



**37th EIFCA
Statutory Meeting**

To be held at:

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

**Wednesday
11th September 2019**

1030 hours

Vision

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



Meeting: 37th Eastern IFCA Meeting

Date: 11th September 2019

Time: 1030hrs

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

Revised Agenda

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

Action items

- 4 To receive and approve as a true record, minutes of the 36th Eastern IFCA Meeting, held on 15th May 2019 – *Chair (pg 4)*
- 5 Matters arising (including actions from previous meetings) – *Clerk*
- 6 To receive a report to consider Health and Safety risks and mitigation – *Hd Operations (pg 18)*
- 7 Update on the meeting of the Finance & HR sub-committee 26th June 2019 – *Hd Finance & HR (pg 24)*
- 8 Cockle Fishery 2019 – *CEO (pg 27)*
- 9 Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw 2019 – *CEO (pg 51)*
- 10 Annual Report 2018-19 – *CEO (pg 65)*
- 11 WFO 1992 Cockle Fishery Management Plan – *Senior MSO (Research) (pg 66)*
- 12 Shrimp fishery management – *Senior IFCO (Regulation) (pg 86)*
- 13 Quarterly progress against Business Plan priorities – *CEO (pg 112)*

Information items

- 14 CEO update
 - a. Various (verbal)
 - b. North Norfolk Seaweed Farm proposal (pg 119)
 - c. Association of IFCA minutes (pg 128)
- 15 Head of Operations update
 - a. Marine Protection Quarterly reports (pg 140)

b. Marine Science Quarterly reports (pg 147)

Any other business

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

J. Gregory
Chief Executive Officer
22nd August 2019

36th Eastern IFCA Meeting

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



A meeting of the Eastern IFCA took place at The Boathouse Business Centre, Wisbech on Wednesday 15th May 2019 at 1030 hours.

Members Present:

Cllr Paul Skinner	(Chair)	Lincolnshire County Council
Cllr T FitzPatrick	(Vice Chair)	Norfolk County Council
Shane Bagley		MMO Appointee
Stephen Bolt		MMO Appointee
Roy Brewster		MMO Appointee
Cllr M Chenery of Horsbrugh		Norfolk County Council
Cllr P Coupland		Lincolnshire County Council
John Davies		MMO Appointee
Paul Garnett		MMO Appointee
Cllr T Goldson		Suffolk County Council
Ian Hirst		Environment Agency Representative
Charlie Moffat		Natural England Representative
Rob Spray		MMO Appointee
Keith Shaul		MMO Appointee
Paul Tyack		MMO Representative
Cllr M Vigo Di Gallidoro		Suffolk County Council
Stephen Williamson		MMO Appointee

Eastern IFCA (EIFCA) Officers Present:

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

Minute Taker:

Jodi Hammond

EIFCA19/21 Item 1: Election of Chair

The meeting was opened by the outgoing Chair (Cllr Goldson) and nominees for the post of Chair were requested.

It was Resolved that Cllr Skinner would take the role of Chair of EIFCA for the following 2 years.

Proposed: Cllr Goldson

Seconded: Cllr Chenery of Horsbrugh

All Agreed.

EIFCA19/22 Item 2: Apologies for Absence

Apologies for Absence were received from Cllr D Collis (NCC), Ms Davey & Messrs Shaul, Warner, & Worrall (MMO Appointees).

EIFCA19/23 Item 3: Declarations of Members Interest

There were no additional Declarations of Interest to those already recorded by members.

EIFCA19/24 Item 4: Election of Vice-Chair of the Authority

It was Resoled that Cllr T Fitzpatrick would take the role of Vice Chair of EIFCA for the following two years.

Proposed: Cllr Skinner

Seconded: Cllr Chenery of Horsbrugh

All Agreed

EIFCA19/25 Item 5: Minutes of the 35th EIFCA Meeting, held on 30th January 2019

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

Proposed: Cllr Goldson

Seconded: Cllr Chenery of Horsbrugh

All agreed

EIFCA19/26 Item 6: Matters Arising

EIFCA19/14: SLIPPER LIMPET REMOVAL: Members were advised that some removal work had taken place. Approximately 2.5 tonnes of Slipper Limpets had been removed but it was felt there were potentially a further 8 tonnes which needed to be taken ashore and disposed of.

EIFCA19/15 EIFCA/MMO COLLABORATION: The Clerk advised that closer working with the MMO had been put on hold pending the outcome of the EU Exit.

EIFCA19/27 Item 7: Health & Safety Risks

The Head of Operations advised members that, with the exception of FPV John Allen, the vessels had been subjected to fixed wiring and PAT testing.

A variety of chemicals left over from lobster testing had been disposed of in the appropriate manner

All Staff had completed both a Manual Handling questionnaire and Mental Health Wellbeing course. In addition, Managers had taken part in a one-day Mental Health First Aid Course.

There had been four incidents:

- An Officer had trapped a finger in the pressure washer.

- Discarded needles were found on Boston Quay, these were reported to Boston Borough Council
- Vessel ran aground, there were no injuries, but lessons were learnt about ensuring correct kit was worn and provisions taken.
- Whilst lifting a sample basket the vessel moved and an Officer suffered a twisted back. Skippers were encouraged to be more aware of Officers on deck when moving the vessels.

There was no change to the Health & Safety Risk Table.

Cllr Chenery questioned whether there were any options for individual role development as it was apparent that the more senior Marine Science and Enforcement positions were held by long serving Officers. The Clerk advised the lack of development had been noted and progression steps from Grade 5 to Grade 6 had been put in place for IFCOs once they had achieved skipper qualifications. A similar opportunity was being trialled for the Marine Science team.

Members Agreed to note the report.

EIFCA19/28 Item 8: Review of the Constitution and Standing Orders.

Members were reminded they had an annual undertaking to review the Constitution and Standing Orders

The Clerk advised that following previous comments made regarding working groups he had reviewed the sub-committees and did not believe they were working as envisaged. With the exception of the F&P sub-committee none of the others met with any regularity and the matters which were discussed were then taken to the full-authority for ratification. The proposal was therefore to retitle the Finance & Personnel sub-committee to Finance & HR, discontinue the Planning & Communication, Marine Protected Areas and Regulation & Compliance sub-committees, and establish a permanent Fisheries and Conservation Management Working Group, which would enable members to provide knowledge and experience prior to recommendations being put to the full authority.

It was also proposed that the quarterly meeting dates were altered to bring the meetings in line with when decisions re finance or fisheries opening were more likely to be made, ie, March, June, September, December. These proposals had been checked with NpLaw to ensure they were in line with legislation.

The Clerk also proposed that an additional MMO member be appointed to the Finance & HR sub-committee and that the chair and vice chair of the full authority should automatically become

the chair and vice chair of the Finance & HR sub-committee. Cllr Goldson was concerned this would mean any complaints/disciplinary would not leave the Chair of the Authority in a position of impartiality in the event of an appeal, he would prefer the Authority Chair not to chair the sub-committee. The Clerk felt this could be addressed by wording the terms of reference in such a way that it was clear any Disciplinary discussions would be dealt with by the vice chair leaving the Chair completely impartial in the event of an appeal.

Members considered the proposed changes to the Constitution and Standing Orders. Mr Garnett requested that the proposed working group arrangement could be reviewed after a period of two years to ensure it was working in the anticipated manner.

Cllr Goldson accepted the proposed change in quarterly meeting schedule but suggested the election of Chair should be moved to the June meeting as Council elections took place in May and it would ensure a Chair was not elected at the March meeting and then lost their seat in May, leaving the Authority with no Chairperson.

Cllr Goldson requested a change to the proposed recommendation. It was proposed that the Constitution and Standing Orders be revised to show that the Vice-Chair of the Finance & HR sub-committee would deal with any Disciplinary process, and that the election of Chairperson for the full authority should take place at the meeting in June, not March.

Proposed: Cllr Goldson

Seconded: Cllr Chenery of Horsbrugh.

All Agreed to accept the proposed amendment to the recommendations.

It was then put to the vote and all voted in favour of the amendment.

It was further Resolved to:

- **Agree to the proposed changes to the constitution and Standing Orders**
- **Agree that Dr Bolt, Mr Worrall and one other non-elected member were appointed to the Finance and HR sub-committee.**
- **Agree that the full Authority meeting dates for 2019-20 be revised to:**

Wednesday 11th September 2019

Wednesday 11th December 2019

Wednesday 11th March 2020

Proposed: Cllr Goldson

Seconded: Cllr Vigo Di Gallidoro

All Agreed

EIFCA19/29 Item 9: Planning & Communication sub-committee held 13th March 2019

Members were advised the meeting had considered and approved the 2019 Strategic Assessment as well as the rolling five-year Business Plan for 2019-24.

Members were advised of the Critical Work-streams highlighted by the Business Plan for the forthcoming year.

It was Agreed to note the content of the report.

EIFCA19/30 Item 10: Finance Officers Report on payments made and monies received during the period January 2019-April 2019

The Head of Finance had provided a table of incoming and outgoing expenditure for the period as well as notes of any exceptions.

The most notable expenditure related to RV Three Counties for the annual refit. Income noted related to early levy payments for the 2019/20 financial year.

Members Agreed to note the content of the report.

EIFCA19/31 Item 11: Quarterly Management Accounts

It was anticipated there would be an underspend of £49,000 to place in reserves. The bulk of this underspend related to the salaries budget, either due to vacancies or officers reducing their hours.

Members Agreed to note the content of the report.

EIFCA19/32 Item 12: Expenses to MMO Appointees

The cost of MMO appointee expenses were considered. It was noted that the previous year the total claim was £1,532, which formed the budget for the forthcoming financial year. It was felt at this level the payment of expenses remained affordable.

Members Resolved to approve the payment of expenses to MMO appointees for a further year.

Proposed: Cllr Goldson

Seconded: Cllr FitzPatrick

All Agreed

EIFCA19/33 Item 13: Marine Protected Areas Byelaw 2019 (Cromer Shoal MCZ and Haisborough, Hammond and Winterton SAC management measures)

SMSO Stoutt, MSO Cowper and IFCO Brown provided members with a presentation highlighting the proposals and the suggested next steps.

Members were reminded this would be the 4th version of the byelaw, which was to protect sensitive areas and communities from loss or damage, largely through towed demersal gear. This would not be the final iteration of the byelaw.

The Clerk advised that EIFCA were responding to this slightly belatedly due to other priorities so the MMO were ahead and already had some management measures for the area beyond 6nm in place.

Mr Garnett queried the data which had been used as he noted the Ground Truthing data did not match modelling data, so he wanted to be sure the right areas were being protected. MSO Stoutt advised this was partially why the Officers had spent 2 years looking into the data to be sure they were getting an accurate picture. IFCA surveys had been conducted to provide evidence to support the proposed closures, and additional data from CEFAS meant Officers were confident these were the right areas to target.

There was some debate on the damage being caused by windfarm cables, however EIFCA had no control over such matters and can only express a view in response to consultations. It was also questioned whether the whole of the sabellaria reef needed to be protected, which the Clerk advised was not the case but EIFCA must be able to demonstrate that site integrity was not affected.

Members remained concerned about the amount of restrictions in place in the District and the damage to the site being caused by windfarms. The Clerk advised EIFCA had a legal obligation to meet the conservation objectives of MPAs, but officers would usually recommend meeting the minimum requirement only because 96% of the district was covered by MPAs, which alongside other pressures contributed to a 'squeeze' on inshore fishermen and meant there was less opportunity to diversify.

SMO Stoutt advised that any proposed measures were in order to meet conservation requirement and as far as possible to minimise the impact.

Roy Brewster requested a chart by drawn up to show all the activity going on so that members could have a complete view of how the Wash was changing.

Members Agreed to:

- **Note the rationale and justification for the Marine Protected Areas Byelaw 2019**
- **Note the Impact Assessment associated with the Marine Protected Areas Byelaw 2019**

Members Resolved to:

- **Agree to the closed area in the Cromer Shoal Chalk Beds MCZ**
- **Agree to the closed areas in the Haisborough, Hammond & Winterton SAC**
- **Agree to the closed areas in the Wash & North Norfolk Coast SAC**
- **Agree to make the Marine Protected Areas Byelaw 2019**

Proposed: Mr Spray

Seconded: Dr Bolt

All Agreed

Members Resolved to:

- **Direct officers to undertake a formal consultation in relation to the Marine Protected Areas Byelaw 2019**
- **Direct the CEO to submit a final version of the Marine Protected Areas Byelaw 2019 to the Marine Management Organisation for formal QA after completing a formal consultation**

Proposed: Cllr Goldson

Seconded: Mr Spray

All Agreed

Members Agreed to delegate authority to the CEO to make changes to the byelaw which would not substantially alter the intended effects of the byelaw, taking into account responses from the formal consultation and for the formal QA process.

Proposed: Mr Spray

Seconded: Dr Bolt

All Agreed

EIFCA19/34 Item 14: Wash Restricted Area Byelaw

Senior IFCO Godwin gave a presentation on the proposed Wash Restricted Area Byelaw 2019, which was intended to replace the Emergency Byelaw introduced in 2018.

The byelaw was essentially to provide regulation to an area which fell outside the boundary of the Wash fishery Order and was no longer deemed to be part of the le Strange Estate. The effect of the byelaw would be to provide flexible management arrangements consistent with the Wash Fishery Order.

The Clerk advised a lot of work had gone into producing the byelaw and it was thought this may provide a model which could be used to replace the WFO when it expired.

Members considered the possible outcome of such a byelaw replacing the WFO and the possibility of no longer having WFO entitlements but permitted fisheries open to all instead. Discussion followed which included the type of offence necessary to have a permit revoked and what type of offence could result in a FAP or prosecution, why it was one offence that revoked the licence rather than two and whether it was an automatic ban or at the discretion of the CEO. Mr Williamson enquired whether it was possible to have a regulation size bag which would negate the need to weigh catches. The Chair suggested this was a subject which could be discussed by the new working group.

Members Agreed to note the results of the informal consultation.

Members Resolved to

- **Agree to make the Wash Restricted Area Byelaw 2019**
- **Agree to introduce the eligibility criteria and permit conditions as at Appendices 2 and 3 respectively**
- **Agree to adopt the Wash Restricted Area Byelaw: Formal Operating Procedure**

Proposed: Mr Spray

Seconded: Dr Bolt

All Agreed

Members Agreed to note the results of the informal engagement and draft impact assessment for the Wash Restricted Areas byelaw 2019.

Members Resolved to:

- **Direct officers to undertake formal consultation on the Wash Restricted Areas Byelaw 2019**
- **Direct the CEO to submit a final version of the Wash Restricted Areas Byelaw to the Marine Management Organisation for formal QA after completing a formal consultation.**

Proposed: Mr Spray

Seconded: Cllr Chenery of Horsbrugh

All Agreed

Members Resolved to:

- **Agree to delegate authority to the CEO to make changes to the byelaw which would not substantially alter the intended effects of the byelaw, taking into**

account responses from the formal consultation and the formal QA process

- **Agree to delegate authority to the CEO to extend the Emergency Wash Byelaw 2018 by six months if the Wash Restricted Area Byelaw 2019 was unlikely to be implemented by the 27th July 2019.**

Proposed: Dr Bolt

Seconded: Cllr Goldson

All Agreed

Mr Hirst left the meeting

At this point the meeting broke for lunch and reconvened at 1330 hrs

EIFCA19/35 Item 15 – Shrimp Permit Byelaw

The shrimp permit byelaw continued to be an ongoing workstream. Delays in the wording of the national regulation for iVMS had resulted in the CEO making the decision to include iVMS in the permit rather than the byelaw as any change in wording would be more easily addressed as a permit condition. It was not anticipated that a Category 2 permit would require iVMS as it would be a very low level of shrimp fishing.

Members were advised of other amendments to be made to the proposed byelaw, which included removal of a permit fee for category 2 permits, although all permit regulations would still apply, and to amend the wording of the permit so that it only applied to the use of bottom towed gear.

Consultation of the byelaw had resulted in one objection which officers had tried to resolve but each attempt had been met by further objection.

Next steps for the byelaw would be minor wording changes prior to seeking Ministerial approval.

Members Agreed to note the decision made by the CEO to remove iVMS from the face of the byelaw and include as a permit condition for a Category One Permit only.

Members Resolved to:

- **Agree to the amended wording of the Shrimp Permit Byelaw 2018, including the removal of a fee for a Category two permit.**
- **Agree to delegate authority to the CEO to make amendments to the Shrimp Permit Byelaw 2018 as a result of the formal QA which would not affect its intention.**
- **Agree to continue to seek ministerial approval for the byelaw without having resolved the objections raised.**

Proposed: Mr Spray
Seconded: Cllr FitzPatrick
All Agreed

Members Agreed to note the consideration of further correspondence with one respondent regarding shrimp management measures and the response of Officers.

Members Resolved to Direct the CEO to submit the Shrimp Permit byelaw 2018 to the Marine management Organisation for formal QA:

Proposed: Cllr Goldson
Seconded: Cllr Vigo Di Galidoro
All Agreed

EIFCA19/36 Item 16 – Wash Fishery Order 1992 Review

The CEO advised members the purpose of the report/presentation was to update them on progress made with regard to the review of the WFO 1992, with regard to management policies, the assessment of potential for dredged cockle fisheries and the implementation of revised WFO regulations.

MSO Hombrey gave a presentation on her work on a Impact Assessment of suction dredging in the Wash and Senior MSO Jessop presented the current status of the Cockle Fishery Management Plan. Senior IFCO Godwin provided an update on the WFO regulations.

Mr Garnett believed there was a lot of feedback from the industry which had not been included in the presentation and wondered where this was. He was particularly concerned by the knock-on effect of cockle dredging to bait diggers and cockle sands which could take 10/12 years to recover.

Members discussed in detail the potential effects of having a dredge cockle fishery. It was noted that since the initial cockle dredging seasons there have been improvements in gear design & technology which may mean the effect could be less impactful. The CEO advised it was important to understand the range of issues associated with dredging set out in the Impact Assessment, including the uncertainty around environmental impact, the high percentage smash rates and associated cockle mortality as well as socio-economic and fisheries management factors. He suggested that the Impact Assessment indicated that the direction of travel was to not to have a dredge fishery, even as a contingency.

Members considered the amended WFO Regulations, there was concern about the use of tenders only being permitted if they were not powered by any means. This could have an impact on the Welland Wall Mussel fishery as small tenders were necessary to access the beds, tenders without engine power could be a safety issue.

Cllr Goldson left the meeting

Members Resolved to:

- **Note the progress made towards reviewing the WFO Management policies and the assessment of the potential for future dredged cockle fisheries in the WFO.**
- **Direct officers to undertake consultation with relevant stakeholders to inform a final proposal to the Authority regarding potential for future dredged cockle fisheries in the WFO.**
- **Note the advice received from Defra regarding the use of tenders and transshipping requirements within the WFO and the potential impact on WFO fishers.**
- **Agree to WFO Regulations as amended set out in Appendix 3.**
- **Agree to delegate authority to the CEO to make changes to the Regulations which do not substantially alter the intended effects of the Regulations, taking into account advice received from the formal QA process.**
- **Direct officers to investigate the current use of tenders in the WFO to inform a proportionate enforcement approach of the related legislation.**

Proposed: Cllr Chenery of Horsbrugh

Seconded: Mr Spray

All Agreed

EIFCA19/37 Item 17 – 2019 Cockle Fishery

Members were reminded that normally the cockle survey reports would be presented to the meeting. On this occasion delegated authority was being sought to allow the CEO to open the 2019 Wash cockle fishery, and to introduce, vary or revoke management measures, including closing the fishery, as required.

Members questioned likely opening dates and whether officers could be provided with suggested opening dates from the industry. The CEO advised there would be opportunity to comment during the consultation.

Members Resolved to:

- **Agree to delegate authority to the CEO to open the 2019 cockle fishery within the Wash Fishery Order in accordance with the established policies and processes, set out in the report;**
- **Agree to delegate authority to the CEO to introduce, vary and revoke management measures (including the licence conditions, operating times and Total Allowable Catch) and to open and close part or all of the fishery as may be required for the protection of the Wash and North Norfolk Coast Special Area of Conservation and Special Protection Area or for fisheries management purposes including the sustainability of the mussel stocks;**
- **Agree to delegate authority to the CEO to introduce, vary or revoke management measures or to open or close the fishery or parts of the fishery, without 7 days' notice (as per the cockle charter) where it was judged necessary to do so to meet the conservation objectives of the Wash and North Norfolk Coast European Marine Site or for the sustainability or the viability of the fishery;**
- **Agree to delegate authority to the CEO to open or close a cockle fishery under paragraphs 14, 15 and 16 under the Wash Emergency Byelaw 2018 in accordance with the established policies and processes set out in the report;**
- **Agree to delegate authority to the CEO to issue, vary or revoke flexible permit conditions under the Wash Emergency byelaw which were consistent with WFO licence conditions;**
- **Agree to delegate authority to the CEO to implement flexible management measures under paragraphs 15, 16, 19, 21, 22, 24, 26, 27 and 29 of the proposed Wash Restricted Areas Byelaw 2019 in a manner consistent with the associated Formal Operating Procedure, should such be implemented prior to the end of the cockle fishery;**

Proposed: Cllr Vigo Di Gallidoro

Seconded: Cllr FitzPatrick

All Agreed

Members Resolved to Direct Officers to report on the management of the 2019 WFO cockle fishery at the 37th Eastern IFCA meeting.

Proposed: Cllr FitzPatrick

Seconded: Dr Bolt

All Agreed

EIFCA19/38 Item 18 Quarterly progress against Business Plan priorities

Members Agreed to note the report

EIFCA19/39 Item 19 – Resolution

Members Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be exclude from the meeting for item 20 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of schedule 12A of the Act.

Proposed: Cllr FitzPatrick

Seconded: Cllr Vigo Di Gallidoro

All Agreed

EIFCA19/40 Item 20 – wash Fishery Order 1992 shellfish lay application

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

Members were advised consideration was being given as to whether these parties were attempting to circumvent a waiting list and it was recommended the CEO be delegated authority, in conjunction with the Chair and Vice Chair to reach a final decision.

Members Resolved to:

- **Note the investigation into the application from a lay holder to enter into a partnership with a third party and to allow the lay holder to assign his lay to the third party**
 - **Agree to delegate authority to the CEO in conjunction with the Chair and Vice-Chair to make the final decision regarding the application to enable the parties to enter into a partnership with the effect of allowing the lay holder to assign his lay to a third party**
 - **Agree to delegate authority to the CEO in conjunction with the Chair and Vice-Chair to make decisions relating to applications to enter into partnerships or assign or sub-lease WFO lays in accordance with the Wash Fishery Order 1992 Shellfish Lays – Interim Policies;**

Proposed: Mr Spray

Seconded: Cllr Chenery of Horsbrugh

All Agreed

Members Resolved to Direct officers to seek approval from the Minister in relation to the same application.

Proposed: Cllr Vigo Di Gallidoro

Seconded: Mr Davies

All Agreed

EIFCA19/41 Item 21 – CEO Update

The CEO gave a verbal update on matters of interest.

- IVMS remained a work in progress but it was still intended that the national regulation and roll-out would be completed by 2021.
- The Spending Review and New Burdens Funding could not reach any conclusion until EU Exit had been completed. New Burdens funding was scheduled to run out in April 2020, but it was anticipated it would be rolled out for a further year in its current form. AIFCA had a bid in place to increase NB funding from 3 to 6 million, it was hoped an update would be available in June.
- Operation Blake funding had been successful so EIFCA could continue the sampling programme in conjunction with CEFAS.
- The Defra sponsored review of IFCA's was underway and EIFCA was one of 4 case studies.
- Vessel Replacement was ongoing. Officers would be trailing a vessel with jet propulsion, if this provide a viable option for survey and sampling work it could open the possibility of a refurbished vessel.

Association of IFCA minutes were circulated to keep members up to date.

Members Agreed to note the content of the report.

EIFCA19/42 Item 22 – Head of Operations Update

The Head of Operations briefly went through the Marine Protection Quarterly reports. There were no questions.

With regard to the Marine Science Quarterly reports it was questioned whether there was any indication of how often responses to consultations was taken into account. The response being that once a response had been sent notification was received and very often the response was copied and pasted into the MMOs conditions.

Members Agreed to note the content of the report.

There being no other business the meeting closed at 1517hours.

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

37th Eastern Inshore Fisheries and Conservation Authority meeting

11th September 2019

Health and Safety update

Report by: Jon Butler, Head of Operations

Purpose of report

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

Recommendations

It is recommended that members:

- **Note** the contents of this report

Background

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

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

Incidents

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

Risks/Mitigation

Generic H&S training is planned during the autumn and will be provided by NCC H&S advisor, Ann Hacon.

There have been four incidents to report since the last meeting, officers are reminded to report incidents so the lack of reports should be seen as a positive with a good culture of Health and Safety retained across the organisation.

Members would wish to be aware of the H & S risks at *Appendix 2*. Whole Body vibration requires further investigation, it is not thought to be an issue but needs further review and advice.

Date	Nature of incident	Injury / damage occurred	Action Taken	RIDDOR Y/N	Investigation complete Y/N	Name of investigating Officer	Follow-up action required Y/N. If Y then what?
21/05/2019	Vessel/Rope round tenders prop	None	Engine stopped and rope untangled	N	Yes	Lee Torrice	Length of Painter to be shortened. All mooring lines to be secured before engine put into gear
19/06/2019	People/ Burnt Hand	Yes	Faulty valve identified.	N	Yes	Jon Butler	Faulty valve bypassed and replaced.
18/07/2019	Vessel/trailer winch failure	Yes	Winch replaced, gel coat repair	N	Ongoing	Lee Torrice	Investigation ongoing, faulty winch replaced, and gel coat repaired
16/08/2019	Poor VHF comms whilst out on survey	No	N/A	N	Yes	Ron Jessop	VHF radios to be carried by all officers, also all officers to have an allocated PLB on survey.

Eastern IFCA Health and Safety risks

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

	<ul style="list-style-type: none"> • Periodic review of performance • Record of personal training inc. refreshers maintained 			
4. Whole Body Vibration	<ul style="list-style-type: none"> • Risk awareness training to manage impacts. • Health monitoring process to be developed. 	<ul style="list-style-type: none"> • Personal injury from boat movement owing to lower resilience as a result of individual physiology 	Treat	Treat
5. Lone working operations	<ul style="list-style-type: none"> • Management scrutiny of any proposal for lone working. • Introduction of electronic support means 	<ul style="list-style-type: none"> • Failure of devices to give requisite support. • Personnel interventions render devices unreliable or unworkable. 	Tolerate	Tolerate
6. Staff injury/long term absence through inappropriate posture at office work stations	<ul style="list-style-type: none"> • Information. • Training. • Risk assessment. • Provision of suitable bespoke equipment where reasonable. • Access to NCC H&S team. • Occupational health assessment • KLWNBC H&S specialist advice 	<ul style="list-style-type: none"> • Individual failure to adhere to guidance 	Tolerate	Tolerate

<p>7. Staff stress through exposure to unacceptable behaviour of stakeholders</p>	<ul style="list-style-type: none"> • Introduction of Unacceptable Behaviour policy • Stakeholder engagement plan and activity delivered in pursuit of corporate communications strategy. • Dialogue with Stakeholders to ensure appropriate tone of communications • Conflict resolution training for “front line” Officers 	<ul style="list-style-type: none"> • No change in behaviour of some stakeholders. • Long term sickness caused by stakeholder hostility 	<p>Tolerate</p>	<p>Tolerate</p>
<p>8. Damage to vehicles, trailers and/or equipment through inappropriate operation.</p>	<ul style="list-style-type: none"> • Formal trailer training for unqualified officers • Refreshers for those with previous experience • Periodic vehicle maintenance checks training • In-house assessment for drivers using unfamiliar vehicles (crew transport, 4x4) 	<ul style="list-style-type: none"> • Failure to adhere to training • Mechanical failure of vehicle or trailer 	<p>Tolerate</p>	<p>Treat</p>
<p>9. Physical fitness of personnel to undertake arduous duty</p>	<ul style="list-style-type: none"> • Staff briefing • Management overview to ensure rostered duties are appropriate and achievable • Reasonable work adjustments • Routine periodic medical assessment (ML5) 	<ul style="list-style-type: none"> • Individual health fragilities • Individual lifestyle choice 	<p>Tolerate</p>	<p>Tolerate</p>

*

Risk Rating
High
Medium
Low

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

Vision

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 7

37th Eastern Inshore Fisheries and Conservation Authority meeting

Report by: Andrew Bakewell – Head of Finance & HR

Meeting of the Finance & HR Sub-committee held on 26th June 2019

Purpose of report

To inform members of the key outputs and decisions from the Finance & HR Sub-Committee meeting held on 26th June 2019.

Recommendations

Members are asked to:

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

Finance Matters

Re minute F&HR 19/06 Finance and HR sub-committee meetings

- As set out at the last Full Authority meeting the Finance and HR sub-committee would be responsible for all financial matters, with the exception of, approval of the annual budget and setting the of levies, which remain the responsibility of the Full Authority.
- Meetings would be held quarterly, ordinarily on the first Tuesday of February, May, August and November each year.

Members Resolved to:

- Agree the framework for sub-committee meetings as set out in the paper.
- Agree that meetings would be held quarterly, ordinarily on the first Tuesday in February, May, August and November each year.

Re minute F&HR 19/07 Report on the Internal Audit 2018/19 carried out by Norfolk Audit Services

- The Audit report contained one recommendation that the members agreed required action it was proposed therefore that the Risk Register be reviewed at each quarterly meeting of the Finance and HR sub-committee.

- The sub-committee also recommended that in respect of non-financial risks the Risk Register be added as a standing item on the Statutory Meeting agendas.

It was Proposed that the Risk Register would be a standing item for review of financial risks at this sub-committee and a recommendation would be made to the full authority that it also be a standing item on the Statutory Meeting Agenda. As the proposal had been put forward it was Resolved to take a vote, which was subsequently carried unanimously.

Members Agreed to note the report.

Re minute F&HR 19/08 Statement of Accounts for the year ended 31st March 2019

- Approve the Annual Governance Statement
- Approve the Statement of Accounts for submission to the external auditors
- Authorise the Chairman and CEO to sign the Annual Return
- Authorise, in accordance with Financial Regulation 3.4 transfers to and from “ear-marked” reserves as per the Statement of movement in reserves

Members agreed to:

- Approve the Annual Governance Statement
- Approve the Statement of Accounts for submission for external examination

Re minutes F&HR 19/09 (Payments made, and money received) and 19/10 (Quarter 1 Management Accounts)

- Both reports (due to timing of the meeting) only contained two months figures, this issue will be resolved by the amendments approved to the meeting schedule.

Members resolved to note the paper.

Re minute F&HR 19/12 Investment Strategy

- The potential to invest with a raft of institutions in an attempt to generate some interest with little or no risk to the Authority’s funds was discussed.

As significant amounts of money were being considered for investment it was Resolved that the Head of Finance & HR should research the best options and put forward proposals for the CEO, Chair & Vice Chair to consider.

HR Matters

Re minute F&HR 19/11 Marine Science Roles and grade review

- The re-designation of two grade 5 MSO posts to grade 6

- The Job description and Person Specification for the grade 6 posts
- The additional budget to fund the two permanent positions
- Incorporation of the changes into the EIFCA structure

Members considered and approved.

Re minute F&HR 19/14 HR Update

- Recruitment of a Grade 5 IFCO (Lowestoft) starting 1st July 2019.
- Recruitment of WNNMP Project Officer underway.

Background Papers

Unconfirmed minutes of the F&P sub-committee meeting held on the 26th June 2019.

Vision

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Action Item 8

Eastern Inshore Fisheries and Conservation Authority Meeting

11 September 2019

Cockle Fishery 2019

Report by: Julian Gregory, CEO

Purpose of Report

The purpose of the paper is to update members on the opening of the 2019 cockle fishery and the subsequent decision to combine the Total Allowable catches of the Wash Fishery Order and Wash Restricted Area fisheries.

Recommendations

It is recommended that members:

- **Note** the content of the report

Background

At the 36th Eastern IFCA meeting held on 5th May 2019 members agreed to delegate authority to the CEO to make decisions relating to the management of the 2019 cockle fishery within the Wash Fishery Order 1992 (WFO) and the Wash Restricted Area Fishery (WRA). Members also directed officers to report on the management of the 2019 WFO cockle fishery at the 37th Eastern IFCA meeting.

The management of the WFO (and WRA) cockle fisheries is well-established and broadly remains the same each year i.e. licence conditions and WFO regulations. The key elements to be determined on an annual basis are as follows:

- Fishing method (however, the fishery is considered as a default hand-work fishery with dredging considered in exceptional circumstances only);
- Total Allowable Catch (TAC);
- Opening date;
- Operating times; and
- Any closed areas which may be required.

Report

On 13th June 2019 the CEO agreed to open a cockle fishery within the WFO and WRA as follows:

- Hand-work fishery only;
- Total Allowable Catch:
 - 4,004 tonnes in WFO fishery;
 - 323 tonnes in WRA fishery;

- Opening date: 17th June;
- Operating times – as per established principles with exceptions to enable fishing on most suitable tides;
- Closed areas to protect:
 - High density year-zero cockles (including a large closure on Friskney Sand) which will be reviewed in August 2019;
 - Seal haul-out sites;
 - Oystercatcher feeding grounds;
- Implementation of established licence conditions / permit conditions;
- Amendment to the Licence / Permit conditions relating to the use of tenders;
- Amendment of point 4 of code of best practice to enable more than one 'prop-wash ring' per tide.

In making recommendations to the CEO, officers considered the following:

- Eastern Sea Fisheries Joint Committee WFO Management Policies¹;
- Annual cockle stock survey (Appendix 1);
- Habitat Regulation Assessment;
- Consultation with the fishers (including at an industry meeting on Friday 7th June 2019) – summary at Appendix 2;
- Internal dialogue and consideration.

The following rationale and associated recommendations supported the decision of the CEO:

Fishing Method

The Authority agreed that dredge fisheries would only operate in exceptional circumstances. Consideration of a dredge fishery therefore relates only to whether there are exceptional circumstances which would necessitate a dredge fishery.

- Dredge fisheries are known to cause incidental mortality among discarded cockles (circa. 99% of individuals with visible shell damage, plus 10-20% of individuals showing no damage). These figures are for a single pass. Mortality rates would increase with multiple passes.
- Although the adult stocks are sparse this year and will be difficult to harvest using hand-working, there is a widespread settlement of 2018 year-0 juveniles that they are mixed in with. Because there are no beds of discrete adult stocks, it will be impossible for any fishery to harvest the adult stocks without disturbing the juveniles.
- Due to low density of adult stocks, higher effort would be required to harvest them. This would mean with a dredge fishery; the ground and juvenile stocks would be subject to multiple dredge passes. This would result in high mortalities among juvenile stocks.
- If a dredge fishery resulted in high mortalities of the 2018 year-class, there would be few cockles remaining to support a fishery in 2020. Densities would likely be too small to support a hand-worked fishery, while another dredge fishery would result in stocks being reduced further still.

¹ http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/03/WFO_Shellfish_management_policies_2008.pdf

- On-going reductions in cockle densities resulting from dredge fisheries, would not only prevent future hand-work fisheries, but would also have a detrimental impact on wading birds reliant on them.
- Since atypical mortality began killing larger cockles in 2008, it has been necessary to fish stocks a year younger than usual. This will mean that some of the 2018 cohort that settled in faster growing areas will be able to enter the fishery this year. These should provide a good fishing opportunity for the hand-worked fishery, negating the requirement for a dredge fishery.

It is recommended that the fishing method for the 2019 cockle fisheries is hand-work only.

Total Allowable Catch (TAC)

The process for determining the TAC is well-established and documented in the 2019 cockle stock survey. In summary the TAC is determined as 1/3 of the biomass of adult (cockles of 14mm or more in width) cockle stocks. In addition, the TAC takes into account the cockles being a food source for protected bird species (i.e. birds named in the Special Protection Area Designation of the site). For 2019, the Habitat Regulation Assessment has indicated that there is sufficient food available to protected bird species with a fishery taking 1/3 of adult stocks.

It is recommended that the TAC for the 2019 cockle fisheries is:

- **4,004 tonnes in the WFO; and**
- **323 tonnes in the WRA.**

Opening date

The opening date of the 17th June was put to the fishing industry during the consultation on management measure proposals. This date was initially proposed as it reflected the earliest start of the fishery.

Some members made representation that a fishery should be opened later on the grounds that the market conditions would be better at the beginning of July. On consideration, providing an earlier fishing opportunity is beneficial on the grounds that a-typical mortality will likely result in die-off of older / larger cockles relatively early in the season.

It is worth noting that in general, fishers were content with the opening date of the 17th June.

It is recommended that the opening date for the 2019 cockle fisheries is 17th June.

Operating times

Operating times are determined each year in accordance with a well-established set of principles:

- Four days per week,
- Mon to Thurs when possible;
- Tides above 6.0m

Officers considered operating times using these principles. Proposed operating times did fall outside of the first two principles in favour of the third so as to enable as much fishing opportunity as possible.

The consultation with industry has indicated that industry is content with the operating times proposed.

It is recommended that the operating times for the 2019 cockle fisheries are as set out in Appendix 3.

Closed areas

Closed areas are proposed primarily for two purposes:

- To protect high density year-zero areas (to protect the following year's fishery); and
- To prevent disturbance to seals at 'haul-out sites' which are used for feeding during the pupping season. These closures are temporary and affected areas open in September of each year.

High density year-zero closures are proposed in discrete areas where they were identified in the survey. The original proposal had 28 closures including six closed boxes on the Friskney Sand.

Industry members feedback at the meeting held on Friday 7th June 2019 indicated a preference for closing the entire of Friskney Sand to protect all the year-zero cockle present, including that below the threshold density at which a closure is normally put in place. This also reflected observations by fishers that a 'run' of year zero cockles was present throughout Friskney. Given that these cockles are present on a fast-growing bed and that there is a risk of the cockles being lost due to a-typical mortality before the following fishery (i.e. the 2020 fishery), the area is to be reviewed in August with a view to potentially open as may be necessary.

Two seal haul out sites are proposed, one on the Breast Sand and the other on the Hull Sand. These reflect areas which support relatively high proportions of seals during the hauling out season and are likely to be activity fished during the cockle fishery.

The closure on the Breast sand has been challenged by fishers who believe that the area is actually only used by transiting seals rather than any which haul-out. Officers undertook further dialogue with Natural England and the Sea Mammal Research Unit to review the closure.

Natural England has provided feedback to the effect that removal of the Breast Sand closure would not adversely affect site integrity. In summary, Natural England replied as follows '*Regarding Breast Sand, Natural England agree with David Thompsons (SMRU) comments, based on the SMRU data gathered and interpreted, for the seal haul-out closure at Breast Sand and will support Eastern IFCA if you choose to remove this closure from the management measures this fishery year.*' The email chain with Natural England dialogue and full response is at Appendix 4. In addition to the established closures, further closures are proposed in relation to important oystercatcher feeding areas. These are proposed in response to advice from Natural England that oystercatcher numbers have declined. The proposed

closures exclude fishing from important feeding grounds only during the sensitive period – between November and March. Whilst the decline in oystercatchers is not presently thought to be related to the fishery, this is considered a proportionate measure to encourage recovery of bird numbers.

It is recommended that the closures set out in Appendix 5 are adopted.

Licence / Permit conditions

In addition to the above measures, officers recommend the implementation of the established licence conditions. This includes mostly 'administrative' measures such as the 'dual fishing prohibition' and 'requirement to land' which were established to increase the effectiveness of all measures (e.g. the daily catch restriction).

It is recommended that Licence condition 11 (WFO) / Permit condition 10 (WRA) is amended to take into account legal advice regarding the use of tenders.

In summary, tenders which are powered (i.e. outboard / inboard engines) cannot be used without separate fishing licence as per the Sea Fishing Licencing (England) Order 2015. Previously the associated Licence Condition permitted the use of up to 10hp with an outboard engine.

Amendment to the code of best practice

The code of best practice sets out best practice in relation to hand-work cockle fishing to the effect that this will reduce or prevent damage to the sands and stocks whilst fishing. The code was agreed between industry representatives, Natural England and Eastern Sea Fisheries Committee and it forms part of the mitigation within the Habitat Regulations Assessment.

Point 4 of the code relates to the practice of 'prop-washing' and states that "*the number of propeller washing rings should be limited to one per tide*". In the context of low-density adult cockle stocks, fishers may be unlikely to achieve the two-tonne daily quota without prop-washing deeper rings or creating more than one ring. Deeper prop-wash rings, particularly those deep enough to expose the 'anoxic layer' of sediment are likely to persist for longer than standard rings. This point was made at the industry meeting (ante).

Noting that the code is guidance and is not enforceable, officers recommend amending the code pragmatically will increase the likelihood of its adoption. As such it is proposed that the code is amended to enable fishing using more than a single ring per tide to encourage better prop-washing practices.

It is recommended that the amended Code of Best Practice at Appendix 3 is adopted.

It is important to note that, in the event of damage to the sands, beds or the whole fishery may be closed for the protection of site integrity of the Wash and North Norfolk Coast SAC. As such, the outcome of the code remains the same – i.e. that if followed there will not be unacceptable damage to the sands.

On 13th August 2019 the CEO agreed to combine the TACs of the Wash Fishery order 1992 and Wash Restricted Area fishery to enable contiguous approach and fisheries across administrative boundaries of the two management mechanisms in The Wash.

This decision was taken as a consequence of the fishery within the WRA attracting a significant amount of fishing effort. Anecdotally, this was thought to reflect higher cockle densities and meat yield within this area and at the time some 22% of exploited cockle has come from the WRA (proportionally more than its contribution to a combined TAC for both fisheries).

Natural England were consulted and were in agreement subject to consideration of introducing closed areas for the protection of birds.

Financial Implications

No financial implications outside of established budget expenditure.

Legal Implications

Decision making in accordance with established policy and procedure so no known implications.

Appendices

Appendix 1 – Cockle Survey Report

Appendix 2 – Fishery Closed Areas

Appendix 3 – Amended Code of Best Practice

Background Documents

Unconfirmed minutes of the 36th Authority meeting held on 15th August 2019

Appendix 1

Cockle Survey Report

SUMMARY OF THE 2019 ANNUAL SPRING COCKLE SURVEYS

The Authority conducted the 2019 spring cockle surveys between March 20th and May 7th 2019. The timing of these surveys, which took advantage of the spring tides in late March, through April and into the beginning of May, is consistent with the majority of Eastern-IFCA's and ESFJC's previous spring cockle surveys. During the course of these surveys, 1,028 stations from a total of 22 sands were sampled. This is fewer than the 1,250-1,300 stations that are usually sampled, mainly due to an agreed change in survey regime that saw the removal of the stations that had not contained any cockles during the previous ten years, and the re-aligning of 450 stations in the South West area of The Wash that had formally been sampled at a higher resolution to the rest of the beds. Although managed under a separate byelaw to the other stocks, 100 stations were also sampled along the edge of the Ferrier sand during this year's surveys.

Analysis of the survey data has found the stocks to be at the following levels:

WFO 1992 regulated beds

Total Adult Stock (≥ 14 mm width)	12,011 tonnes
Total Juvenile Stock (< 14 mm width)	6,654 tonnes
Total Stock (all sizes)	18,665 tonnes

Wash Restricted Area (Ferrier)

Total Adult Stock (≥ 14 mm width)	969 tonnes
Total Juvenile Stock (< 14 mm width)	174 tonnes
Total Stock (all sizes)	1,143 tonnes

These figures highlight that the cockle stocks on the regulated beds have declined for the third successive year since their peak in 2016. As can be seen from figure 1, however, which shows the state of the cockle stocks since 2000, this is part of a cyclic pattern of recovery and decline driven by successful spatfalls, fisheries and natural mortality.

This year the stocks are composed primarily of larger 2016 year-class cockles that survived the previous fishery and year-0 juveniles that settled in 2018. Since 2008, when larger cockles became vulnerable to high mortality rates from "atypical mortality", the average biomass of ≥ 14 mm width cockles has only been 46% of the total stock. This year, however, their biomass is 64% of the total stock. Because the biomass of these larger cockles is used to calculate the annual TAC, this relatively high proportion of large cockle means the TAC for the fishery is relatively high at **4,004 tonnes**. There will be a further TAC of **323 tonnes** on the public areas of the Ferrier Sand.

Although the biomass of large cockles is relatively high, they are spread thinly over large areas rather than being present in high-density patches. This will make them harder to harvest and more difficult for fishers to achieve their 2 tonne daily quotas.

Figures 2-4 show the distribution of the adult ($\geq 14\text{mm}$ width), juvenile ($< 14\text{mm}$ width) and Year-0 cockles across the beds, while table 1 summarises the stocks on each bed. The stocks of smaller cockles are dominated numerically by the Year-0 cohort, making figures 3 and 4 very similar.

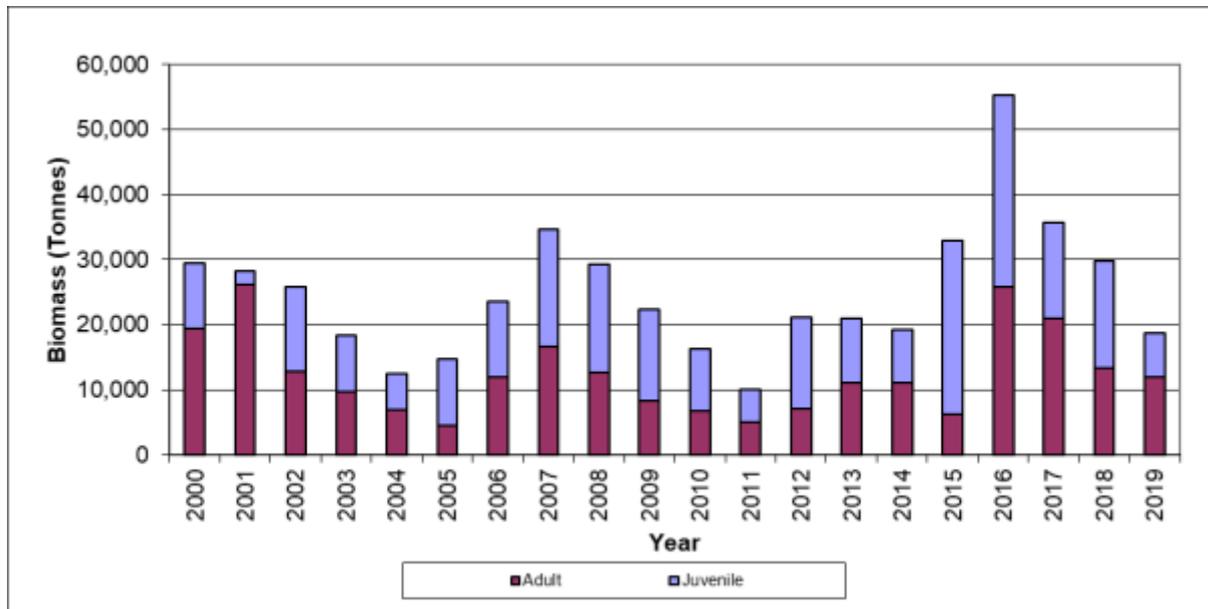


Figure 1 – Adult and juvenile cockle stock levels between 2000 and 2019 on the WFO 1992 regulated beds

Table 1 - Summary of cockle stocks on the Wash intertidal beds – May 2019

SAND	Adult (≥14mm)				Juvenile (<14mm)				Total Biomass (t)	% Adult
	Area (ha)	Mean Density (no/m ²)	Mean Weight (t/ha)	Biomass (t)	Area (ha)	Mean Density (no/m ²)	Mean Weight (t/ha)	Biomass (t)		
Butterwick	269	40.45	1.70	629	211	451.43	1.04	218	847	74
Wrangle	865	47.10	2.18	1889	673	451.25	0.88	594	2483	76
Friskney	259	20.00	1.37	355	441	662.33	2.50	1103	1458	24
Butterwick Ext	107	32.86	1.24	133	144	890.00	1.94	280	413	32
Wrangle Ext	0	0.00	0.00	0	0	0.00	0.00	0	0	0
Friskney Ext	35	10.00	0.89	31	67	10.00	0.07	5	36	86
Roger/Toft	491	53.75	2.80	1373	273	800.14	1.85	505	1878	73
Gat	216	87.78	4.86	1050	136	304.17	0.77	104	1154	91
Herring Hill	157	23.84	0.80	126	274	122.73	0.42	116	242	52
Black Buoy	149	46.67	1.92	285	208	1501.18	3.86	803	1088	26
Mare Tail	358	85.56	3.58	1281	420	318.39	1.35	568	1849	69
Holbeach	630	54.34	2.28	1434	658	200.18	0.65	424	1858	77
IWMK	210	51.72	2.27	475	251	1004.24	1.98	496	971	49
Breast	598	57.37	2.30	1374	665	182.62	1.69	1125	2499	55
Thief	131	22.14	1.62	213	43	182.50	0.43	18	231	92
Whiting Shoal	10	50.00	3.29	32	0	0.00	0.00	0	32	100
Daseley's	524	36.74	1.50	786	259	28.57	0.40	105	891	88
Styleman's	30	76.67	4.22	126	41	75.00	0.26	11	137	92
Pandora	52	20.00	0.87	45	87	71.25	0.24	21	66	68
Blackguard	35	13.33	0.51	20	11	10.00	0.05	0.5	21	98
Peter Black	283	32.61	1.25	354	260	75.71	0.60	157	511	69
TOTAL	5409			12011	5122			6653.5	18665	64
Outer Ferrier	0	0	0	0	12	410	1.77	20	20	0
Inner Ferrier	343	58.57	2.83	969	207	191.77	0.74	154	1123	86
TOTAL	343			969	219			174	1143	85

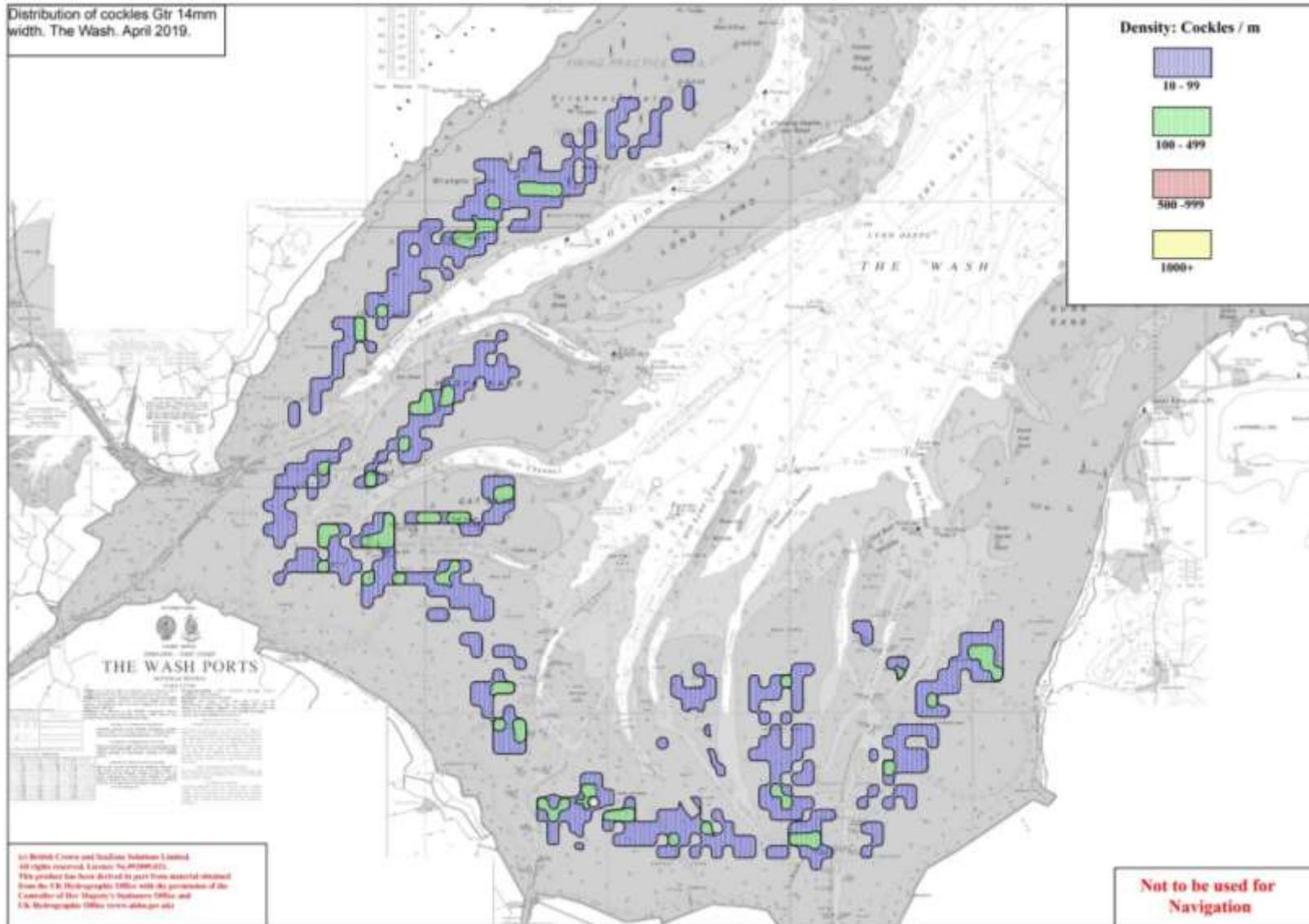


Figure 2 – Chart showing the distribution of adult cockles ($\geq 14\text{mm}$ width) at the time of the May 2019 surveys

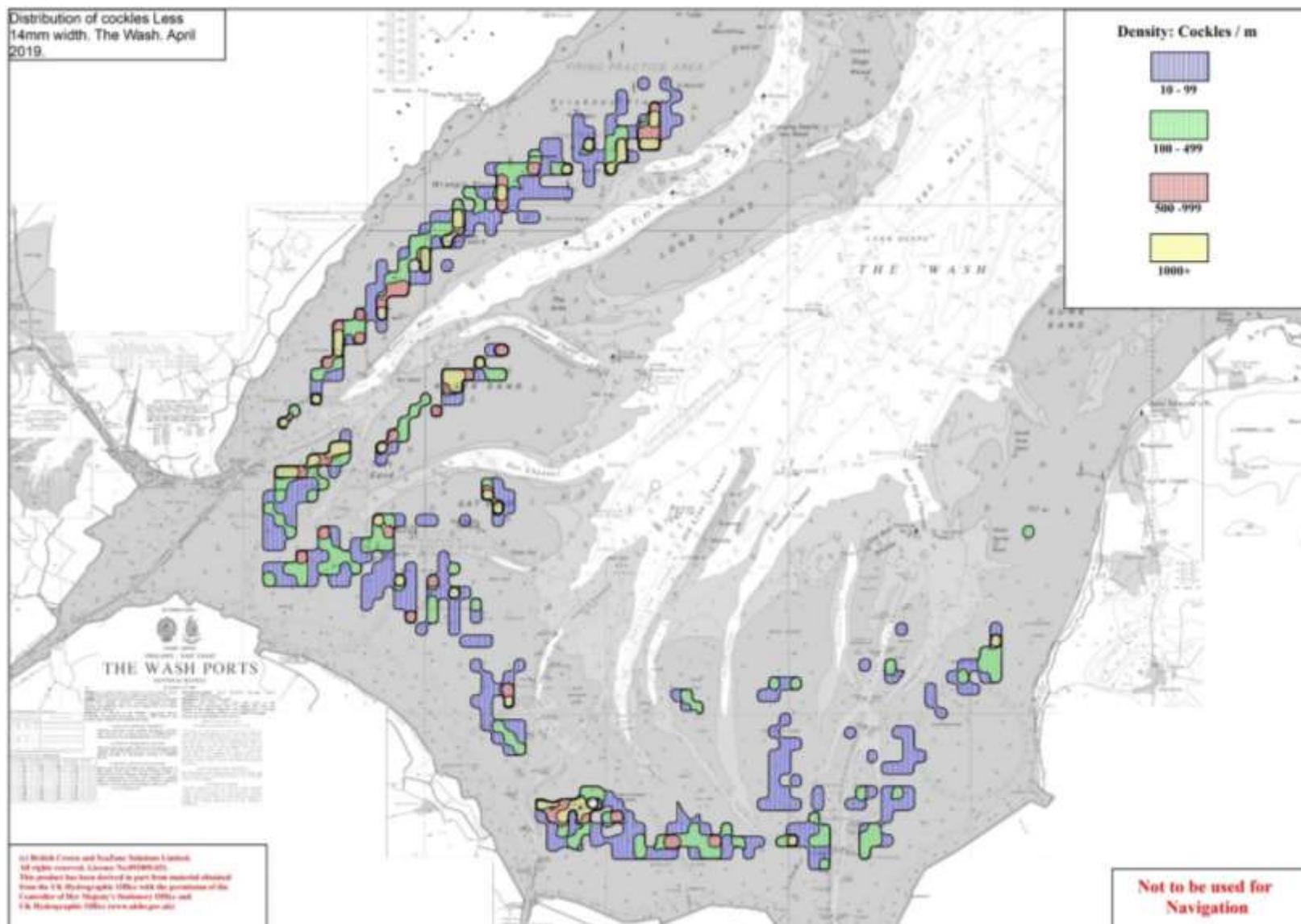


Figure 3 – Chart showing the distribution of juvenile cockles (<14mm width) at the time of the May 2019 surveys

DETERMINING MANAGEMENT MEASURES FOR THE 2019 COCKLE FISHERY

When determining management measures for the cockle fisheries in The Wash, the Authority must comply with local byelaws and the Wash Fishery Order regulations. Further, as The Wash is designated a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI), management measures applied to the shellfisheries must not have a detrimental impact to the Conservation Objectives for the site. To this end, when determining management measures for these fisheries, the Authority follows a number of management policies that were agreed in 2007 with Natural England and industry representatives (and are currently under review and being updated into a Wash Cockle Fishery Management Plan). These policies have helped guide the following proposals for the 2019 cockle fishery.

Total Allowable Catch (TAC)

The TAC for the cockle fishery has traditionally been 33.3% of the adult ($\geq 14\text{mm}$ width) cockle biomass. The adult biomass identified during the surveys within the WFO 1992 regulated beds was 12,011 tonnes. Based on this figure, **the TAC for the 2019 WFO 1992 fishery should be 4,004 tonnes.** In addition to this, there will be a further **TAC of 323 tonnes on the public areas of the Ferrier sand.**

Method of fishing

The fishery is hand-worked by default unless exceptional circumstances apply that support the use of hydraulic suction dredges. The size and age of the predominant year-class of cockles in The Wash this year does not suggest losses due to “atypical” mortality to be unusually high – rather large numbers of high-density patches of Year-0 cockles that will need protecting. As such, it is not felt there are exceptional circumstances necessitating the requirement to use dredges for the 2019 fishery, so there is no recommendation for an exceptional dredge fishery. **The 2019 cockle fishery will, therefore, be hand-worked only.**

Beds proposed to be opened

Successful settlements of juveniles are vital for the sustainability of the fishery. To protect juvenile stocks, the Authority has a policy whereby high-density patches of Yr-0 juvenile cockles are kept closed from the fishery. While it is good to see there was a successful settlement in 2018, our requirement to protect patches exceeding $1,000/\text{m}^2$ means there will be a lot of closures this year. These are shown in figures “Closures 1-8”.

These closures will include the high-density patches of Year-0 cockles on Friskney and Wrangle. Because cockles in these areas tend to be fast growing, if kept closed there is a risk, they will either ridge out in late summer, or succumb to atypical mortality before the fishery can be opened next year. Because of these risks, it is planned to monitor the juvenile stocks on these two sands with the potential view of opening them in August if it appears they may otherwise be lost.

It is recommended that all beds are opened, subject to closures to protect high-density juvenile stocks

Appendix 2 – Closed Areas

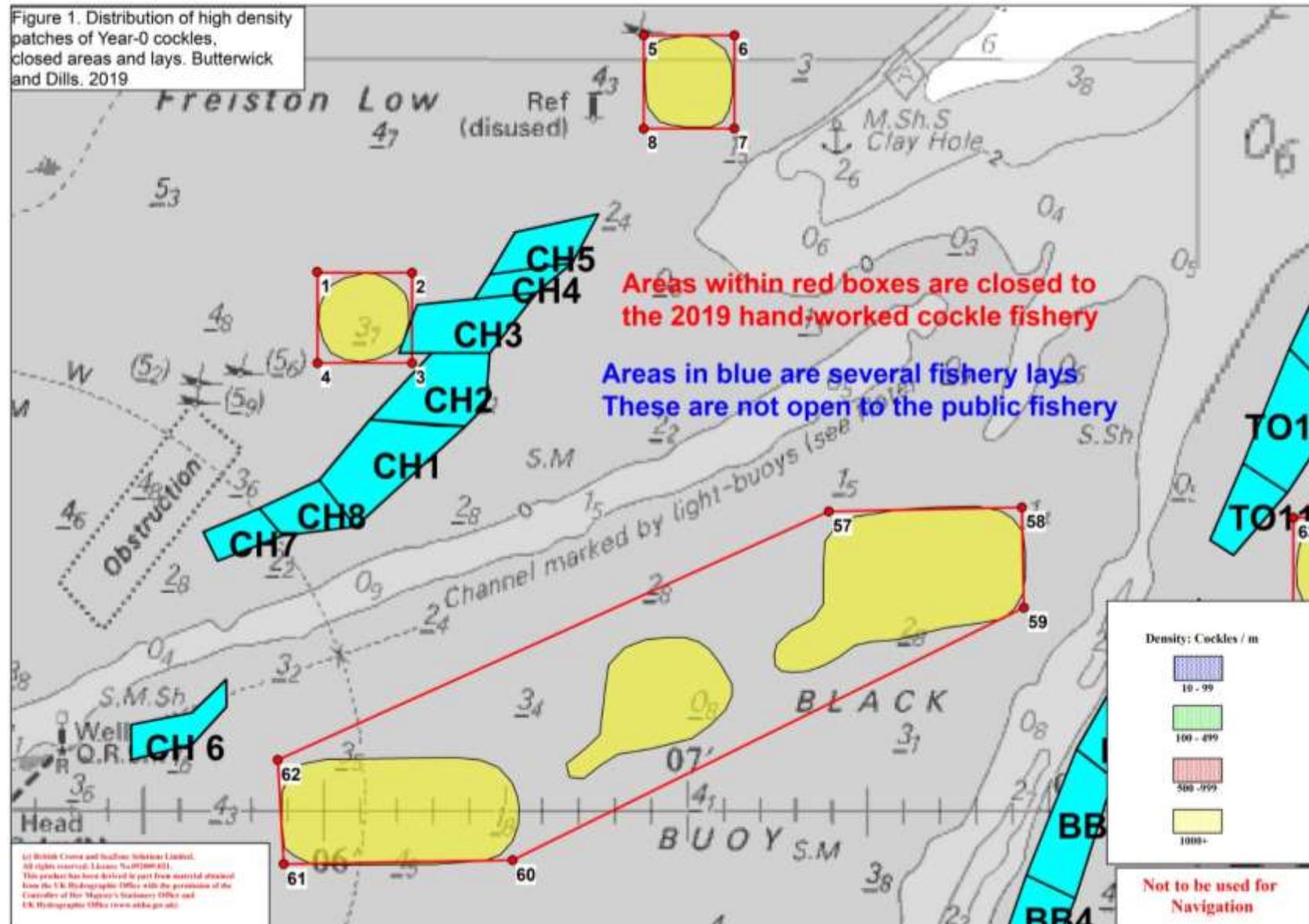


Figure Closure 1 – Areas closed to the 2019 hand-worked cockle fishery on Butterwick and the Dills

Figure 2. Distribution of high density patches of Year-0 cockles, closed areas and lays. Butterwick. 2019

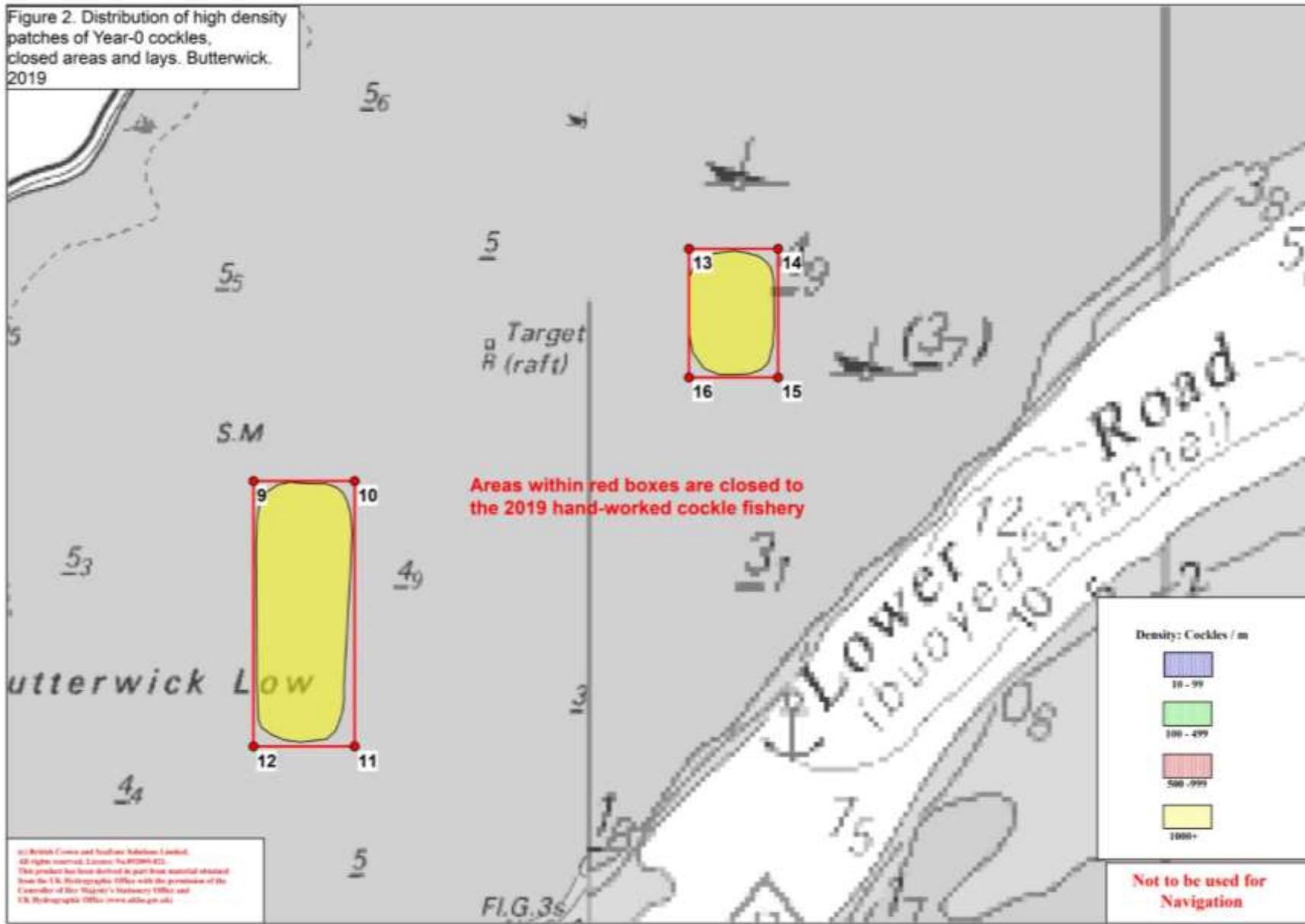


Figure Closure 2 – Areas closed to the 2019 hand-worked cockle fishery on Butterwick

Figure 3. Distribution of high density patches of Year-0 cockles, closed areas and lays. Wrangle, 2019

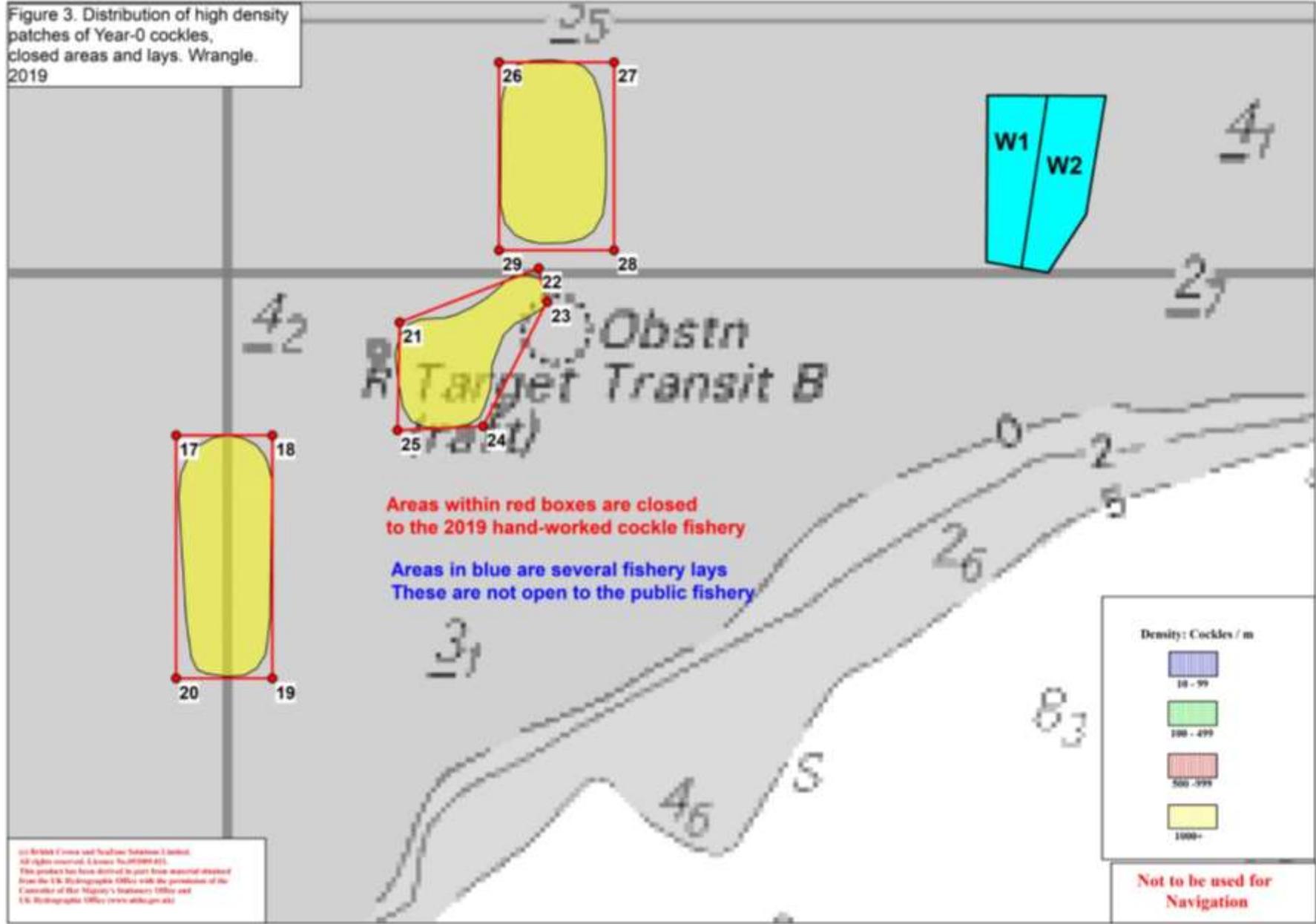


Figure Closure 3 – Areas closed to the 2019 hand-worked cockle fishery on Wrangle

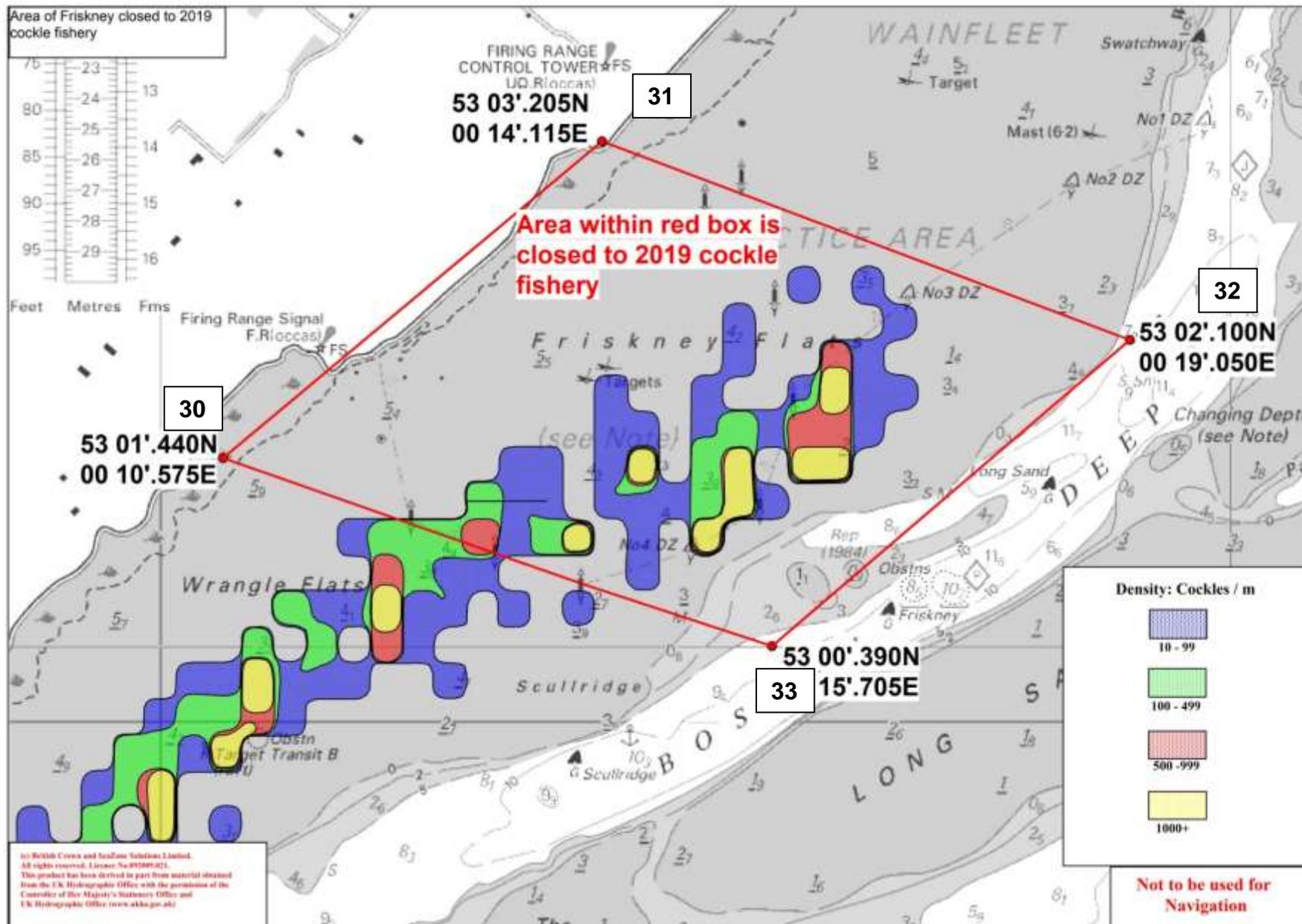


Figure Closure 4 – Areas closed to the 2019 hand-worked cockle fishery on Wrangle and Friskney

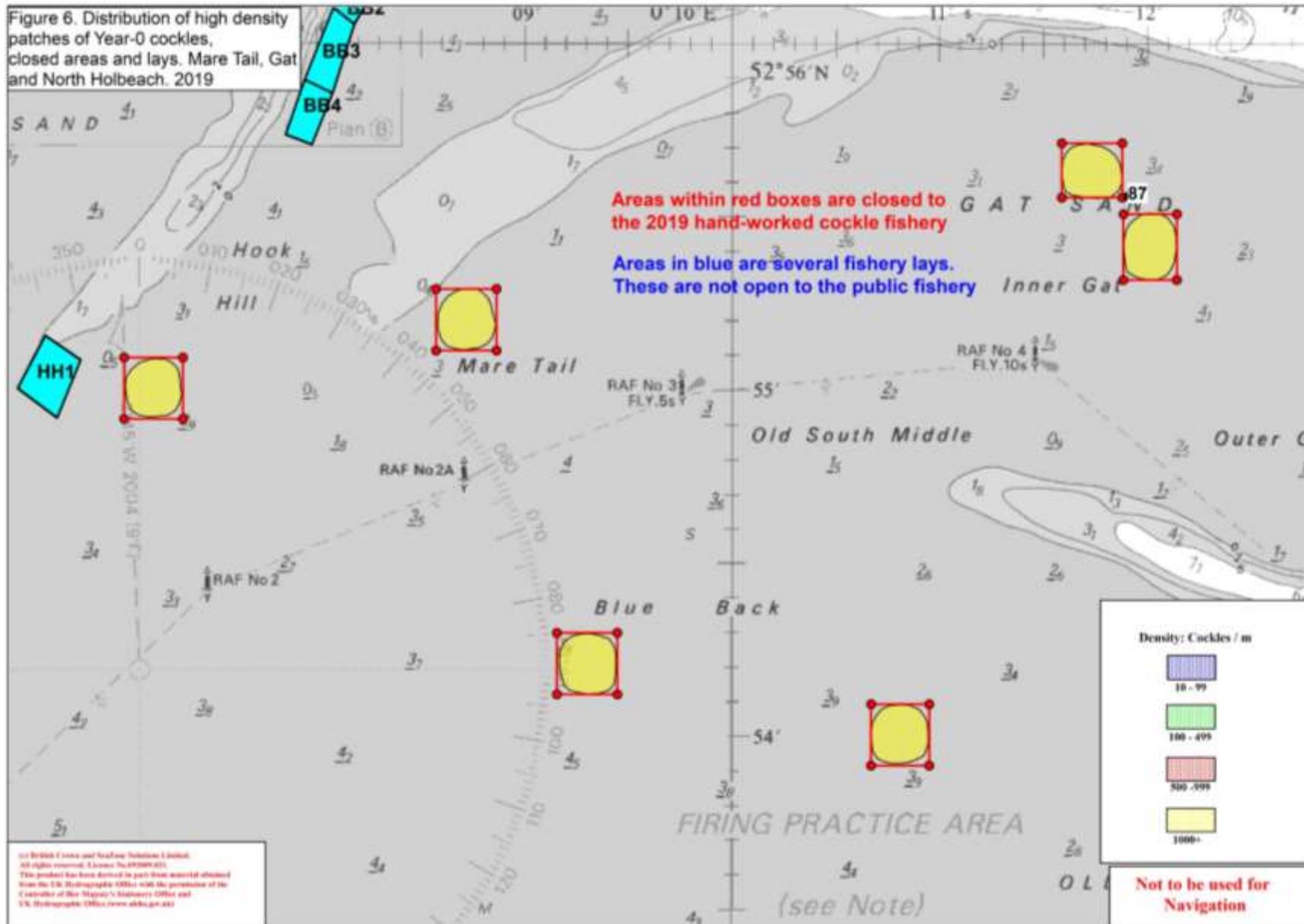


Figure Closure 6 – Areas closed to the 2019 hand-worked cockle fishery on Mare Tail, the Gat and North Holbeach

Figure 7. Distribution of high density patches of Year-0 cockles, closed areas and lays. East Holbeach and IWMK. 2019

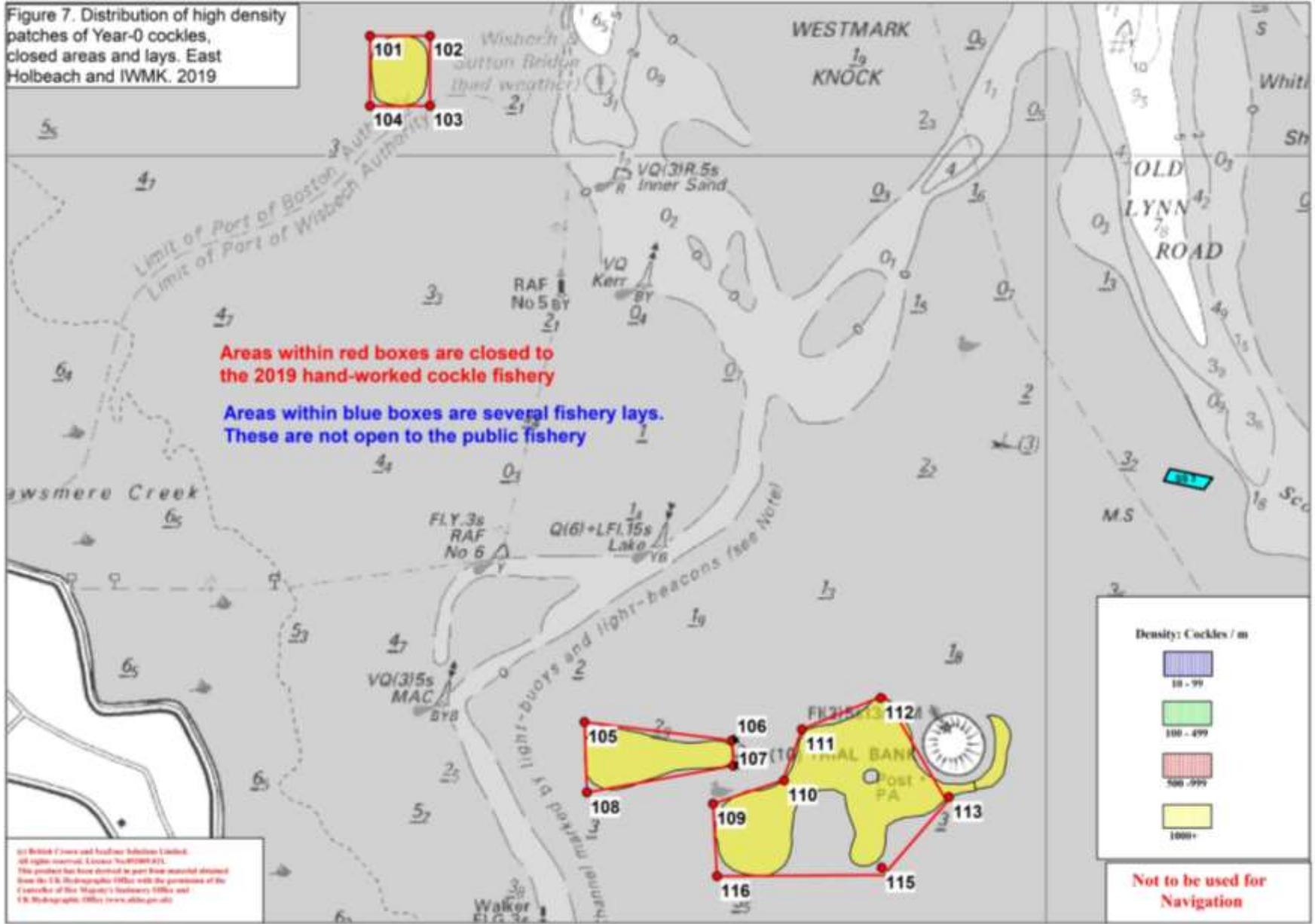


Figure Closure 7 – Areas closed to the 2019 hand-worked cockle fishery on East Holbeach and IWMK

Figure 8. Distribution of high density patches of Year-0 cockles, closed areas and lays. East Breast and Ferrier. 2019

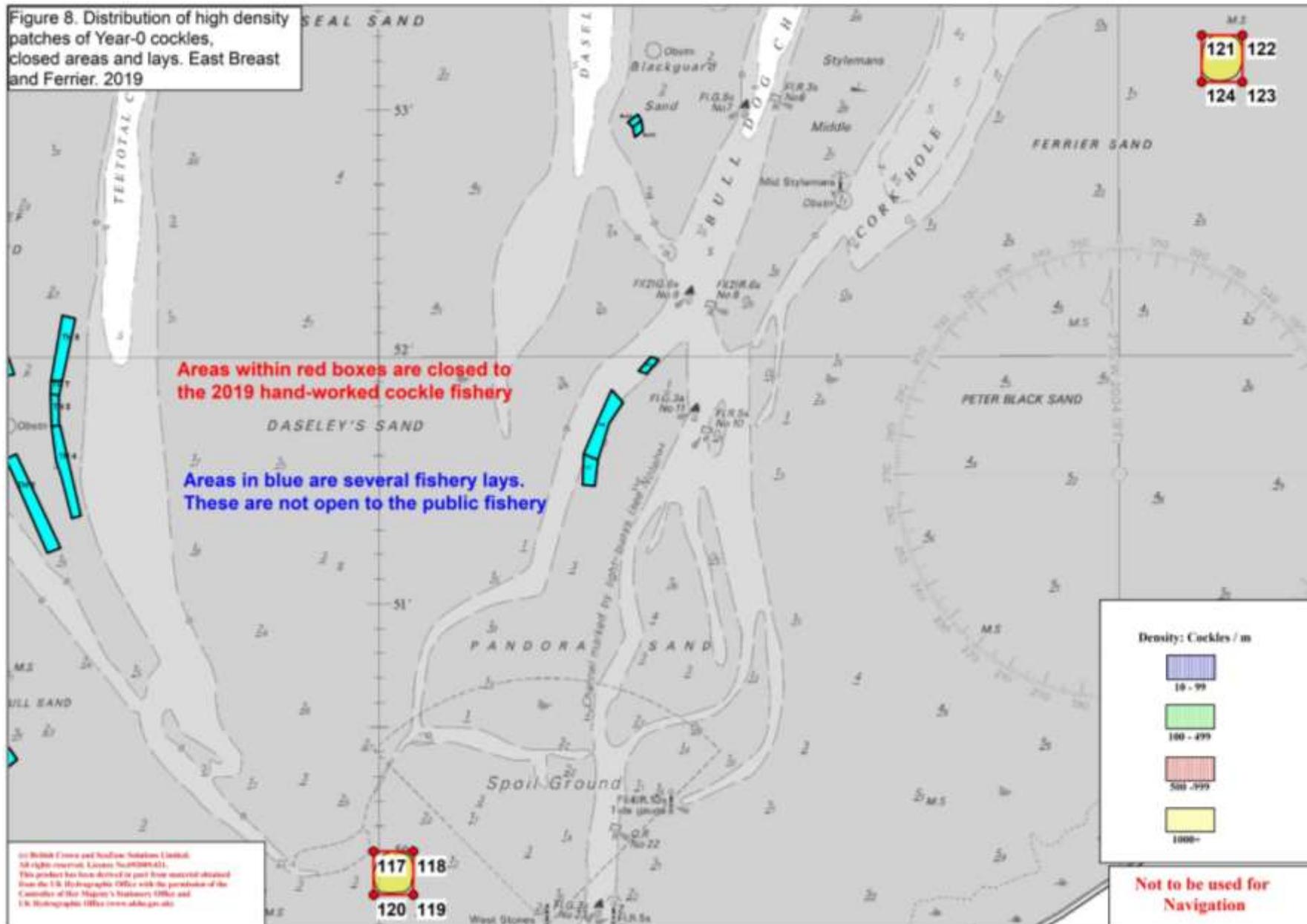
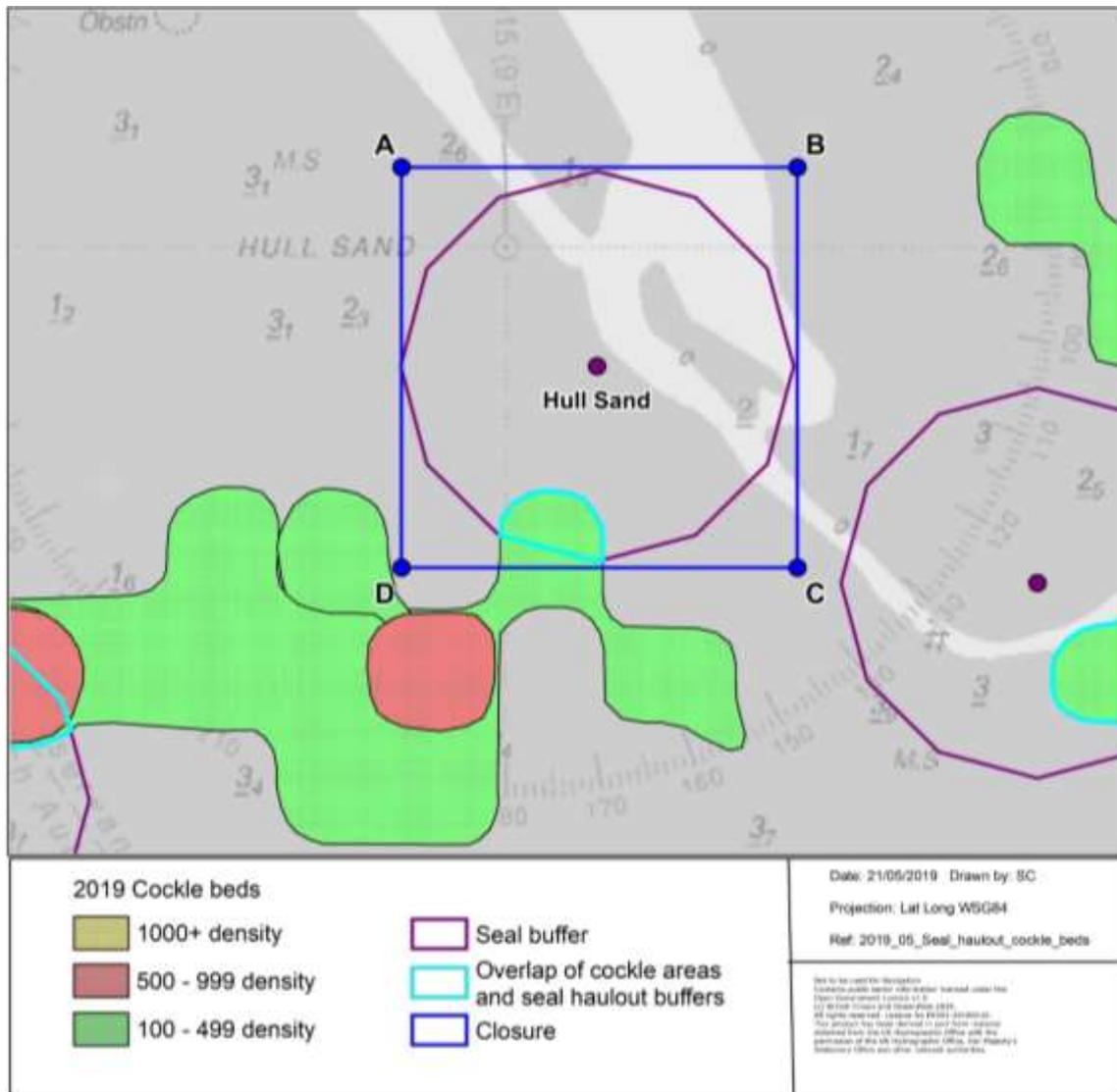


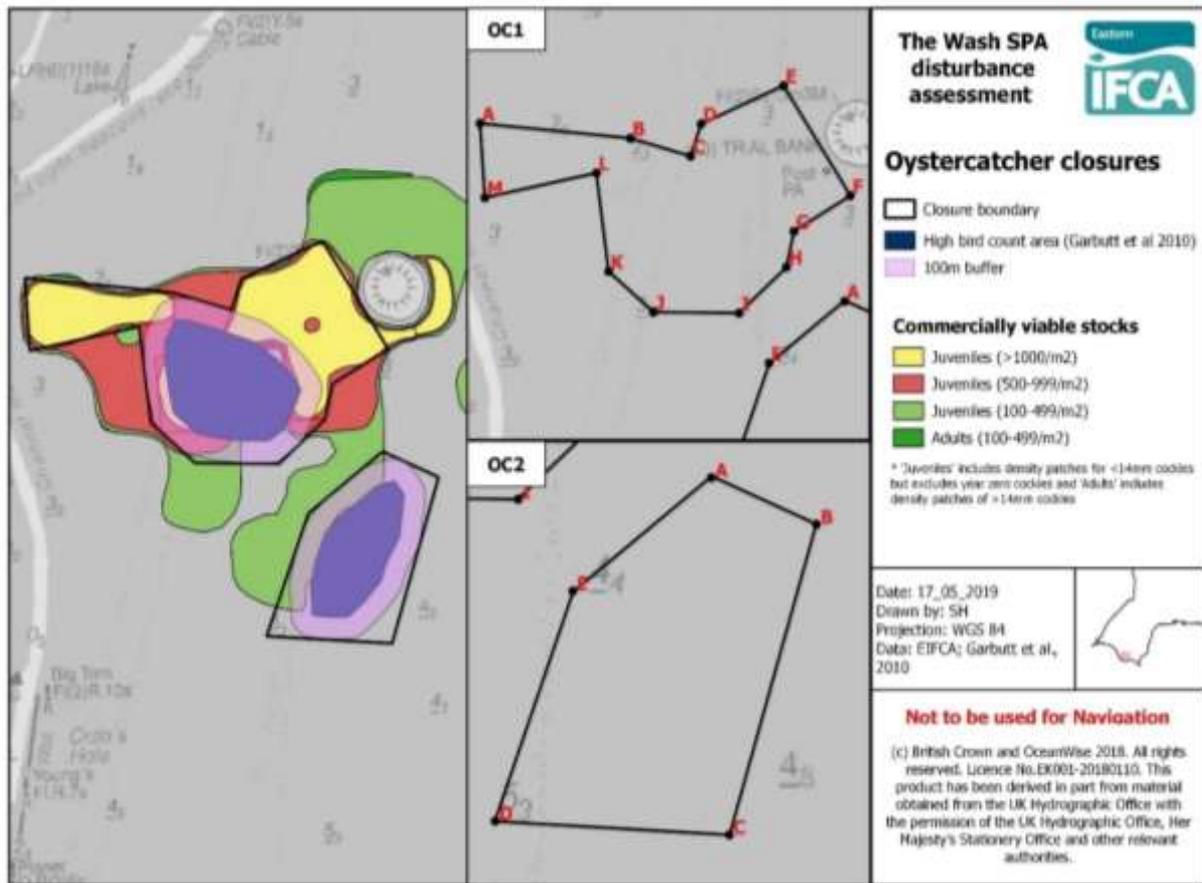
Figure Closure 8 – Areas closed to the 2019 hand-worked cockle fishery on East Breast and Ferrier

Figure 9 - Temporary closure for the protection of seals during their sensitive pupping period*.(*From the opening of the fishery until the 31st August 2019.)



Site	ID	Decimal Degrees		Degrees Minutes.m				Area (Hectares)
		Lat	Long	Lat	Long	Lat	Long	
Hull Sand	A	52.845501	0.298109	52°	50.730 'N	00°	17.887 'E	148.8
	B	52.845501	0.316090	52°	50.730 'N	00°	18.965 'E	
	C	52.834422	0.316090	52°	50.065 'N	00°	18.965 'E	
	D	52.834422	0.298109	52°	50.065 'N	00°	17.887 'E	

Figure 10 – Temporary closures (1st November 2019 to 28th February 2020) to protect Oystercatcher



Closure	ID	Degrees.degrees		Degrees Minutes.minutes		Area (Hectares)
		Lat	Long	Lat	Long	
OC1	A	52.84305	0.21783	52°50.58 'N	0°13.07 'E	88.6
	B	52.84227	0.22807	52°50.54 'N	0°13.68 'E	
	C	52.84149	0.23215	52°50.49 'N	0°13.93 'E	
	D	52.84275	0.23293	52°50.57 'N	0°13.98 'E	
	E	52.84415	0.23864	52°50.65 'N	0°14.32 'E	
	F	52.83973	0.24298	52°50.38 'N	0°14.58 'E	
	G	52.8384	0.23906	52°50.30 'N	0°14.34 'E	
	H	52.837	0.23847	52°50.22 'N	0°14.31 'E	
	I	52.83525	0.23515	52°50.12 'N	0°14.11 'E	
	J	52.8354	0.22931	52°50.12 'N	0°13.76 'E	
	K	52.83706	0.22631	52°50.22 'N	0°13.58 'E	
	L	52.84095	0.22568	52°50.46 'N	0°13.54 'E	
	M	52.84012	0.21801	52°50.41 'N	0°13.08 'E	
OC2	A	52.83558	0.24238	52°50.13 'N	0°14.54 'E	43
	B	52.8345	0.24625	52°50.07 'N	0°14.78 'E	
	C	52.82789	0.24266	52°49.67 'N	0°14.56 'E	
	D	52.82835	0.23394	52°49.70 'N	0°14.04 'E	
	E	52.83324	0.23709	52°49.99 'N	0°14.23 'E	

Appendix 3 – Amended Code of Practice

Wash Fishery Order (1992) Cockle Handwork Fishery - Code of Best Practice



This code sets out the best practice activities for hand working cockles in The Wash. The intention of the code is to reduce the impacts of the fishery on the marine protected area of The Wash.

Any evidence that indicates the handwork fishery is causing excessive disturbance to the site may lead to the immediate closure of the fishery.

1. To avoid damage to the seabed from the keel and hull of the vessel do not attempt to steam off the sand before the vessel is adequately afloat;
2. Ensure the area to be harvested is assessed and marked out prior to the day that harvesting occurs, in order to understand the distribution and abundance of the stock to be harvested;
3. A Daily Vessel Quota (DVQ) of 2 tonnes is in operation;
4. Propeller wash activity should be restricted to the minimum required to uncover the cockle that can be harvested in one day bearing in mind the DVQ. As cockles occur just below the surface, only use sufficient wash to uncover the cockles so as not to create deep rings in the sediment;
5. A buoy should be used to mark out the stocks to be targeted and provide a marker around which to steer and help minimise area of impact;
6. Evenly rake any cockles left exposed (e.g. from riddling or if more cockle is exposed by propeller washing than is required) over the bed at the end of the day;
7. Fishers should avoid taking small cockle (under 14mm width) to enable this cockle to grow on for future fisheries;
8. Raise awareness of this code with other fishers if they are not fishing in line with best practice.
9. Avoid disturbance to seals by keeping away from seals. Seals respond to disturbance first by raising their heads, then by fleeing into the water. Fishers should not approach seals and should move away if seals are observed reacting to their presence.

Vision

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



Action Item 9

Eastern Inshore Fisheries and Conservation Authority Meeting

11 September 2019

Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw 2019

Report by: Julian Gregory, CEO

Purpose of Report

To advise members of changes to EU regulations, which have the effect of making Minimum Conservation Reference Sizes for fish no longer applicable to Recreational Sea Anglers (RSA), and the making of an emergency byelaw to address the issue.

Recommendations

It is recommended that members:

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

Background

As part of the IFCA's remit to manage fisheries within the IFC District, IFCAs can enforce some European and National fisheries legislation in addition to their own byelaws.

This includes measures implemented through Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms² (850/98 hereafter). IFCA's are empowered to enforce measures from 850/98 under the Sea Fishing (Enforcement) Regulations 2018³.

850/98 includes the establishment of Marine Conservation Reference Sizes (MCRS) - minimum sizes that fish and shellfish can be removed from the fishery - in addition to requirements relating to gear construction such as mesh sizes etc.

Eastern IFCA obtained legal advice in April of 2006 to the effect that minimum sizes as set out in 850/98 apply to recreational anglers. Following the inadvertent rescinding of the Statutory Instrument (SI) which provided powers for IFCOs to enforce EU Regulations, the IFCA's ability to enforce 850/98 was reinstated in 2018 through a new SI. To assess whether or not the change in legislation would have any effect upon enforcement of the provisions of 850/98 further legal advice was sought.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01998R0850-20140101>

³ <http://www.legislation.gov.uk/uksi/2018/849/contents/made>

This legal advice, obtained in 2018, confirmed that the provisions of 850/98 still applied generally to persons fishing whether recreational or commercial.

The Marine Management Organisation do not share this view and their legal team have provided legal advice to the contrary.

Report

Regulation (EU) 2019/1241⁴ was published by the European Union on 25 July 2019 and came into effect on the 14th August 2019. These regulations deal broadly with managing fishers, applying an eco-system approach as well as providing for 'regional' management of fisheries across Europe. The intentions of this legislation come from reformed Common Fisheries Policy. Importantly, these regulations revoke and replace the measures implemented through 850/98. Officers identified some key differences in the legislation compared to 850/98 which have also been confirmed by our legal advisor:

- Establishes that the MCRS apply only in relation to commercial fishing;
- Removes the prohibition on the transshipping, landing, transporting, storing, selling and displaying or offering for sale undersize marine organisms;
- Allows any undersize marine organism not subject to landing obligations to be used as live bait (whereas previously it was limited to sardines, anchovy, horse mackerel and mackerel).

In addition, whilst the Sea Fishing (Enforcement) Regulations 2018 (which give IFCA's powers to enforce EU regulations) allow for amendments for regulations, it does not have a mechanism to allow for superseding legislation. As such, at the time that 2019/1241 took effect, IFCA's will no longer have powers to enforce any of the Technical Conservation measures, including MCRS.

As a result of these changes, IFCA's powers would be significantly diminished. There would be no effective IFCA enforcement regime in respect of undersized fish for recreational anglers and no enforcement in respect of trans-shipment, landing, transporting, storing, displaying and offering for sale. This would cause enforcement issues in circumstances where there is insufficient evidence to demonstrate retention on board a vessel, and it would be almost impossible to enforce against end users such as restaurants and wet fish shops, transport companies, and processors found with fish which are outside the landing obligation below the MCRS.

Emergency Byelaw

IFCA's are able to implement emergency byelaws under section 157 of the Marine and Coastal Access Act 2009 (MaCAA). Emergency byelaws have effect from the moment of being made and do not need the consent of the Secretary of State. MaCAA sets out two criteria which must be met in order to make an emergency byelaw:

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R1241>

- The authority considers there to be an urgent need for the byelaw and;
- The need for the byelaw could not have reasonably been foreseen.

In addition, under the Eastern IFCA Constitution and Standing Order, the CEO has delegated authority to make an emergency byelaw after consultation with the chair and vice-chair.

Officers investigated the potential to implement an emergency byelaw with the effect of maintaining the provisions of 850/98 to enable the continued effective enforcement of MCRS.

Officers worked collaboratively with East Coast IFCA's (Northumberland, North Eastern and Kent and Essex IFCAs) to investigate the need for and to design an emergency byelaw and ultimately recommended that an emergency byelaw would satisfy the criteria set out in s.157 MaCAA. Full rationale for the introduction of an Emergency Byelaw and associated rationale is was set out in a Decision Memo which is at Appendix 1.

The basis for the recommendation included a consideration of the impacts of stakeholders, which were nil given that the byelaw effectively maintains the status quo. In addition, Officers consulted with commercial and recreational representatives, neither of whom objected to the proposed emergency byelaw. The representative of the recreational fishing community indicated support for the byelaw.

Legal advice was sought regarding the legality of the byelaw which concurred with the recommendation of officers.

The CEO consulted with the chair and vice-chair who were in agreement and as such, the Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw 2019 was introduced on the 13th August 2019. The full text of the byelaw is available on the Eastern IFCA website⁵.

In summary, the emergency byelaw applies minimum conservation reference sizes to all species which had them under 850/98 and 1241/2019 and which are known to have been caught from within the Eastern IFCA district since 2010. This includes some species which are not likely to be of particular importance to recreational fishing but reflects the paucity of information on a species by species basis for recreational fishing (i.e. an unknown level of risk to each fishery) and that the purpose of the byelaw is to replicate the protective effect (whether limited or not) of the original regulations which would otherwise be lost. The byelaw also retains the prohibition of transshipping, landing, transporting, storing, selling and displaying or offering for sale undersize marine organisms so as to ensure effective enforcement.

The wording of the byelaw also takes into account the landing obligation in relation to certain commercial catches so as to ensure no conflict between the byelaw and current EU regulations.

⁵ <https://www.eastern-ifca.gov.uk/fish-mollusc-and-crustacea-minimum-size-emergency-byelaw-2019/>

Financial Implications

Legal advice was sought in the development of the byelaw which will have a financial cost.

Legal Implications

There is an inherent risk in making any byelaw and particularly an emergency byelaw. The key risks in relation to the proposals are as follows:

- Challenge on the applicability of MCRS to recreational fishers – the MMO have provided the view that MCRS did not apply to recreational anglers under 850/98. Our legal advice to the contrary underpins the rationale for the byelaw applying to recreational fishers but this has never been tested in case law. Ultimately, the risk associated with this byelaw is no greater than associated with having applied MCRS to recreational fishers under 850/98.
- Challenge in relation to the applicability of s.157 MacAA – interpretation of an IFCA's power to make an emergency byelaw is subjective to a degree. Arguments could be made against the 'urgent' nature of the byelaw, particularly in relation to species which are not heavily fished (by commercial or recreational fishers). However, legal advice has confirmed that the rationale provided is sufficient to reduce the risk of successful challenge on this basis.
- Due process – Defra guidance sets out that, in the case of an emergency byelaw 'Relevant stakeholders will have been informally consulted, as necessary'⁶. Given the time constraints for developing the emergency byelaw, only limited dialogue with stakeholders has been possible. However, the guidance also refers to the application of the 'pre-cautionary approach' and qualifies the requirement to consult with stakeholders 'as necessary'. Given that the impacts associated with the emergency byelaw are considered nil and that the level of engagement is considered appropriate.

These risks are considered to be mitigated as far as possible through the application of due process and by obtaining legal advice.

Appendices

Appendix 1 - Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw 2019 Decision Memo

Background Documents

N/A

Decision Memo – Minimum Conservation Reference Size Emergency Byelaw

6

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/182343/ifca-byelaw-guidance.pdf

Date: 13/08/2019

Decision maker: Julian Gregory, CEO

Drafted by: Luke Godwin (Senior IFCO – Regulation)

Decision summary:

To implement an Emergency Byelaw under section 157 of the Marine and Coastal Access Act 2009 with the effect of maintaining the restrictions currently in place in relation to Minimum Conservation Reference Sizes (MCRS). The byelaw will have the following effects:

- Prohibit undersize fish and shellfish being removed from the fishery, retained on board, transhipped, landed, transported, stored, sold, displayed or offered for sale in relation to both commercial and recreational catch;
- To require undersize fish and shellfish to be returned immediately to the sea;
- Enable commercial and recreational fishers to use up to 10% of total catch weight of undersized sardine, anchovy, herring, horse mackerel or mackerel as live bait;
- To prohibit the retention on board or landing of crustaceans and bivalve and gastropod molluscs which are not whole by both commercial and recreational fishers.

Rationale:

Executive summary

IFCA's are empowered to enforce minimum sizes in relation to commercial and recreational fisheries imposed by Council Regulation (EC) No 850/98. However, this legislation is soon to be revoked and replaced by legislation for which Inshore Fisheries and Conservation Officers (IFCOs) do not have powers to enforce. In addition, the legislation which replaces 850/98 represents deregulation which would diminish the effectiveness of minimum sizes as a measure, particularly in relation to recreational fishing.

Management of fisheries by prohibiting the removal of undersize individuals is an important tool in ensuring long-term, sustainable fisheries. Eastern IFCA's ability to enforce such is crucial to meeting duties under MaCAA and the Marine Strategy framework directive. The implementation of the new regulations represents a risk to such.

Therefore, it is proposed that an emergency byelaw is implemented which has the effect of replicating the provisions of 850/98 in so far as they applied to minimum sizes. This would include retaining prohibitions on the transhipping, landing, transporting, storing, selling and displaying or offering for sale undersize marine organisms and its application to recreational fisheries. In addition, an emergency byelaw would replicate other administrative elements of the original and current regulations (for example, an undersize allowance of 10% for certain pelagic species).

Legal advice has been sought to the effect that the circumstances reflect the criteria set in s.157 of MaCAA to implement an emergency byelaw i.e. that there is an urgent need for the byelaw and that the circumstances could not reasonably have been foreseen. This is underpinned by the importance of minimum sizes in fisheries management including the contribution of the recreational fishing sector to fishing mortality and given that IFCA's were made aware of the 'new' regulations on 29th May 2019 without sufficient time to implement a conventional byelaw.

The proposed byelaw will apply minimum conservation reference sizes to all species which have them under 850/98 and 1241/2019 and which are known to have been caught from within the Eastern IFCA district since 2010. This includes some species which are not likely to be of particular importance to recreational fishing but reflects the paucity of information on a species by species basis for recreational fishing (i.e. an unknown level of risk to each fishery) and that the purpose of the byelaw is to replicate the protective effect (whether limited or not) of the original regulations which would otherwise be lost. The wording of the byelaw also takes into account the landing obligation in relation to certain commercial catches so as to ensure no conflict between the byelaw and current EU regulations.

Background

As part of the IFCA's remit to manage fisheries within the IFC District, IFCA's can enforce some European and National fisheries legislation in addition to their own byelaws.

This includes measures implemented through Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms⁷ (850/98 hereafter). IFCA's are empowered to enforce measures from 850/98 under the Sea Fishing (Enforcement) Regulations 2018⁸.

850/98 includes the establishment of Marine Conservation Reference Sizes (MCRS) - minimum sizes that fish and shellfish can be removed from the fishery - in addition to requirements relating to gear construction such as mesh sizes etc.

Eastern IFCA obtained legal advice in April of 2006 to the effect that minimum sizes as set out in 850/98 apply to recreational anglers. The IFCA's ability to enforce 850/98 was reinstated in 2018 through a new Regulation, the result of which was the provision of new advice to take into account differences in the mechanism for granting IFCA these powers. Such legal advice, obtained in 2018, confirmed that the provisions of 850/98 still applied generally to persons fishing whether recreational or commercial.

The Marine Management Organisation do not share this view and their legal team have provided legal advice to the contrary.

Matter under consideration

Regulation (EU) 2019/1241⁹ was published by the European Union on 25 July 2019. These regulations deal broadly with managing fisheries, applying an eco-system approach as well as providing for 'regional' management of fisheries across Europe. The intentions of this legislation come from reformed Common Fisheries Policy. Importantly, these regulations revoke and replace the measures implemented through 850/98. Officers have identified some key differences in the legislation compared to 850/98 which have also been confirmed by our legal advisor:

- Establishes that the MCRS apply only in relation to commercial fishing;

⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31998R0850>

⁸ <http://www.legislation.gov.uk/ukSI/2018/849/made>

⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R1241>

- Removes the prohibition on the transshipping, landing, transporting, storing, selling and displaying or offering for sale undersize marine organisms;
- Removes the requirement that crab species are to be landed whole with the exception of edible crab claws of no more than 5% by weight of total catch of crab or parts thereof;
- Allows any undersize marine organism not subject to landing obligations to be used as live bait (whereas previously it was limited to sardines, anchovy, horse mackerel and mackerel).

In addition, whilst the Sea Fishing (Enforcement) Regulations 2018 (which give IFCA's powers to enforce EU regs) allow for amendments for regulations, it does not have a mechanism to allow for superseding legislation. As such, at the time that 2019/1241 takes effect, IFCA's will no longer have powers to enforce any of the Technical Conservation measures, including MCRS.

As a result, IFCA's powers will be significantly diminished. There will be no effective IFCA enforcement regime in respect of undersized fish for recreational anglers and no enforcement in respect of transshipment, landing, transporting, storing, displaying and offering for sale. This would cause enforcement issues in circumstances where there is insufficient evidence to demonstrate retention on board a vessel, and it would be almost impossible to enforce against end users such as restaurants and wet fish shops, transport companies, and processors found with fish which are outside the landing obligation below the MCRS.

N.B. Eastern IFCA byelaw 7: (parts of shellfish) prohibits the removal from the fishery parts of edible crab but, does not have effect in relation to lobster as a result of the repeal of national legislation referred to in the byelaw. Eastern IFCA relies on the provisions of 850/98 for this purpose.

Proposed solution

To implement an Emergency Byelaw under s.157 MaCAA with the effect of maintaining the effects of 850/98 with regards to the above identified differences to maintain the protective effect and enforceability of minimum sizes as a fisheries management tool.

The intention of the byelaw is to apply minimum size regulation to recreational fisheries and to provide the ancillary provisions which were within 850/98 in relation to transport and retention of undersize marine organisms which made the original regulations effective. The draft byelaw is worded to align with the application of the landing obligation (i.e. allows for certain catches to be exempt from a minimum size by virtue of 1380/2013) and replicates allowance for a percentage of undersize fish for certain pelagic catches.

It should be noted that the MMO are capable of issuing 'cross-warrants' which provide IFCA's powers to enforce additional legislation. This would enable IFCA's to enforce the new regulations (2019/1241 etc.) but it would not remedy the above identified issues in relation to the effectiveness and enforceability of MCRS nor its applicability to recreational fishing.

IFCA's can implement emergency byelaws if circumstances reflect that set out in s.157 MaCAA i.e. that:

- The authority considers there to be an urgent need for the byelaw and;
- The need for the byelaw could not have reasonably been foreseen.

Rationale for both elements are set out below.

Urgent need for the byelaw

The importance of minimum sizes

The removal of fish only once they have reached a minimum size (usually related to a breeding size) is a common fisheries management measure used around the world¹⁰¹¹. As a management measure it is relatively cheap, simple and effective to apply and easy for fishers to understand why this is used as a management measure.

There has been a move away from managing fisheries using a minimum size regime which requires commercial fishers to discard dead, undersize fish. This is set out in the reformed common fisheries policy and implemented through 1380/2013 as the 'landing obligation'. The landing obligation removes the incentive to catch undersize fish through requiring that they are landed and counted against quota but crucially that they are not sold for human consumption. The landing obligation applies to finfish rather than shellfish (crustacea, molluscs) as a reflection of their high incidental mortality – i.e. large percentages of finfish perish after being caught regardless of their being returned to the sea. Enforcement activity of minimum sizes in relation to crustacea and molluscs are important aspects of Eastern IFCA's compliance regime and in particular in relation to the crab and lobster fisheries on the North Norfolk Coasts and whelk fisheries throughout the district.

In addition, the landing obligation does not apply to recreational fishing activity. As such, maintaining the disincentive to take and retain undersize relies solely on the enforcement of a minimum size by prohibiting their removal. It is also worth noting that rod and line fishers (the primary recreational fishery) generally have higher survivability than other commercial fishing gears (e.g. trawls, static nets etc.) increasing the effectiveness of a minimum size as a management tool.

The loss of the ability to enforce minimum sizes would significantly diminish Eastern IFCA's ability to meet its obligations under MaCAA and the Marine Strategy Framework Directive i.e. long-term, sustainable fisheries.

An emergency byelaw is considered the most effect way of achieving this because the use of MMO cross-warrants will enable only the enforcement of minimum sizes through 1380/2013 which significantly diminishes the effectiveness of the enforcement of minimum sizes and would not apply to recreational fishing.

N.B. It should be noted that the proposed emergency is not intended to conflict with the landing obligation – paragraph 2 of the emergency byelaw applies the prohibition in paragraph 3 (of removing undersize fish etc.) only to catches where the landing obligation doesn't apply.

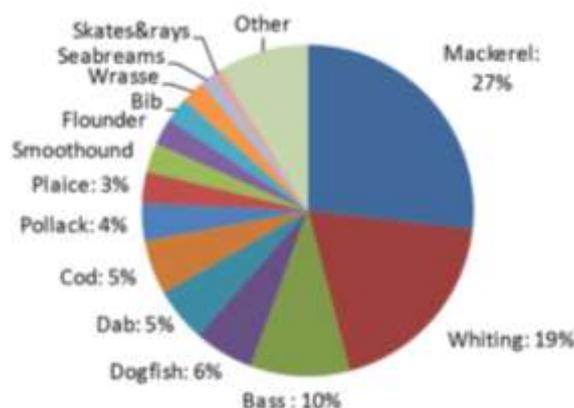
Importance of MCRS in relation to recreational fisheries

¹⁰ ¹New South Wales Recreational Saltwater Fishing Guide. (2018) NSW Department of Primary Industries. ISBN web 978-1-76058-242-5

¹¹ 2FLORIDA SALTWATER RECREATIONAL 2019. FISHING REGULATIONS. Florida Fish and Wildlife Conservation Commission. Issued: Jan. 1, 2019

Unfortunately, accurate national or regional information about angling activity around the coast and at sea is relatively sparse. Sea Angling 2012¹² was established to find out how many people go sea angling in England, how much they catch, how much is released, and the economic and social value of sea angling. The surveys also met UK obligations under European law to estimate recreational catches of several species including bass and cod. Data were collected from over 11,000 sea anglers in England through an Office of National Statistics (ONS) household survey, face-to-face interviews with anglers by Inshore Fisheries and Conservation Authorities (IFCA), catch diaries and online surveys. The findings give a good national overview of the English angling sector and give a good indication of the amount of annual fishing effort. More up-to-date feedback from the recreational fishing sector suggests that there has been a steady decline in angling numbers since 2012. A summary of the results is set out below:

- The surveys estimated there are 884,000 sea anglers in England, with 2% of all adults going sea angling. These anglers make a significant contribution to the economy - in 2012, sea anglers resident in England spent £1.23 billion on the sport, equivalent to £831 million direct spend once imports and taxes had been excluded.
- This supported 10,400 full-time equivalent jobs and almost £360 million of gross value added (GVA). Taking indirect and induced effects into account, sea angling supported £2.1 billion of total spending, a total of over 23,600 jobs, and almost £980 million of GVA. Angling 2012
- Almost 4 million days of sea angling were recorded over the year.
- Shore fishing was the most common type of sea angling – almost 3 million angler-days compared with 1 million for private or rented boats and 0.1 million on charter boats.
- Anglers had most success on charter boats, catching 10 fish per day on average compared with around 5 from private boats and only 2 from the shore.
- The most common species caught, by number, were mackerel and whiting, (below).



- Shore anglers released around 75% of the fish caught, many of which were undersized, and boat anglers released around 50% of their fish.

¹² Armstrong M., Brown A., Hargreaves J., Hyder K., Pilgrim-Morrison S., Munday M., Proctor S., Roberts A. & Williamson K. (2012) Sea Angling 2012 – a survey of recreational sea angling activity and economic value in England. Defra - contract MF1221.

While there are no large recreational shellfish fisheries in our district, there is a small but constant level of activity, with people putting out 2-3 pots at a time or collecting small amounts of shellfish from the shore, particularly on the north Norfolk coasts. Minimum size regulations help manage this activity.

The importance of minimum sizes is also recognised by the recreational angling community.

Angling Trust website¹³ (19/7/19)

“Minimum landing sizes are used all over the World and are just one of a number of tools used to manage fish stocks. However, as a common-sense approach to conservation and an easy concept to understand (protecting immature fish) they have become particularly favoured by recreational anglers with an interest in conservation and sustainable management of fish stocks.”

“The angling Trust encourages all anglers to Give Fish A chance and apply voluntary minimum retention sizes which exceed the EU's and allow all fish retained the chance to have bred at least once.”

The minimum size legislation also applies to a long list of molluscs and crustacea including, whelks, edible crabs, lobsters and a number of clam species

Effective enforcement of MCRS

The new regulations require only that catch of marine organisms below the MCRS ‘*shall not be retained on board, but shall be returned immediately to the sea*’¹⁴. Notwithstanding that this effectively rules out its application to fishing from shore (including what may be commercial fishing), it also removes the prohibition on the transshipping, landing, transporting, storing, selling and displaying or offering for sale undersize marine organisms. This would cause enforcement issues in circumstances where there is insufficient evidence to demonstrate retention on board a vessel and would make it almost impossible to enforce against end-users such as restaurants and wet fish shops, transport companies, and processors found with fish which are outside the landing obligation below the MCRS.

Catch inspections typically take place on quaysides as vessels are landing. However, market inspections, inspection on stalls or fish shops and inspections of catch loaded into vehicles or in the process of being loaded are also an important part of the compliance regime and has encouraged best practice – for example, whelk processing factories within the district have instructed delivery drivers to check the sizes of whelk catch prior to loading it into lorries.

The protective effect and effectiveness of enforcement of minimum sizes are therefore greatly diminished by the new regulations and urgent action would be required to remedy this to avoid impacts on the sustainability of stocks.

¹³ <https://www.anglingtrust.net/page.asp?section=163>

¹⁴ Article 15(12) 1380/2013 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R1380>

Application to all species for which MCRS applies and which are landed within the Eastern IFC District

The proposed byelaw seeks to replicate the protective effect in place under 850/98. To this end, the byelaw applies to species which have an MCRS and are evidenced to have been landed within the Eastern IFC District. This is determined using the Marine Management Organisation landing dataset 2010 to 2018 (inclusive).

Whilst the level of risk is likely to vary between species, the previous regime had a level of protective effect on all species. The impacts of recreational fishing in particular are relatively unknown on a species by species basis. It is considered reasonable to maintain the current protective effect for species which are fished within the district as a reflection of this uncertainty and the precautionary approach advocated through the Common Fisheries Policy.

In addition, the timeframe for implementing the emergency byelaw do not allow for further investigation on a species by species basis. The generality of the byelaw reflects that the urgency of the circumstances do not allow for further investigation or justification of specific provisions. Legal advice has been sought and such legal advice confirmed that this is an acceptable approach.

Parts of shellfish

The proposed byelaw also prohibits the removal of shellfish which cannot be measures to determine minimum size. This was also a provision of 850/98, albeit with exceptions for edible crab claws, which would not be enforceable under current IFCO powers.

Eastern IFCA byelaw 7 (Parts of Shellfish) applies a restrictions within the district with regards to edible crabs and velvet crabs but crucially not for lobsters. Eastern IFCA has relied on the provision within 850/98 to enforce this measure as national legislation for lobsters referred to in the byelaw has been revoked. The effectiveness of enforcing minimum sizes on crustaceans is greatly diminished without a prohibition on landing whole because undersize crustaceans can be de-clawed, and the size of the individual would not be detectable.

Need for the byelaw could not have reasonably been foreseen

IFCA's were made aware of the wording of the new regulations on the 29th May 2019 including confirmation from the MMO that such did not apply to recreational fishing.

The process for making IFCA byelaws (as set out in Defra guidance¹⁵) typically takes in excess of 12 months. As such, IFCA's could not conceivably responded to the issues identified with a conventional byelaw prior to the implementation of the new regulations.

In addition, IFCA's were informally told that the UK negotiating position was for the new regulations to clarify their application to recreational fishing and it was expected to be the case.

As such, the current circumstances are considered to fulfil this criterion in the context of the time required to implement a conventional byelaw.

¹⁵ <https://www.gov.uk/government/publications/ifca-byelaw-guidance>

Dialogue with stakeholders

The limited timeframe for implementing an emergency byelaw allowed for only limited dialogue with stakeholders.

Mr David Mitchel (Head of Marine, Angling Trust) has indicated support for the emergency byelaw in relation to recreational fishers. It was Mr Mitchel's view that the UK is unique amongst European member states in not having its own domestic legislation for minimum sizes in relation to recreational angling. Mr Mitchel also explained that the Angling Trust has always encouraged returning undersize fish to the sea and has advised members that "*they should assume [MCRS] do apply*".

Within the Eastern IFCA district, a significant effort has been made to engage and educate the recreational angling sector regarding the application of MCRS to their catch.

Further dialogue with recreational fishers will be undertaken following the implementation of the emergency byelaw to ensure anglers are aware of the continued measures.

Dale Rodmell (assistant Chief Executive -National Federation of Fishermen's Organisations) provided a limited view from the perspective of commercial fishermen. Mr Rodmell indicated verbally that if the intentions are to maintain the status quo, impacts on the industry would be limited. Mr Rodmell highlighted in a written response that national legislation could be used to apply MCRS to recreational fishers and that there is an exemption in 850/98 for landing a proportion of crab claws. No context was provided in relation to the comments.

It is worth noting that any national solution for applying MCRS to recreational fishers would not have effect for some time and as such, there would be a loss of protective effect in the interim. In addition, an exemption does exist for landing crab claws in certain circumstances but Eastern IFCA have a byelaw which prohibits it already (Byelaw 7: parts of shellfish).

Impacts on stakeholders

The proposed byelaw is considered to have no impacts on stakeholders. This reflects that the effects of the byelaw reflect those presently in place and are no stricter than had been the case.

Consideration of other options

Do nothing / rely on MMO cross warranting

If new legislation was not in place and supported by education and enforcement there is a significant likelihood of increased landings of fish and shellfish that are immature and have not bred yet. This could reduce the spawning stock biomass of a range of stocks and could affect their long-term health of a number of important stocks. Without an emergency byelaw there would be no legal way of continuing to enforce these minimum sizes.

In officers experience, the taking of small and undersized fish is an action that we get a significant number of phone calls and emails about. To the general public minimum sizes are an important and easy to understand management measure. The removal of such a measure would be likely seen as perverse for regulators charged with protecting fish stocks.

Minimum size legislation also helps create a greater consistency between the commercial and non-commercial sectors targeting the same species, and it helps avoid any tension between commercial fisher's landing to a MCRS and recreational fishers landing exactly the same fish but at a much smaller size.

In addition, reliance on MMO cross warranting would only enable enforcement under the new regulations which do not include the prohibitions on transport etc. of undersize marine organisms. This greatly diminishes the effectiveness of the MCRS measures in relation to both commercial and recreational catch and represents a reputation risk to Eastern IFCA (i.e. an inability to take enforcement action as a result of ineffective measures).

Voluntary measures

A number of national and local angling associations, clubs and charter boats have their own set of minimum sizes which they fish to. These voluntary measures are useful and within clubs can be strictly adhered to. However, the number of people in fishing clubs continues to drop and enforcement has shown that there is a minority of people that will fish to their legal limit. Without specific legislation it is officers' opinion that there would be significant amounts of immature fish being caught and landed.

In addition, the prohibitions on the transport etc. of undersize marine organisms has led to good practice being adopted (e.g. compliance checks by delivery drivers). Deregulation in this regard is likely to lead to such practices being disregarded – there would be no driver to ensure compliance at the various stages of the process.

Recommended option

It is recommended that the emergency byelaw is the most effective option to ensure long-term, sustainable fishers and effective enforcement of MCRS. It is also recommended that the byelaw is lawful and justifiable.

Risk

There is an inherent risk in making any byelaw and particularly an emergency byelaw. The key risks in relation to the proposals are as follows:

- Challenge on the applicability of MCRS to recreational fishers – the MMO have provided the view that MCRS did not apply to recreational anglers under 850/98. Our legal advice to the contrary underpins the rationale for the byelaw applying to recreational fishers but this has never been tested in case law. Ultimately, the risk associated with this byelaw is no greater that associated with having applied MCRS under 850/98 in any case.
- Challenge in relation to the applicability of s.157 MacAA – interpretation of an IFCA's power to make an emergency byelaw is subjective to a degree. Arguments could be made against the 'urgent' nature of the byelaw, particularly in relation to species which are not heavily fished (by commercial or recreational fishers). However, legal advice has confirmed that the rationale provided is sufficient to reduce the risk of successful challenge on this basis.

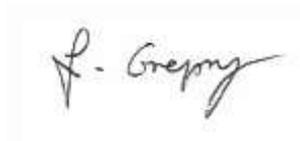
- **Due process** – Defra guidance sets out that, in the case of an emergency byelaw ‘Relevant stakeholders will have been informally consulted, as necessary’¹⁶. Given the time constraints for developing the emergency byelaw, only limited diallage with stakeholders has been possible. However, the guidance also refers to the application of the ‘pre-cautionary approach’ and qualifies the requirement to consult with stakeholders ‘as necessary’. Given that the impacts associated with the emergency byelaw are considered nil (as it is a continuation of measures presently in place), the level of engagement is considered appropriate.

These risks are considered to be mitigated as far as possible through the application of due process and by obtaining legal advice.

Decision maker confirmation

The recommended option to introduce the Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw 2019 is approved. In taking this decision I have consulted both the Chair and Vice-Chair of the Authority in accordance with the scheme of delegations contained within the Eastern IFCA Constitution and Standing Orders.

Signature:



Date: 13/08/2019

¹⁶

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/182343/ifca-byelaw-guidance.pdf

Vision

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



Action Item 10

Eastern Inshore Fisheries and Conservation Authority Meeting

11 September 2019

Annual Report 2018-19

Report by: Julian Gregory, CEO

Purpose of Report

To present the Annual Report 2018-19 for consideration by members.

Recommendations

It is recommended that members:

- **Approve** the Annual Report 2018-19.
- **Direct** the CEO to publish the report and distribute to Defra.

Background

The Marine and Coastal Access Act 2009 requires Eastern IFCA to produce an Annual Report at the end of each financial year and that a copy of the report be sent to the Secretary of State (via Defra).

Report

Officers have prepared an Annual Report, which is at Appendix 1. The report details the Authority's work over the last financial year, progress against the priorities set for that year and other organisational metrics.

Financial Implications

N/A

Legal Implications

It is a legal requirement for the Authority to produce and publish an Annual Report.

Appendices

Appendix 1 – Eastern IFCA Annual Report 2018-19 (attached separately)

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 11

Eastern Inshore Fisheries and Conservation Authority Meeting

11 September 2019

Wash Fishery Order Cockle Fishery Management Plan

Report by: Ron Jessop, Senior Marine Science Officer (Research)

Purpose of Report

The purpose of this report is to provide members with a summary of the feedback provided by industry members during consultation over the newly developed Wash Fishery Order 1992 (WFO) Cockle Fisheries Management Plan and the report detailing the review of cockle hydraulic suction dredging within the WFO. Approval is sought from the members to implement the new Cockle Fisheries Management Plan as a replacement for the cockle fishery section of the 2008 ESFJC Fisheries Management Policies and to approve a proposal concerning the future management of the cockle hydraulic suction dredge fishery.

Recommendations

It is recommended that members:

- **Note** the content of the paper and the results of the consultation
- **Note** that contingency dredge fisheries are not considered to be a realistically viable option for managing exceptional circumstances that may occur in the cockle fishery.
- **Agree** that the WFO 1992 cockle fishery will be hand-worked only and that the option of using hydraulic suction dredges as a contingency in exceptional circumstances is removed.
- **Agree** to implement (subject to approval by Natural England) the new Cockle Fisheries Management Plan at Appendix 2 as a replacement for the cockle fishery section of the 2008 Eastern Sea Fisheries Joint Committee Fisheries Management Policies.
- **Agree** that an economic assessment of the WFO 1992 cockle fishery should be undertaken and will be factored in to the Authority's business planning process.

Background

In 2008 the Eastern Sea Fisheries Joint Committee (ESFJC) Fisheries Management Policies were agreed between ESFJC, Natural England and the fishing industry, providing a suite of agreed policies under which the Wash Fishery Order 1992 (WFO 1992) cockle and mussel fisheries would be managed.

In 2017 a review of the Wash Fishery Order 1992 regulations and policy notes was commenced, alongside which the 2008 Fisheries Management Policies were also reviewed. At that time, it was determined there would be benefit in splitting the cockle and mussel sections within the 2008 Fisheries Management Policies into two separate Fisheries Management Plans. A WFO 1992 Cockle Fishery Management Plan was developed in conjunction with a draft long-term (25 year) Habitats Regulation Assessment for the Wash hand-worked cockle fishery; the plan being to supplement these two documents with a Monitoring and Control Plan for the hand-worked cockle fishery. Coincidental with this, at a full Authority meeting in April 2016, members agreed that the WFO 1992 cockle fishery would by default be hand-worked, with hydraulic suction dredging being retained only as a contingency in exceptional circumstances.

In 2018 officers conducted an impact assessment of the Wash hydraulic suction dredge cockle fishery, which was presented to members at the 36th full Authority meeting held in May 2019.

The conclusion of the impact assessment was that the risk associated with a hydraulic suction dredge fishery is much higher than that associated with a hand-work fishery. To mitigate this risk, it was evident that a significant increase in resources would be required by the Authority. When combined with the levels of uncertainty around the environmental and socio-economic impacts of a dredge fishery, which would require a heavy commitment of resources for the authority to answer, pursuing this fishery would be a costly (and possibly unfeasible) option for the Authority.

To better understand the impacts of consenting a dredge fishery in The Wash, or of removing this fishing method as an option under the WFO, on the industry, officers were directed to undertake consultation with relevant stakeholders to inform a final proposal to the Authority.

Because policies for the cockle dredge fishery are included within the Cockle Fishery Management Plan, the opportunity was also taken to consult with the industry on that too.

Report

There are 61 active 'entitlements' in the cockle fishery, which are held by 43 individuals and each was sent a cover letter, summary and questionnaire with 28 days being provided to respond to the consultation. The consultation was also published on our website and was an engagement priority for officers on patrol and monitoring landings.

The questionnaire was designed to capture information to inform socio-economic considerations of a dredge fishery and to sense check what is generally understood

in terms of industry perspective. No specific questions were asked in relation to the updated Cackle Fishery Management Plan, but consultees were asked for any comments and whether they supported it.

Fewer responses to the consultation were received than anticipated (only 14) but a small group of industry members who strongly advocate the use of suction dredging met with officers on two occasions in order to make their views known.

Overall, the results align broadly with what is understood to be the view of the industry. In general, there is a preference towards a hand-work fishery which is seen as more sustainable and less impacting on cockle stocks and the environment. It is noteworthy that, whilst the general view from this consultation was against having a dredge fishery, 85% of respondents said they were capable of dredge fishing and / or have dredge fishing equipment. The results also highlight the potential cost to fishers wishing to participate in the dredge fishery (which may be prohibitive to some smaller scale fishers) and the potential for impact on other fisheries as a result of a shorter cockle fishing season. The consultation also highlighted that there is a minority of Licence holders who strongly advocate a cockle dredge fishery as an appropriate fishery.

Views from respondents were more mixed regarding the revised Cackle Fisheries Management Plan than had been on the question of dredging. While 43% of respondents were in favour of the Plan, 36% were against it. The remaining 31% were either partially in favour of it or did not comment. Several of those against, or only partially in favour of it, raised concerns about two specific measures; one prohibiting cockle fishing within mussel beds and the requiring sorting of catch (either by using nets or riddles) when there are high levels of Year-0 juvenile cockles present

Socio-economic consideration – Preparation for a suction dredge cockle fishery

The majority of respondents indicated they are capable of participating in a cockle suction dredge fishery but, there is an unwillingness to invest in fishing gear or vessels to make them ready for a cockle suction dredge fishery.

85% of respondents already have cockle dredge equipment and of those, all respondents indicated that their gear was compliant with WFO Regulations. The average cost of the dredging gear was £17,850. Only two respondents stated that their vessel was not capable of fishing using dredges and estimated a cost of £5,000 to £15,000 to make the vessel capable. Neither were prepared to invest to do this. Of those who have vessels capable of dredging, seven respondents indicated that there would be an additional cost to ready their vessel for dredging; the average cost being £12,701. Only one of these respondents was prepared to invest to ready the vessel.

These responses are consistent with what is generally understood about the cockle fishery. Whilst overheads are comparable in both fisheries, the initial capital cost of entering the cockle dredge fishery is high and potentially prohibitive to some business models. Taking into account the estimated price of dredge equipment and readying a vessel to carry it, an initial outlay of more than £27,000 would be required. However, as the consultation indicated that most respondents already

have dredge gear and their vessels appear to be capable of dredging at present, entry into the fishery for most would cost less than this and as a consequence may be more viable. Unfortunately, because the response rate of the consultation was low, it is difficult to determine what proportion of Licence holders would be impacted and to what degree.

Socio-economic consideration – Impacts on other fisheries

93% of respondents indicated they fish for other species as well as cockles and 86% indicated that they do fish immediately after the cockle season closes. The main target species is shrimp (100% of those who fish other species) followed by mussels. 23% of respondents indicated that they fish for whelks, which anecdotally is thought to be a fishery that WFO fishers are expanding into this year.

57% of fishers indicated that they would fish for other species in the event of a shorter cockle fishing season (which would be likely in the event of a dredge fishery because of the higher daily quota). Of these 57%, all suggested they would target shrimp and 43% indicated that they would target whelk. This indicates that a shorter cockle season would result in additional effort on other fisheries. It is noteworthy that the mussel fishery is performing very poorly at present and that there hasn't been a harvestable fishery for several years. In addition, the shrimp fishery will soon be subject to effort control to maintain its levels at those seen over the last 10 years (during which time there has not been a dredge fishery) and that there is growing pressure on the whelk fishery.

Support for a dredge fishery

64% of respondents indicated a preference to exclude dredging as an option for cockle fisheries. 29% were in support of having some form of dredge fishery and one respondent did not indicate a preference either way.

Support for the Fisheries management plan

43% of respondents were in favour of the revised fisheries management plan compared to 36% who were not in favour of it. A further 14% indicated that they were in partial agreement and one further respondent did not answer the question.

Key comments

The small group who met with officers to make the case for the use of suction dredging expressed the view that hand-working was no longer viable as a consequence of changing market conditions resulting in reductions in cockle prices. They also suggested that the impact assessment was flawed, and that suction dredging was less damaging to the environment and cockle stocks than hand-working using prop-washing.

Taking into account the results of the consultation and the narrative and comments provided by respondents, officers have summarised the key comments from industry into themes and have provided comments to each theme. This can be found at Appendix 1.

Hydraulic Suction Dredge in the WFO 1992 Regulated Fishery

The subject of cockle dredge fisheries in The Wash is highly emotive and one in which most fishers have strong, but polarised opinions. This and previous

consultations have highlighted that the majority of licence holders are against dredging, despite it being a more efficient method of harvesting cockles.

Both sides argue their cases for or against dredging, raising concerns about the environmental impacts of both the dredge and hand-worked fisheries, their impacts on stock sustainability, as well as current and past poor behaviours associated with both fisheries. Some of the concerns regarding environmental disturbance or stock sustainability associated with either fishery is hard to prove or disprove due to lack of (or conflicting) evidence, although there are concerns about the cumulative impact multiple dredge passes have on the infauna. The long-term socio-economic impacts of a dredge fishery are also difficult to unravel, although it is known that start-up costs can be prohibitive to some fishers and some of the smaller vessels would not be able to carry the gear.

What is clear, is that due to the greater efficiency of dredging compared to hand-working, hand-worked fisheries cannot viably compete with dredge fisheries that are operating on the same ground. For both fisheries to viably operate at a commercial scale, each fishery would need to operate on separate beds. While it would be possible to allocate specific beds to each fishery, it would be difficult to get agreement from the hand-work fishers, who can currently fish all beds and would have the most to lose. It is also uncertain precisely how beds would be allocated in practice and whether those areas would be fixed or changeable.

Another factor is the impact that the re-introduction of a dredged cockle fishery would have on the brown shrimp fishery in the Wash. The consultation shows the interdependency between the two fisheries, with many participating in both. Suction dredging would result in a shorter cockle fishery, which would potentially increase effort on the shrimp fishery. This is unlikely to be a viable option given the requirement to manage effort in the shrimp fishery due to environmental considerations. This matter is the subject of a paper at agenda item 12 for this meeting.

The current situation is that the fishery is hand-worked by default, with dredging only a contingency option in exceptional circumstances. Recent scrutiny of the dredge fishery has highlighted some critical problems with this situation.

While the term “exceptional” was not described, it was originally envisaged to cover circumstances where either:

- There were significant cockle stocks within the Holbeach bombing range that could only be accessed by a dredge fishery, or
- Significant cockle mortalities were predicted in quantities that could not be harvested by a hand-worked fishery, or
- When stocks were present in densities that were too low for the hand-worked fishery to viably operate.

Whilst all of these criteria have occurred in recent years, on each occasion the majority of fishers have been opposed to the opening of a dredge fishery. Further, under closer examination, there are other issues with some of these contingency

exceptions. Whilst at face value it makes sense to quickly harvest cockles that are predicted to be lost before they die, the situation is not as clear-cut in reality.

Because mortalities generally do not occur in discrete, isolated areas it is not simply a matter of increasing the TAC to allow ill cockles to be dredged before they die. Healthy cockles would need to be removed with them, increasing the combination effect of natural and fishery mortalities. On such large scales as would necessitate a dredge fishery, this is unlikely to pass an HRA.

This year the cockle stocks are sparsely distributed, making it difficult for the hand-worked fishery to be viable. The majority of the fishers were still opposed to a dredge fishery, though. Even had the majority wanted dredging this year, it would have been difficult to open without disturbing the widespread settlement of spat that is present among most of the adult stocks. This is not thought to be an isolated incident being the result of the two-year cyclic pattern of spat fall behaviour that the cockle stocks appear to have settled into.

Because we would not have much advance notice of “exceptional circumstances” prior to them happening, contingency fisheries need to be rapidly responsive in order to be effective. Enabling a responsive dredge fishery would not be rapid, however. Not only would vessels need to gear up, which might not take too long if equipment was ready to be put on board, but such a response would need to pass an HRA. This is unlikely to be a rapid procedure, however, as several “unknown” effects concerning the dredge fishery would need to be addressed.

Taking these factors into account, the concept of a contingency dredge fishery is something of a fallacy, and if absolutely required, would most likely take too long to open to be of benefit.

Cockle Fishery Management Plan

The new Cockle Fishery Management Plan is an update of the existing cockle sections of the 2008 Fisheries Management Policies, that have been used to guide the management of the cockle fisheries since their introduction. Whereas the 2008 Policies were written prior to atypical mortality being first recognised in The Wash, the new Plan attempts to recognise and mitigate for some of the widescale impact this can have on the cockle fishery. Also, in cases where fisheries management has evolved over time in response to certain drivers, some additional measures may also have been included. When circulated for consultation with the industry, two concerns were raised.

One was about the proposal for closures around mussel beds during cockle fisheries, including a 100m buffer zone. Some respondents were concerned that this would have the potential to remove access to fishable cockle stocks which develop in the vicinity of mussel beds. The comments seem to show there is some misunderstanding among respondents concerning these measures. There is already a measure in place within the existing 2008 Fishery Management Policies that prohibits cockle dredge fisheries from taking place within a 100m buffer zone around mussel beds. A new measure, to protect mussel beds from the hand-worked cockle fishery, would only restrict fishing activities within the actual mussel beds themselves. There would be no buffer applied to this measure, allowing hand-

working for cockles to occur up to the edges of a mussel bed. Because of the critical condition most of the mussel beds are currently in, it is proposed these measures are kept in the new Plan to protect them from any incidental damage.

The other concern raised was about a measure in the new Plan requiring fishers to either use nets or to riddle their catch if there are high quantities of Year-0 cockles present in the catch. Several felt a requirement to riddle cockle catch in the hand-work fishery was too time consuming to be viable. It should be pointed out that the measure would only apply if the beds contained high levels of Year-0 cockles, and that several respondents indicated they already used nets and felt they were adequate. It is proposed that measure is retained in the new Plan to minimise the numbers of Year-0 juvenile cockles that would otherwise be landed.

The Cockle Fishery Management Plan makes reference to the contingency dredge cockle fishery and lists some associated measures for guiding the management of a dredge fishery. As officers have proposed removing cockle dredge fisheries as a contingency option, it is proposed that these references and measures are also removed from the Plan.

Conclusion

The impact assessment for a suction dredged cockle fishery indicated that it was unlikely to be a viable option. When combined with the information obtained during the consultation and taking into account the interdependency between the cockle and brown shrimp fisheries in the Wash it appears to be clear that it is not a desirable option.

On the issue of whether or not suction dredging should be retained as a contingency option the same factors apply. When combined with the realities of trying to introduce suction dredging as a contingency it appears to be equally clear that this is not a viable option.

It is acknowledged that some proponents of suction dredging have said that the hand-worked fishery is no longer viable for them. Whilst this view is not believed to be universally shared there may be a case to gain a better understanding of the economics of the fishery in order to inform management future management decisions. Key considerations would be the continuing viability of the hand-worked cockle fishery and the potential impact of re-introducing a limited dredge fishery. Such a study would require a degree of openness between the industry and the Authority and would need to be factored into the Authority's business planning process.

It is relevant to note that the recommendations do not represent a 'ban on dredging' forever, or that the fishing method cannot be used if felt beneficial to do so. Rather, it is a recognition that there are numerous factors concerning the environmental and socio-economic impacts of dredging that need to be better understood before a dredge fishery could be considered for the WFO 1992 fishery. At this point in time the drivers for undertaking further work on this are not there but the proposed economic assessment may be informative on this point.

It is concluded that the WFO 1992 cockle fishery should be a hand-worked fishery only and that the contingency option for a dredge fishery should be removed from the revised Cockle Fishery Management Plan. It is further concluded that the Plan should be introduced subject to consultation with Natural England.

Financial Implications

The Cockle Fishery Management Plan has already been developed, so there will be minimal cost implementing it. An economic assessment of the cockle fishery will require officer resources that will need to be fitted into the 5-year business plan.

Legal Implications

There is an inherent risk in policy decisions such as these. Risk of successful challenge is however mitigated by the level of work undertaken to inform this decision including the consideration of the industry's view.

It should be noted that over recent years there have been challenges to the practice of 'prop washing' in conjunction with the hand-worked fishery. These have included complaints from solicitors representing undisclosed clients, correspondence from local MPs representing certain elements of the fishing industry and complaints to the EU. Whilst the Authority has been able to respond constructively and to rebut the claims being made there is the possibility of further challenge.

Appendices

Appendix 1 – Consultation Summary

Appendix 2 – Revised Cockle Fishery Management Plan (attached separately)

Background Documents

Unconfirmed minutes of the 36th Authority meeting held on 15th May 2018
Assessment on the Impacts of Cockle Suction Dredging

Appendix 1

Consultation Summary

Theme	Summary of industry comments	Eastern IFCA comments
<p>Cockle dredge fisheries are too damaging</p>	<p>The most repeated comment within the consultation was a concern about the potential impact of dredge fisheries on future fisheries. Concerns include that dredge fisheries damage large amounts of spat (juvenile cockles) with the effect of reducing the size of future fisheries.</p>	<p>The Authority conducted a hydraulic suction dredge fishery impact assessment in 2018, which gathered information from a range of published papers and some information specific to The Wash fishery.</p> <p><u>Sediment and infauna disturbance</u></p> <p>In terms of disturbance to sediments, this study found reports in which losses of fine particles and consequent destabilisation of sediment resulting in substantial long-term effects following dredging had been reported in the Wadden Sea. In contrast to these reports, others were found that reported no detectable short-term effects had been identified in Oosterschelde or the Thames Estuary. Similarly, a study conducted by Eastern IFCA in 2011 found no long-term impacts of dredging on mobile, sandy sediment. These differences in conclusions could be due to the types of sediment the dredging activities had occurred on in each case. Most of the studies concur that recovery times are very dependent on silt content, the type of benthic fauna present and the local hydrodynamic regime, such as exposure to winds and tide conditions. Silty substrates tend to be more stable, and as such have a predominance of longer-lived, slower growing species living in them. These are more vulnerable to disturbance and take longer to recover from dredging than more sandy, mobile sediments.</p> <p>Should dredge fisheries be opened in the WFO in the future, they should be restricted to areas of mobile, sandy sediment. This would reduce their impact on the sediment and its supported infauna.</p> <p><u>Cockle sustainability</u></p> <p>As with the impact on sediments, there are conflicting reports as to the impact of dredging on cockle sustainability. The Thames Estuary has successfully sustained cockle dredging for over 40 years, whereas studies conducted in the Dutch</p>

		<p>Wadden Sea concluded there were long-term negative impacts on cockle spatfall. Where there have been impacts recorded on spatfall, these have frequently been associated with long-term changes to sediment characteristics, too. A study conducted in the Thames Estuary found that while there had been no impact detected on spatfall settlement following dredging, subsequent juvenile survival was significantly lower in dredged areas compared to unfished areas. Analysis of survey data taken from The Wash found no correlation between dredge fisheries and resettlement, but analysis was limited to a 5-year period between 2004-2008 where there was overlap between dredge fisheries and the GIS database being analysed.</p> <p>The efficiency of dredges enables them to reduce cockle densities to lower levels than hand-working can. This reduction in spawning stock could impact on spawning potential and the size of future settlements. However, negative correlations have also been observed whereby good settlements have often occurred when spawning stock has been low.</p> <p>Since the last dredge fishery occurred in 2008, a major influencing factor on cockle stocks has been the occurrence of atypical mortality. Not only has this resulted in very high mortality rates of cockles in their first year of maturity, it has significantly altered the population structure of the stock and possibly, too, their spawning behaviour. Good settlements now occur more frequently than previously, but this pattern when combined with the high mortalities means we now have two-year cyclic patterns of spawning resulting in the stocks being dominated by year-0 and year-1 cockles. Whereas previously, multi-year classes of cockles on different beds provided the overall stocks with a resilience, in the current situation they are more vulnerable to disturbance. Should the Year-0 stock be significantly disturbed during a fishery, there would be a major impact on the following year's spawning stock. With no second spatfall following them the next year, this could result in a population crash when the adults succumb to atypical mortality.</p> <p><u>Discard mortality</u></p>
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		<p>Dredge fisheries discard broken and under-sized cockles from the riddle and dredge head. The Authority conducted several studies into cockle discard mortality between 1998 and 2008. These studies found that not only did visibly damaged cockles have a mortality rate approaching 100%, visibly undamaged cockles also had a mortality rate of between 10-20%, with larger cockles having lower survival rates than smaller ones. The quantity of cockles that are discarded depends upon the bar-spacing of the riddle and dredge head and the size structure of the cockle population being fished. If there are large numbers of cockles smaller than the bar-spacing, discards will be significant. Between 2000 and 2006 there was an increasing tendency for vessels to use riddles with a bar-spacing of 16mm, enabling catches of large cockles to be harvested and retained. On occasions, however, these vessels were measured to be discarding more cockles than were being retained. This was causing significant additional mortality that wasn't being accounted for in the TAC, particularly as cockles need to displace others to rebury when stock densities are high and mortality rates do not take account of multiple passes. Following these studies, in 2006 the maximum riddle bar-spacing was reduced to 12mm, reducing discards to smaller cockles that have better survival rates. Even so, discarded juveniles will have a "first-pass" mortality rate of approximately 10%, which could have large impacts if areas are heavily fished to harvest low densities of adult stocks.</p> <p>It should be noted that in the case of both the impacts on sediment and infauna and those on cockle sustainability and/or discard mortality, bespoke studies into the impacts of dredging have frequently only looked at single occurrences or a single season's activity. Studies that have been conducted on multiple occurrences have generally found impacts to be higher than those created from single actions.</p>
<p>There are too many vessels operating within The Wash</p>	<p>Several respondents indicated there are too many vessels operating within The Wash to have a suitable dredge fishery</p>	<p>The number of vessels operating within a fishery can have impacts on effort, disturbance, socio-economics and effectiveness of enforcement (see section concerning enforcement below). Because the WFO fishery operates a TAC quota system, total effort and disturbance would be the same</p>

		<p>irrespective of how many vessels participated in the fishery. Because of the larger daily quota that applies for the dredge fishery, however, the number of vessels participating in a dredge fishery would affect the length of the season before the TAC was exhausted. This was apparent in previous dredge fisheries, when the fishery was open for significantly shorter periods than recent hand-worked fisheries. This is one of the concerns many of the proponents for hand-worked fisheries have voiced in the past. While there are some who would prefer a short season, thus allowing their vessels to target other species, the majority have expressed a preference for a longer cockle season. Anecdotally, some fishermen have indicated the higher daily quotas of a dredge fishery result in lower prices per tonne of cockles landed, but this claim has been disputed by others. Cockle prices are low this year because most fishermen are landing a lot of shell amongst their catch, thus reducing the quantity of live cockles landed. This would not be the case with a dredge fishery, where catches would be riddled in situ and realise a better cockle yield from what was landed. This would result in more ground being disturbed than would be the case with a hand-worked fishery, however.</p>
High risk of non-compliance	Several respondents indicate that cockle dredge fisheries will be difficult to enforce because of the number of vessels operating and the opportunity to be non-compliant.	Because hand-worked vessels are required to dry out close to where they are working and remain beached until the water returns, the hand-worked fishery is much easier to enforce than the much more mobile dredge fishery. Past dredge fisheries, in which 45+ vessels have fished multiple beds around the clock, have been difficult to enforce effectively. Even by maintaining a vessel at sea overnight during the fishery, poaching on closed beds was difficult to prevent because vessels can quickly deploy and recover their dredges as they steam over closed areas. The introduction of iVMS will assist enforcement but would still require a more persistent enforcement presence at sea than is currently required to monitor hand-worked fisheries.
The hand-work fishery is damaging (as damaging / more damaging	Several respondents felt that the practice of 'prop-washing' (turning a vessel in tight circles using the propeller to wash cockles	<p><u>Sediment and infauna disturbance</u></p> <p>While there have been several studies conducted on dredging activities (described above), there have been few studies conducted on the impacts of "prop-washing". Dredging and "prop-washing"</p>

<p>than a dredge fishery)</p>	<p>out of sediment) was damaging and that a hand-work fishery relies too much on juvenile cockles.</p> <p>Several respondents make the case that dredging is no more damaging than the current practices and essentially will not impact on the fishery to the same degree as a hand-work fishery. In particular that a greater proportion of smaller cockles are removed during a hand-work fishery because sorting of catch is less effective / common-place (some fishers do not sort catch at all).</p> <p>It is worth noting that several respondents highlighted that the handwork fishery had been successful over the past ten years as an indication of its sustainability</p>	<p>have different impacts that are difficult to compare directly. Dredging disturbs widespread areas to a depth of about 5cm, from which most sediment and infauna are disturbed. The sediment and small cockles are discarded (with an associated mortality rate). Prop-wash rings are not as extensive as dredge tracks but tend to be deeper (5-20+cm). Being deeper, these leave a visible impression longer than dredge tracks, so any impacts on sediment and infauna living within the direct impact areas are possibly longer-lasting. However, in 2010 the Authority conducted a bespoke study on the impacts of “prop-washing” on the sediment and infauna. Barring the cockles that had been removed from the fished areas, this study found no significant differences to sediment or biota between the fished and control areas at any stage of the 3-month study period.</p> <p><u>Cockle sustainability</u></p> <p>While the dredge fishery has issues described above concerning associated mortality of discarded cockles, the hand-worked fishery also has additional associated mortality issues. These occur primarily if the prop-washing pushes more cockles into heaps than are harvested. This usually occurs when stock densities are high, as more tend to be left behind after the daily quota has been taken. Cockles usually live only one cockle deep in the ground and do not survive well when left in heaps. The Code of Best Practice for the hand-worked fishery instructs fishers to distribute any cockles that are left back into the rings from which they came. Not all fishers follow this advice, however. Further, “prop-washing” frequently removes sediment from within the rings down to the hard, anoxic layer. Even if cockles are spread back into these areas, they struggle to rebury quickly and rely on the gradual settlement of suspended sediments back into the rings. During this period, they are more vulnerable to predators and being washed away by tides. The issue of cockles being left in heaps is reduced to an extent by fishers “blowing-back”. This is where a fisher works overlapping areas on successive days, so that unfished cockles from the previous day’s ring get accumulated into the current ring. Not all fishers do this, however, preferring to create isolated rings that are then left.</p>
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		<p>A further criticism of the hand-worked fishery has been its tendency in recent years to target a high proportion of small cockles that are often only 1 year old. This has been driven by the impact of atypical mortality significantly reducing the numbers of older cockles available to be fished. Because hand-work fisheries require higher densities of cockles to be commercially viable, when stocks have become depleted, many hand-workers have resorted to fishing the higher-density stocks of juvenile cockles that are present. This has had a knock-on impact on the following seasons, however, for having already thinned out these juvenile stocks, their densities are lower the following year when they would otherwise have been a more suitable size for being harvested. Instead of targeting these larger cockles whose densities have already been reduced, the fishers then frequently target the next generation of dense juvenile cockles, leaving the larger ones to die. Over time it has led to a high proportion of cockles being fished a year younger than they used to be. Whereas previous market forces would have prevented these small cockles from being sold, in recent years there has not only been a market for them, but in some cases they have been worth more than larger cockles.</p> <p>This practice of targeting small cockles is disconcerting. The Code of Best Practice encourages the use of riddles or wide-meshed nets to sort the catch, but it is known that many fishers prefer to shovel their catch directly into bags with no sorting. This means that even very small Year-0 cockles get harvested.</p> <p>Some respondents who felt hand-worked fisheries were worse than dredge fisheries said the ground took a long time after fishing to recover and they could seldom return to the same place the following year to fish. Proponents of the hand-worked fishery, however, have made the same claim about the dredge fishery. These views are not surprising, though. Harvesting cockles by either method will reduce their densities, requiring resettlement and growth before the area can be viably fished again. In 2015, the Authority directed fishers to target Year-0 cockles on the Roger sand that were about</p>
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		to ridge out. Despite this fishery, the stock biomass on this sand had increased the following year, enabling further successful fisheries in 2016 and 2017. Further, the hand-worked fishery has continued for the past 11 years, during which juvenile recruitment has been widespread and regular.
Impacts on other fisheries	<p>Several respondents commented that a shorter cockle dredge fishery (as a result of the higher daily quota in a dredge fishery) would have a detrimental impact on other species. This is also highlighted in the results of specific questions about other fisheries that would be targeted.</p> <p>In particular, shrimp fisheries would be targeted to a greater degree and during what one respondent referred to as the main brood period for shrimp.</p> <p>Other fishers highlight the lack of opportunity to fish other fisheries. For example, the skate, sole and sprat fisheries which many of the WFO licence holders previously had licences to fish but were lost as a result of MMO / Defra licence caps.</p>	<p>Most cockle fishers target other species when not fishing for cockles. Traditionally this would have been the shrimp fishery, with some targeting mussels in the winter months. In recent years, however, there has been a decline in the wild mussel beds, limiting that fishery, but a large upsurge in the whelk fishery. Whereas previously there had been no effort restrictions on the shrimp and whelk fisheries, Habitats Regulations and Marine Strategy Framework Directive drivers are requiring increasing regulation to be introduced. The shrimp fishery will soon be subject to effort control to maintain its levels at those seen over the last 10 years. Because there has not been a dredge fishery during that time, if fishers targeted this fishery earlier following a shorter dredge fishery, this increased effort would cause the shrimp fishery to reach its cap and close early. Similarly, the whelk fishery, is also showing signs of pressure following recent increased effort.</p> <p>Skate, sole and sprat have been smaller fisheries in The Wash that some fishers have occasionally targeted. The current small size (or lack of) quotas for these species, however, mean they are no longer viable alternative options to the cockle fishery.</p>
Protection of mussel beds	<p>Several fishers commented that there is no need to close mussel beds to cockle fisheries or have a buffer zone extending 100m from each mussel bed. The concerns were that cockle fishing ground may be lost as it is common place for cockle</p>	<p>The Cockle Fishery Management Plan contains two policies aimed at protecting mussel beds from potential disturbance caused by the cockle fishery. One is an existing measure that was included in the 2008 Fishery Management Policies, prohibiting cockle dredging from occurring <u>within 100m</u> of a mussel bed. The other is a new measure aimed at providing mussel beds a similar protective effect from the hand-worked cockle fishery. This measure prohibits hand-worked cockle fishers from fishing <u>within the</u></p>

	<p>beds to exist adjacent to mussel beds.</p>	<p><u>boundaries</u> of mussel beds. The absence of a buffer zone around the mussel bed in this new measure takes account of the knowledge that cockle beds frequently extend close to the edges of mussel beds, and also that the hand-worked fishery is considered to be more precise with its positioning than the dredge fishery, enabling boats to work closer without damaging the mussel bed.</p> <p>There appears to have been a little confusion from respondents who had commented on this measure, as some feared cockle ground would be lost to the hand-worked fishery adjacent to the beds. This is not the case, as the protective effect only applies within the mussel beds for the hand-worked fishery and remains unchanged for the dredge fishery.</p> <p>It should be noted that after several years of high mortality and decline, most of the mussel beds are currently in a critical condition and as such require protection from incidental disturbance. The Authority has a dual fishing prohibition, preventing cockle and mussel fisheries from being targeted on the same day, but this would not necessarily prevent damage to mussel beds if someone targeted cockles within them.</p>
<p>Implementing use of nets or riddles in the hand-work fishery to sort catch</p>	<p>Comments that riddling cockles (during a hand-work fishery) is not 'economic' but that sorting catch using nets (hand-held nets which cockles are placed in and shaken to discard small cockles) is sufficient.</p>	<p>A new measure was added to the Cockle Fishery Management Plan whereby fishermen must use either a cockle net or a riddle to sort their catch when significant densities of Year-0 juvenile cockles are present. This would prevent fishermen from shovelling cockles directly into bulk bags without being riddled if juvenile cockles were present.</p> <p>It has been mentioned above about hand-worked fishers increasingly targeting smaller cockles, in what some consider to be a threat to the sustainability of the fishery. This has been added in response to what is considered poor practice, and as an escalation of a point in the Code of Best Practice which already says that smaller cockles will be avoided.</p> <p>Some respondents felt that riddling hand-worked cockles was not 'economic'. However, the very small Year-0 cockles that this measure would protect have no commercial value and are</p>

		<p>routinely riddled out of the catch at the factories. As vessels are generally dried out on the cockle beds for 5 or more hours each day, there is also adequate time to riddle catches should fishers prefer to shovel their catch than use nets and rakes.</p>
<p>Unviability of Hand-work cockle fishery</p>	<p>Dredging enables fishers to sort large amounts of catch and select only the largest cockle even on relatively low-density beds.</p> <p>Comments indicate that, as a result of the tendency towards smaller cockles in The Wash (as a result of atypical mortality, high density mortality, high spat falls etc.) and low prices for these cockles the hand-work cockle fishery is less / not viable.</p> <p>In addition, one respondent made the case that the cockle beds are presently too full of shell and therefore unviable as a hand-work fishery (noting the additional time required to sort catch by hand compared to a suction dredge).</p>	<p>Many participants of the hand-worked fishery currently shovel their catch directly into bulk bags with no riddling or sorting. As a consequence, their catch includes proportions of shell and very small cockles that have no value (and as such reduces the yield of their catch). At times when the cockles within the prop rings exceed the daily 2-tonne quota, it would make sense for fishers to riddle their catches, enabling 2 tonnes of clean cockles to be landed. This year, however, cockle densities are particularly low, preventing fishers from catching more than 2 tonnes (even including the shell). As such, most fishers are not riddling at all as it will not enable them to catch more cockles. In effect, this year riddling is being viewed as wasted effort. Because of the amount of dead shell being landed among the cockles, though, the yields and value of the catches are poor. In contrast to this situation, dredge fisheries riddle their catch as it is caught and allow fishing to continue until the daily quota of clean cockles is harvested. Because catches would be cleaner and daily quotas higher than for the hand-worked fishery, daily incomes from a dredge fishery would be higher, albeit for a shorter season.</p> <p>As a consequence of the high mortality rates associated with atypical mortality, the sands are becoming increasingly shelly. One respondent felt the amount of shell present now makes the hand-worked fishery unviable. As has been mentioned, however, catches could still be riddled. Mechanical riddling of the catch is easier in the dredge fishery and a 12mm bar-spacing would not necessarily remove all of the shell.</p>
<p>Making a case for a dredge fishery</p>	<p>This view was in the minority within the consultation.</p> <p>One respondent indicated that certain sands should be considered for dredging, namely the Trial</p>	<p>The current policies would allow dredging to occur on beds that supported mobile sandy sediments and $\geq 70\%$ biomass of cockles $\geq 14\text{mm}$ width. There are several beds that satisfy the criteria for mobile sediment, including parts of Holbeach, the Trial Bank and Boston Main. The proportion of cockles $\geq 14\text{mm}$ width varies annually, but because of the high mortalities</p>

	<p>Bank, Holbeach and parts of the Boston Main).</p> <p>Other respondents made the comparison to the Le Strange Estate fishery (which also operates in The Wash) which operates through suction dredging. Similarly, the Thames fishery has also been highlighted as being a successful dredge fishery occurring within an MPA.</p> <p>It was also suggested that the daily quota for the dredge fishery could be reduced to two tonnes per day to reduce the impact of a shorter fishery.</p> <p>Some respondents felt that while they would not like to see dredge fisheries involving the 45+ vessels that had occurred previously, they felt a dredge fishery involving a maximum of 25 vessels would be ideal.</p>	<p>caused by atypical mortality, the proportion of large cockles now tends to be lower than before 2008, resulting in fewer beds satisfying this condition. In order to operate an effective dredge fishery, this measure would perhaps need relaxing.</p> <p>Of the beds mentioned, Holbeach is within a bombing range. This restricts the access of the hand-worked fishery to a greater extent than the dredge fishery as they can only operate in there during weekends, while the dredge fishery can also operate around the daily periods of bombing activity. Since 2008, officers have occasionally proposed dredge fisheries to occur in Holbeach, but even though this bed is largely inaccessible to the hand-worked fishery, on each occasion consultation with the industry has resulted the majority of respondents expressing a preference for no dredge fishery to be opened. Opposition to dredging on other beds that are accessible to the hand-worked fishery would be greater, as it would be unviable for hand-workers to operate on beds that had been dredged. For the two fisheries to operate together, therefore, there would need to be a split in beds assigned to each fishery. This, however, would be a restriction on the current hand-worked fishery, that can currently access all the beds. Such an option would be against the wishes of the majority of the fishers.</p> <p>Some respondents highlighted the success of the Le Strange Estate dredge fishery as an example of a successful dredge fishery that operates within the Wash MPA. Only two vessels operate within this fishery, however, compared to the 45+ vessels that regularly fish for cockles in the Wash regulated fishery. This means management measures for stock sustainability and protection of environmental features can be applied more precisely (for instance, in response to environmental concerns about the impact of multiple dredge passes, the vessels in the Le Strange fishery mitigate this impact by cooperatively towing in straight lines similar to ploughing a field, using their plotters to ensure the same ground is not dredged twice. This would not be effective with larger numbers of vessels, particularly as dredging practices in the regulated fishery are usually to tow the dredge in</p>
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		<p>circles rather than straight lines). Additionally, there is no hand-worked fishery in the Le Strange fishery that is competing for viability with their dredge fishery.</p> <p>The Thames Estuary cockle fishery has also been highlighted as another area in which a dredge fishery has been conducted sustainably for over 40 years. 14 vessels are licenced to dredge this fishery. Unlike in The Wash, there is no competing hand-worked fishery that needs consideration. In terms of environmental considerations, the Thames fishery has passed an HRA. For comparative purposes, the level of effort targeting the Thames fishery was compared with the Holbeach bed in The Wash, which would be one of the main beds in The Wash that would potentially be considered for dredging. 195 km² of the Thames cockle fishery falls within a SAC. This is approximately 7 times larger than Holbeach, in which 27.4 km² are within the SAC. The actual area of the dredge fishery footprint in the Thames was 7.01 km² in 2017 and 2.94 km² in 2018. A comparative level of effort on Holbeach would equate to an area of between 0.41 km² and 0.98 km², which equates to total track lengths of between 544 km and 1,295 km. If an average towing speed of 5 km/hr (3 knots) is assumed, these distances would be achieved in between 109 and 259 hours. This level of effort could be distributed between a variable number of vessels, but if as an example the scenario was used whereby 10 vessels fished for 3 hours each per day (1 tide), the fishery would last between 4 and 9 days. If the whole of the Friskney and Wainfleet sands were also included, these would contribute another 28.8 km² to the comparison, resulting in a fishery of between 8 and 18 days for 10 vessels. This is considerably shorter than the hand-worked fisheries, that in recent years have lasted for 4 or 5 months, and would result in increased effort targeted towards the shrimp and/or whelk fisheries.</p> <p>One respondent suggested the dredge fishery could operate on a 2-tonne daily quota, the same as the hand-worked fishery, but this was not supported with the views of other dredge fishery proponents, some of whom felt 4 tonnes was</p>
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		<p>necessary for continued viability due to falling cockle prices.</p> <p>Some respondents felt that while they would not like to see a reintroduction of the former dredge fisheries that involved 45+ vessels, they felt a dredge fishery with a maximum of 25 vessels would be ideal. They felt this would enable those who wanted to dredge the opportunity to do so, without many of the problems associated with managing 45+ vessels. They felt this could limit the fishery to those vessels who had invested in newer, less-damaging gear, and that the smaller number of vessels would make monitoring compliance easier. In principle, this could be the case, but should more than 25 vessels decide to join this fishery, it would make determining who received licences a difficult decision. Although the majority of fishers are currently against a dredge fishery, should one be opened, the majority already have dredge gear and would probably decide to go dredging in order to remain competitive.</p>
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Vision

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



Action Item 12

Eastern Inshore Fisheries and Conservation Authority Meeting

11 September 2019

Shrimp Fishery management

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

Purpose of Report

To provide members with a summary of the feedback provided by fishing representatives in relation to managing shrimp fishing effort within the Wash and North Norfolk Coast Marine Protected Area and to propose a permit scheme to ensure fishing activity does not adversely impact the site's integrity.

Recommendations

It is recommended that members:

- **Note** the summary of feedback from fishery representatives at Appendix 1;
- **Agree** to adopt in principle the 'shrimp permit scheme: effort limitation policy' at Appendix 2;
- **Agree** in principle to implement the permit conditions for Category One shrimp permits at Appendix 3;
- **Direct** officers to undertake consultation as per Schedule One of the Shrimp Permit Byelaw 2018 in relation to the Category one Permit Conditions;
- **Agree** to delegate authority to the Chief Executive Officer (CEO) to implement the permit conditions having taken into account the results of the consultation and the impact assessment relating to the permit conditions;
- **Agree** to delegate authority to the CEO to make amendments which do not substantially affect the intention of the permit conditions following the formal consultation and further scrutiny of the wording by legal advisors;
- **Agree** to delegate authority to the CEO to set a Total Allowable Effort for the fishery, to amend the permitted number of trips per fortnight and to close a fishery (under paragraph 14 of the Shrimp Permit Byelaw 2018) as required to ensure no adverse effects on site integrity of the Wash and North Norfolk Coast Special Area of Conservation.

Background

Officers completed an assessment of the impacts of shrimp fishing within the Wash and North Norfolk Coast Marine protected Area¹⁷ (the MPA) which concluded that some spatial closures were required in relation to the most sensitive habitats within the site and that shrimp fishing effort should not increase beyond 'current levels' within the remainder of the site.

The mechanism through which shrimp fishing effort will be managed is the Shrimp Permit Byelaw 2018. At the 36th Eastern IFCA meeting, members agreed to amendments to the byelaw and directed the CEO to submit a final draft to the Marine Management Organisation (MMO) for formal QA.

Officers have been in dialogue with shrimp fishers since 2015, gathering feedback on the most effective way to manage effort within the MPA. This has included two workshops¹⁸, informal and formal consultations, discussions during other meetings and ongoing dialogue with fishermen on the ground during patrols.

Several options on how to limit effort within the MPA are possible through the Shrimp Permit Byelaw but two main approaches emerged from dialogue with industry; one where access is limited to those with track record versus one where access is not limited but the fishery is managed dynamically to reduce effort as needed including potentially closing the fishery for periods on an annual basis.

Whilst no strong consensus was found within the industry, it was concluded that a dynamic, 'threshold' model was the most appropriate approach to managing the fishery as this has the required protective effect, the least economic impact on fishers and addressed most of the industry's concerns as identified during the consultations. It was on this basis that a recommendation to that effect was made to the Regulation and Compliance sub-committee in 2016¹⁹.

During the intervening period the implementation of the Shrimp Permit Byelaw has been delayed as a result of significant complexities in this workstream. Given the delay in implementing the management measures, Officers committed to undertaking further consultation with fishermen representatives to crystallise our understanding of the view of the industry and ensure our understanding is up to date to inform a final recommendation on managing shrimp fishing effort.

Report

Approach

Offices undertook to meet with the chair of each of the fishermen associations which operate within the MPA. Having already consulted with the wider industry, officers considered that this would be an effective way to sense check the feedback already gained from industry.

¹⁷ The area described encompasses several conservation designations including a Special Protection Area, a Special Area of Conservation, Sites of Special Scientific Interest and Ramsar Sites.

¹⁸ 10th July 2015, <http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/04/View-the-report-from-the-shrimp-industry-workshop-on-10-July-2015.pdf> and 26th September 2016 <http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/09/Shrimp-Workshop-Report.pdf>

¹⁹ Action Item 5, Regulation and Compliance sub-committee, 13th December 2016 - <http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/02/full-set.pdf>

Between and the 26th June and 12th July 2019, officers met with the chairs of five associations to discuss a potential shrimp permit scheme. At the time of writing, Officers are still awaiting feedback from one association. In addition to association chairs, Officers also met with two fishermen recommended by chairs with significant shrimp fishing experience who also provided a view.

Officers undertook the meetings either by attending a meeting location, hosting a meeting within the Eastern IFCA office or via telephone. Officers used the meetings to try and determine the following from each representative:

- Preference with regards to limiting access to the fishery;
- Potential implication of a permit scheme – risks to the fishery;
- Potential solutions (including other management measures to limit effort).

In addition, the approach to the consultation and the development of a shrimp permit scheme was discussed at the Fisheries and Conservation Management Working Group of the 9th July 2019.

Feedback from Industry and working group

Appendix 1 sets out the key concerns identified from the consultation.

In summary, the views of the industry are broadly similar to that identified during previous consultations, although there is a greater degree of consensus than had previously been the case.

Concerns remain about limiting access to the shrimp fishery based on track record, especially in the context of removal of other opportunities and inadvertently creating a 'closed shop' similar to that which persists in the Wash Fishery Order 1992. Representations highlighted the lack of opportunities for 'new entrants' and the 'ageing' fishing population and loss of skills over time. There was a strong preference to enable and even incentivise new entrants for this reason.

A counterview, which was in the minority, was primarily concerned with 'new' vessels being able to enter the fishery, potentially leading to the early closure of the fishery and / or limiting the opportunity to vessels which currently rely on shrimp catch as a primary source of income. It is worth noting that the majority of representatives did not think it likely that there would be any influx of vessels wishing to prosecute the fishery if the permit system was open.

Whilst most fishers were concerned with any form of closure to the fishery, the majority preferred reducing the likelihood of this by applying limitations on permitted activity equally across the fishery, rather than applying individual quotas or different approaches depending on business model. A limit on the number of fishing trips or tides per fortnight was overwhelmingly supported as was the proposal that such could be amended if effort was increasing beyond that expected to reduce the likelihood of a temporary closure. This would also limit the ability of any particular vessel or business model dominating or monopolising the fishery.

Fishers were however concerned with inexperienced fishers operating within the fishery, potentially using up available effort with inefficient fishing practices and / or causing damage to the fishery or associated habitats. It was suggested that Eastern IFCA could support industry by operating a crew / skipper register, logging experience of fishers to use as evidence.

Proposals for shrimp effort limitations

To limit the shrimp fishing effort on an annual basis, there are two main approaches to consider;

1. Require a permit to fish and limit the number of permits issued and the number of trips each vessel could undertake in a year; or
2. Require a permit to fish but set no limitations initially. Monitor the level of fishing activity and introduce permit restrictions and effort limitations as required if defined 'thresholds' are met during a year.

The differences and potential consequences of these two models were explored in detail in Action Item 5, Regulation and Compliance sub-committee (13th December 2016). In summary, the option recommended previously by officers is Option 2 because it enables Eastern IFCA to ensure site integrity whilst minimising the impact on fishing livelihood. Crucially it avoids limiting access to the fishery which is likely to have unintended consequences similar to the issues identified within the Wash Fishery Order 1992. In addition, this approach fits best with the perspective of the majority of the industry.

Officers have developed a set of principles which take this into account in addition to the other outputs of the consultation and Eastern IFCA's duties and legislative obligations. These are set out in detail on a draft 'shrimp permit scheme: effort limitation policy' at Appendix 2.

From this, Officers have developed a proposal for limiting effort within the MPA which is set out below together with supporting rationale. These are set out as permit conditions in Appendix 3.

- **No limitations on the number of permits issued (or eligibility criteria based on track record)**

Limiting access to the fishery was the key concern highlighted by industry during the consultation. Enabling fishers to diversify into the shrimp fishery as required and providing a route for new entrants was considered of key importance.

Concerns raised by the counterview to this related to the impacts of early closures to the fishery and to loss of opportunity for vessels which presently rely to a greater degree on shrimp fishing. Limiting the number of permits does not necessarily mitigate against a closure of the fishery unless each permit is also issued an individual quota which could be used throughout the permit year. Fairly issuing

individual quotas in the context of differing business models would likely result in latent capacity due to business models who do not shrimp all year being allocated too much effort. In contrast, those who do shrimp more often will likely see a reduction in the amount of quota allocated.

Ultimately, Eastern IFCA has to limit effort to that which has been the case over the last ten years. The available evidence indicates that fishing effort varies greatly annually. As such, under any model proposed, there will be the potential for shrimp fishers to be impacted by these measures. However, it is worth noting that, in theory the intention is to maintain the status quo of the fishery and as such, providing fishing behaviours do not change significantly, the impacts as a result of the measures should be minimal.

- **Adaptive management via a Total Allowable Effort (TAE)**

Officers have investigated historical levels of fishing activity in order to determine an appropriate total allowable effort for the fishery. This is essentially the total amount of allowable shrimp fishing trips within a permit year (1st August to 31st July).

The data which underpins this is not complete, but officers are seeking further information, having identified further sources. Essentially, officers intend to determine what the 'average' level of effort was during as much of the assessment period (2006 to 2016) as possible. It is likely that the information will only be available for 2010 onwards.

Officers propose that a TAE is set on an annual basis with the view to achieve the 'average' historical effort on a three-year, rolling basis. It is intended that this will allow for the variations in fishing activity within the fishery.

It should be noted that the Authority implemented a mandatory shrimp fishery return form to inform this work in 2015 but that compliance has been poor which had impeded Officers in determining the appropriate level of effort. In particular, this was intended to be used to determine how much shrimp fishing effort occurred within the MPA. As this data is not available, the Authority will have to make a more precautionary judgement as to the correct proportion.

- **Minimising the likelihood of fishery closure by exhausting the Total Allowable Effort**

Ultimately, the shrimp fishery will close until the start of the next permit year (1st August) if the TAE is exhausted.

In order to reduce the likelihood of this, officers propose that a permitted amount of effort is limited on a fortnightly basis.

Initially, it is proposed that permit conditions limit fishers to six trips per fortnight. Available data indicates that circa 99.9% of fishing activity during 2017 and 2018 would have been permitted under this limitation. The main intention of this measure is to reduce the likelihood of any individual vessel monopolising the fishery in the context of a shared TAE but also to effectively maintain the status quo.

Usage of Total Allowable Effort will then be monitored against expected usage. This would be determined using available data to compare the actual rate of uptake in any year against that which is seen within the fishery generally. Where the TAE is being used at a rate faster than predicted, The Authority would look implement measures to slow the rate.

In the first instance, The Authority would suspend the issuing of further permits for the remainder of the permit year. The Authority would then limit permitted fishing trips per fortnight to slow uptake further.

Crucially, the Authority would maintain dialogue with permit holders to ensure that they are aware of the state of the fishery so that they could adjust behaviours accordingly.

Ensuring that the Authority has the data required to manage the fishery in this way is crucial. Without sufficient data on which to base the threshold model, the fishery risks early closure by virtue of the Authority having to apply a precautionary approach.

It is the experience of officers that compliance with completion of returns forms within the shrimp fishery is poor. So as to provide further deterrent against non-compliance, it is proposed that a permit conditions is introduced which prohibits fishing under the permit where fishers are more than a month in arrears.

- **Longer term vision**

Planned reduction in impact per vessel

Noting that the objective of these measures is essentially to limit the amount of interaction between fishing gear and the seabed (rather than simply fishing effort), other factors need to be taken into account.

For example, even where the number of fishing trips remain the same, increases in the width of fishing gear (and therefore the area of impact) will increase the level of interaction and potentially impact of the fishery.

Changes in gear design and vessel capability are however less likely to change over a short time period given the level of investment needed to make such changes.

Therefore, Officers propose a longer-term vision for the fishery which would seek to activity reduce the level of interaction per vessel over time. The effect would be a larger buffer for annual variations in fishing effort and, the fishery will potentially have greater capacity to enable additional entrants without the risk of fishery closures.

It is proposed that Officers develop a longer-term vision for the fishery which would also take into account shrimp sustainability considerations as that workstream progresses. Two long-term objectives have initially been identified and further engagement with shrimp permits holders will identify further opportunities:

- The maximum width of shrimp beam trawls will reduce toward the current average of 6.5m (per side);
- The maximum weight of shrimp beam trawls will reduce towards the current average of 600 kg (per side).

Where monitoring indicates behaviours are not in keeping with the long-term vision of the fishery, the Authority may seek to implement regulations which do achieve the long-term vision of the fishery.

To effectively monitor any changes in gear design, officers propose that all shrimp fishing gear must be inspected by Eastern IFCA officers and certification issued which shows that the fishing gear is compliant with relevant fisheries legislation. Such certification will identify a size and weight of the gear also and would be invalid if the gear was modified. This will prevent any 'technology creep' which would have the effect of increasing the level of impact.

Incorporating best practice into regulation as necessary

Given the sensitivity and importance of habitats within the Wash and North Norfolk Coast MPA, encouraging best practice is important to minimise impacts and a sustainable fishery. To this end, officers intend to develop a code of best practise in collaboration with the industry. This will be partly informed by the industry led Marine Stewardship Council accreditation bid.

It is intended that a code of best practice is added to and refined over time, taking into account modern practices. This code would also set expectations as to the long-term direction of travel and, through monitoring, the Authority would determine if any elements of the code should be written into regulation to require best practice.

It is intended that such a code would be continually updated as informed by examples in other fishers and the views of the industry.

Officers also propose to set up an experienced crew and skipper register. This will facilitate fishers to evidence their experience in fishing for shrimp within the MPA and could be linked to the code of best practice with perspective crew / skippers evidencing fishing practices in line with the code of best practice.

Impacts on fishing livelihoods

Impacts of each element of the permit conditions are considered in Table 1 below.

N.B. permit conditions which have already been agreed have not been reconsidered in this impact assessment.

Permit Condition	Potential impacts
Requirement to complete returns	<p>There is a burden on permit holders or nominated representatives with regards to having to complete and return Eastern IFCA return forms particularly in the context of having to complete separate forms for the Marine Management Organisation (MMO) with similar information.</p> <p>It is worth noting that feedback has been received in this regard resultant of the Shrimp Permit Byelaw 2018 formal QA. MMO have initially advised that Eastern IFCA should not duplicate the requirement for fishing information as this is not in keeping with Better Regulation Framework²⁰.</p> <p>Ultimately, Eastern IFCA will require more detailed information than is presently required under MMO requirements. Eastern IFCA's approach is reliant on obtaining the fisheries data, without which there is the potential for adverse effects on site integrity of the MPA.</p> <p>In addition, the requirement will potentially be short-lived given that the Inshore Vessel Monitoring System (I-VMS) project will be rolling out nationally over the coming years. I-VMS will potentially remove the need fishers to complete any forms.</p> <p>The economic impact of this measure cannot be monetised, but it is likely that the scale of the impact is minimal and providing such information will ultimately benefit the industry in enabling the Authority to manage the fishery adaptively.</p> <p>Fishers are prohibited from fishing for shrimps if return forms are more than one month in arrears. This will likely impact on individual fishers, however, the level and scale of impact cannot be monetised.</p>
Fishing effort restrictions – limit effort to 6 trips per fortnight	<p>Officers assessed data provided by shrimp processors from 2017 and 2018. This showed that the vast majority of fishing activity was at a rate of 6 trips per fortnight or less (Table 2).</p> <p>Ultimately, this would have seen the loss of 4 trips in total over the two years assessed. The economic impact of this limitation is calculated as less than 0.1% of the value of the fishery. This equates to less than £1,662 based on the average annual value of the fishery for the period 2010 to 2017 (inclusive).</p>

²⁰ <https://www.gov.uk/government/publications/better-regulation-framework>

	<p>This is considered negligible in scale. In addition, fishers can mitigate against this loss by fishing outside of the MPA as required.</p>
<p>Fishing effort restrictions – changes to fishing effort restrictions</p>	<p>Given that this measure is adaptive, monetised estimates of economic impact are difficult to estimate.</p> <p>Ultimately, if the Authority limits the number of trips per fortnight further, there may be a greater economic impact on fishing livelihoods. In the first instance, this will impact vessels which are operating at the maximum permitted fortnightly allowance. In addition, the level of impact will also depend on the extent of the effort reduction required. Given that the starting maximum allowance is permitted, impacts will increase by 1/6 for each incremental decrease for vessels which operate to the maximum level.</p> <p>However, the actual impact on fishing livelihoods is mitigated given that the intention is to utilise the entire TAE within a season. As such, impacts may only be shorter, given that over the course of the entire season, the same level of fishing effort has been permitted across the whole fleet.</p> <p>There may be impacts where the market demand for shrimp increases prices, but fishers are unable to increase in effort due to the effort limitations. This can however be mitigated by fishing outside of the MPA.</p> <p>The potential for economic impact is also mitigated by the timing of the ‘permit year’. Shrimp fishing effort varies throughout the year and generally starts to increase during August, peak during November and is lowest from February until the following August. The permit year is set as 1st August to 31st July to ensure that the highest proportion of fishing activity takes place early in the year when the most amount of the TAE is available.</p>
<p>Registration of fishing gear</p>	<p>No impacts are identified in relation to this permit condition.</p>
<p>Closure of the fishery on exhaustion of the TAC</p>	<p><i>A detailed analysis is set out in the Economic Impact Assessment for the Shrimp Permit Byelaw 2018²¹.</i></p> <p>In summary, there is the potential for economic impacts, particularly in relation to operating processor factories. Impacts</p>

²¹ http://www.eastern-ifca.gov.uk/wp-content/uploads/2018/11/Appendix_5_Shrimp_Permit_Byelaw_IA_ver4.pdf

	<p>on factory workers ancillary to the fishing activity have the potential to be impacted which is highlighted by concerns raised by industry.</p> <p>Ultimately, closures will be temporary and (until the following 1st August) and losses can to an extent be mitigated by via fishing outside of the MPA.</p>
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Table 1. showing shrimp fishing activity according to trips per month and trips per fortnight for the years 2017 and 2018. Row highlighted in green reflects proposed effort cap. Trips per fortnight is indicative only.

Trips per month (per fortnight)	2017			2018		
	Number of occasions a vessel operated at trips per month during the year	Percentage (%) of fishing trips	Cumulative percentage (%) of fishing trips	Number of occasions a vessel operated at trips per month during the year	Percentage (%) of fishing trips	Cumulative percentage (%) of fishing trips
1	36	2.8	2.8	29	2.4	2.4
2 (1)	34	5.2	8.0	21	3.5	5.9
3	32	7.4	15.4	14	3.5	9.3
4 (2)	24	7.4	22.8	30	9.9	19.2
5	15	5.8	28.6	21	8.7	27.9
6 (3)	30	13.9	42.4	33	16.3	44.2
7	28	15.1	57.5	26	15.0	59.2
8 (4)	18	11.1	68.6	27	17.8	77.0
9	20	13.9	82.4	9	6.7	83.7
10 (5)	17	13.1	95.5	8	6.6	90.3
11	4	3.4	98.9	5	4.5	94.8
12 (6)	0	0.0	98.9	2	2.0	96.8
13	0	0.0	98.9	3	3.2	100.0
14 (7)	1	1.1	100.0	0	0.0	100.0
15	0	0.0	100.0	0	0.0	100.0
16 (8)	0	0.0	100.0	0	0.0	100.0

Explanatory Note – This table is intended to show how common it is to fish a certain number of trips per fortnight. For example, in 2017, there were 30 separate occasions where a fisherman fished for shrimps 6 times per month (3 times per fortnight). This accounted for 13.9% of all fishing trips that year. Cumulatively, 42.4% of fishing activity in 2017 occurred at a level of 6 trips per month or less. Fishing at a level of 12 trips per month (6 trips per fortnight) or less accounted for almost all activity during 2017 and 2018; 98.9% and 96.8% respectively. The impact of capping fishing effort at 6 trips per fortnight is less than implied by these percentages. In 2017, on only one occasion did a fisherman fish more than 6 times per fortnight where 7 trips were undertaken. The level of impact in 2017 would therefore be only one lost trip.

Other options considered

1. Do nothing – The do-nothing option is not appropriate given the Authority’s legal obligation to ensure fishing activity does not adversely affect site integrity of the MPA.
2. Limit access to fishery and allocate effort to each permit – The alternative method for limiting effort would essentially see only those vessels activity fishing for shrimp, and with evidence of such, being permitted to continue fishing within the fishery.

Given that diversification is a mainstay of the inshore fishery, this has the potential to impact many different business models within the district. There are also larger economic impacts associated with this option. This method will likely result in latent capacity within the system which has been allocated out but not used. Economic impacts in this regard are set out in the detailed analysis is set out in the Economic Impact Assessment for the Shrimp Permit Byelaw 2018²².

In summary, given that the intention of the measures is to maintain the status quo, the scale of impacts on the industry are not considered to be a risk to business continuity.

Catchability of shrimp and its market value is known to vary annually and within a year. As such, capping effort may result in impacts in years where prices or productivity is low where a fisher would normally compensate by undertaking additional fishing trips, however these cannot be quantified.

There is a risk of impacts in the event the fishery closes temporarily as a result of exhausting the TAE and this primarily relates to employment related to the processing factories.

The potential impacts are considered to be of a lesser scale than those associated with either of the other options.

Next steps

The Shrimp Permit Byelaw 2018 requires that permit conditions are consulted on with potentially effected stakeholders and that the Authority takes this consultation into account along with the evidence supporting the need for such. It is proposed that, given the level of consultation which has preceded the development of these measures, the CEO is delegated authority to consider outputs from a formal

²² http://www.eastern-ifca.gov.uk/wp-content/uploads/2018/11/Appendix_5_Shrimp_Permit_Byelaw_IA_ver4.pdf

consultation on behalf of the Authority and make the final decision as to implementing the permit conditions.

Following the consultation, it is proposed that the CEO is delegated authority to implement the permit conditions having made amendments as considered necessary resultant of the consultation and further scrutiny by legal advisors.

In addition, to effectively manage the fishery adaptively, it is proposed that the CEO is delegated authority to set a TAE for the fishery and amend the permitted trips per fortnight as per the proposed permit condition.

It is worth noting that officers are presently in dialogue with MMO regarding the formal QA of the Shrimp Permit Byelaw 2018 and so the above proposed permit conditions cannot be implemented until the Secretary of State has confirmed the byelaw in any case.

Financial Implications

No financial implications are identified.

Legal Implications

There is an inherent risk of challenge in making any permit conditions and it is worth noting that the development of the shrimp permit scheme has been contentious. Officers are aware that a minority within the industry have sought to disrupt the consent of the Shrimp Permit Byelaw 2018 (the mechanism through which the present permit conditions would be implemented) by the Minister on the grounds that the proposed permit scheme would risk business continuity.

Officers recommend that the risk of successful legal challenge is mitigated given the level of consultation with industry and the detailed scrutiny of the impacts of the measures by officers.

Conclusion

The proposed measures reflect our legislative duties to protect site integrity of the Wash and North Norfolk Coast Marine Protected Area and address the key concerns of the industry.

The most recent consultation has highlighted a degree of polarisation within the industry but there seems to be a greater degree of consensus than there had been previously.

Whether or not access to the fishery should be limited is, from the perspective of the industry, the most important element of the permit scheme. Officers recommend that not limiting access to the fishery is most in keeping with industry preference and is likely to be the least impactful and fairest model for managing shrimp fishing effort.

In addition to the initial measures which will limit levels of fishing effort, the Authority must also consider the potential for increase in impacts resultant of changes to fishing gear and vessel capacities. It is proposed that a long-term objective should

be that impact per vessel is reduced as a means of creating additional capacity within the fishery (allowing for new entrants and / or variations in annual fishing activity). It is proposed that a long-term vision for the fishery is determined with industry and Natural England and encompass stock sustainability matters and best practice. The fishery can be monitored against this vision and associated objectives to inform whether further regulatory interventions are needed.

It is recommended that this approach will enable the fishery to meet the conservation objectives of the MPA.

Appendices

Appendix 1 – Feedback from industry consultation

Appendix 2 – Shrimp permit scheme: effort limitation policy

Appendix 3 – Draft Category One Shrimp Permit: Flexible Permit Conditions

Background Documents

As per footnotes

Appendix 1 – feedback from industry consultation

Table 4 – Summary of feedback from industry representatives regarding a shrimp permit scheme and effort management within the Wash and North Norfolk Coast MPA.

Feedback theme	Details	Comments
Access to the fishery	<p>The key consideration of the consultation was whether to limit access to the fishery by introducing eligibility criteria (e.g. track record) or to maintain open access (status quo).</p> <p>Feedback was overwhelmingly in favour of avoiding a ‘closed shop’ based on track records of fishing for shrimps previously. Representatives highlighted the need for fishers to diversify into different fisheries and that the general trend has been for access to fisheries being removed. Representatives reported that other previously important fisheries had been the sole, sprat, herring and skate fisheries, access to which have been removed by virtue of Wash based fishermen having not landed these species for a period of time.</p> <p>In particular, fishers wanted to ensure that new entrants could enter the fishery with as few barriers as possible. This reflects a wider concern about an aging fishing population and lack of new fishers replacing those who retire.</p> <p>The counter view provided by a minority within the consultation was to the effect that full-time shrimp fishermen and processing factories are at risk as a result of not limiting access to the fishery. That is because any open system would rely on the fishery potentially closing when the ‘threshold’ for effort is reached and would allow for a large influx of fishers entering the fishery who had not previously.</p>	<p>This view reflects broadly what was determined as a result of the original consultations.</p> <p>The counter view to maintaining an open fishery is primarily borne of the concern that there will be a sudden increase in interest in the fishery from vessels which do not normally operate which would lead to early closure of the fishery. In general, representatives were of the view that the likelihood of an influx of new vessels was very low on the basis that such has not happened previously.</p> <p>In addition, concerns were raised regarding the impacts on fishers which rely on shrimp fishing throughout the year which will be greater than that of fishers who rely on shrimp to a lesser extent (i.e. as part of a range of fisheries).</p> <p>It is the view of the officers that there is no way to guarantee no closure of the fishery. Limiting access to the fishery will not necessarily prevent the fishery from closing if effort increases beyond the threshold. Even if access was limited and fishers were provided an individual allowance of fishing effort each, the fishery would effectively close for a period if fishing activities increased and this was used up prior to the end of the permit year.</p>
Minimising likelihood of fishery closure	Concern was raised that any closures to the fishery could have impacts on processor factories including on their employees (factory workers etc.). representation was made to the effect	The potential impacts of closing the fishery are presented in the associated impact assessment.

	<p>that the King's Lynn processors process shrimp catches constantly throughout the year and any break of longer than three weeks is unusual and unsustainable, potentially resulting in the laying off of factory workers.</p> <p>It is worth noting that some representatives did propose closure for certain periods to protect egg bearing shrimp or brood (juvenile shrimp).</p>	<p>It is worth noting that the available indicates that the shrimp fishery was inactive for long periods in 2015. During this time, very little shrimp fishing activity occurred between May and August although, this coincided with a very large cockle fishery which is generally prosecuted by fishers who also fish for shrimp.</p>
Best practice within the shrimp fishery	<p>Whilst the general consensus was to not limit access based on track record, concerns were raised about fishers entering the fishery with limited experience.</p> <p>The consultation highlighted the level of experience which is required to fish for shrimp effectively and particularly, knowledge of grounds and the most effective time to fish. There was a concern that fishers with less knowledge of the area could damage the habitats and fishery.</p> <p>Nomadic vessels were a particular concern with representatives highlighting that such generally operate larger vessels (higher risk of damage) and have less knowledge of the area.</p> <p>The consultation also highlighted the difficulties for evidencing best practice and experience within fisheries. It was suggested that Eastern IFCA could facilitate a crew / skipper experience log to help fishers maintain records to this effect.</p>	<p>The Wash Fishery Order 1992 operates a code of best practice which was developed collaboratively between industry, Eastern IFCA and Natural England. A similar approach may benefit to the fishery and monitoring of fishing practices and behaviours against the code could inform future requirements for additional management measures.</p> <p>Part of the code could be the requirement for all crew and skippers to register on a crew / skipper log administered by Eastern IFCA. This would provide fishers with a useful resource for example in seeking employment on a new vessel etc.</p>
Conflict with the Marine Stewardship Council accreditation of the fishery	<p>Accreditation is being sought by the industry to ensure continued access to international markets. Without accreditation, representatives generally highlighted a concern that without accreditation, the fishery may not be viable.</p> <p>Concern was raised regarding potential conflict with Eastern IFCA management measures and the accreditation.</p>	<p>Eastern IFCA has been in dialogue with the consultant in charge of developing the fisheries management plan for the shrimp fishing accreditation, Mr Paul Medley.</p> <p>Mr Medley was of the view that not limiting the number of permits issued would not adversely affect the fisheries management plan or the models used.</p>

	<p>Shrimp processors organisation ltd have commissioned the development of a fisheries management plan, to ensure the sustainability of the fishery in accordance with the MSC accreditation. A key element of this is the ‘cap on effort’ implemented through this plan which would see access to the fishery limited to a list of vessels produced by the shrimp processors. The concern being that, unless Eastern IFCA limited access in the same way, the fisheries management plan would be jeopardised.</p>	<p>Ultimately, the ‘effort cap’ proposed within the accreditation is a ‘capacity cap’ rather than a true effort limitation. It limits access to the fishery to a certain number of vessels but sets no restriction of the amount of fishing permissible by each vessel (i.e. each vessel could in theory go everyday of the year).</p> <p>It is likely that the effort limitation required by Eastern IFCA will be less than that required by the accreditation fisheries management plan and as such, will not conflict with the plan.</p>
Fairness	<p>An important element of the feedback from all representatives was ‘fairness’. Generally, there was concern about any measures which would be applied differently on the basis of track record. Rather, there was a preference to ensure that measures applied to all business models.</p> <p>There was a counterview in the minority that vessels which relay to a greater extent on shrimp fishing should be allocated additional effort to limit potential impacts on these business models.</p>	<p>Eastern IFCA, as a public authority, is duty bound to ensuring that a balanced approach is taken and that management measures do not favour a particular business model.</p> <p>Ultimately the proposed management measures will apply only within the MPA. Fishers more reliant on fishing for shrimp all year are more likely to be capable of fishing outside of the MPA as generally, they are larger more capable vessels.</p> <p>In addition, those which target shrimp all year are only as vulnerable to proposed measures as ‘pat-time’ shrimp fishermen as shrimp fishing will for them also represent a crucial proportion of income for that period of the year. Ultimately, the potential impacts of the measures will be proportionally equal across all business models.</p>

Appendix 2 – Shrimp permit scheme: effort limitation policy



Shrimp Permit Scheme: effort limitation policy

The following policy came into effect: xxxxxx

Introduction

Eastern IFCA manages shrimp fishing activity within the Wash and North Norfolk Coast Marine Protected Area (MPA)²³. Management measures are implemented to ensure that shrimp fishing activity does not impact on site integrity of the MPA or prevent the site's features from meeting their conservation objectives.

Shrimp fishing is typically undertaken using a shrimp beam trawl; a type of bottom towed gear specifically used to fish for shrimp. These are typically lighter than bottom towed gear used in fin fish fisheries and do not have 'tickler chains' which disturb fish (and sediment).

Eastern IFCA manages the shrimp fishing through the Shrimp permit Byelaw 2018. This byelaw enables Eastern IFCA to limit effort within the fishery to ensure that impacts on protected habitats within the MPA are mitigated as required.

Eastern IFCA's assessment of fishing activity within the MPA indicates that fishing activity must be limited to that which occurred during the ten years preceding the assessment (i.e. between 2006 and 2016).

What is meant by shrimp fishing effort?

In the context of this policy, shrimp fishing effort means the amount and degree of interaction between shrimp fishing gear and the seafloor within the Wash and North Norfolk Coast MPA.

²³ Wash and North Norfolk Coast Special Area of Conservation

This is determined by many factors including the level of activity (number of tows using shrimp beam trawls) and the size, weight and design of shrimp beam trawls.

What was the level of shrimp fishing activity between 2006 and 2016?

The level of shrimp fish effort is thought to have varied during this time.

Changes in effort in relation to the level of activity at sea can and does change rapidly and in response to a number of factors. For example, in response to changes in market demand and price for shrimp. It is relatively easy for fishermen to change fishing practices in this regard.

Alternatively, gear weight, size and designs are likely to change more gradually as a reflection of the investment required on behalf of fishermen. For example, replacing shrimp beam trawls with wider, heavier ones.

The number of participants also changes over time. Between 2010 and 2018 (inclusive), between 29 and 58 different vessels have prosecuted the shrimp fishery within the Eastern IFCA district on an annual basis. In addition, the capacity and capability of vessels operating within the fishery varies from vessels which will only operate over a single tide to those capable of fishing for 36 hours or more.

Changes in the number of vessels active within the fishery and their capability do not necessarily relate to changes in effort within the fishery. Changes in the make up the fleet operating within the fishery are also likely to change more gradually over time.

No effort limitations have existed within the fishery previously and there have been no access restrictions, save for those which operate under market forces and natural barriers to enter the fishery (such as requirement to invest in specialised equipment).

How will Eastern IFCA manage fishing effort within the Wash and North Norfolk Coast MPA?

Eastern IFCA consulted with industry over a number of years to determine the most effective and appropriate method for managing shrimp fishing effort within the MPA. Taking into account the outputs from the consultation and Eastern IFCA's duties²⁴, a set of principles were developed. The section below explains these principles and how Eastern IFCA will implement them as management measures:

²⁴ S.153 Marine and Coastal Access Act 2009

- **Fishing effort must not exceed that which has occurred over the past 10 years and this will take into account the variability of fishing activity over that period.**

This is derived from Eastern IFCA's legislative obligations²⁵ and as an output of the associated habitat regulation assessment²⁶.

This will be achieved by determining a Total Allowable Effort (TAE) for each year's fishery (which will be 1st August to 31st July each year). The TAE for each year will be set so as to achieving a to a three-year rolling average number of trips per year. The fishery will close once the TAE has been exhausted. By using a rolling average, the natural ebbs and flows of the fishery can be encompassed into the management of effort.

- **Minimise the likelihood of the fishery closing**

To minimise the likelihood of the fishery closing in any given year, Eastern IFCA will monitor usage of the TAE and implement fishery wide effort limitations within the MPA. This will initially result in the suspension of issuing further permits and reducing the number of permitted trips per fortnight. Fishing effort will be limited to slow the rate of fishing activity and reduce the likelihood of a complete closure within the MPA.

This will be achieved through the permit conditions associated with a Category One Shrimp Permit. Permit holders will be provided sufficient notice of amendments to the permitted number of fishing trips.

- **The shrimp fishery is accessible to enable diversification**

The ability to diversify into different fisheries is a mainstay of the inshore fishing industry. Over recent years however, increased levels of management on certain species have led to loss of access to several fisheries. With regards to shrimp fishermen of The Wash and north Norfolk Coast, this typically relates to loss of licences to fish for sole, sprat, herring and skate. In addition, there are increased barriers for new entrants into fisheries which are exacerbated by limiting access to further fisheries.

Whilst the Shrimp Permit Byelaw 2018 enables Eastern IFCA to limit the number of permits issued, Eastern IFCA can manage the fishing effort to meet conservation objectives of the MPA without limiting access to the fishery in the long-term. As such, Eastern IFCA intends to limit access to the fishery only when the required and only for a limited amount of time (at most until the end

²⁵ Under the Conservation of Habitats and Species Regulations 2017 (2017:1017)

²⁶ <https://www.eastern-ifca.gov.uk/habitats-regulations-assessment-impacts-shrimp-fishery-wash-north-norfolk-coast-special-area-conservation/>

of the permit year). Eastern IFCA does not intend to implement eligibility criteria which would limit access based on track record.

- **Longer-term direction of travel**

Changes in the amount of fishing activity can and do change rapidly and management measures mitigate this by capping the effort. However, other factors, such as fishing behaviours and gear design can change more slowly over time but also influence the level of impact on the MPA. As such, a longer-term vision for the fishery is proposed.

- *Planned reduction in impact per vessel*

The level of impact caused by the fishery is determined not only by the number of fishing trips but also by the extent and manner of the interaction between fishing gear and the seabed.

For example, the overall impact of shrimp fishing within the MPA would be halved if all fishing vessels reduced towing speed or the width of shrimp beam trawls by half.

As such, Eastern IFCA intends to **encourage reductions in fishing / seabed interaction** over time by influencing business decisions regarding replacement of fishing gears and fishing practices. This will have the effect of enabling further capacity within the fishery and provide room for new entrants to enter the fishery.

By providing a road map to the fishing industry which is intended to be achieved over a longer time period, the impacts on business models will be minimised.

Two long-term objectives have been identified and further engagement with shrimp permits holders will identify further opportunities:

- The width of shrimp beam trawls will reduce toward the current average of 6.5m (per beam);
- The weight of shrimp beam trawls will reduce towards the current average of 600 kg (per beam).

Where Eastern IFCA monitoring indicates behaviours not in keeping with the long-term vision of the fishery, Eastern IFCA may seek to implement regulations which do achieve the long-term vision of the fishery.

- *Incorporating best practice into regulation as necessary*

Given the sensitivity and importance of habitats within the Wash and North Norfolk Coast MPA, encouraging best practise is important to minimise impacts and a sustainable fishery. To this end, Eastern IFCA intends to develop a code of best practice in collaboration with the industry. This will be partly informed by the industry led Marine Stewardship Council accreditation bid.

It is intended that a code of best practice is added to and refined over time, taking into account modern practices. This code would also set expectations as to the long-term direction of travel and, through monitoring, Eastern IFCA would determine if any elements of the code should be written into regulation to require best practice.

It is intended that such a code would be continually updated as informed by examples in other fishers and the views of the industry.

Eastern IFCA intends to set up an experienced crew register. This will facilitate fishers to evidence their experience in fishing for shrimp within the MPA.

- **Fishing effort and fishing practices are well understood and monitored by Eastern IFCA**

The management of the fishery in accordance with these principles is reliant on Eastern IFCA's ability to effectively monitor the fishery within the MPA.

To this end, Eastern IFCA has implemented a permit condition with the effect of prohibiting fishing under the authority of a shrimp permit where shrimp return forms are more than a month in arrears.

In addition, all shrimp fishing gear must have an associated certificate of approval and changes fishing gear will require new certification. This will enable Eastern IFCA to monitor the fishery in the context of ensuring the long-term vision is achieved.

Fisheries Management Plan

The following measures are in place in order to ensure that fishing activity does have an adverse effect on site integrity of the MPA.

Management measures	Description
Access to the fishery – no limitations in permit allocation at outset.	Eastern IFCA will not limit permit allocation at the outset of each permit year (1 st August to 31 st July).
Preventing changes to fishing gears which would lead to increased impact on the MPA	<ul style="list-style-type: none"> • Prohibition on the use of tickler chains or other components which would have the effect of penetrating the sea bed. • Restricting the design of ‘try-nets’ • Gear Certification – all gear must be certificated by Eastern IFCA to be used in the fishery. Any modification of gear invalidates the certification.
Limiting the permitted number of trips per fortnight	Initially this will be limited to six (6) trips per fortnight per permit.
Setting Total Allowable Effort (TAE) within the fishery	This will be set on an annual basis and determined so as to achieve a three-year rolling average of fishing effort.
Limiting access to the fishery in response to higher than expected levels of effort	<p>Eastern IFCA will respond to activity levels which increase beyond that which is expected to reduce the likelihood of the TAE being exhausted.</p> <ul style="list-style-type: none"> • Suspend the issuing of permits temporarily – until end of permit year (31st July); • Reduce the permitted trips per fortnight per permit temporarily – until end of permit year (31st July). <p>N.B. Eastern IFCA would be able to restart issuing permits or increase permitted tides as necessary.</p>
Requirement to complete and return fisheries data forms	Permit condition which prohibits fishing for shrimp if return forms are more than one month in arrears.

Appendix 3 – Draft Category One Shrimp Permit: Flexible Permit Conditions



Eastern Inshore Fisheries and Conservation Authority

Shrimp Permit Byelaw 2018

Flexible Permit Conditions – Category One Permit

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

Permit conditions

Definitions

1. For the purpose of these permit conditions –
 - a. “shrimp fishing trip” means the time period that begins when a fishing vessel departs from a dock, berth, beach, seawall, ramp, or port to carry out shrimp fishing operations and that terminates with a return to a dock, berth, beach, seawall, ramp, or port;
 - b. “try net” means trawls deployed by hand from a vessel used to determine the presence or absence of shrimps.

Try-nets

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

Prohibited attachments

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

Guides, skids and shoes

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

Requirement to have a separator trawl or sorting grid

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

Requirement to complete returns

7. A person must not fish for shrimps under the authority of this permit if return forms, required under paragraph 21 of the Shrimp Permit Byelaw 2018 for this permit, are in more than one month of arrears.

Fishing effort restrictions

8. A person fishing for shrimps under the authority of this permit must not undertake more than the maximum number of shrimp fishing trips.
9. The maximum number of shrimp fishing trips is six trips per fortnight unless Eastern IFCA has issued notification that the maximum number of shrimp fishing trips has increased or decreased.
10. Eastern IFCA will provide notification referred to in permit condition 9:
 - a. in writing to permit holders and named representatives of permits;
 - b. with a minimum of two weeks' notice of the change in permitted trips taking effect.
11. Changes to the maximum number of permitted trips will have effect for specified periods and for no longer than the 1st of August following such notification.

Registration of fishing gear

12. A person must not fish for shrimps under the authority of this permit using fishing gear unless:
 - a. a 'certificate of gear approval' has been issued by Eastern IFCA for that shrimp fishing gear; and
 - b. a tag provided by Eastern IFCA is affixed to the gear with a reference number which is associated with the 'certificate of approval'.
13. For the purpose of this permit condition, a 'certificate of gear approval';
 - a. will only be issued if the shrimp fishing gear has been inspected by an Eastern IFCA Officer and meets the requirements of the conditions of this permit;
 - b. will be invalid if the shrimp fishing gear is modified in any way after the 'certificate of gear approval' has been issued;
 - c. will be valid for the period the associated permit is valid.

Commencement date: xx/xx/xxxx

Latest review date: xx/xx/xxxx

Expiry date: n/a

I hereby certify that the above permit conditions were made by Eastern Inshore Fisheries and Conservation Authority at their meeting on the 30th January 2019.

The above eligibility criteria come into effect on xx xx xxxx

Julian Gregory

Chief Executive Officer

Eastern Inshore Fisheries and Conservation Authority

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

Vision

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



Action Item 13

37th Eastern Inshore Fisheries and Conservation Authority Meeting

11th September 2019

Report by: J. Gregory, Chief Executive Officer

Quarterly Progress Against Business Plan Priorities 2019-20

Purpose of report

The purpose of this report is to update members on progress against the objectives established in the Business plan as priorities for 2019-20.

Recommendations

Members are recommended to:

- **Note** the contents of this report

Background

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

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

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

At the Planning and Communications Sub-Committee held on 13th March 2019 priorities for 2019/20 as set out in the 5-year Business Plan were agreed.

Report

The tables at the Appendix detail the progress against the key priorities for 2019-20, as set in the Business plan for 2019-24.

Background documents

Eastern Inshore Fisheries and Conservation Authority Business Plan 2019-24.

Appendices

1. Report on priorities set for 2019-20

APPENDIX 1

Eastern Inshore Fisheries and Conservation Authority

11th September 2019Quarterly Progress against Annual Priorities – Quarter 1

5 key priorities are established for 2019-20.

Financial Year 2019-20		
Priorities 2019-20	Progress	Comment
<p>1. To ensure that the conservation objectives of Marine Protected Areas in the district are furthered by:</p> <p>a) Development of management measures for ‘red-risk’ gear/feature interactions in the Inner Dowsing, Race Bank and North Ridge SCI, and the Haisborough, Hammond & Winterton SCI.</p> <p>b) Assessing the impact of fishing activities on the Cromer Shoal Chalk Beds (MCZ) and delivering management measures (if required).</p> <p>c) Development of priority Monitoring and Control plans as identified by the strategic assessment.</p>		<p>1a. Ongoing. <i>Haisborough, Hammond & Winterton</i>: Management for red risk feature (spatial restriction on towed demersal fisheries) agreed by Authority at 36th Eastern IFCA meeting. Public consultation completed. Byelaw to be submitted for Defra sign-off. <i>Inner Dowsing, Race Bank & North Ridge</i>: Work started to examine <i>Sabellaria</i> feature evidence to inform development of management measures. Informal engagement materials in development. Ongoing liaison with Natural England. Intention to propose measures for Authority consideration at 38th Eastern IFCA meeting (December 2019).</p> <p>1b. Ongoing. <i>Towed demersal fisheries</i>: Management (spatial restriction) agreed by Authority at 36th Eastern IFCA meeting. Public consultation completed. Byelaw to be submitted for Defra sign-off. <i>Potting fisheries</i>: Further evidence being gathered to inform assessment. Stakeholder dialogue ongoing: potting fisheries consultation launched, and meetings held July 2019, and support agreed for Natural England dive survey planned for August 2019.</p>

d) Completion of amber/green gear/feature interactions. Development of management measures where required.

1c. **Ongoing.** Monitoring and control plans drafted for dredge fisheries. Hypothetical monitoring and control plan submitted to Natural England for feedback. Plans in development in relation to lining fisheries and shrimp trawling. Work undertaken (July/August 2019) to identify shrimp fishing effort threshold will inform shrimp permit byelaw and monitoring and control plan.

1.d. **Ongoing.** - Overview of “revised approach” assessments is in progress, to ensure all interactions have been duly assessed.

Shrimp permit byelaw: The byelaw was submitted to MMO for formal QA following further amendments as agreed at the 36th Eastern IFCA meeting. Officers are presently in dialogue with MMO regarding the byelaw. No major concerns have been identified so far although some amendments to its wording are likely.

Officers have also consulted further with the shrimp fishing industry regards the development of a shrimp permit scheme, the focus being on how to effectively manage fishing effort within the Wash and North Norfolk Coast MPA. Proposals in that regard are presented at this meeting (Action Item 12).

Assessments started for later-designated sites within (or straddling) EIFCA district: Greater Wash SPA and extension of Outer Thames Estuary SPA. Fishing activity information gathered. Gap analysis drafted. Assessment for Outer Thames Estuary SPA extension to proceed; Natural England have advised to delay Greater Wash SPA assessment pending feature survey planned for winter 2019/20. Defra guidance has been sought on approach for assessment and management of fishing in the (very extensive) Southern North Sea SAC.

<p>2. To ensure that sea fisheries resources are exploited sustainably and in accordance with MSFD requirements:</p> <p>a) Development of management measures in relation to shrimp fisheries sustainability.</p> <p>b) Development of management measures in relation to crab and lobster fisheries sustainability</p>		<p>2a. Ongoing – The industry is seeking Marine Stewardship Council (MSC) accreditation for the brown shrimp fishery. As this assessment will include both the sustainability of the fishery and impacts on other non-target species and conservation features, EIFCA have been liaising closely with the process to determine whether there will be synergy between the industry’s proposed management measures and those required to manage our own conservation and sustainability drivers. The MSC accredited consultancy assessing the accreditation bid highlighted 8 Conditions that would need satisfying with action plans for the bid to be successful. EIFCA have assisted the industry to develop these action plans, which have now been submitted. The final report is now undergoing public consultation and formal peer review, which will determine whether the bid has been successful or not.</p> <p>2b. Ongoing – Officers have launched an extensive informal consultation regarding the development of management measures for the crab and lobster fishery. The intention of the consultation, the initial closure of which is planned for October 2019, is to determine if a consensus can be found within industry regarding the most effective approach.</p> <p>Responses to the consultation have been steady but an initial workshop for North Norfolk Coast fishers was poorly attended.</p>
<p>3. To ensure that the marine environment is protected from the effect of exploitation by reviewing district wide biosecurity measures including management of invasive, non-native species by:</p>		<p>3a. Ongoing - Officers have developed a draft Wash Fishery Order Biosecurity Plan which focusses on risks associated with shellfish lays (aquaculture) within the Wash. This is in preparation for the annual audit of Eastern IFCA’s compliance with our Aquaculture Business Production Certification. Ultimately this will form part of the wider, district wide biosecurity plan.</p>

<p>a) Development of district wide biosecurity measures</p> <p>b) Implementation of WFO Shellfish Lay lease conditions</p>		<p>3b. Delayed – Officers have not progressed further the drafting of revised shellfish lay lease conditions. This work was initially outsourced but further work was required by officers to complete the drafting which has yet to be undertaken. This will include consultation with lay holders and the Crown Estate.</p>
<p>4. To develop management of the fisheries regulated under the WFO (regulated and several fishery):</p> <p>a) Continued development of WFO policies.</p> <p>b) Replacement of WFO 1992</p> <p>c) Implementation of proposed licence fees, fisheries management plan and Regulations.</p>		<p>4a. Ongoing – Formal consultation on new policies has been postponed on several occasions in favour of other, higher priority consultations. It is intended that a consultation is held to also inform replacement of the WFO which expires in Jan of 2023. The consultation is planned to start October of 2019.</p> <p>4b. Ongoing – Work to the compare the options of another Regulating Order or a Permit Byelaw is underway.</p> <p>4c. Ongoing – Officers have been in dialogue with Defra for a significant amount of time. Officers have submitted a further iteration of the WFO Regulations, addressing concerns raised by Defra and considered by members at the 36th Eastern IFCA meeting. Officers are yet to have received further feedback from Defra.</p> <p>Officers have completed the planned consultation on the revised Cockle Fisheries Management Plan and have present associated proposals at this meeting (Action Item 11).</p> <p>Officers intend to continue dialogue with Defra regarding the implementation of the ‘new’ model as agreed at the 35th Eastern IFCA meeting towards 50% cost recovery of the cost to Eastern IFCA for managing the WFO.</p>

<p>5. Obtaining better fisheries data: a) Implementation of I-VMS for all fisheries</p>		<p>Ongoing - Delays in the national roll out of I-VMS will ultimately lead to delays in the roll out within the Eastern IFCA district. As a result of national delays in the workstream, Eastern IFCA have not been able to undertake the planned pathfinder project to require I-VMS within the Wash and North Norfolk Coast ahead of the national roll-out. It is worth noting that whilst there have been delays in the national project, the planned deadline for the completion of the roll out has not been delayed.</p> <p>Officers have contributed to the national project via the stakeholder group and policy sub-group.</p>
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Key:

	Complete
	In progress
	No progress

Vision

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



Information Item 14b

Eastern Inshore Fisheries and Conservation Authority Meeting

11 September 2019

North Norfolk Seaweed Farm

Report by: Samantha Hormbrey, MSO

Purpose of Report

Eastern IFCA was invited to comment on a Marine Licence application received by the Marine Management Organisation (MMO) for a proposed nearshore seaweed farm off the North Norfolk Coast. The purpose of this report is to inform Authority members of the proposal, the response provided to MMO and to provide background for further discussion in the meeting.

Recommendations

It is recommended that members:

- **Note** the contents of this paper

Background

Sustainable Seaweed Ltd have submitted an application with the MMO for a large-scale commercial seaweed farm off the North Norfolk Coast, located approximately 10km north of Wells-next-the-Sea and within the 6nm limit. The applicants propose to cultivate a variety of native red and brown seaweed species using textile mats moored to the seabed and suspended below the ocean surface. Two species of red seaweeds will be grown between May and August and harvested monthly and two species of brown seaweed will be grown from September to April and harvested once in April. The proposal details a phased development of the farm over a period of 5 years starting with an initial pilot site covering an area of 3ha but ultimately encompassing a significant area of ~14.5km². A chart showing the proposed development site is detailed in Appendix 1.

Report

As the proposed site lies almost entirely within the Eastern IFCA district (Appendix 1), it was considered appropriate that comment be made on the application. Officers submitted a response to the MMO on the 14th August 2019 after reviewing a number of documents that detailed the scope of the project and provided background information (see background documents). As with all our consultation responses, the proposed development has been considered in line with the East Marine Plan policies

and the IFCA vision to “manage a sustainable marine environment and inshore fisheries”. The full response is detailed in Appendix 2.

Whilst we acknowledge the potential benefits of the proposed seaweed farm to the local economy, there are significant concerns regarding the potential impact on the local fishing industry. The proposed site lies within important crab, lobster and whelk potting grounds and at full scale, would permanently exclude these activities from a significant area off the North Norfolk Coast. Comments have been made in the response to advise the applicant of these concerns and request further liaison with the fishing industry to assess the full extent of impacts on the potting fleet.

Other concerns that have been raised in the response include the potential for such a large structure to be abandoned if the project unexpectedly ceases operations. This is the first large-scale seaweed farm to be proposed in the UK, so there are concerns surrounding its economic viability. Because of this, there are also considerable uncertainties around the impacts of the farm on habitats and species that utilise the area, including important fish and shellfish resources.

The decision whether or not to license the proposed seaweed farm will be made by the MMO following consideration of consultation feedback.

Financial Implications

This is an information paper about a consultation; there are no associated financial implications for Eastern IFCA.

Legal Implications

No legal implications for Eastern IFCA are foreseen in relation to this paper.

Appendices

Appendix 1: Chart

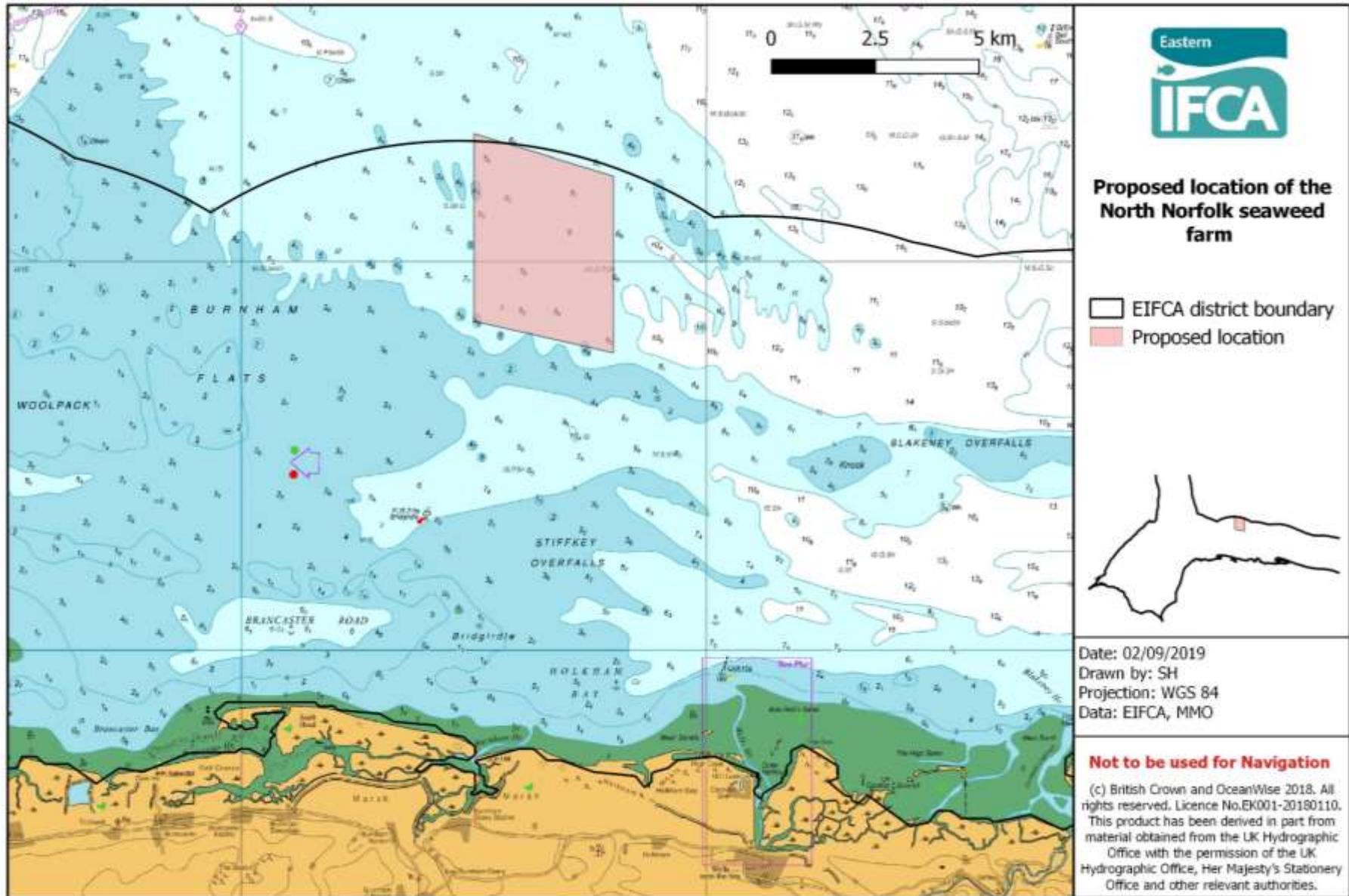
Appendix 2: Eastern IFCA consultation response

Background Documents

- ABPmer, 2019. AtSea Seaweed Field Norfolk: Navigational risk assessment.
- Marine Licence Application form: MLA/2018/00437
- Capuzzo, E. and McKie, T., 2016. Seaweed in the UK and abroad – status, products, limitations gaps and CEFAS role. Cefas contract report FC0021
- Ellis, J.R., Milligan, S.P., Readdy, L., Taylor, N. and Brown, M.J. 2012. Spawning and nursery grounds of selected fish species in UK waters. Sci. Ser. Tech. Rep., Cefas Lowestoft, 147: 56pp
- MMO, 2018. Marine Information System. Available online: <http://defra.maps.arcgis.com/apps/webappviewer/index.html?id=3dc94e81a22e41a6ace0bd327af4f346> [accessed 06/08/2019].

- Norfolk Water Framework Directive Impact Assessment
- Sustainable seaweed LTD, 2019. Proposed North Norfolk Seaweed Farm Scoping Document.
- Water Framework Directive assessment: scoping template for activities in estuarine and coastal waters
- Wood, D., Capuzzo, E., Kirby, D., Mooney-McAuley, K. & Kerrison, P. (2017). UK macroalgae aquaculture: What are the key environmental and licensing considerations? *Mar. Policy*. 83: 29–39

Appendix 1: Chart showing location of the proposed seaweed farm



Appendix 2 – Eastern IFCA Consultation Response

MMO Coordinator: Duncan Currie
03 September 2019
Your Ref: MLA/2018/00437
Our Ref: 2019_07_26-76
Returned by MMO response system

Dear Mr Currie,

Application: Nearshore Seaweed Cultivation of Native Species

1.1 Role of the Eastern Inshore Fisheries and Conservation Authority (Eastern IFCA)

The role of the Eastern IFCA is “to lead, champion and manage a sustainable marine environment and inshore fisheries” within our district, which extends from the Humber to Harwich, and six nautical miles out to sea. As the proposed seaweed farm lies almost entirely within the Eastern IFCA district, it is considered appropriate for Eastern IFCA to provide comment on the application.

1.2 Use of the relevant marine plan

In all consultation responses, the Authority assesses applications (and pre-applications) according to the Eastern IFCA vision and adherence of those same applications with policies detailed in the relevant marine plan, as directed under section 58(1) of the Marine and Coastal Access Act 2009.

The plans relevant to the Authority’s district are the East Inshore and East Offshore Marine Plans. We consider whether proposed developments will have a positive, negative or negligible effect on plan policies related to the IFCA vision to “manage a sustainable marine environment and inshore fisheries”. These considerations also enable the IFCA to provide advice in relation to the need to protect the environment, the need to protect human health and the need to prevent interference with other legitimate users of the sea.

2. Eastern IFCA response

The Authority has reviewed the application for the seaweed farm off the North Norfolk Coast and acknowledge that the MMO have requested Eastern IFCA to review and provide comment. The authority considers the following policies to be relevant to the application:

Policy	Policy detail	Relevance	EIFCA comment
EC2	Support proposals that create employment at all skill levels, particularly where these benefits have the potential to meet employment needs in localities close to the marine plan areas.	The farm plans to create employment and hire locally for all aspects of our activities ranging from cultivation; monitoring; harvesting and processing. This will be across a variety of skill levels, including hiring from and taking consulting services from the local fishing community.	EIFCA support proposals that benefit the local economy.
ECO 1	Cumulative impacts affecting the ecosystem and adjacent areas (marine, terrestrial) should be addressed in decision-making and plan implementation.	There is the potential for in-combination effects from adjacent activities, such as windfarms, to have cumulative impacts on the ecosystem but also on the fishing industry, particularly the potting industry.	The scoping report does not consider the impacts of the proposed farm in-combination with impacts from adjacent activities, and thus requires further consideration.
BIO 1	Appropriate weight should be attached to biodiversity taking account of the best available evidence, including on habitats and species that are protected or of conservation concern.	<p>There is potential for the farm to have adverse impacts on biodiversity and habitats within the development site. These include: disturbance from installation activities, provision of solid substrate habitat and temporary seaweed habitat, reduced primary production resultant from shading of the water column and benthic habitats, nutrient depletion of water, changes in hydrodynamics and sediment transport and by provision of 'stepping stones' for the spread of invasive, non-native species.</p> <p>Inshore habitats within the Southern North Sea, provide important habitats for a number of commercially important shellfish species and important spawning, nursery and feeding grounds for commercial fish species.</p>	<p>The scoping report identifies several of the potential impacts as negligible or minor at a small scale with uncertainties surrounding the effects of the farm at its proposed full scale. As it appears that scale is the key factor when determining the effects of such a farm (Wood <i>et al.</i>, 2017), Eastern IFCA fully support the proposal to address these uncertainties through annual monitoring and assessment of the effects of the development on the ecosystem as the farm increases in size.</p> <p>The potential impacts of the development on commercially important fish and shellfish resources are not represented in section 6 of the scoping report and requires consideration.</p>
BIO 2	Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interests	The farm intends to provide ecological benefits such as: utilising surplus nutrients in the water, sequestering dissolved carbon dioxide and providing more diverse habitats for marine fish and invertebrate species	Benefits are likely to be temporary because of regular cultivation and should not be compared to those of a kelp forest which has developed over many years or decades allowing for established communities. Potential benefits should therefore be considered with caution.
MPA 1	Impacts on the overall Marine Protected Area network must be taken account of in strategic level	The site is located within the Greater Wash Special Protection Area (SPA) and adjacent to The Wash and North	Whilst consideration of MPA's in the area have been made in the scoping report, the assessment does not appear to have followed the Habitats Regulations

	measures and assessments, with due regard given to any current agreed advice on an ecologically coherent network	Norfolk Coast Special Area of Conservation (SAC) (~1.1km from site).	Assessment process and has not assessed activities in-combination with others in the area.
GOV 3	Displacement of other activities should be avoided, minimised or mitigated against.	The proposed site lies within important potting grounds, for crab, lobster and whelk, and will exclude these activities from an area of 14.5 km ² .	Further displacement of activities has the potential to result in increased gear conflict between fishers but also increased pressure on the environment.
FISH 1	Proposals should not prevent fishing activities or access to fishing grounds	A low level of shrimp beam trawling also occurs within the proposed development site. Effort limitation on The Wash and North Norfolk Coast shrimp fishery has the potential to displace effort into areas further offshore and increase effort in the proposed site. Displacement of fishing activities can result in increased fishing pressure in other areas and potentially displace activity into areas that have not previously been disturbed by such activity.	Potential impacts on the current and future fisheries must be identified and assessed through liaison with the fishing industry Section 4.33 of the scoping report does not include whelk as an important commercial species. The whelk potting fishery is an important and rapidly growing fishery within the Eastern IFCA district, particularly along the North Norfolk Coast and in the Wash. Whelk potting occurs within the proposed site for the seaweed farm and thus requires further consideration of impacts on the fishing industry but also on the species.
FISH 2	Proposals should not have an adverse effect on spawning and nursery grounds	Inshore habitats within the Southern North Sea, provide important fish spawning and nursery grounds to a variety of species, including commercially important species. The proposed site overlaps with high intensity nursery grounds for herring and low intensity spawning and/or nursery grounds for thornback ray, cod, whiting, sandeels, plaice and sole (Ellis <i>et al.</i> , 2012).	The potential impacts of the development on important fish spawning and nursery grounds has not been considered in section 6 of the scoping report. Eastern IFCA support the proposal to monitor changes in fish populations annually and assess effects throughout the scaling up of the farm.
AQ1	Proposals should not have adverse impacts on future aquaculture development by altering the seabed or water column in ways which would cause adverse impact to aquaculture productivity or potential	A number of areas within the East Marine Plan area have been identified as having optimum potential for aquaculture (MMO, 2018).	As there are uncertainties over the extent of effects that such a large-scale seaweed farm will have on the local ecosystem, consideration of this policy must be included when monitoring and assessing impacts.

3. Other comments

As seaweed cultivation is a new industry in the UK, there is uncertainty over the economic viability of the farm and a concern that if the project comes to the end of its life unexpectedly there may not be enough funds available for decommissioning of the structure, introducing potential for it to become abandoned and pose further adverse effects on the environment. We, therefore, request that funds are deposited in some form of bond prior to development, so that should commercial operation cease unexpectedly there is the ability for the installations to be removed.

Eastern IFCA request that the above comments, including those detailed in the table, are considered and addressed. We continually seek to improve how we respond to consultations, both in terms of efficiency and content. Therefore, if any of the points raised in this response are reflected in the outcome we would appreciate being informed.

Please do not hesitate to contact me should you have any queries on the above response.

Yours sincerely,



Samantha Hornbrey
Marine Science Officer
Eastern Inshore Fisheries and Conservation Authority

References

Ellis, J.R., Milligan, S.P., Readdy, L., Taylor, N. and Brown, M.J. 2012. Spawning and nursery grounds of selected fish species in UK waters. Sci. Ser. Tech. Rep., Cefas Lowestoft, 147: 56pp

MMO, 2018. Marine Information System. Available online: <http://defra.maps.arcgis.com/apps/webappviewer/index.html?id=3dc94e81a22e41a6ace0bd327af4f346> [accessed 06/08/2019].

Wood, D., Capuzzo, E., Kirby, D., Mooney-McAuley, K. & Kerrison, P. (2017). UK macroalgae aquaculture: What are the key environmental and licensing considerations? Mar. Policy. 83: 29–39

Vision

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Information Item 14c

37th Eastern Inshore Fisheries and Conservation Authority meeting

11 September 2019

Report by: Julian Gregory, CEO / Dr Bolt

Association of IFCA Minutes

Purpose of report

The purpose of this paper update members on the Association of IFCA quarterly meeting held on 4th June 2019.

Recommendations

Members are asked to:

- **Note** the content of the report and the minutes of the AIFCA meeting held on 4th June 2019.

Background

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

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

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

Report

A quarterly meeting of the member's forum was held on 4th June 2019 and a copy of the draft minutes can be found at Appendix A.

Appendices

Appendix A – Unconfirmed minutes of the meeting of the Association of IFCA held on 4th June 2019

Appendix A

The Association of IFCA's
Members Forum Meeting
4th June 2019 – 10:30
Followed by Directors Meeting

Fishmongers Hall, London, London Bridge, EC4R 9EL

Attendance for the Meeting:

Chair: Tony Tomlinson

CEO: Stephen Bolt

Attendance: Andy Guy, Tim Dapling, Mike Hardy, Paul Williams, Robert Clark, Samantha Davis, David McCandless, Paul Skinner, Les Weller, Stephen Atkins

Minutes: Sally Standring

Apologies for absence: Councillor Chris Matthews, Will Wright, Julian Gregory, Tom Hopper, Stewart Harper, John Lamb, John Humphreys, Stephen Axford

TT formally welcomed PS as the new Chairman of EIFCA and wanted to give congratulations to JL for becoming Mayor of Southend. He also wanted to extend his appreciation and thanks to LW for standing in as Chairman at the last members meeting in TT's absence.

1. Minutes of the last meeting (5th March 2019) – taken as read

a. Matters arising

SB's note of EU Exit

SB confirmed that SR19, the comprehensive spending review, is likely to be delayed with the change of Prime Minister and the cabinet. The probability of 2020/21 budget will be a one-year budget possibly with a simple roll over of our new burdens funding with a comprehensive funding review likely to follow once the new government has been formed. We have supplied Defra with matrix and narrative and have submitted a bid to increase from £3m to £6m. If we receive £4/5m that will be an appreciated improvement. SB also confirmed that Defra will be testing the no deal readiness prepared for 31st March between now and October and strengthening plans.

MH asked if any one had met the new fisheries minister as NIFCA is planning the naming ceremony for it's new Cabin Rib in late July and plan to invite the Minister. DM confirmed that the Minister is already known to him / NEIFCA. In the meantime, SB is happy to arrange a meeting with Michael Gove.

Discussions followed regarding new burdens. TD voiced his concerns as he said that in the new burdens narrative it said in 2020 it may come to an end. SB suggested TD makes this point to Sylvia Blake from Defra, however, SB said in every new burden spending review, Ministers have always put this as a red risk. It had been suggested at this time it may need AIFCA to obtain a legal opinion of where we are with this issue, but TT suggested we take it one step at a time.

3. Finance & Resources

SB has prepared the end of year accounts and has estimated a £34k overspend which includes the rising costs of venues and travel and subsistence. The accounts are now with the accountants for which they have prepared a final draft. When SB has received them, he will send to the Directors for sign off. Paul Williams (PW) has offered to look at the accounts on behalf of the Directors. SB confirmed that he has asked for confirmation from the accountant as to how to roll over money, received from Defra – circa £20k for various projects. TD has suggested that we add income as well as expenditure to the finance and resources report, and add the total spent. He said we could try and separate it out with specific projects for exceptional items. All agreed this would be more helpful. **Action 1: SS to liaise with Paul Williams in order to make the finance and resources report more specific for the Members and Directors.**

4.

a. Election of Chair and Vice Chair

Nominations for Chair and Vice Chair were received. Nominations for Tony Tomlinson (TT) to continue as chair were unanimous. Nominations received for Les Weller (LW) to continue as Vice Chair were also unanimous. LW wanted it noted that, although he's very happy to continue as Vice Chair, this may very well be his final year and quite possibly TT's too due to the MMO 10-year issue. SB asked all members to let him know how many people they will lose through the 10-year issue. **Action 2: All to liaise with SB on how many people will be affected by the MMO's 10-year issue.**

2.

b. Defra Update – Martina Di Fonza

Updates on Defra structures and roles

- Sylvia Blake is the new IFCA relationship manager, Natalie Bown is leading on SR19, Martina Di Fonza is working on both of these projects.

SR19 updates

- There is no formal commission from HM Treasury to instigate the spending review (SR). Defra is agreeing priorities and themes for the SR.
- Timing on when the SR will be commissioned, and length of the spending period remains uncertain; we are planning for a commission for completion over the summer.
- Internal commissions have been initiated for Capital spend and Resource spend.
- Marine and Fisheries have identified spending proposal themes such as 'Future Funding', 'Science and Monitoring', and 'Control and Enforcement'. IFCA funding is an element of Domestic Fisheries Management. Martina will further investigate under which themes the IFCAs will be assessed in SR19.
- A spending proposal for IFCA funding will be developed, drawing on useful information previously received and considering the Public Value Framework set out in the Barber Review.
- Treasury narrative remains strong on 'find efficiencies and expect to reduce budgets' and a narrative about Reform is beginning to gain significant ground. This is particularly important for functions repatriated from the EU – how will these be undertaken more efficiently and innovatively to reduce financial burdens.
- All cases for investment will need to be very strong on benefits to business and society.

Marine updates

Third Tranche of Marine Conservation Zones Designated

Friday 31st May, Defra announced the designation of the third tranche of Marine Conservation Zones (MCZs). All 41 new sites and the addition of new features to 12 existing MCZs proposed during last summer's consultation are now designated. This third tranche builds on the 50 MCZs already in place and essentially completes our contribution to the ecologically coherent network of Marine Protected Areas in terms of species and habitat representation. In total we now have 175 Marine Protected Areas of different types, conserving 40% of English seas and providing vital protection for a diverse array of wildlife.

MPA project

Defra are pleased with the progress on this so far. We are aware that a project plan has now been developed and the AIFCA is considering how best to make the system adaptable

so that MMO byelaws and future management can be added later. Funding will be provided via Hampshire CC to support this year's work.

Marine Strategy consultation now live

On May 9th Defra launched a consultation on the updated UK Marine Strategy Part 1, which implements the UK Marine Strategy Regulations 2010. The consultation is seeking views on the UK's updated assessment of progress towards the achievement of Good Environmental Status for our seas. This is based on 60 indicators and sets out revised targets and indicators that England, Scotland, Wales and Northern Ireland will use over the next 6 years. The consultation is open on gov.uk until 20th June.

Defra commissioned evaluation of the IFCAs.

Fieldwork getting close to entering the final phase, including the four chosen IFCA districts. Defra has received interim results for the national level work encompassing all of the IFCAs, but we will wait for the final report before these results are shared. We have had many reports of people happy to be engaged in the evaluation, which is great to see. Project is on track to complete this summer so we are hopeful we will be able to report soon afterward.

Updates on the IFCA related Sis

Amendment to the North-Western IFCA and amendment to the Southern IFCA

Having worked to successfully lay a number of EU Exit statutory instruments, Defra are now looking more closely at the business-as-usual programme, including these minor amendments to two IFCA orders – one correcting an error in the coordinates of the NWIFCA and one updating local authorities associated with the Southern IFCA as a result of local government restructure.

Two separate statutory instruments with suggested laying dates of 17th September. Defra will be sending two separate consultation letters (to fulfill the statutory requirement to consult on any amendments to these Sis) in June. This will go to the stakeholders specified in the Marine and Coastal Access Act 2009. Statutory instruments are currently being drafted and will be attached alongside the consultation letter.

Amendments to the Sea Fishing (Enforcement) Regulations 2018

Defra are currently monitoring the ongoing suite of EU Regulations coming into force between now and Exit day, including the new Technical Conservation measures regime. Some of these Regulations have consequences for the UK's domestic legislation. Defra are

aware of the impacts of the new Technical Conservation Regulations on the UK's Sea Fishing (Enforcement) Regulations 2018, and the urgency of making the necessary amendments.

Defra have received legal analysis comparing the previous powers given to IFCOs with the powers contained in the new Technical Conservation Regulation. Defra legal is currently working through the analysis and regulations. It's looking likely that the EU's new measures will come into force in July.

Inshore Vessel Monitoring System (iVMS) progress

Defra ran a public consultation from 14th November 2018 to 14th February 2019. They received 181 responses to this consultation. A Government response to the consultation was published on 2nd April. Following the consultation, the MMO is changing the approach to the introduction of iVMS. The new procurement approach will not affect the project overall as implementation of iVMS nationally was not expected before 2021. An iVMS solution will still be offered free of charge, as originally planned. The policy has not changed but the timetable for introduction will change. Vessel owners and skippers will receive full details of the operational roll-out later this year. The Government's intention is to introduce the Statutory Instrument (SI) prior to the start of the operational roll-out of iVMS, and our indicative timescales are to do this in the Autumn of this year. The SI must undergo a scrutiny process which includes ministerial sign off and consideration by both Houses of Parliament before coming into law. The intent is to introduce the SI prior to the operational roll-out of an iVMS solution. This timescale is subject to change based on the scrutiny process and parliamentary business planning. The principle behind the introduction of iVMS remains the same; working with Defra, the MMO is committed to providing a more accurate picture of fishing location and activity, which will inform sustainable fisheries and support the viability of the fishing business in the future.

EU Exit Update

In the lead up to 31st October, Defra is continuing to make preparations for a range of possible outcomes for the UK's exit from the EU. This includes leaving without a deal on 31st October, as well as making longer term preparations for our departure after an implementation period which is due to end on 31st December 2020. Please refer to the gov.uk for guidance on what business need to do to prepare.

Discussions followed regarding Byelaws, IFCO powers and SI issues for which Martina answered as much as possible. TT has asked Martina for clarity on the structure of the Defra team. She will send an organigram.

2.

b. Elizabeth Daly – Risk and Policy Analysis – update on IFCA evaluation

Elizabeth ran through her presentation and confirmed that the structure of the final draft will go to Defra at the end of this week. She explained that the update on overall progress had been split into 3 parts; the scoping report included the four case studies. Stage 2 included high level evaluations, chief officers, staff and committee members, national stakeholders. The third stage included local level evaluations from local stakeholders. The draft final report will consist of Aims and Objectives, Report the findings, Lessons learnt and best practice and implications for the future. Whilst ED was discussing the implications for the future she did ask if anyone had any suggestions for change for the future to please let her know. SB has asked ED if AIFCA can have insight into the draft report where, hopefully we can input positively. ED will confirm that and let SB know. **Action 3: SS will send Elizabeth’s presentation to all members – done**

4. Matters for decision

B. Paper on the review of the Association

Due to JG being unable to attend the AIFCA meeting, a conference call was held with him in support of work that the Task Group has been involved with. Firstly, JG wanted to say that he is fully supportive of the recommendations as set out in SD’s report. He also confirmed that he understands SA’s point about the mission statement but suggested that the statement should be seen in the context that the AIFCA is not a separate autonomous body and that it actually comprises all of us and it clearly has a role in providing a focal point in dealing with national issues with our collective agreement. Whether particular issues are dealt with by the AIFCA, CEO or an IFCA officer doesn’t really matter, the point is that it is done on our collective behalf under the banner of AIFCA. It is important that Defra and other partners see that there is a central point and that we are able to reach consensus on national issues because they really don’t want to have to engage with 10 separate IFCAs. It was agreed to change the Mission Statement to; *‘The Association aims to actively represent the IFCAs perspective at a national level, communicate effectively and drive information both internally and externally, to help deliver collaboration with partner organisations and support it’s members to fulfil their statutory duties’.*

SD continued to go through the report which included high, medium and low-level priorities. Discussions followed with thanks going to the Task Group for their input into the review. LW wanted to thank D&S IFCA and in particular Mat Mander for his part in this review. He was a reluctant member of the Task Group, but has been extremely helpful with the review and D&S. Following the discussion and endorsement of the approach proposed, Task Group members will continue to use a mixture of teleconferences and face to face meetings to

drive forwards the next phase of the review. A further report will be presented to the AIFCA forum at its next quarterly meeting in September. An additional expenditure may be incurred if external advice for other work is required which cannot be completed by the task group. Recommendation was approved that any additional expenditure should be capped at £5k. RC proposed that the working group should proceed with the next phase of implementation. This was unanimously accepted.

5. Matters for noting

a. MPA project update

SB gave a brief update on the MPA project and confirmed that he has heard from Defra who are very happy with the project so far and is now awaiting confirmation that we can use £9k which is surplus from previous projects, for extra funding. The project aims to attend the next COG and TAG meetings to present developments on databases and request feedback alongside providing information on MPA assessments and case studies. Further work needs to be done but SB extended thanks to Jamie Small and RC. SD confirmed that she will support this and has suggested that this will be an option paper for COG in July.

b. National Training officer update

SB confirmed that the proposal is for Ian Jones to attend the next quarterly meeting in September so that a decision can be made on what we do with this project into 20/21. SB asked for this to be minuted that Ian Jones is doing a good job. LW also commented that this is a fantastic report and the AIFCA should seriously consider employing Ian on a full-time basis. MH also agreed that this position should certainly be made permanent. However, Paul Williams (PW) asked for confirmation as there is no item for pension costs. RC will investigate this issue. Questions on whether we extend or expand Ian's role were asked. There is an ongoing demand for his skills which would also increase our value with Defra. SB and MH will discuss further. SB will raise this with the training subgroup and report back. **Action 4: SB and MH will further discuss the national training officer role. SB will raise this with the training subgroup and report back.**

c. iVMS update

Martina gave a brief update from Defra. She confirmed that we are still working to the original timescale, however, JG is now not leading on this project.

d. CEO Meeting log

RC thanked SB for attending the NFFO meeting. There will be another chance to meet them again on 26th June. RC stated that the English Fisheries group was suggested at our last meeting and confirmed that this would be good for us to be seated at the table. RC Will look into this and report back. **Action 5: RC to investigate the request for AIFCA to be invited to the English Fisheries group and will report back.**

e. Directors minutes

All agreed the training plan – minutes approved.

6. AOB

a. Recreational Sea Angling National Strategy – Les Weller

LW confirmed that he is no longer a member of the Angling trust and said that Fish Legal are the people we need to be made aware of. LW explained that you join the Angling Trust and you have the option to become a member of Fish Legal, who are incredibly successful. Tom Sherwood from the Environment Agency sits on the National Angling Strategy Board and has asked the IFCA's to be involved. SB stated that we are going to be asked more about sea anglers, and it is prudent that we have a seat at the table. If it gets funded nationally it makes sense of us to be there. Adam Brown has asked if we will endorse or support this strategy. Discussions followed; some in support, some voicing concerns. RC said that he's happy in supporting this in principle, but it comes down to communication. DMC would like more information. All agreed that SB circulates the confidential information received from Tom and Adam and will make a decision over the next few days. **Action 6: SB to circulate the confidential information sent by Adam and Tom in order for IFCA's to make a decision.**

RC gave a brief outline of the meeting between himself and Martina regarding statutory instrument EC85098 which has been removed and replaced. A law which relates to the relevant sizes of recreational and sea angling. The EC85098 was going to be amended. The drafts that have been shared does not contain much text. However, at the beginning of May, they were supplied with an amended text and it was picked up in the first line that it repeals EC80598 rather than amends it; which means that in the next four weeks we might lose our powers again. RC continued to confirm that he has now received the latest version of the text and these regulations are very explicit in the sense that he could lose the power to enforce. Therefore, he has asked Martina to put this to the amending lawyers. In summary, in 2018 IFCA enforcement powers were to apply to all fishers. The suggestion has been to seek Defra review. TD suggested to do a draft letter between all CO's to agree to ask for Defra support. TT also said that the Association should delegate it through COG; build this into the letter that some IFCA's may have to go down the emergency byelaw route.

Action 7: RC to draft a letter and keep chiefs involved. SS will then circulate to chairs and chiefs.

Close of meeting 16:20

Date of next meeting – Tuesday 24th September 2019 – The Passage, St Vincent’s Centre, Carlisle Place, London SW1P 1NL

Actions from this meeting

Action Number	Action	By Whom
Action 1	SS to liaise with Paul Williams in order to make the finance and resources report more specific for the Members and Directors.	SS
Action 2	All to liaise with SB on how many people will be affected by the MMO’s 10-year issue.	All
Action 3	SS will send Elizabeth’s presentation to all members	SS - Done

Matters for noting

Action Number	Action	By Whom
Action 4	SB and MH will further discuss the national training officer role. SB will raise this with the training subgroup and report back.	SB/MH
Action 5	RC to investigate the request for AIFCA to be invited to the English Fisheries group and will report back.	RC
Action 6	SB to circulate the confidential information sent by Adam and Tom in	SB

	order for IFCAs to make a decision.	
Action 7	RC to draft a letter and keep chiefs involved. SS will then circulate to chairs and chiefs.	RC / SS

Vision

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



Information Item 15a

Eastern Inshore Fisheries and Conservation Authority Meeting

11 September 2019

Marine Protection Quarterly Report

Report by: Greg Brown – IFCO/Project Officer

Purpose of Report

To provide members with an overview of the work carried out by the Marine Protection team during the period April, May and June 2019.

Recommendations

It is recommended that members:

- **Note** the content of the report

Report

Enforcement and engagement priorities throughout district – overview

April

In April the main enforcement priorities were around completing commercial whelk, crab and lobster inspections throughout the district. The engagement priority for officers was the Wash restricted area byelaw and the marine protected areas byelaw as the formal consultation launched at the start of the month. Officers aimed to explain the consultations and encouraged impacted stakeholders to respond. In addition to this, officers deployed wearing body worn video cameras for the first time so spoke about how they would be worn and when they would be turned on. Routine engagement continued with regard to bass measures and EU exit.

May

The engagement priority through the month was the Wash Restricted Area permit byelaw and the Marine Protected Area 2019 byelaw formal consultations. The enforcement priority was crab and lobster inspections, various sea patrols, and whelk landing inspections. In the south of the district officers were also tasked with monitoring and inspecting those targeting bass.

June

In the Wash the enforcement priority was the Wash Fishery Order cockle fishery as this opened at the start of the month. Officers undertook sea patrols and landing inspections in Kings Lynn and Boston. With the formal consultations on the Wash

Restricted Area Permit Byelaw and the Marine Protected Areas byelaws finishing this month, officers started engaging with stakeholders around proposed crab and lobster measures. Conversations around management were in their infancy and throughout the month officers gauged industry preference and ideas.

Enforcement Outcomes (district wide)

Several Case files were completed for offences during the reporting period. Two of which have been referred for prosecution. One of these offences was in relation to fishing for whelks without a permit and using edible crab for bait. The other was for retaining bass under MCRS and breach of the fixed engine byelaw.

EMS monitoring

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

Protected feature	Restricted areas	Number of separate patrols where one or more restricted areas was visited
<i>Sabellaria spinulosa</i> (Ross Worm) Reef	A, B, C, D, E, F, G, H, I	15
Sub-tidal stony Reef	J	3
Eelgrass beds (North Norfolk Coast)	SH, EH, SF, BP, BC	3
Eelgrass beds (Humber)	K	1

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

Fishing Trends

April

The whelk fishery was relatively inactive throughout the month, all whelk landed came from outside the district and was often bycatch. Effort in the crab and lobster fishery increased throughout the month, the inshore fishery was exploited more frequently, there were reports of large catches of crab from the ranges area and good lobster from the offshore wrecks. Some trawling for fin fish occurred during the month but was found not to be commercially viable. Recreational anglers reported very low catches along the Lincolnshire coast, and that it has been hard to catch anything. Charter boats focused on fishing in the Humber.

May

The whelk fishery continued as it had in previous months, with very low activity, and catches primarily from bycatch. The crab season continued to be favourable, with catches reported as good, lobster numbers were low, but not unusually so for the time of the year. Recreational anglers reported the same as last month, with some catches of thornback ray and smoothhound.

June

There were no reports of whelk fishing within this part of the district. Crab fishing increased with good catches reported. Lobster catches remained stable and did not increase as would be expected for this time of year.

Metrics

Enforcement metric	Number completed
Shore Patrols	6
Port visits	15
Catch inspections (landings observed)	1
Catch Inspections (landing not observed)	1
Vehicle Inspections	0
Premises inspections	2
Enforcement actions/Offences	0
Intelligence reports submitted	4
Fishers engaged	16
Vessel Patrols	1
Boardings	0
Gear Inspections	0

Engagement/ key messages received

Finfish catches reported as poor, attempts made by commercial fishers to long line for cod, but currently unviable.

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

Fishing Trends

April

The whelk fishery performed well throughout the month, with fishers reporting that there was no noticeable drop in yield as expected and that the whelk continued to be a good size. There was very little appetite for shrimp fishing during the month due to a reportedly low market price. Some vessels in the area started to increase their effort in the crab and lobster fishery, with good landings reported. Recreational anglers reported good catches as the water temperature increased, with catches of bass, smoothhound, and thornback rays all reported. In the tidal rivers there were reports of flounder and dab being landed.

May

In May there was no noticeable drop in yield and whelk catches continued to be good. Those that targeted the mussel relaying fishery reported that it was a good fishery and the mussel fished well. Shrimp fishing activity remained low as it did last month. Crab and lobster fishing continued at higher than average levels during the month with catches reportedly good.

June

The whelk fishing started to tail off as expected, with numbers caught starting to reduce. There were very few reports of any commercial shrimp fishing, as has been the trend for the whole reporting period. The Wash Fishery Order Cockle fishery opened during the month and had a relatively slow start due to low densities on the

beds and a low yield. Some areas reportedly had a better yield, and these were favoured by fishers. There were some calls for a dredge fishery to be opened, but many said the fishery was still viable and wished to continue as it was.

Metrics

Enforcement metric	Number completed
Shore Patrols	22
Port visits	29
Catch inspections (landings observed)	106
Catch Inspections (landing not observed)	38
Vehicle Inspections	0
Premises inspections	1
Enforcement actions/Offences	2
Intelligence reports submitted	16
Fishers engaged	103
Vessel Patrols	20
Boardings	4
Gear Inspections	2

Engagement/ key messages received

The engagement in this area focused on the WFO cockle fishery with many concerned that it would be a poor or no cockle fishery for the year. They also indicated that the knock on effects from this would be greater due to limited opportunities in other fisheries. Many were surprised with the size of the TAC, other comments were received as follows;

- The fishery should be opened the 1st July every year
- The fishery needs to be opened later in the year
- A dredge fishery is needed this year
- Some fishers called for the fishery to be closed due to small cockles being landed
- Some were happy with the fishery and wished for it to remain open

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

Fishing Trends

April

Activity in the whelk fishery remained high during the month and did not drop off to the extent expected with no drop off in yield seen, where activity was reduced it was replaced by those targeting crab and lobster. Fishers reported a high amount of jacks (male crabs) in the water, with lots of small crab in the pots and catches of crab overall reported as being very good. Lobster catches were poor, but not unusually so for the time of year. Catches of bass were reported as low. Some good landings of herring from Caister fishermen were reported, although the price remained low.

May

Although there remained some effort in the whelk fishery, many said they were preparing to switch over as increased crab activity tends to reduce whelk catches. The crab fishery continued to perform well through the month with good quality and quantity being caught. Fishers reported that they were still mostly catching jacks (male crabs) with few females being caught. There were more reports that there are not a lot of lobster, with a lot of small and berried lobster coming up in pots. Fin fish catches were reported as poor, with some fishers reporting that this led to a bait shortage. Bass were an exception to this trend with good catches reported from the start of the month although catches reduced as the month went on.

Recreational anglers reported that there were a lot of small bass on the beaches, routine engagement with recreational anglers has shown that there are still those that are unfamiliar with the bass regulations and MCRS, many still do not carry fish rules and educational materials were well received by many.

June

Those fishing for whelks reported that this fishery really started to drop off this month with landings reduced, however broadly the effort stayed relatively high. There were various reports regarding the crab fishery, with generally most reporting that the fishery is going very well, but some saying it was average for the time of year. In the south of the area, there were reports of some herring being landed but decreasing in quantity.

Recreational anglers gave a mixed report in relation to their fishing with catches being variable week on week. There were some reports of mackerel being caught on the beaches and charter boats reported good catches and good sport fishing for Tope.

Metrics

Enforcement metric	Number completed
Shore Patrols	26
Port visits	90
Catch inspections (landings observed)	50
Catch Inspections (landing not observed)	21
Vehicle Inspections	0
Premises inspections	3
Enforcement actions/Offences	3
Intelligence reports submitted	16
Fishers engaged	137
Vessel Patrols	1
Boardings	0
Gear Inspections	0

Engagement/ key messages received

Much of the engagement in this area was around management measures for the crab and lobster fishery, of which the informal consultation began during the reporting period. A full report of comments will be published at a later date but the comments received by officers are set out below:

- Concern regarding the impact of escape gaps on fishing with regards to velvet crabs and the potential long-term impacts of not thinning out velvet stock
- There is too much latent effort occurring in the inshore potting fishery off the North Norfolk Coast.
- Current levels should be capped with people only allowed 1000 pots in the inshore areas to reduce pot densities.
- There are always going to be good years and bad years in the crab and lobster fishery and management measures will not change this
- Any form of management measures will not work it just transfers effort to different fisheries.
- Various discussions were had around changing the MCRS with some in favour and some not.
- There are too many people fishing for today and not for the future so management measures are required.

Fishers also wished to speak about the issues they were having with the current high numbers of seals in the area, with seals reportedly eating high amounts of bait from whelk pots and from nets. Several fishers wanted to talk about EU exit and how it will impact them. Officers offered advise and directed them to the relevant information online. During routine patrols recreational anglers reported that it was good to see Eastern IFCA patrolling the shingle beaches and educating and engaging with the recreational fishing sector.

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

Fishing Trends

April

The whelk fishery was very busy during April, with several vessels targeting this fishery both inshore and offshore, fishers reported that there is a lot competition for ground between the various whelk boats and that they were still receiving a good price per kilo. Various fishers have also indicated that they will be interested in working this fishery in the future.

Effort in the herring fishery reduced during the month, primarily due to price and due to reducing catches throughout the month. Commercial fishers reported that they are primarily targeting bass, with certain areas providing good catches, they also reported that some cod was being caught but in low numbers, as has been the trend for several years. Catches of sole were reported as poor throughout the month. Effort in the crab and lobster fishery increased through the month with more gear gradually put to sea and good catches of lobster reported although catches of crab were reported below average for the time of year.

Recreational fishers reported good catches from the beach with plenty of whiting and dog fish to be caught. Many of them were eager to catch bass and were looking forward to the opportunity to retain one a day this year.

May

There were limited reports in relation to the whelk fishery however several vessels were known to carry on working the fishery. Fishers reported that the catches of lobster continued to be good and catches of crab started to improve during the month. Fishers reported another good month of bass catches although these were slightly reduced with more smoothhounds moving in over the ground. Very low catches of cod were reported. Sole catches were good. High amounts of flounder and dabs were reportedly caught in certain areas.

June

Commercial fishing activity was reported as reduced during the month, primarily due to the larger bass reportedly moving offshore, leaving only the juveniles inshore and in the rivers. Catches of sole remained good, however potting for crab and lobster was reported as reduced, due to poor catches. Fishers reported large amounts of weed in the water which hampered those fishing with nets. Fishing for whelks remained good, with several remaining on the fishery throughout the month.

Metrics

Enforcement metric	Number completed
Shore Patrols	18
Port visits	48
Catch inspections (landings observed)	10
Catch Inspections (landing not observed)	43
Vehicle Inspections	1
Premises inspections	18
Enforcement actions/Offences	2
Intelligence reports submitted	48
Fishers engaged	92
Vessel Patrols	1
Boardings	1
Gear Inspections	1

Financial Implications

None

Legal Implications

None

Appendices

Not Applicable

Background Documents

Not Applicable

Vision

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



Information Item 15b

Eastern Inshore Fisheries and Conservation Authority Meeting

11 September 2019

Marine Science Quarterly Reports

Report by:

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Purpose of Report

The Authority runs a year-round programme of research projects, fishery assessment and development advice. This paper informs Members of key activities undertaken by the Authority's Marine Science team during the period April to July 2019, any issues that have arisen (through internal or external drivers), and an indication of up-coming developments that could require future actions.

Recommendations

It is recommended that members:

Note the contents of the report.

Background

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

Report

WFO cockle stock assessment

The annual Wash Fishery Order inter-tidal cockle surveys were conducted between March 20th and May 7th. During the course of these surveys, 1,028 stations from a total of 22 sands were sampled. This is fewer than the 1,250-1,300 stations that are usually sampled, mainly due to an agreed change in survey regime this year that saw the removal of the stations that had not contained any cockles during the previous ten years, and the re-aligning of 450 stations in the South West area of The Wash that had formally been sampled at a higher resolution to the rest of the beds. The strategic approach taken in removing or realigning these sites was done in such a way as to

have minimal impact on the fishery's TAC, while providing cost savings to the Authority and the licence holders. In addition to the planned reduction in the number of survey stations, approximately 80 more stations were left unsampled due to persistent periods of poor weather and/or vessel breakdowns, which had a significant impact on the surveys this year. When it was apparent that it wouldn't be possible to fully complete the surveys, these sites were selected from those that were either high on the sands or unlikely to support large densities of cockles, thus having a minimal impact on the size of the fishery. Although managed under a separate byelaw to the other stocks, this year's survey included 100 stations along the edge of the Ferrier sand.

The surveys found the cockle stocks had declined in biomass for the third successive year since their peak in 2016. These stocks were composed primarily of larger 2016 year-class cockles that had survived the previous fishery and year-0 juveniles that settled in 2018. Although distributed relatively thinly over a wide area, the biomass of larger cockles was still higher than average, contributing to a higher than expected TAC of 4,004 tonnes (plus 323 tonnes on the public areas of the Ferrier Sand). Irrespective of the size of the TAC, the sparse distribution of the larger cockles means they are harder to harvest than when present in higher density patches. This has subsequently been witnessed on the sands, with many fishers struggling to achieve their daily quota.

The survey found good concentrations of year-0 juvenile cockles on the Friskney sand. Because this area tends to support conditions that facilitate rapid cockle growth, it is planned to re-assess these stocks in August to determine if they have grown sufficiently to be opened to the fishery.

Horseshoe Point cockle stock assessment

Three small beds of cockles located on the south side of the Humber at Horseshoe Point and Grainsthorpe were surveyed on July 17th. These surveys found the stocks on these beds were predominantly scattered patches of juveniles from a settlement in 2018, with a size range between 7-12mm width. Mixed among these were low numbers of large cockles that were mainly from 2016 year-class. Because cockles harvested from this area are subject to a Minimum Landing Size (MLS) of approximately 16mm width, it is unlikely they will have grown sufficiently to be fished by the time the open season starts in September. Although it is possible that they may have grown sufficiently to support a small fishery before the open season closes in May 2020, there are several barriers that unless resolved would prevent this fishery from occurring. Access to the beds has historically been from the shore, but there are now issues from both landownership and conservation concerns associated with disturbing the marsh that need to be overcome before the fishery can be opened. Additionally, the area no longer has a shellfish harvesting water classification, without which shellfish stocks cannot be commercially harvested. East Lindsey District Council conducted a regular sampling regime for water classification purposes, but the absence of a viable fishery combined with the cost of maintaining the sampling regime, meant sampling was stopped in 2016. Regaining classification would require a full sanitary survey and ten samples to be collected a minimum of two weeks apart before commercial fishing could occur. Because of the costs involved with overcoming these barriers, fisheries are unlikely to recommence here unless they can offer substantial returns.

Horseshoe Point eelgrass (Zostera) monitoring

Historic evidence suggests the mud and sand flats on the south bank of the Humber around Horseshoe Point once supported significant beds of eelgrass (*Zostera spp*). Because eelgrass is a sub-feature of an Annex 1 habitat of the Humber Estuary SAC, the Authority regulates a 171 hectare fishery closed area at this site to protect the existing eelgrass and promote its recovery. Since 2011 the Authority has conducted annual site visits to monitor the eelgrass at this site, but during this period has only found a very small patch that appears to be declining in size. While surveying the cockle beds at Horseshoe Point on July 17th, the opportunity was taken to assess the eelgrass again. As has been the case in previous years, only a very small patch was found. The value of regulating such a large closure for a very small patch of eelgrass is currently being reviewed.

Brown shrimp fishery MSC accreditation

For several years the local fishing industry has been investing resources to get the Greater Wash brown shrimp fishery MSC certified. This has included them developing a fisheries management plan, a stock assessment model and harvest control rules to ensure the fishery is targeted sustainably. The Authority has its own drivers for introducing management into this fishery. These include mitigation arising from the Habitats Regulations Assessment (HRA) conducted for this fishery, which primarily focus on restricting the disturbance the fishing gear has on the conservation features, and also sustainability drivers arising from the Marine Strategy Framework Directive, which requires fisheries to be conducted sustainably. Because there is synergy between measures the industry will need to introduce to gain certification and our own drivers, the Authority has liaised closely with the industry to support their bid. In recent months we have contributed towards the development of their Client Action Plan, which aims to satisfy 8 conditions set on the accreditation, and a MoU with the industry, detailing further actions the industry and ourselves will conduct. The MSC accredited assessors, Lloyd's Register (formally Acoura Marine Ltd), are now satisfied everything is in place to be taken to peer review.

Investigating the occurrence of Mytilicola intestinalis and pea crabs in mussels in The Wash

Over the past two years 2,500 mussels have been sampled from The Wash mussel beds for incidence rates of two parasites (*M. intestinalis* and pea crabs). Sampling is now complete and the data is currently being analysed to determine any correlation between the presence of these two parasites and mussel mortality. While these species may have pathological significance to bivalves, it is important to note there is no associated risk to human health.

Initial results indicate *M. intestinalis* were recorded in mussels from all 17 beds studied. Incidence ranged from the parasite occurring in 28% of sampled mussels on the Toft to 71% on the East Gat. Parasite intensity (mean number of parasites per infected host) was also highest on the East Gat. Next steps for data analysis are to plot data geographically, compare incidence to mortality and identify potential environmental drivers of varying incidence rates.

Biosecurity

The 2014 Biosecurity Plan has been reviewed. A new biosecurity plan for The Wash has been drafted and will be passed by the Fish Health Inspectorate for comment in August. Following this we will begin drafting a district-wide plan. Recent work has brought increased understanding of the distribution of non-native species in the district, including the first confirmed sightings of Wireweed in Suffolk and a better understanding of distribution of slipper limpets around the coast.

Fishermen spent three days hand-working slipper limpets as part of a project aiming to reduce the impact of the species on native fisheries and ecosystems in The Wash. Over three tonnes of slipper limpets were removed. Despite best efforts, a substantial amount of slipper limpets remains in the area and we have been receiving increasing reports of slipper limpets on crabs and whelks landed elsewhere in the district. Efforts to remove slipper limpets from the area have now been put on hold while we review progress against project objectives and weigh up the project's costs and benefits. We intend to incorporate a survey of the area into the 2019 mussel surveys.

Operation Blake

Since EMFF funding was received in February, 22 backlog samples as well as 23 new samples have been sent to Cefas for testing for paralytic shellfish toxins (PST). Analysis of crab, whelk and shrimp samples using two chemical detection methods have shown no evidence for levels of PST that could cause intoxication in consumers. Alongside continued routine sampling, next steps for the project include holding a meeting to draft a contingency plan for a multi-agency response if high levels of PST were detected and continuation of Cefas work validating the toxin detection tests.

Study of The Wash Embayment, Environment and Productivity

This project monitors chlorophyll levels in the water and meat yields of mussels from three sample stations which are used as indicators to determine whether primary food availability in The Wash could be a limiting factor in shellfish growth and survival. This is important at times when high levels of mussels on the several fishery lays could have a deleterious impact on the food available for wild stocks. Mussels collected at the Thief, the Wreck and the Toft in The Wash have consistently had meat yields above minimum thresholds set out in the HRA for the lays. Data collected using a handheld multi-parameter sonde and an in-situ sonde have also indicated chlorophyll levels have also remained above minimum thresholds. These sondes have, however, been used intermittently in 2019 due to repair works and plans to replace the buoy used to house the in-situ sonde in The Wash. Eastern IFCA have worked with King's Lynn Conservancy Board to source and adapt a new buoy to house our in-situ YSI 6600 sonde. The buoy currently in the water requires servicing and will be replaced with the new buoy while this is carried out.

Finfish project

This long-term project involves gathering information from a variety of sources which includes a combination of fieldwork, assimilation of other available relevant data and by attending workshops and conferences. This helps us to inform local management decisions and to inform other partners and stakeholders. No finfish fieldwork has been conducted in the period April - July 2019, but officers have participated in a number of relevant regional and national meetings and workshops, as detailed below under "*Partnership work and stakeholder engagement*". These included events specific to particular fish species / groups of species (e.g. bass, skates and rays) as well as

events considering wider finfish issues such as power station sea water intakes, monitoring and assessment techniques, and planning for an event (Jan 2020) aimed at improving understanding of fisheries science and decision-making.

Habitat Mapping projects

Three habitat surveys were planned for the past quarter. These aimed to identify and chart the outer (seaward) edge of the “rugged chalk” feature in Cromer Shoal MCZ and to complete work already started to characterise “mixed sediment” areas off the North Norfolk Coast. Five of the seven days planned for these surveys were cancelled due to poor weather, but in the remaining two, an acoustic survey and ground-truthing of the rugged chalk features were completed. Subsequent analysis of the side scan data determined the location of the edges of the rugged chalk in the north of the site but failed to identify any to the south. Unfortunately, the failure of the GPS feed on the vessel means this data cannot be properly geo-referenced, so cannot be overlaid on charts. Loss of survey days meant it was not possible to conduct the sediment characterisation survey along the North Norfolk Coast, but this will be attempted at a later date.

A backlog of grab and video habitat data collected earlier in the year have now been subjected to initial processing in order to characterise the habitat at stations. The next stage will be to incorporate the data into overall habitat maps. Eastern IFCA officers have previously participated in a workshop to consider the best way forward for the collection and use of underwater imagery in connection with management of marine resources, and this has led to further teleconferences and communication in the period April – July 2019.

Whelk sustainability

Dissections of whelk have continued through the past quarter to help inform our knowledge of whelk Size of Maturity (SOM) in our district. These have been looking at samples from additional sites to those studied during the previous three years. EIFCA is also taking a lead role in the national Whelk Working Group, which has been set up to coordinate research studies into this species

Crab/lobster sustainability

Eastern IFCA stock assessments indicate that crab and lobster stocks are likely being exploited above Maximum Sustainable Yield (MSY), however stocks are not considered to be in imminent danger of collapse. A ‘menu of management measures’ was developed which would have a beneficial impact on crustacean stocks. Consultation with the industry began this quarter to establish if there is a consensus within the industry as to which management measures would be most effective at furthering the sustainability of the fishery. In July Eastern IFCA, supported by Agents of Change, held an industry meeting to generate discussions about the management measures, providing an opportunity to answer questions and allay initial concerns. Questionnaires will further support the process providing opportunity to gather views and evidence.

EHO water classification sampling

In order to maintain long-term water classifications a minimum of 10 monthly samples are required to be collected each year from each of the monitoring stations. We are currently on target to meet these requirements. None of the beds sampled have

exceeded the permitted thresholds for biotoxins, or E coli this quarter. All shellfish beds within the district remain as B-Long term (LT), with the exception of Welland Wall, a transitional bed. This bed is currently in its seasonal C classification meaning any shellfish fished for human consumption requires more thorough treatment, including longer depuration times. Eastern IFCA have created a 'quick access' table for stakeholders on their website (found within the publications tab under stakeholder information) providing an overview of current bed classifications within the district.

Environment

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

This work remains the key priority for the Marine Science team. It directly supports the fulfilment of obligations relating to marine protected areas and has been subject to strict timelines set out by Defra. The Authority's Business Plan sets out six priority marine protected area projects (see Table 1). During this quarter officers have focused on supporting the development of management measures for towed demersal fishing in two sites, Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ) and Haisborough, Hammond & Winterton Special Area of Conservation (SAC). Officers have also started to evaluate the feature evidence for the Inner Dowsing, Race Bank and North Ridge SAC. A gap analysis has been undertaken for three additional MPAs that were designated after the start of the Revised Approach: Greater Wash Special Protection Area (SPA), Outer Thames Estuary SPA extension areas, and Southern North Sea SAC. Furthermore, work has been undertaken to identify the appropriate threshold for effort in the Wash brown shrimp fishery, in order to apply the agreed mitigation to prevent adverse effect from this fishery on The Wash & North Norfolk Coast SAC (see Agenda Item 12).

Cromer Shoal Chalk Beds MCZ

The Authority agreed at the 36th Authority meeting in May 2019 to progress the Marine Protected Areas Byelaw 2019, which included new closed areas for towed demersal fishing in Cromer Shoal Chalk Beds MCZ. Marine Science officers provided the scientific rationale to support this decision, and assisted in developing materials for public consultation on the byelaw. This included production of an infographic²⁷ (see over) to advertise the consultation and raise awareness about the MCZ and Eastern IFCA's proposed management.

²⁷ Infographics are graphic visual representations of information, data or knowledge intended to present information quickly and clearly.

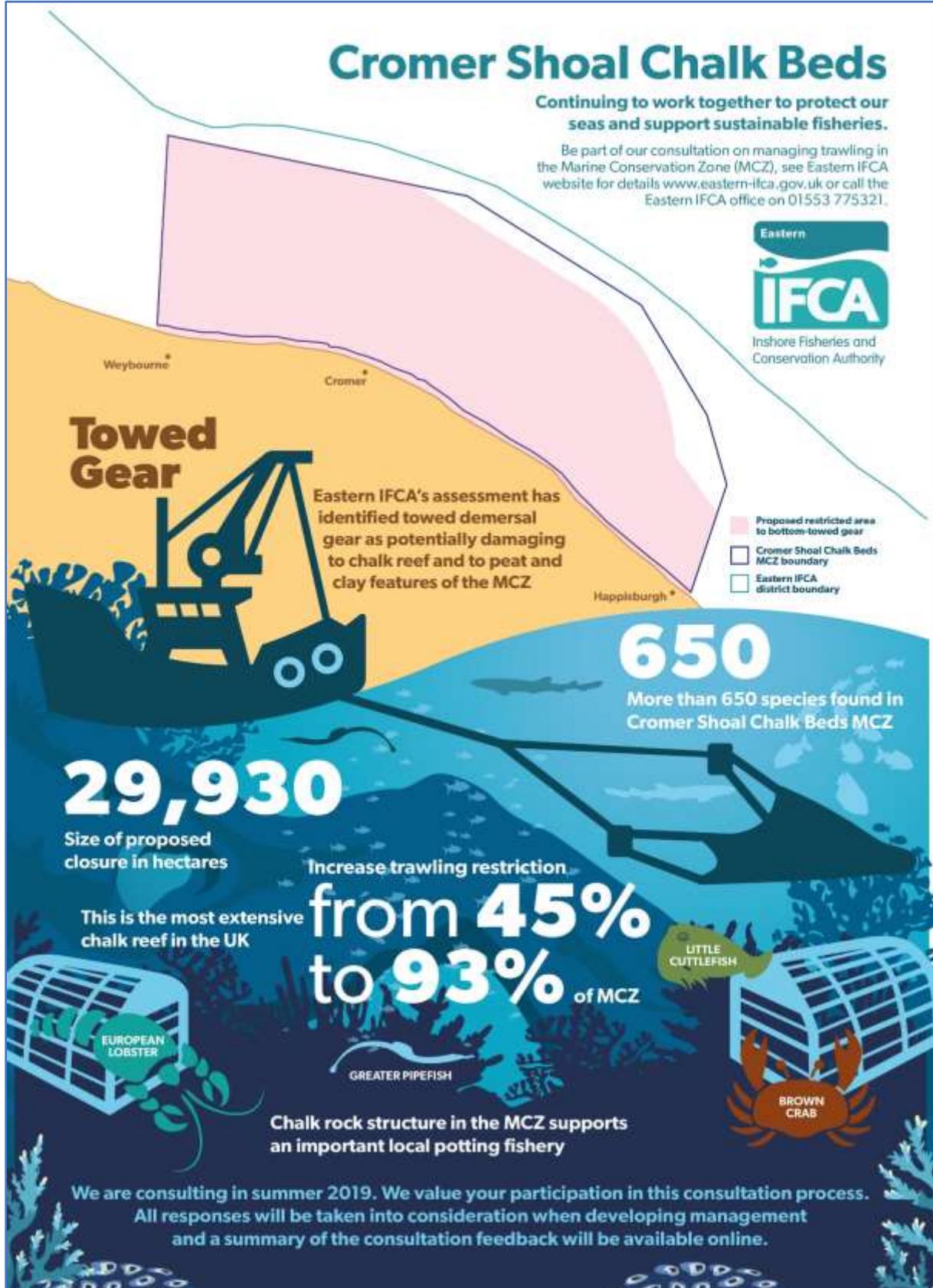
Cromer Shoal Chalk Beds

Continuing to work together to protect our seas and support sustainable fisheries.

Be part of our consultation on managing trawling in the Marine Conservation Zone (MCZ), see Eastern IFCA website for details www.eastern-ifca.gov.uk or call the Eastern IFCA office on 01553 775321.



Inshore Fisheries and Conservation Authority



Towed Gear

Eastern IFCA's assessment has identified towed demersal gear as potentially damaging to chalk reef and to peat and clay features of the MCZ

- Proposed restricted area to bottom-towed gear
- Cromer Shoal Chalk Beds MCZ boundary
- Eastern IFCA district boundary

650

More than 650 species found in Cromer Shoal Chalk Beds MCZ

29,930

Size of proposed closure in hectares

This is the most extensive chalk reef in the UK

Increase trawling restriction

from **45%** to **93%** of MCZ

EUROPEAN LOBSTER

GREATER PIPEFISH

LITTLE CUTTLEFISH

BROWN CRAB

Chalk rock structure in the MCZ supports an important local potting fishery

We are consulting in summer 2019. We value your participation in this consultation process. All responses will be taken into consideration when developing management and a summary of the consultation feedback will be available online.

Officers have focused on gathering evidence to be used to assess the impact of potting fisheries on the chalk feature of the site. This includes physical feature data and fishing activity data. A survey to investigate the distribution of rugged chalk within the MCZ was completed in April 2019, using *FPV Sebastian Terelinck* (see above). An extensive engagement exercise with potting fishery stakeholders has been launched by the Authority, to gather information on potting effort and location, as well as to invite views on management measures to protect crab and lobster stocks from over-exploitation. A questionnaire has been distributed and IFCO resource has been allocated to meet with stakeholders to assist with completing the questionnaire. A workshop was held in July 2019, organised by the Agents of Change project and co-planned with Natural England, to discuss management of the potting fishery, including in relation to the MCZ conservation objectives. The engagement drive will continue until October 2019.

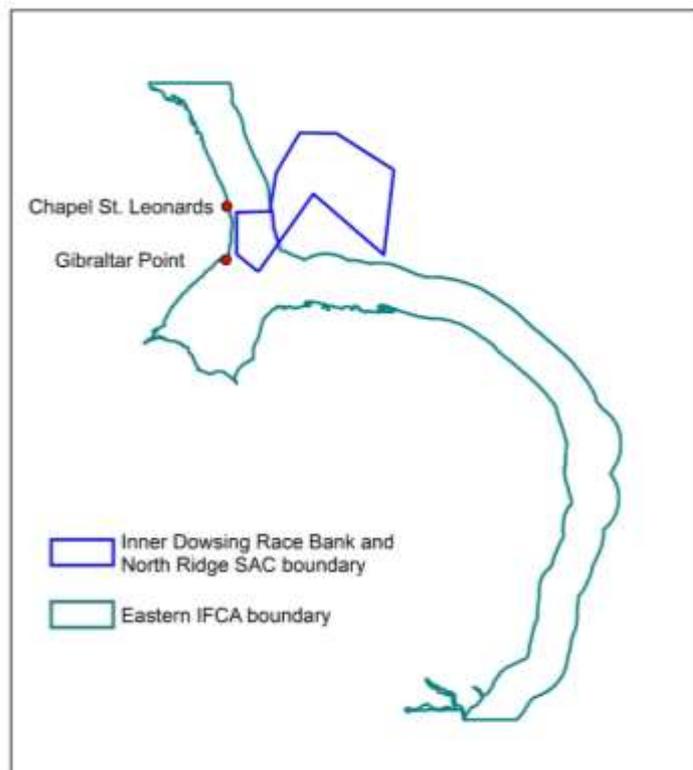
Haisborough, Hammond & Winterton SAC

The Marine Protected Areas Byelaw 2019, agreed by the Authority in May 2019, also includes management areas within the Haisborough, Hammond and Winterton (HHW) SAC. Marine Science officers provided the scientific rationale to support this decision, and assisted in developing materials for public consultation on the byelaw. The public consultation closed in late July; a single response was received, which was from the Wildlife Trusts. The response included queries about the selection of areas for management and buffer zones around these, and monitoring to assess the effectiveness of closed areas to protect sensitive habitats.

Inner Dowsing, Race Bank and North Ridge SAC

Inner Dowsing Race Bank and North Ridge (IDRBNR) was designated as a Special Area of Conservation (SAC) in September 2017, for Reefs and Sandbanks. IDRBNR is a straddling site; 17.5% (14,730 hectares) of which falls within Eastern IFCA's district, off the Lincolnshire coast. The only designated feature within this area is *Sabellaria* reef.

In line with Defra's revised approach to fisheries management within Marine Protected Areas (MPAs) ([here](#)), officers have reviewed:



- feature data provided by Natural England,
- external factors e.g. windfarm cable routes, and
- existing management

to identify proposed fishery management areas to protect of *Sabellaria spinulosa* reef from damage from bottom towed gear. More seabed habitat data are available for this site than for HHW SAC, partly because of Eastern IFCA (and predecessor ESFJC) sublittoral mussel surveys, and partly because of the complex of windfarms (Lynn, Inner Dowsing and Lincs) within this SAC.

Informal engagement with stakeholders is planned to commence in August 2019. Following informal consultation feedback, we will review the draft proposed closures before seeking internal agreement to progress the proposals. It is planned to discuss in detail the progress made at the next Fisheries & Conservation Working Group before presenting proposals to the Authority in December 2019.

Further details about the IDRB&NR SAC can be found at: <https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK0030370&SiteName=Inner%20Dowsing,%20Race%20Bank%20and%20North%20Ridge&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=> .

“Business as usual” Habitats Regulations assessments

In addition to the “Revised approach” work, during the quarter officers have undertaken a Habitats Regulations assessment (HRA) of the Wash Fishery Order (and Wash Restricted Area) cockle fishery. Eastern IFCA surveys indicated that there were sufficient stocks to support a fishery of 4,327 tonnes, which included 323 tonnes in the Wash Restricted Area. Natural England advised that the fishery (operated within the conditions set out in the assessment, including closed areas to protect juvenile cockles and haul-ed out harbour seals) would not have an adverse effect on site integrity. The cockle fishery opened in June 2019.

In July, fishery stakeholders requested the quota for the two areas be merged to enable more stock to be taken from the Wash Restricted Area (without affecting the overall quota). Officers considered this in relation to potential conservation impacts and identified no adverse effect. Natural England has advised that mitigation be put in place (local spatial closure) to minimise risk of disturbance to knot feeding or roosting close to the cockle beds on Ferrier Sand (i.e. within the Wash Restricted Areas). At time of writing, officers are continuing dialogue with Natural England in relation to this.

Table 1. Revised approach²⁸: progress of priority assessments and development of management

Site name	Interaction and matrix risk level	Assessment conclusion	Next steps
The Wash & North Norfolk Coast Special Area of Conservation	Beam trawling (shrimp)/subtidal sandbanks (subtidal mixed sediment and subtidal mud) Amber risk	Adverse effect cannot be confidently ruled out: mitigation required to reduce impact Research required to improve evidence around light beam trawl impacts	Mitigation in progress: <ul style="list-style-type: none"> • Marine Protected Areas Byelaw 2018 (areas closed to towed demersal gear to protect <i>Sabellaria</i> reef, subtidal stony reef, eelgrass beds, intertidal mussel beds, subtidal mixed sediment and subtidal mud) – in place. • Marine Protected Areas Byelaw 2019 (additional areas closed to towed demersal gear to protect subtidal mixed sediment and intertidal sand) – in process of Defra sign-off. • Shrimp Permit Byelaw (effort restriction, gear specification, vessel tracking device and catch returns requirement) – Byelaw in process of Defra sign-off; permit conditions under consideration in September 2019 Authority meeting). <p>Additional red risk features (circalittoral rock, intertidal <i>Sabellaria spinulosa</i> reef, intertidal rock) to be considered in future iterations of Marine Protected Areas Byelaw. Monitoring and Control Plan: initial plan drafted. Benthic monitoring plan to be developed (reliant on iVMS being in place).</p>
Haisborough, Hammond & Winterton Special	Towed demersal fisheries/ <i>Sabellaria spinulosa</i> reef	High-risk interaction (red risk on matrix) so no assessment required	Mitigation agreed: <ul style="list-style-type: none"> • Marine Protected Areas Byelaw 2019 – Agreed by Authority May 2019; public consultation complete July 2019; byelaw to be signed-off by Defra.

²⁸ Revised approach: assessment and management of commercial fisheries in Marine Protected Areas

Site name	Interaction and matrix risk level	Assessment conclusion	Next steps
Area of Conservation	Red risk		
Cromer Shoal Chalk Beds Marine Conservation Zone	All commercial fishing within site on all designated features All risk levels	Towed demersal gear to be excluded from subtidal chalk areas of site. Potting fishery requires further consideration.	Mitigation agreed for towed demersal gear: <ul style="list-style-type: none"> Marine Protected Areas Byelaw 2019 – Agreed by Authority May 2019; public consultation complete July 2019; byelaw to be signed-off by Defra. Assessment to be updated to include consideration of new evidence relating to potting and chalk feature. Mitigation for impacts of potting to be developed if found to be required. Eastern IFCA supporting Natural England survey examining chalk condition. EIFCA officers to continue to work with Agents of Change project to promote local benefits of Marine Conservation Zone designation.
Inner Dowsing, Race Bank & North Ridge Special Area of Conservation	Towed demersal fisheries/ <i>Sabellaria spinulosa</i> reef Red risk	High-risk interaction (red risk on matrix) so no assessment required	Agree updated core reef approach with NE - ongoing; Intention is to apply closed areas in future iteration of Marine Protected Areas byelaw. Work on this site to resume after management is progressed for Haisborough, Hammond & Winterton SAC (see above).

Partnership work and stakeholder engagement

Eastern IFCA officers continue to participate in a range of partnership and stakeholder groups. These enable sharing of information and identification of best practice, effective communication and information-gathering to inform assessments and support the development of appropriate management. Whilst all partnership working is important, significant focus is given to relationships with fishery stakeholders, Natural England and conservation NGOs.

In addition to the numerous meetings and communications which occur on a regular basis in connection with engaging with the full range of Eastern IFCA stakeholders, there have been the following specific activities:

- Active participation in a workshop in connection with the SUMARiS (Sustainable management of rays and skates) project 16th & 17th May. Details of the project can be found at <https://www.interreg2seas.eu/nl/sumaris>.
- Marine Technical Forum associated with the development of Sizewell C nuclear power station, including workshops on 1st & 2nd May, and 18th June. In addition, there has been extensive, and ongoing, correspondence on this matter.
- Cefas invited Eastern IFCA officers to discuss results to date and next steps for the C-BASS programme, in Lowestoft on 7th May.
- Healthy & Biologically Diverse Seas Evidence Group (HBDSEG) – an evidence group within the UK Marine Monitoring and Assessment Strategy community – Fish Biodiversity subgroup; initial remote conference event attended in early August.
- Eastern IFCA are to be active participants in the preparation and delivery of content at the “Introduction to Sustainable Fishing (ISF) event organised by Fishing into the Future and to take place in London in January 2020. Further information can be found at <https://www.fishingintothefuture.co.uk/>, and specific information on the ISF event at <https://www.fishingintothefuture.co.uk/course/isf2020/>. There has been extensive, and ongoing, correspondence and teleconferencing in connection with this.
- Participation in a ‘Values and Priorities’ workshop in connection with the Marine Pioneer programme, in Ipswich, Suffolk on 11 June.
- Participation in a "Participatory management in MPAs" workshop organised by JNCC, 13 June, in Norwich, Norfolk. This is one of a series of such events designed to deliver more effective and broad-based management of the MPA network, with a specific focus on finding ways to involve and empower local stakeholders.
- Attendance at the REACH (Restoring Estuarine and Coastal Habitats in the North East Atlantic) conference, 16 July, in London. Further details of this

event are at <https://ecsa.international/event/2019/restoring-estuarine-and-coastal-habitats-north-east-atlantic-reach-north-east-atlantic-0>

Appropriate records and notes of points of interest and relevance have been made and filed within the Eastern IFCA data storage system.

Eastern IFCA input to consultations on marine developments

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

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

In the period April to July 2019, the Eastern IFCA Marine Science team received 34 consultation requests. Figure 1 shows the categories of development or policy that these consultations fit within. Once again, consultations relating to offshore renewable energy featured heavily, reflecting the large number of offshore wind farms currently in the planning, construction or operational stages around the Eastern IFCA district.

Consultation example: Norfolk Vanguard and Boreas Offshore Windfarms

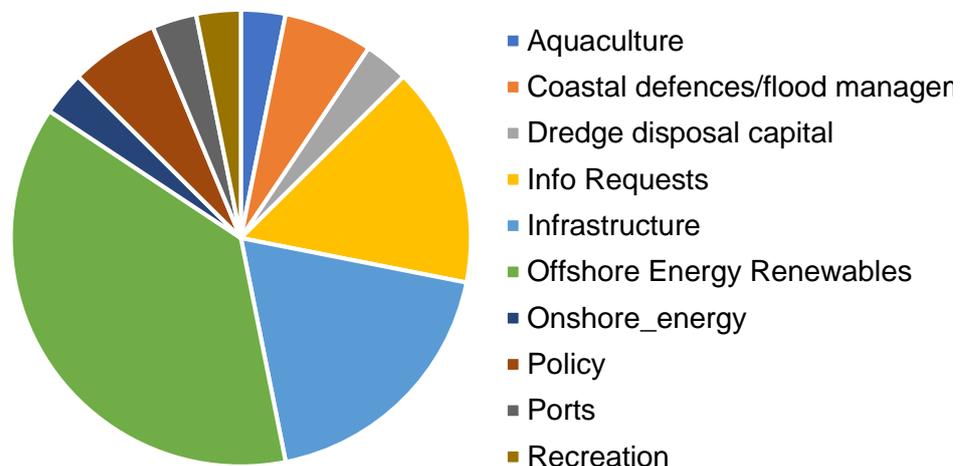


Figure 1 Eastern IFCA consultations by category, April to July 2019.

Between December 2018 and May 2019, Eastern IFCA officers have participated in the Planning Inspectorate examination for the proposed Norfolk Vanguard offshore windfarm. The windfarm's cable corridor will coincide with Restricted Area 36 of the Authority's Marine Protected Areas Byelaw 2019, which will be closed to bottom-towed gear to prevent damage to *Sabellaria* reef.

We have had productive discussions with the developer, Vattenfall, about the potential to microsite to the south of Restricted Area 36. While micrositing has not been guaranteed, we have discussed micrositing in relation to priority Areas to be Managed as Reef, the areas that underpin Restricted Area 36. Vattenfall have confirmed that if a route is not agreed with the MMO and Natural England, construction will not commence and alternatives will be considered. If no alternatives are agreed a Development Consent Order variation or Marine Licence application would be required. We are hopeful that this will encourage micrositing around our closure. We are now beginning consultation on Norfolk Vanguard’s sister project Norfolk Boreas, which will share Norfolk Vanguard’s cable corridor. During this process, we will continue to emphasise the need to avoid cabling through Restricted Area 36.

Derogations from Eastern IFCA byelaws

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

Between 1st April and the 31st July 2019, thirteen derogation requests were processed, however no new derogation were granted during this period. Four (previously authorised) derogations remain active (details in Table 3 below).

Table 3. Active Derogations

Applicant	Activity	Derogation Status
Eastern IFCA DERO_2018_11_21_135 DERO_2019_02_13_149 DERO_2019_02_28_150	Marine scientific research – To land undersize whelk for the purpose of establishing the size of sexual maturity of commercially exploited "stocklets" of the common whelk (<i>Buccinum undatum</i>) within the EIFCA district. Findings will provide evidence for the establishment of appropriate minimum landing sizes for this species which will be set as permit conditions under a permitting byelaw.	Granted x 3
CEFAS DERO_2019_02_05_141	Scientific beam trawl survey as part of an ICES co-ordinated research programme.	Granted

We continue to liaise with applicants including the FCO, Natural England and the Marine Management Organisation, to promote an effective and efficient process.

Publicity

Work of the Marine Science Team continues to be shared via the Authority’s website and increasingly through Social Media. Followers of EIFCA continue to grow and officers endeavour to keep material fresh to encourage people regularly check for updates.

Officers undertook a new approach to publicising a byelaw consultation with the creation of the Cromer Shoal Marine Conservation Zone infographic (see above); feedback has been very positive and officers are considering amending the poster for longer-term use to raise awareness about the MCZ and the potting fishery.

Financial Implications

This report is a summary of ongoing activities so has no financial implications.

Legal Implications

This report summarises ongoing work activities and does not have any legal implications. These would be highlighted in specific papers brought before the Authority if required.

Appendices

There are no appendices to this report

Background Documents

There are no background documents to this report