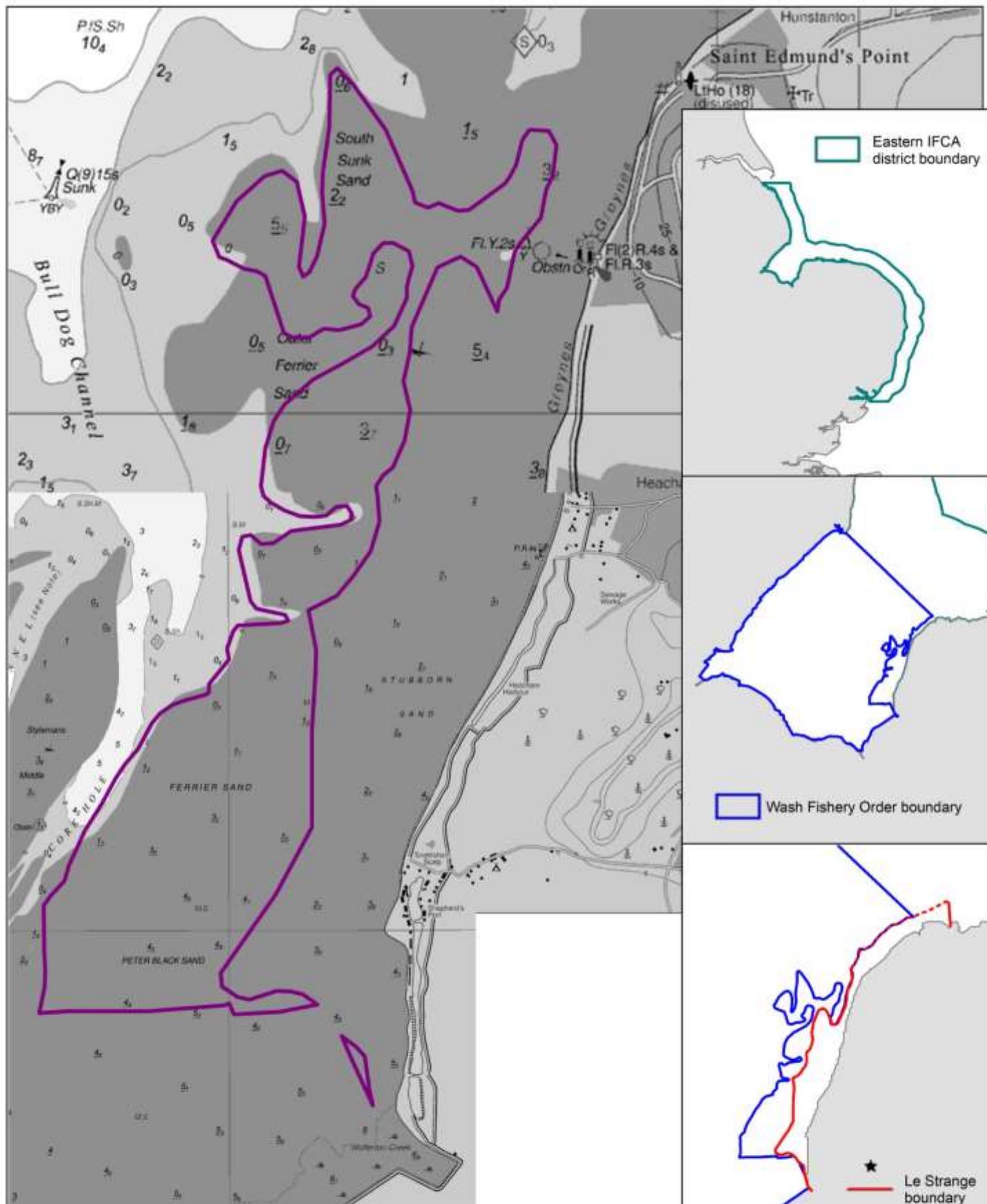
We welcome your input. **Written representations should be addressed to the CEO of Eastern IFCA to the postal or email address below by 12 noon on 22nd July 2019:**

CEO, Eastern Inshore Fisheries & Conservation Authority, Unit 6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk, PE30 2JG.

Email: mail@eastern-ifca.gov.uk

Please also send a copy of any response to the MMO at either of the following:

- Email address: IFCAbyelaws@marinemangement.org.uk
- Postal address: Marine Conservation and Enforcement Team, Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle-Upon-Tyne, NE4 7HY.



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|  Eastern IFCA Inshore Fisheries and Conservation Authority | <h3>The Wash</h3> <p>Wash restricted area informal engagement chart. Not to be used for navigation, for illustrative purposes only.</p> <p> Wash restricted area</p> | <p>Date: 28/03/19 Drawn by: SC Projection: Lat Long WSG84 EMS boundary: JNCC download - UK_SACs_withMarineComponents_- 2103821 Eastern IFCA boundary: EIFCA Wash Fishery Order: EIFCA 2019_03_Gap_Layer_plus.wor</p> |
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