



38th 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: **38th Eastern IFCA Meeting**

Date: 11th December 2019

Time: 1030hrs

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

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 37th Eastern IFCA Meeting, held on 11th September 2019 – *Chair (pg1)*
- 5 Matters arising (including actions from previous meetings) – *Clerk*
- 6 To receive a report to consider Health and Safety risks and mitigation – *Hd Operations (pg12)*
- 7 Risk Register review – *CEO (pg20)*
- 8 Renaissance of East Anglian Fisheries (REAF) – *CEO / Jason Berry, Economic Development & Partnerships Manager, East Suffolk Council (pg31)*
- 9 To receive a report on the meeting of the Finance and HR sub-committee held on 5th November 2019 - *CEO / Hd Finance & HR (pg34)*
- 10 Budget and levies 2020-21 and Budget Forecast to 2025 – *Hd Finance & HR (pg37)*
- 11 Meeting Dates 2020-21 – *CEO (pg46)*
- 12 Minimum Sizes Byelaw 2019 – *Senior IFCO (Regulation) (pg50)*
- 13 Closed Area Byelaw 2020 – *Senior Marine Science Officer (Environment) (pg90)*
- 14 Wash Restricted Area Byelaw 2019 – *Senior IFCO (Regulation) (pg110)*
- 15 Wash Mussel Fisheries – *Senior IFCO (Regulation) (pg118)*

- 16 Quarterly progress against Business Plan priorities – *CEO*
(pg127)

Information items

- 17 CEO update – CEO
- a. Various (verbal)
 - b. Association of IFCA minutes (pg133)
- 18 Head of Operations update
- a. Marine Protection Quarterly report (pg142)
 - b. Marine Science Quarterly report (pg150)

Any other business

- 19 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
26th November 2019

37th 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 11th September 2019 at 1030 hours.

Members Present:

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 D Collis		Norfolk County Council
Cllr P Coupland		Lincolnshire County Council
Tania Davey		MMO Appointee
John Davies		MMO Appointee
Paul Garnett		MMO Appointee
Cllr T Goldson		Suffolk County Council
Paul Tyack		MMO Representative
Cllr M Vigo Di Gallodoro		Suffolk County Council
Stephen Williamson		MMO Appointee
Stephen Worrall		MMO Appointee

Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of Finance and HR
Jon Butler	Head of Operations
Luke Godwin	Senior IFCO - Regulation
Julian Gregory	Chief Executive Officer (CEO) &
Clerk	
Samantha Hormbrey	Marine Science Officer
Ron Jessop	Senior Marine Science Officer
Adele Powell	Project Co-ordinator - WNNMP
Judith Stoutt	Senior Marine Science Officer
Stephen Thompson	Marine Science Officer

Minute Taker:

Jodi Hammond

EIFCA19/43 Item 1: Welcome

In the absence of the Chair it fell to the Vice-Chair to welcome members to the meeting.

EIFCA19/44 Item 2: Apologies for Absence

Apologies for Absence were received from Cllr Skinner (LCC), Messrs Spray & Warner (MMO Appointees), Mr Hirst (EA) and Ms Moffat (NE).

EIFCA19/45 Item 3: Declarations of Members Interest

Members were reminded that those with a Declaration of Interest in a particular agenda item, would be able to contribute to discussion but not vote.

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

EIFCA19/46 Item 4: Minutes of the 36th EIFCA Meeting, held on 15th May 2019

The CEO advised that since the minutes had been circulated it had been felt necessary to make two small amendments. The first being to minute EIFCA19/33 to which a 'note' had been added to provide clarity, this read as follows:

Note

All Sabellaria reef does need to be protected, but Natural England advice had highlighted "areas to be managed as reef" which Eastern IFCA officers had scrutinised closely and sourced additional evidence. This resulted in agreement with Natural England that some of the original "areas to be managed as reef" did not in fact have sufficient supporting evidence. However, the areas proposed in the MPA Byelaw 2019 included all the reef areas that NE and EIFCA agreed required protection.

The second change was to minute 19/37 where reference had been made to mussels rather than cockles, consequently the word had been changed.

Taking these changes into account the members Resolved to accept the minutes as a true reflection of the meeting.

Proposed: Cllr Collis

Seconded: Mr Worrall

All agreed

EIFCA19/47 Item 5: Matters Arising

EIFCA19/28 REVIEW OF THE CONSTITUTION & STANDING ORDERS: Although agreement had been made to recruit an additional MMO Appointee to the Finance & HR sub-committee the actual appointment had not been made. Following discussion, it was Agreed to appoint Mr Williamson to the sub-committee.

EIFCA19/33 MPA BYELAW 2019: Following Mr Brewster's request for a chart showing all the activity going on in the Wash, Senior MSO Stoutt gave a presentation detailing all the activity within the district.

Members were advised that work on the Wash Restricted Area Byelaw and the Shrimp Permit Byelaw was ongoing.

EIFCA19/48 Item 6: Health & Safety Risks

The Head of Operations advised there had been four incidents during the quarter all of which had been addressed.

All staff would be attending a Health & Safety Workshop in November.

Whole Body Vibration at sea was also being reviewed

Members Agreed to note the report.

EIFCA19/49 Item 7: Meeting of the Finance & HR Sub-Committee held on 26th June 2019

Members were provided with a paper which outlined outcomes and discussions at the inaugural meeting of this revised sub-committee. There were no questions raised.

Members Agreed to note the report.

EIFCA19/50 Item 8: Cockle Fishery 2019

At the previous meeting the CEO had been delegated powers to manage the cockle fishery.

The opening of the cockle fishery followed a well-established process, which started with the annual cockle survey. The key stages of the process had been worked through the result being the management measures which had been put in place for the duration of the season. Members were also made aware that subsequent to the original decision to have separate TACs for the WRA fishery and the WFO fishery the two had been combined to allow smoother management.

Once the fishery was underway it became apparent small cockles were being landed, and with the realisation there was a market for these, vessels had been deliberately targeting smaller stocks, particularly on Gat Sand.

Industry members had been consulted regarding the future of the fishery, with the options of either opening or closing specific areas or closing the whole fishery.

Friskney Sand which had been closed as a whole at the start of the fishery was of particular interest with responses split 50/50 regarding opening specific areas of the bed.

The CEO felt that having taken all the received responses into account there was no benefit to closing the whole fishery but the opening of parts of Friskney required further information, so Officers would carry out a survey of the bed during the following week.

Members discussed in detail the pros and cons of landing small cockle and potential impacts this could have on the fishery. SMSO Jessop felt there was some merit in landing the smaller cockle as there was evidence of increasing spawning however, not all of these would survive so he believed it may be possible to facilitate a fishery of small cockles but there would be a need to be cautious of safeguards.

Mr Brewster referred to the 4,000t quota for the year and commented that probably little more than 1,000t had been landed but there were very few large cockles left, he was also concerned about the amount of ridging out likely to take place as a result of the small cockles growing, and the possibility of losing the ridged out cockles during the winter. As they currently had a good meat yield he felt it would be wrong to lose them.

Members considered the potential for loss of cockles, the impact taking smaller cockles may have on future fisheries and accepted the CEO's advice that once a further survey of Friskney Sand had been carried out a decision would be made regarding the opening of parts of the bed.

It was Agreed to note the content of the report.

EIFCA19/51 Item 9: Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw 2019

The CEO advised members that due to changes in EU Regulations some legislation was no longer applicable to Recreational Sea Anglers. As there was a significant take by RSA members of some of the main quota species the level was similar to some commercial fisheries. Whilst there should be further legislation introduced to address RSA landings the IFCAs took the view that in the meantime an emergency byelaw was needed to plug the gap. Northumberland IFCA, North Eastern IFCA, Kent & Essex IFCA and EIFCA had worked together to form an emergency byelaw which would cover the four districts. The CEO in conjunction with the Chair and Vice-Chair had made the Emergency Byelaw and submitted it to Defra. The Emergency Byelaw applied to species landed in the Eastern IFCA district during the last 10 years.

Work was ongoing with the four IFCAs to create a permanent byelaw to replace the Emergency Byelaw.

Members were advised the NFFO and Angling Trust had been consulted and had not raised any objections about the content of the byelaw.

The emergency byelaw was advertised via the website, Facebook, as well as officers going out and informing anglers. The Angling Trust had also informed all their members.

Members were advised the penalty for infringement could be a Fixed Admin Penalty of £500, each case would be decided on its merits.

Members Agreed to note the content of the report.

EIFCA19/52 Item 10: Annual Report 2018-2019

The CEO reminded members that EIFCA were mandated to produce and publish an Annual Report which must be sent to the Secretary of State, via Defra.

Members were provided with a draft copy and advised of some minor amendments which were required.

Members Resolved to Approve the Annual Report 2018-19, subject to the identified changes being made and to Direct the CEO to publish the report and distribute to Defra.

Proposed: Cllr Goldson

Seconded: Cllr Chenery of Horsbrugh

All Agreed

Dr Bolt left the meeting

EIFCA19/53 Item 11: WFO Cockle Fishery Management Plan

SMSO Jessop advised members the paper reflected two main workstreams, one of which was consideration of the fisheries management policies already in place, it was felt there should be separate Management Plans for cockles and mussels, as a result the WFO Cockle Fishery Management Plan had been written up and members were provided with a copy of the proposed Plan. In addition to this, investigation had also taken place into the risk association with a dredged cockle fishery, part of this investigation was consultation with relevant stakeholders to inform a final proposal for the Authority.

The consultation into the dredge fishery had been preceded by an Authority decision to only allow dredge fishing for cockles as a contingency measure, and a desk study into the effects of dredging.

Members discussed the outcome of the consultation in particular the use of a dredge fishery as a contingency. There was some thought that the timescale to get an HRA in place would mean such a fishery was not responsive enough to be effective, suggesting it would be best to no longer state that a dredge fishery could be a contingency fishery. The CEO did, however, believe there may be some merit to carrying out an economic assessment of the cockle fishery, which could be used to make informed decisions.

Mr Davies enquired whether it was possible for a small number of vessels to carry out a study of how dredge technology has moved on and provide an assessment of the effect new technology may have on the sands. It was felt for such a study to be effective it would need to be a full-scale fishery in order for the full effects to

be known, which would be a major piece of work. Cllr Coupland acknowledged it would be a large piece of work but felt the Authority should be making an effort for the industry not standing in their way. The CEO suggested the first step should be completing an economic assessment after which some form of trial could be added to the Business Plan.

Members spent time discussing the logistics of a dredging trial and potential beds which could be used, as it was felt a dredge fishery should not take place on the same beds as a handwork fishery.

Having discussed the dredge fishery there was a call to amend the wording of the final recommendation to take into account a dredging trial.

Members Resolved to Revise the recommendation to “Agree that an economic assessment of the WFO 1992 cockle fishery should be undertake to inform future management decision, including consideration of a study on dredge fishing methodology and its impacts, to be factored in to the Authority’s business planning process.”

Proposed: Mr Worrall

Seconded: Mr Davies

6 votes in favour, 0 against

SMSO Jessop went on to explain the rationale for amending the management policy in place for the cockle and mussel fisheries. The current suite of measures had been agreed by the Authority, Natural England and the Industry and had proved invaluable in enabling the opening of fisheries. However, the current policies did not take account of the A-typical mortality in cockles which had been present since 2008. With this in mind it was suggested that a 25 year HRA for the cockle fishery as well as monitoring and control plans should form the management of the cockle fishery.

The proposal had raised two concerns, one regarding buffer zones around mussel beds closed to handwork fisheries and the second referred to protecting Autumn spatfall by requesting all catches would need to be riddled or caught using rake and hand nets.

Members Resolved to:

- **Note the content of the papers and results of the consultation**
- **Note that contingency dredge fisheries were 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 would be hand-worked only and that the option of using hydraulic suction dredges as a contingency in exceptional circumstances was 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 to inform future management decision, including consideration of a study on dredge fishing methodology and its impacts, to be factored into the Authority's business planning process.**

Proposed: Cllr Goldson

Seconded: Cllr Collis

All those able to vote Agreed

Dr Bolt returned to the meeting

EIFCA19/54 Item 12: Shrimp Fishery Management

Senior IFCO Godwin gave a presentation on the proposed shrimp fishery management.

The CEO advised that although Ms Moffat had tendered her apologies for the meeting, she had proved feedback to this paper and advised that she would have liked a revision to the recommendations to state that decisions were subject to agreement with NE. The CEO felt this was not necessary as the consultation already stated it was subject to NE approval. Members were also advised that NE would want to meet with officers to discuss the recommendations.

Members considered the presentation and the prepared paper. There was concern with regard to the proposed number of trips per fortnight, how a trip would be measured e.g. tides or landings, how effect on the fishery would be measured, as well as at what point the restrictions would take place.

The CEO reminded members the proposals still needed to go to consultation but also assured them the object was not to stop fishers doing what they already do, the proposed measures would be permit conditions which would allow the ability to change them if irresponsible behaviours became evident, but the objective was to avoid complications if possible. Management measures would be monitored by data assessment from shrimp return forms. There should be no damage to the fishery as there would be the

ability to close the fishery. All the proposed measures could be easily monitored once iVMS was in place.

Members Resolved to:

- **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 did 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.**

Proposed: Cllr Chenery of Horsbrugh

Seconded: Cllr Worrall

All those able to vote Agreed.

The CEO recorded his thanks to the whole of the team who had been involved in this work.

At this point the meeting was stopped for a 20 minute break

Cllr Coupland and Mr Worrall both left the meeting

EIFCA19/55

Item 13: Quarterly Progress against Business Plan priorities

The CEO advised members a conscious decision had been made to slow down the process of developing crab & lobster measures to ensure sufficient time was available to reach a consensus of sensible measures which all stakeholders could agree on. It was

Agreed that discussion around these measures could be held at a Fisheries & Conservation Management Working Group.

Members Agreed to note the content of the report.

EIFCA19/56 Item 14 – CEO Update

The CEO gave a verbal update on matters of interest.

Members were advised that following the amendment to seafish enforcement regulations an SI would be in place by the end of October to reinstate any lost powers to IFCOs.

The IVMS project was ongoing, the intention being that it would be implemented by 2021. All IFCAs would be required to bring in a byelaw to address enforcement and any other predicted issues.

New Burden Funding was due to expire in April 2020, as the spending review had still not been completed Defra had formally applied for funding to be rolled over to 2021.

There had been no update on the Defra review of IFCAs, it was anticipated this would form part of the next AIFCA quarterly meeting

Vessel Replacement remained an ongoing project. Jet propulsion had been tested and found to be capable of carrying out survey work which gave Officers a wider scope of new and refurbished vessels to consider.

A Memorandum of Understanding with the MMO and EIFCA was almost complete for the use of EIFCA vessels to help provide capability to get to sea for MMO Officers. This would work on a cost recovery basis should the MMO require specific use of EIFCA vessels.

The inaugural meeting of the Fisheries & Conservation Management Working Group had taken place in July, it had proved a useful means of discussion and was scheduled to meet on a quarterly basis

NORTH NORFOLK SEAWEED FARM: MSO Hormbrey provided a detailed presentation relating to a licence application for a seaweed farm off the North Norfolk Coast.

Members expressed concern at the size of the proposed site and the effect it could have on current fisheries operating in the area, as well as the impact it would have on the site as an MPA.

Mr Garnett felt an objection should be made to the application, which Mr Davies agreed with, there was a general consensus amongst members which led to a proposal to amend the recommendation

Members Resolved to reword the recommendation to read, Note the content of the paper and direct the CEO to object to the application with the MMO

Proposed: Mr Garnett

Seconded: Mr Davies

All Agreed

The revised recommendation was then put to the vote and Members Resolved to adopt and Agree to the Revision

Proposed: Cllr Collis

Seconded: Cllr Vigo Di Gallidoro

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

EIFCA19/57 Item 15 – Head of Operations Update

The Head of Operations briefly went through the Marine Protection and Marine Science Quarterly reports.

Members Agreed to note the content of the report.

There being no other business the meeting closed at 1443hours.

Vision

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Action Item 6

38th Eastern Inshore Fisheries and Conservation Authority meeting

11th December 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 a declared 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 has now been provided to all authority officers by NCC H&S advisor, Ann Hacon.

Two days vessel training was carried out at Sutton Bridge for all officer's covering safe vessel operations, emergency situations such as abandoned ship, fire and MOB. These provided to be two very worthwhile days and the plan would be to run 6 monthly refresher training for all the team.

There have been three incidents to report since the last meeting, with a positive culture of Health and Safety retained across the organisation.

Potential training for all staff exposed to whole body vibration has been identified and will be investigated further with a objective to return whole body vibration to tolerate.

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?
18/09/2019	Vessel Three Counties	Spare belt fell onto hot part in engine room.	Belt removed	N	Y	Lee Torrice	If items such as spare belts need to be kept in the engine room skippers and engineers need to ensure they are secure.
25/09/2019	Seaspray – Back injury	CEO suffered injury to back	Injury reported after Patrol	N	Y	Jon Butler	All officers to be shown how to adjust seats on Ribs. All officers to be reminded they should stand down from a patrol if they do not feel fit enough for activity.
14/11/2019	Vehicle	Staff member became very cold during journey	Reported and vehicle sent to garage for repair	N	Y	Judith Stoutt	Officers reminded of importance of reporting defects to vehicles and making note so others aware if there is a fault.

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 	<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

	<ul style="list-style-type: none"> • Routine agenda items at all meetings at all levels of Authority 			
3. Inappropriate conduct of vessels at sea	<ul style="list-style-type: none"> • Leadership • Briefings • Formal training and assessment • Periodic review of performance • Record of personal training inc. refreshers maintained 	<ul style="list-style-type: none"> • Death/injury of personnel/third parties through un-seamanlike operation of vessels at sea 	Tolerate	Treat
4. Whole Body Vibration	<ul style="list-style-type: none"> • Risk awareness training to manage impacts. • 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

<p>6. Staff injury/long term absence through inappropriate posture at office work stations</p>	<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 	<p>Tolerate</p>	<p>Tolerate</p>
<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 	<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>

	<ul style="list-style-type: none"> • Conflict resolution training for “front line” Officers 			
8. Damage to vehicles, trailers and/or equipment through inappropriate operation.	<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 	Tolerate	Treat
9. Physical fitness of personnel to undertake arduous duty	<ul style="list-style-type: none"> • Staff briefing • Management overview to ensure rostered duties are appropriate and achievable • Reasonable work adjustments • Routine periodic medical assessment (ML5) 	<ul style="list-style-type: none"> • Individual health fragilities • Individual lifestyle choice 	Tolerate	Tolerate

*

Risk Rating
High
Medium
Low

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

Vision

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

Eastern Inshore Fisheries and Conservation Authority Meeting

11 December 2019

Risk Register Review

Report by: Julian Gregory, CEO

Purpose of Report

The purpose of this report is to update members on the quarterly review of the Risk Register.

Recommendations

It is recommended that members:

Note the content of the paper

Background

The Authority's Risk Register is contained within the Business Plan and it captures key issues that are judged to pose potential risks to the organisation. The matrix sets out the magnitude of the risk to Eastern IFCA from an organisational viewpoint, incorporating amongst others reputational and financial risks. It also sets out the likelihood of an identified risk occurring.

Report

It has been customary practice for a number of years for the Risk Register to be formally reviewed during the annual refresh of the Business Plan. Whilst only formally updated annually, officers have monitored identified risks and take mitigating action where required.

The 2018/19 Internal Audit reported a result of 'acceptable' which was the best available result indicating all control objectives had been met. It also commented that it would be beneficial if the Risk Register was reviewed more frequently. This was reported to the Finance and HR sub-committee at their meeting of 26th June 2019, when members resolved to include an update on the Risk Register at each quarterly meeting. At the November 2019 meeting of the sub-committee it was agreed that as the Risk Register was part of the Business Plan, the quarterly review fell within the matters reserved for the full Authority in the Scheme of Delegations set out in the Constitution and Standing Orders.

The Risk matrix from the Business Plan can be found at Appendix 1. In reviewing the matrix, it was identified that there was an omission inasmuch as the risk of losing New

Burdens funding was not included, albeit it has been actively monitored for some time. This has been rectified and it is recorded as an additional risk.

Updates on each risk can be found at Appendix 2.

Financial Implications

As identified for individual risk categories.

Legal Implications

As identified for individual risk categories.

Conclusion

All identified risks have appropriate mitigation in place

Appendices

Appendix 1 – Eastern IFCA Risk Register

Appendix 2 – Risk Register Updates

Background Documents

Minutes of the meetings of the Finance & HR sub-committee held on 26th June and 5th November 2019.

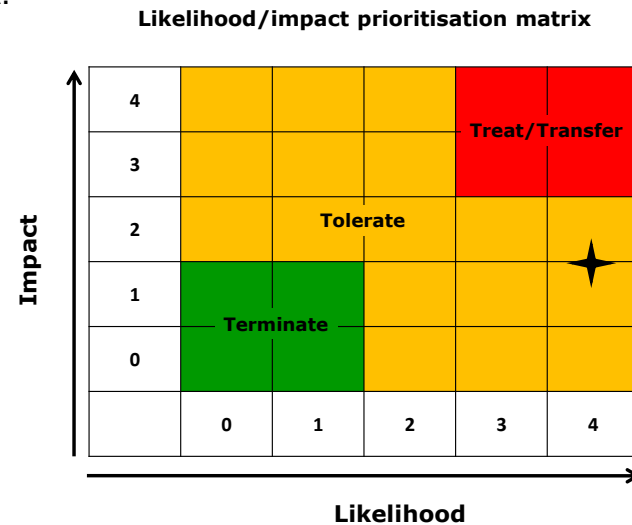
Eastern IFCA Constitution and Standing Orders

Appendix 1: Risk Management

The risk matrix sets out the magnitude of the risk to Eastern IFCA from an organisational viewpoint incorporating amongst others reputational and financial risks. The matrix also sets out the likelihood of an identified risk occurring. Mitigation which is in place or to be introduced is identified. Risk is ranked on an arbitrary scale from 0 (low risk - coloured green) to 4 (high risk - coloured red). The average of the combined financial and reputational risk is taken and plotted on to the matrix below, the likelihood of that risk occurring is also plotted. Mitigation action is noted. It should be noted that in most cases there are already many actions being undertaken as part of routine working practices to reduce the risks to the Eastern IFCA.

The four actions that can be applied are:

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 out with Eastern IFCA's ability to treat and is transferred to higher level.



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Risk matrix with worked example

Risk A poses a financial threat (2) to the organisation and a reputation threat (1) generating a combined impact level of 1.5. The likelihood of the threat occurring is determined as 4. The resultant risk to Eastern IFCA is therefore plotted using the matrix and is identified as a risk that should be tolerated.

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Eastern IFCA fails to secure funding to replace assets	CEO/FPSC	Substantial reduction in Eastern IFCA mobility particularly seaborne activities with consequential inability to fulfil full range of duties	4		2 Finance Directors agreed to annual capital contributions from 2019-20 onwards to cater for the cost of asset replacement as an alternative to requests for a lump sum amounts as assets are replaced. No guarantees were given or implied. Eastern IFCA will explore all avenues for funding.		<ul style="list-style-type: none">Current level of reserves provides a short-term buffer to cover replacement of <i>RV Three Counties</i>EMFF funding for a new open RHIB was securedSeek efficiencies and promote cost effectiveness.Demonstrate value for money.Advertise/promote Eastern IFCA output and effectiveness to funding authorities through regular engagement with Council leaders and Financial Directors.Engage with partner agencies to identify alternative funding sourcesExplore asset sharing initiatives	Tolerate
			Reputation	Financial				
			4	4				
			Drive for savings may impact County Councils' decisions regarding Eastern IFCA funding. Visible presence reduced, enforcement and survey activities compromised.	Inability to generate sufficient reserves to meet asset replacement schedule would threaten Eastern IFCA's ability to function. Closure costs could result.				
Impact of EU exit on Eastern IFCA duties and the wider economic environment	CEO/FPSC	Potential changes in several areas, including: - regulatory framework - fisheries management methodology - regulations (enforcement) - environment conservation	3		3 EU exit will have an inevitable but currently unpredictable impact. Eastern IFCA responsibilities unchanged in the short term to medium term		<ul style="list-style-type: none">Monitor EU exit developments – Defra lead on development of the post-EU exit landscapeEngage in national fora to help inform and influence developments (e.g. IFCA Chief Officers Group, Association of IFCA's)Continue “business as usual”Prepare for changeEnsure Eastern IFCA is “match fit”Maintain communication with partners	Transfer
			Reputation	Financial				
			3	3				
			Eastern IFCA may be affected by developments beyond their control (fisher's expectations are high and may not be met). Blame for change and or lack of change.	Grant funding from EU not replaced. Market for fishers catch affected. Fee/licence income reduced. Operating costs increased.				

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Eastern IFCA fails to maintain relevance amongst partners	CEO/PCSC	If Eastern IFCA fails to maintain relevance amongst partners Eastern IFCA's utility will come under scrutiny potentially resulting in re-allocation of duties	4		2 Possible – Whilst positive relationships have been established the existence of disparate partner aspirations introduces complexities which may drive perceptions of bias or inefficiency.		<ul style="list-style-type: none"> Provide a leadership function. Be proactive and identify issues early. Engage with all partners routinely. Use Business Plan to prioritise and communicate outputs Measure progress/deliver outputs Represent community issues to higher authorities 	Tolerate
			Reputation	Financial				
			4	4				
			Loss of confidence in the organisation Failure of the organisation to perform in accordance with the standards and practices of a statutory public body	Withdrawal of LA and Defra funding for the organisation				
Negative media comment	CEO/PCSC	Negative perceptions of Eastern IFCA utility and effectiveness created at MMO/Defra Loss of Partner confidence Media scrutiny of individual Authority members	3		2 Possible – disenfranchised partners seek to introduce doubt as to Eastern IFCA professionalism, utility and effectiveness		<ul style="list-style-type: none"> Actively and regularly engage with all partners including media outlets. Utilise full potential of social media and web-based information. Embed professional standards and practices. Deliver change efficiently and effectively. Promote activity Assure recognition and understanding through community events 	Tolerate
			Reputation	Financial				
			4	2				
			Eastern IFCA perceived to be underperforming	Negative perceptions introduce risk to continued funding				
			Eastern IFCA considered poor value for money					
			Eastern IFCA perceived as irrelevant					

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Degradation of MPAs due to fishing activity	CEO/RCSC	Loss or damage of important habitats and species within environmentally designated areas Potential for European infraction nationally resulting in significant financial penalties at the local level.	3.5		2		<ul style="list-style-type: none">Proposed fishing activities authorised by Eastern IFCA are assessed per Habitats RegulationsEastern IFCA is fully engaged in national fisheries/MPA project, prioritising management of highest risk fisheries in MPAs and implementing new management measuresEffective monitoring of fishing activity and enforcement of measuresAdaptive co-management approach to fisheries management – i.e. engagement with fishing and conservation interests in the development of management measures, and appropriate review of measures to respond to changing environmental and socio-economic factorsOngoing, close liaison with Natural England regarding all conservation mattersReview agreed Wash Cockle & Mussel PoliciesDevelop the use of iVMS as a management tool by the AuthorityContinue to progress research into the impact of fishing activities on MPA features to ensure the Authority has an up-to-date evidence base to inform its management decisions.	Tolerate
			Reputation	Financial	Possible - Eastern IFCA's approach to managing sea fisheries resources considers environmental obligations			
			4	3				
			Eastern IFCA is not meeting statutory duties under EU & UK conservation legislation Eastern IFCA not achieving vision as champion of sustainable marine environment	Legal challenge brought against Eastern IFCA for failing to meet obligations under MaCAA and the Habitats Regulations				

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Shellfish and fish stocks collapse	CEO/MPASC		3		3		<ul style="list-style-type: none">Annual stock assessments of bivalve stocks in WashAnnual review of the level of threat via the Strategic AssessmentAbility to allocate sufficient resources to monitoring of landings and effective enforcementConsultation with industry on possible management measuresUse Project Inshore Phase 4 output to inform MSC pre-assessment review of fisheries and validate management measuresDevelop stock conservation measures for crab and lobster fisheries through engagement with Cefas and fishing industrySWEEP research into primary productivity levels within the WashRegular engagement with the industry to discuss specific mattersContinued research into the cockle mortality eventsMaintain whelk management measuresIntroduce shrimp management measuresConsider bass management measures if necessary in light of EU/UK measures	Treat
			Reputation	Financial	Possible - Bivalve stocks have high natural variation; “atypical mortality” affecting stocks despite application of stringent fishery control measures Crustacean stocks not currently subject to effort control Bass stocks nationally and internationally under severe pressure Regional whelk and shrimp fisheries effort becoming unsustainable. Regional crab and lobster stocks being exploited beyond maximum sustainable yield			
			3	3				
			Loss in confidence of the Eastern IFCA ability to manage the sea fisheries resources within its district	Resources directed at protecting alternative stocks from displaced effort Additional resources applied to research in to the cause of collapsed stocks and increased engagement and discussion with partners				

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Failure to secure data	CEO/RCSC	Non-compliance with General Data Protection Regulations (GDPR) Prosecution casefiles compromised Loss of data in the event of fire or theft Breakdown in dissemination of sensitive information between key delivery partners	4		2		<ul style="list-style-type: none">• All computers are password protected. Individuals only have access to the server through their own computer.• Secure wireless internet• Remote back up of electronic files• Access to electronic files is restricted• Up to date virus software installed on all computers• Important documents secured in safes• ICT equipment and policies provided by public sector provider – including encrypted laptops/secure governmental email system• All Eastern IFCA personnel undergo DPA training• Electronic backup of all Eastern IFCA documents held by ICT provider offsite	Tolerate
			Reputation	Financial	Possible - Limited staff access to both electronic and paper files Office secure with CCTV, keypad entry system and alarm			
			4	4				
			Partners no longer believe that confidential information they have supplied is secure Personnel issues arise over inability to secure information	Eastern IFCA open to both civil and criminal action regarding inability to secure personal information				

New Addition

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
New Burdens Funding discontinued	CEO/RCSC	Substantial reduction in Eastern IFCA capability with consequential inability to fulfil full range of duties or additional burden on funding authorities.	4		2		<ul style="list-style-type: none">Association of IFCAs has consistently lobbied for the continuation of fundingAssociation of IFCAs have engaged with Defra review of New Burdens funding during 2018-19 and submitted a paper in support of an increase nationally from £3m to £6m as part of the planned SR2019 (now on hold)Finance Directors representatives briefed and understand that in the event that the funding is discontinued there may be a desire to increase levies	Tolerate
			Reputation	Financial	Defra have continued to roll over new Burdens funding in recognition of the value that IFCAs provide in meeting national policy objectives.			
			4	4				
			Inability to meet all obligations would have a significant impact upon reputation.	Circa 25% of the annual budget is provided by Defra under the New Burdens doctrine so its loss would have a significant impact.				

Appendix 2 – Risk Register Update

Risk Description	Update
Eastern IFCA fails to secure funding to replace assets	Agreement in place with funding authorities for capital funding contributions each year. Confirmed at the annual meeting with representatives of the Finance Directors on Thursday 7 th November 2019.
Impact of EU exit on Eastern IFCA duties and the wider economic environment	<p>Eastern IFCA is fully engaged with the MMO in terms of operational readiness for a 'no deal scenario. MoA in place for the provision of vessels and joint patrols. Also engaged with Cefas to support the export of live shellfish.</p> <p>Officers engaged in future of inshore fisheries management work with Defra and other stakeholders. Officers are also seeking engagement with the REAF initiative.</p>
Eastern IFCA fails to maintain relevance amongst partners	Effective business planning process in pace. Leading role where appropriate e.g. Op Blake. Proactive approach to raising issues with Defra (e.g. Bass management, proposals for effort management trial). Participation in Parliamentary Review 2019.
Negative media comment	Routine updating of news items on website. Active on social media with demonstrable improvements in 'reach'. Parliamentary Review (above).
Degradation of MPAs due to fishing activity	MPA management has been a high priority since 2012 with substantial progress made. Current workstreams (e.g. Cromer Shoal MCZ, remaining 'red risk' sites) are a high priority and are being progressed.
Shellfish and fish stocks collapse	Annual surveys of Wash cockle and mussel stocks alongside innovative approach to management of the cockle fishery. Ongoing workstream to identify cause of mussel mortality. Closure of cockle fishery in Nov 2019 due to emerging findings of mussel surveys in order to mitigate impact on 2020 cockle fishery.
Failure to secure data	Policies and processes developed to ensure compliance with GDPR.

New Burdens funding discontinued	Officers have been active in supporting the work of AIFCA to maintain and potentially increase the level of New Burdens Funding. Finance Directors representatives from the three funding authorities are aware of this risk and the potential impact of levies being increased. Following discontinuance of SR2019 Defra included New Burdens funding in their departmental bid to Treasury for 2020-21 budgets. The outcome is awaited.
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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 8

Eastern Inshore Fisheries and Conservation Authority Meeting

11 December 2019

Renaissance of East Anglian Fisheries

Report by: Julian Gregory, CEO

Purpose of Report

To advise members of the content of the Renaissance of East Anglian Fisheries (REAF) strategy and to seek agreement to engage in work to progress the strategy.

Recommendations

It is recommended that members:

Note the content of the report and presentation.

Agree that Eastern IFCA will engage with work to support progression of the REAF strategy.

Background

Renaissance of East Anglian Fisheries (REAF) is a community-led long-term strategy for fisheries in the region. Work began in 2018, through the joint endeavours of East Suffolk Council, Peter Aldous MP, June Mummary MEP and Paul Lines. A partnership was formed between the regional industry, East Suffolk Council, Suffolk County Council, Norfolk County Council, New Anglia Local Enterprise Partnership and Seafish.

Funding was provided by the participating Councils, Seafish, and the European Maritime and Fisheries Fund via the Marine Management Organisation, while REAF Group members provided their time and their contacts.

The report of the Renaissance of East Anglian Fisheries (REAF) was prepared by its members, with advice from Rodney Anderson and research and analysis from Vivid Economics Ltd.

The REAF strategy was launched at the Palace of Westminster on Thursday 17th October 2019.

Report

Officers have kept abreast of the development of the REAF initiative, with the CEO being interviewed by Vivid Economics and attending the subsequent launch in Westminster.

The report encompasses an area stretching from Leigh on Sea, on the north bank of the Thames Estuary, to King's Lynn, on the south side of The Wash and it makes 11 overarching recommendations, each of which has a number of sub-recommendations (Appendix 1 refers). The primary recommendations are:

1. Close the Pool and control the inshore fleet through gear and hours at sea restrictions. Modify shellfish licences to include some finfish access.
2. Require the offshore fleet to land its catch in the UK and restrict it from fishing within 12 nautical miles of the UK.
3. A modern offshore fleet, delivering top fish quality, jobs and reduced environmental impact.
4. Invest in a regional fishing port.
5. Provide access to finance for the scaling up and automation of the processing sector.
6. Upgrade the control regime for anglers.
7. Remove barriers to aquaculture expansion by de-risking development and improving access to finance.
8. Set up an apprenticeship scheme.
9. Combine the IFCAs and MMO into a single East Anglia Regional Fisheries Authority.
10. Manage stocks as a mixed fishery and implement more effective controls of fishing mortality.
11. Make more use of data to manage potential conflicts between fishers and other marine activities.

Mr Jason Berry, Economic Development & Partnerships Manager from East Suffolk Council has been closely involved with the REAF initiative and will give a presentation to members at the 38th Authority meeting.

Financial Implications

To be identified as work associated with the REAF initiative progress.

Legal Implications

To be identified as work associated with the REAF initiative progress.

Conclusion

The overarching objectives of the REAF strategy are to rejuvenate the fishing industry in East Anglia, which has synergy with the Authority's statutory duties.

Some recommendations set out in the REAF report are aligned with Eastern IFCAs view (e.g. effort management), whilst others require further work to fully understand their implications. Perhaps the most notable of these is recommendation 9, which proposes that Eastern IFCA the MMO and part of Kent and Essex IFCA combine to form a single East Anglia Regional Fisheries Authority.

There are a number of factors that will influence the extent to which it is possible to implement the recommendations, including such matters as the availability of

finance, the level of support from Government and the final outcome of EU exit arrangements. Whilst there is clearly much to be achieved the overall objectives are laudable and it is recommended that the Authority engages with work to support progression of the REAF strategy.

Appendices

Appendix 1 – Report of the REAF Group (see separate document)

Vision

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Action Item 9

38th Eastern Inshore Fisheries and Conservation Authority meeting

Report by: Andrew Bakewell – Head of Finance & HR

Meeting of the Finance & HR Sub-committee held on 5th November 2019

Purpose of report

To inform members of the key outputs and decisions from the Finance & HR Sub-Committee meeting held on 5th November 2019.

Recommendations

Members are asked to:

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

Finance Matters

Re minute F&HR 19/18 Quarter 1 & 2 Payments and Receipts

- The paper included complete information for both quarters this was due to the previous meeting taking place before the end of Qtr 1.
- Most notable exception was the payment to Cefas for sample analysis connected to Operation Blake. Head of Finance and HR explained that this would be repaid via an EMFF grant.

Members Agreed to:

- **Note** the content of the report

Re minute F&HR 19/19 Quarter 1 & 2 Management Accounts

- As for the previous report both Quarters were included.
- At the half year point the accounts showed an underspend of £44,000 within the expenditure budget and increased income of £12,000.
- A summary of the main areas of saving and extra income was provided along with an indication of where expenditure would increase in the third and fourth quarters

Members Agreed to:

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

Re minute F&HR 19/20 Draft budget 2020-21 and Forecast to 2025

- The budget as usual was based on the forecast for the current year with adjustments for known changes and estimates for anticipated increases.
 - Increments added for all staff not at top of grade
 - Salaries estimated 2% increase for a full complement

- Other costs where not known include an estimated 2% for inflation
- “New Burden” funding was still unconfirmed, however it was included on the basis of the request from Defra to roll over current funding pending conclusion of the delayed 2019 spending review.
- The Head of Finance and HR pointed out that at this stage, with so many unknowns, the Forward Forecast was merely an indication of continued business “as is”.
-

Members agreed to:

- **Approve and recommend** the Draft Budget 2020/21 to the full Authority at their next meeting on 11th December 2019.
- **Approve and recommend** the Levies for 2020/21 to the full Authority at their next meeting on 11th December 2019.
- **Approve** the Forecast for the following 4 years to 2024/25 for presentation to the full Authority at their next meeting on 11th December 2019.

Re minutes F&HR 19/21 External Audit Report 2018-2019

Members were reminded that it was no longer a statutory requirement for annual financial statements to be externally scrutinised the Authority adopts the process voluntarily for transparency and peace of mind.

Members resolved to:

- **Note** that the audit report found “no matters arising from our review”
- **Agree** that PKF Littlejohn be retained to provide the same service for the 2019/20 Financial year.

HR Matters

Re minute F&HR 19/22 Temporary (Fixed Term) Project Officer

Members were updated on the decision to recruit additional resource to address both a backlog and upcoming intensification of workload for the Project Team. An interview process identified three employable candidates from which we eventually secured the services of Imogen Cessford who will join at the beginning of January.

Members agreed to:

- **Note** the report.

Re minute F&HR 19/23 HR Update

Members were updated on the recruitment process for the vacant IFCO post.

- An advert for a Grade 6 IFCO (skipper qualifications) yielded no suitable applicants.
- Further developments will be reported to the next Finance and HR sub-committee.

Members Agreed to:

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

Re minute F&HR 19/24 Any Other Business

Councillor Goldson congratulated the Officers for deciding to provide First Aid Mental Health Training to aa managers/supervisors.

Background Papers

Unconfirmed minutes of the F&P sub-committee meeting held on the 5th November 2019.

Vision

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38th Eastern IFCA Authority Meeting

Action Item 10

11th December 2019

Report by: Andrew Bakewell – Head of Finance and HR

Budget for the period 1st April 2020 to 31st March 2021 and Forecast to 2024/25

Purpose of report

To present the Budget for the 2020/21 financial year along with the Forecast for the following 4 years to 2025. The estimates detailed below are recommended to the full Authority for approval and adoption.

Recommendations

Members are asked to:

- **Approve** the Budget 2020/21.
- **Approve** the Levies for 2020/21
- **Approve** the Forecast for the following 4 years to 2024/25

Report

At a meeting of the Finance and HR sub-committee held on 5th November 2019 members agreed the proposed budget and levies for 2020-21 for recommendation to the full Authority for approval.

The Estimates of Expenditure for the financial year 2020/2021 are summarised under the main budget headings shown on Table 1. The details of expenditure are shown in Tables 2 & 3, which are attached.

Table 1 also shows the budget approved for the current financial year (2019/2020) and projected outcome for this year. The format of Table 1 shows the Total Estimates of Expenditure less Income. The New Burden Funding is then deducted from the Total Expenditure less Income to establish the residual cost which after deduction of the contribution from County Councils shows the surplus available for asset replacements or the reserves ear marked for that purpose.

The projected expenditure less income for 2019/2020 shows a saving of £ 51,532 The total saving comprising of expenditure savings £28,965, income surplus of £1,622 on top of the budgeted £20,945 saving.

The calculation of the Budget for 2020/2021 (Table 1).

Subsequent to the Finance and HR sub-committee meeting the results of the pension triennial evaluation were published, the effect of which was to increase employer's contribution by £4,133. Given the predicted level of surplus the Head of Finance and

HR considered the change to be immaterial and therefore figures are as presented to the Finance and HR sub-committee on the 5th November 2019.

Notes on Expenditure

Members may find the notes below helpful in relation to tables 1, 2 & 3

Variations from 2019/2020 Budget to the 2019/2020 Projection and 2020/2021 Budget are summarised under the main budget headings in the following table:

	2019/2020 Budget £	2019/2020 Projection £	2020/2021 Budget £
Salaries & Wages	1,070,104	1,054,603	1,131,742
General Expenditure	207,802	207,270	212,395
Departmental Op Costs	35,725	41,400	38,000
Vessels	121,100	104,253	112,500
Vehicles	26,210	24,450	26,700
TOTAL	1,460,941	1,431,976	1,521,337

Salaries & Wages

<u>2019/2020 Projection- £15,501 saving</u>	<u>2020/2021 Budget</u>
<ul style="list-style-type: none"> a) New rates introduced for calculation of Employer pension contribution - 15.2% of pensionable pay plus £55,000 for the year (deficit recovery) b) Employers NI calculated at 18/19 rates (13.8% of earnings above LEL). c) Savings from vacancy management IFCO 3 months d) Part time working 	<ul style="list-style-type: none"> a) Salaries have been calculated for a full complement based on current agreed structure including 2 year fixed term Project Officer. b) Salary inflation 2%. c) Salaries calculated at top of scale. d) Employer's NI Contributions are calculated at 2018/2019 rates e) Employer's pension contributions are calculated as 15.2% of pensionable pay plus £60,000 deficit recovery for the year.

General Expenditure

<u>2019/2020 Projection- £532 saving</u>	<u>2020/2021 Budget</u>
<ul style="list-style-type: none"> a) Accommodation costs £839 under budget b) Establishment costs £307 over budget: Overspends :- Advertising £(589), Phones and mobiles £(309), IT inc software £(2,217), Recruitment £(306) and Members expenses £(218). Underspends:- Legal and professional fees £520, Postage and stationery £821, Uniforms and PPE £703, Medicals £116, Sundries £338, Officers Travel and subsistence £555 and Training £279. 	Costs aligned with 19/20 forecast with adjustments for inflation and non-recurring costs.

Departmental Operational Costs

<u>2019/2020 Projection- £(5,675)</u>	<u>2020/2021 Budget</u>
Increase on 2019/20 budget due to: a) Overspends: Marine Science £(2,802), equipment repairs and replacements and Enforcement £(177) equipment and Media £(2,696) Parliamentary Review £2,700	Reduction overall £3.4k due to: Inflation 2% offset by non-recurring costs

Vessels

The 2019/2020 budget provided for the operating costs of Three Counties, John Allen, Sebastian Terelinck and Seaspray all year.

<u>2019/2020 Projection- £16,847 saving</u>	<u>2020/2021 Budget</u>
Savings:- Rib operation £14,223 no large scale breakdowns, Three Counties £1,971 and other £653.	Anticipated £8,247 increase reflecting age of vessels and inflation.

Vehicles

<u>2019/2020 Projection- £1,760 saving</u>	<u>2020/2021 Budget</u>
Savings on Fuel and maintenance part offset by increased insurance.	Increased by £2,250 over 19/20 to allow for insurance and fuel increases

Inflation Contingency

An inflation contingency of 2% on salaries and 2% on prices where applicable is included in the Budget.

Income

<u>2019/2020 Projection</u>	<u>2020/2021 Budget</u>
Income generated £1.6k more than budget WFO licence increases and EMFF grant funding	Permit increases plus further WFO increase.

Reserves

The amounts held in EIFCA's ear-marked reserves estimated at 30.09.2019 are set out below:

	£
ICT Fund	10,000
Legal and Enforcement Fund	75,000
Office Improvement Fund	10,000
Operational Fund	150,000
Research Fund	78,169
DEFRA Grant	18,292
Vehicle Renewals Fund	60,000
IVMS (10%)	30,000
Vessel Replacement Fund	<u>1,575,464</u>
	<u>2,006,925</u>

Levies

As discussed with the County Councils' finance representatives, levies have been increased by 2% for 2020/21. Although reserves are healthy the upcoming replacement of RV Three Counties will expend a substantial proportion. The reduced reserves will be augmented from 2020/21 by annual contributions from the County Councils' as agreed as the preferred method of funding asset replacements. The Levies on the constituent County Councils including the 2% increase and asset replacement funding for 2020/2021 follow:

	Norfolk County Council	Suffolk County Council	Lincolnshire County Council
	£	£	£
County Council Levies	407,308	305,745	344,891
Asset replacement	59,483	44,651	50,367
New Burden Funding Allocation	151,999	114,420	127,726
Total Levy	618,790	464,816	522,984
	38.5%	28.9%	32.6%
<u>For Information</u>			
<u>2019/2020</u> Total Levy	610,804	451,643	508,124

Table 1**Estimates of Expenditure 2020/2021**

	2019/2020 Budget	2019/2020 Act/Proj	2020/2021 Budget
	£	£	£
Salaries & Wages	1,070,104	1,054,603	1,131,742
General Expenditure	207,802	207,270	212,395
<u>Departmental Operational Costs</u>			
Marine Science	10,698	13,500	12,000
Marine Protection	24,323	24,500	25,000
Media	704	3,400	1,000
<u>Vessels</u>			
Moorings & Harbour Dues	4,403	4,500	5,000
Research Vessel - Three Counties	63,724	61,753	64,000
Enforcement Vessels - John Allen/ANO RIB(S)	48,223	34,000	39,500
Seaspray Vessel Hire	4,750	4,000	4,000
Vehicles	26,210	24,450	26,700
TOTAL EXPENDITURE	£ 1,460,941	£ 1,431,976	£ 1,521,337
 INCOME	 70,878	 72,500	 80,000
EXPENDITURE LESS INCOME	£ 1,390,063	£ 1,359,476	£ 1,441,337
<i>LESS New Burden Funding</i>	394,145	394,145	394,145
Net Expenditure	995,918	965,331	1,047,192
Levies	1,037,200	1,037,200	1,057,944
<u>Surplus/(Shortfall)</u>	£ 41,282	£ 71,869	£ 10,752

Table 2**Estimates of Expenditure 2020/2021**

Details of Expenditure - Salaries & Wages and General Expenditure

	2019/2020 Budget	2019/2020 Projection	2020/2021 Budget
<u>SALARIES</u>			
Staff Remuneration	810,687	798,231	854,033
Pension	176,292	176,726	190,208
National Insurance	83,125	79,646	87,501
TOTAL	1,070,104	1,054,603	1,131,742
<u>GENERAL EXPENDITURE</u>			
<i><u>Accommodation</u></i>			
<i>(Rent, Rates, Insurances, Utilities)</i>			
Rent	34,665	34,665	34,665
Business Rates	15,534	15,534	15,980
Water Rates	729	730	760
Service Charges	3,087	3,300	3,420
Insurance - Buildings	1,035	1,000	1,090
Insurance Office & General	8,482	8,351	8,600
Electricity	4,624	4,640	4,900
Cleaning	863	520	770
Maintenance & Redecoration	4,310	3,750	2,600
TOTAL	73,329	72,490	72,785
<i><u>General Establishment</u></i>			
Advertisements & Subscriptions	19,041	19,630	19,600
Legal & Professional Fees	12,960	12,440	12,000
Telephones (Office & Mobile)	6,591	6,900	6,900
Postage & Stationery	8,821	8,000	8,850
IT Support (including Citrix)	33,343	35,560	35,560
Uniforms & Protective Clothing	7,703	7,000	8,000
Medical Fees	916	800	850
Recruitment	1,194	1,500	1,250
Sundry inc. Meeting Costs	3,538	3,200	3,600
TOTAL	94,107	95,030	96,610
<i><u>Officers' Travel & Subsistence</u></i>			
General Travel - Fares, Taxis etc	3,573	3,000	4,250
Subsistence Payments	1,690	1,250	1,750
Overnight Subsistence	1,250	1,250	1,500
Hotel - Accommodation & Meals	7,542	8,000	8,500
TOTAL	14,055	13,500	16,000
<i><u>Members' Travel</u></i>	1,532	1,750	2,000
<i><u>Training</u></i>	24,779	24,500	25,000
TOTAL GENERAL EXPENDITURE	207,802	207,270	212,395

Operating Dept Costs

<i>Marine Science</i>	10,698	13,500	12,000
<i>Marine Protection</i>	24,323	24,500	25,000
<i>Media</i>	704	3,400	1,000

Table 3**Estimates of Expenditure 2020/2021**

Details of Expenditure - Vessels & Vehicles

	2019/20 Budget	2019/20 Projection	2020/21 Budget
<u>MOORINGS & HARBOUR DUES</u>			
Rent - Sutton Bridge Moorings			
Maintenance	303	500	500
Berthing & Harbour Dues	4,100	4,000	4,500
TOTAL	4,403	4,500	5,000
<u>RESEARCH VESSEL</u>			
<u>Three Counties</u>			
Maintenance & Repairs	12,088	10,000	13,500
Refit	26,141	29,000	25,000
Insurance & Certification	18,250	14,753	15,500
Fuel	7,245	8,000	10,000
TOTAL	63,724	61,753	64,000
<u>ENFORCEMENT VESSELS</u>			
<u>John Allen/Sebastian Terelinck</u>			
Maintenance & Repairs	32,119	24,000	25,000
Upgrade			
Insurance & Certification	3,500	3,500	3,500
Fuel	12,604	6,500	11,500
TOTAL	48,223	34,000	39,500
<u>Seaspray</u>			
Maintenance & Repairs	1,500	1,000	1,500
Insurance & Certification	1,500	1,500	1,500
Fuel	1,750	1,500	1,000
TOTAL	4,750	4,000	4,000
<u>VEHICLES</u>			
Insurance	10,183	10,500	11,000
Fuel & Sundries	10,527	9,000	10,500
Servicing	4,048	3,500	3,750
Vehicle Tracking	1,452	1,450	1,450
TOTAL	26,210	24,450	26,700

Forecast to March 2025

	<u>2020/21</u>	<u>2021/22</u>	<u>2022/23</u>	<u>2023/24</u>	<u>2024/25</u>
<u>Income</u>					
Levies	1,057,944	1,079,103	1,100,685	1,122,699	1,145,153
"New Burden"					
Other	80,000	95,000	100,000	105,000	110,000
Total Income	1,137,944	1,174,103	1,200,685	1,227,699	1,255,153
<u>Expenditure</u>					
Staff cost	1,131,742	1,165,700	1,165,671	1,198,310	1,228,268
Administration	212,395	210,000	212,000	214,000	214,500
Operations	38,000	38,750	39,250	39,500	40,000
Vessels	112,500	115,000	120,000	122,000	124,000
Vehicles	26,700	27,250	27,500	28,000	28,250
Total	1,521,337	1,556,700	1,564,421	1,601,810	1,635,018
Surplus/Shortfall	(383,393)	(382,597)	(363,736)	(374,111)	(379,865)
New burden alt.	394,145	394,145	394,145	394,145	394,145
Adj. Surp/s/fall	10,752	(11,548)	30,409	20,034	14,280

Movement in reserves

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Opening	2,006,925	2,184,794	455,901	(517,461)	(747,288)	(1,520,573)
Revenue	71,869	(383,393)	(382,597)	(363,736)	(374,111)	(379,865)
Utilised	(44,000)	(1,500,000)	(750,000)	(30,000)	(568,000)	(30,000)
Balance	2,034,794	301,401	(676,696)	(911,197)	(1,689,399)	(1,930,438)
CC capital	150,000	154,500	159,135	163,909	168,826	173,891
Adjusted	2,184,794	455,901	(517,461)	(747,288)	(1,520,573)	(1,756,547)
New Burden		394,145	788,290	1,182,435	1,576,580	1,970,725
Final	2,184,794	850,046	270,729	435,147	56,007	214,178

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

38th Eastern Inshore Fisheries and Conservation Authority meeting

11th December 2019

Report by: Julian Gregory, CEO

Calendar of Meetings 2020-21

Purpose of report

The purpose of this report is to propose dates for meetings of the Authority and sub committees thereof in 2020-21.

Recommendations

It is recommended that members:

- **Approve** the calendar of meetings at Appendix 1.

Background

A review of the Constitution and Standing Orders was considered at the 36th Authority meeting held on 15th May 2019, when recommendations to revise the sub-committee structure and associated scheme of delegations were agreed. These included discontinuing three sub-committees, reforming the previous Finance and Personnel sub-committee to become the Finance and HR sub-committee and establishing a Fisheries and Conservation Management Working Group.

The scheduling of meetings of the full Authority was also amended to facilitate changes in responsibilities and they are held quarterly, ordinarily on the second Wednesday in March, June, September and December.

At a meeting of the Finance and HR sub-committee held on 26th June 2019 members agreed that meetings would be held quarterly, ordinarily on the first Tuesday in February, May, August and November each year

Meetings of the Fisheries and Conservation Management Working Group are scheduled quarterly, ordinarily on the third Tuesday in January, April, July and October (albeit the October meeting is usually the second Tuesday to avoid the half-term week). Whilst the meetings are scheduled quarterly, they may be cancelled if there is insufficient business to discuss.

The annual scheduling of meetings is intended to facilitate workflows and the scheme of delegations and to give members, stakeholders and the public advance notice to aid forward planning for Authority decisions.

Report

Quarterly meeting dates are proposed for the full Authority, Finance and HR sub-committee meetings and the Fisheries and Conservation Management Working Group.

The calendar of meetings to March 2021 is attached as Appendix 1.

Appendices

Appendix 1 – Meetings Schedule 2020-21

Appendix 1

Eastern IFCA Meetings Schedule 2020-21

Meeting	Date	Time	Proposed venue
Fisheries and Conservation Management Working Group*	Tuesday 21 st January 2020	10:30	Eastern IFCA Offices, King's Lynn
Finance & HR Sub-Committee	Tuesday 4 th February 2020	10:30	Eastern IFCA Offices, King's Lynn
39th Eastern IFCA	Wednesday 11th March 2020	10.30	Boathouse Business Centre Wisbech
Fisheries and Conservation Management Working Group*	Tuesday 21 st April 2020	10:30	Eastern IFCA Offices, King's Lynn
Finance & HR Sub-Committee	Tuesday 5 th May 2020	10:30	Eastern IFCA Offices, King's Lynn
40th Eastern IFCA	Wednesday 10th June 2020	10.30	Boathouse Business Centre Wisbech
Fisheries and Conservation Management Working Group*	Tuesday 21 st July 2020	10:30	Eastern IFCA Offices, King's Lynn
Finance & HR Sub-Committee	Tuesday 4 th August 2020	10:30	Eastern IFCA Offices, King's Lynn
41st Eastern IFCA	Wednesday 9th September 2020	10.30	Boathouse Business Centre Wisbech
Fisheries and Conservation Management Working Group*	Tuesday 13 th October 2020	10:30	Eastern IFCA Offices, King's Lynn
Finance & HR Sub-Committee	Tuesday 3 rd November 2020	10:30	Eastern IFCA Offices, King's Lynn
42nd Eastern IFCA	Wednesday 9th December 2020	10.30	Boathouse Business Centre Wisbech
Fisheries and Conservation Management Working Group*	Tuesday 19 th January 2021	10:30	Eastern IFCA Offices, King's Lynn
Finance & HR Sub-Committee	Tuesday 2 nd February 2021	10:30	Eastern IFCA Offices, King's Lynn

43rd Eastern IFCA	Wednesday 10th March 2021	10.30	Boathouse Business Centre Wisbech
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*Membership of the F&C Working Group comprises all MMO appointed members with all Local Authority appointed members being welcome to attend at their own discretion.

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 December 2019

Minimum Sizes Byelaw 2019

Report by: Luke Godwin – Senior IFCO (Regulation)

Purpose of Report

The purpose of this report is to seek approval to make the Minimum Sizes Byelaw 2019 to replace the Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw 2019.

Recommendations

It is recommended that members:

- **Note** the results of the informal consultation and the associated Impact Assessment;
- **Agree** to make the Minimum Sizes Byelaw 2019;
- **Direct** officers to undertake a formal consultation on the Minimum Sizes Byelaw 2019;
- **Agree** to delegate authority to the CEO to make changes to the byelaw which do not substantially alter the intended effects of the byelaw, taking into account responses from the formal consultation and the formal QA process;
- **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;
- **Agree** to delegate authority to the CEO to extend the Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw 2019 by six months if the replacement byelaw is unlikely to be implemented prior to the expiry of the emergency byelaw (12th August 2020).

Background

The Authority implemented the Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw 2019 on the 13th August 2019. The intention of the byelaw was to ensure the continued protective effect of minimum size rules on fish stocks in the context of changes to European legislation and to effectively maintain the conditions which existed immediately prior to the changes.

In particular, these amendments had the effect of removing the prohibition on the removal of undersize marine organisms by recreational anglers and removed the prohibition on transshipping, landing, transporting, storing, selling and displaying or offering for sale undersize marine organisms. The implication of these changes was to diminish the effectiveness of minimum size regulations. Officers developed the emergency byelaw in collaboration with neighbouring East Coast IFCA's, namely: Northumberland, North Eastern and Kent and Essex IFCA. The byelaw was implemented in a coordinated way to ensure a consistent protective effect and to provide clarity to fishers across the region.

The emergency byelaw was implemented under s.157 of the Marine and Coastal Access Act (hereafter 'the Act') which enables an IFCA to introduce a byelaw where there is an urgent need which was not reasonably foreseeable. Legal advice was obtained which supported the case that the circumstances met the requirements of the Act. Action Item 9 of the 37th Eastern IFCA Meeting set out the rationale for the emergency byelaw.

Emergency Byelaws have a duration of 12 months, with the potential to extend this by a further 6 months where the IFCA has used its best endeavours to make a byelaw that will make the emergency byelaw unnecessary and there would be a significant and adverse effect on the marine environment if the approval was not given.

Report

Case for replacing the emergency byelaw

The conditions which led to the decision to implement the emergency byelaw persist and as such, the risks posed by the changes to EU regulations set out in Regulation (EU) 2019/1241 are maintained. In particular, there is an established risk associated with non-commercial catches not being subject to minimum sizes and with the diminished enforcement capabilities resultant of amended wording (i.e. exclusion of the prohibition of transporting etc. of undersize marine organism). These risks are detailed further in the associated Impact Assessment at Appendix 1.

In summary, recreational angling constitutes a significant amount of fishing effort with an estimated 4 million days of fishing recorded per year according to the Sea Angling 2012 project. The potential for impacts on fish stocks as a result of the removal pre-spawning individuals (i.e. those below the minimum size) is a high risk when considering that catches of fish range from 2 to 10 per fishing day.

In addition, the removal of the prohibition on the transport etc. of undersize marine organisms for all catches (i.e. including commercial and non-commercial catch) reduces the enforceability of the minimum size regulations by reducing the scope of the offence and providing possible defences.

It is therefore concluded that the emergency byelaw needs to be replaced with a permanent byelaw to ensure this necessary protective effect continues.

Plan for replacing emergency byelaw

Emergency byelaws expire within 12 to 18 months of their implementation. The time period for making byelaws can and often does exceed 18 months and as such, there

is a risk of a 'gap' between an emergency byelaw expiring and a permanent byelaw being implemented. Given that the risk associated with the issue is established this could lead to impacts on fish stocks and wider environment and reputational implications on the Authority.

As such, officers recommend replacing the emergency byelaw with a 'like-for-like' replacement, effectively continuing the current status quo to ensure that a protective effect is maintained. The emergency byelaw is however considered to have its limitations.

Many of the minimum sizes currently assigned to species are considered by some to be ineffective as they do not capture enough of the pre-spawning population. Minimum sizes are, in theory, intended to protect around 50% of the population which has yet to spawn. The rationale for the minimum size for each species is however complex and often includes an element of negotiation between EU member states in addition to the scientific evidence which underpins what an appropriate minimum size should be. It is noteworthy for example, that the Angling trust advises that anglers return several species of fish at a size greater than the 'legal' requirement, including where no legal minimum size exists at all, which reflects their preference for a more precautionary approach.

In addition, the changes to EU regulations also removed minimum mesh size requirements for recreational anglers and those operating from unpowered vessels. This omission poses a potential risk given that nets are a much more effective means of catching fish than rod and line – i.e. a single net in certain areas can have a disproportionately large negative impact on wider fish stocks. This risk is mitigated to a degree given that it is effectively ancillary to minimum sizes (i.e. the emergency byelaw would prohibit the removal of undersize fish caught using small mesh sizes) but does not mitigate the potential for fishing mortality due to incidental catch of smaller organisms, many of which perish after having been caught by this means.

Both of the above issues are complex. Changes to minimum sizes would require a great deal of evidence to determine an appropriate size and the implications of any such changes on commercial catches in the context of the landing obligation would need to be explored. In relation to mesh sizes, the EU Regulations have not only removed the requirement in relation to non-commercial catches and unpowered vessels but have also changed the means of imposing this on commercial fishers to reflect the implications of the landing obligation. The risk of seeking to cover these issues would be that their complexity requires additional time to work through, increasing the likelihood a delay in implementing a permanent replacement byelaw.

Therefore, it is recommended that these issues are considered alongside other priorities as part of the wider business planning process to ensure sufficient time and resource can be allocated and that the replacement byelaw mirrors the effects of the emergency byelaw to ensure that there is a consistent protective effect in the meantime.

Informal consultation

Officers undertook an informal consultation to seek the views of potentially affected stakeholders and to inform any refinements to the byelaw. The consultation was

launched on the 3rd October with a news item on the Eastern IFCA website and letters sent to fishing associations including the Angling trust. The consultation was also an engagement priority generally and officers prompted fishers to visit the website and provide views on the proposed byelaw.

The consultation closed on 28th October 2019 and only a single written response was received and a further verbal response. The Angling Trust commented on the proposal subsequent to the deadline and this has also been taken into consideration. There was general support for the byelaw, including from the Angling Trust which supports the need for enforceable minimum sizes for recreational anglers. In addition, the National Federation of Fishermen's Organisations have indicated that their view hasn't changed since the view provided at the time of implementing the Emergency Byelaw which was to the effect that as the measures maintain the status quo, there will be limited impact. A summary of the key comments raised pertinent to the byelaw are set out below.

Limited impact of recreational fishing – representation was made to the effect that recreational anglers are unlikely to have a 'significant' impact on fish and shellfish stocks for most stocks (possibly with the exception of bass and cod).

Whilst this may be the case for 'anglers', the byelaw's effect extends to all 'non-commercial' fishers, including for example, non-licenced fishers who deploy commercial style fishing gear such as nets. The Impact Assessment highlighted this distinction, setting out the potential impacts associated particular with non-commercial fishers using nets in estuaries and rivers for which there is currently no restrictions, save for the minimum sizes for fish and shellfish.

Lack of parity between commercial and recreational fishers – in support of the byelaw, the view was expressed that European Regulations do not reflect an 'equal playing field' between commercial and recreational anglers with minimum sizes being imposed on commercial fishers only. This was of particular concern in the context, in the opinion of the respondent, the EU measures were having a 'crippling' impact on local commercial fishers and particularly in relation to bass fishing.

Unintentionally making it illegal to store / transport etc. catch within Eastern IFCA district which was caught legally elsewhere – the concern raised relates to where someone has in their possession a fish which is below the minimum size within the Eastern IFCA district but which was caught elsewhere, where the minimum size is different and was therefore caught legally.

This issue persists only where the minimum size for a marine organism within the Eastern IFCA district is greater than elsewhere. This is considered to be the case for two species only, whelks (*Buccinum undatum*) and mackerel (*Scomber Scombus*). In the case of whelks, the wording of the emergency byelaw takes into account where the whelks were caught from in detaining if there is an offence and as such, the issue does not persist.

In relation to mackerel, the issue does exist because the wording of the emergency byelaw does not take into account the location the mackerel was caught from. As such, it is proposed that this is amended the wording of such to prevent this interpretation. This change reflects the status quo of the original EU measures prior to their changing and its not being included in the emergency byelaw was an oversight rather than a purposeful change.

The minimum size of some species should be increased – Representation was made to the effect that the current minimum sizes have only a limited effect in protecting pre-spawning individuals. As set out in the previous section, the limited timescale to replace the emergency byelaw effectively preclude Officers from undertaking a review of the current minimum sizes. This is to be reflected in longer-term workstreams, working collaboratively with other IFCAs.

Other species should be added to the byelaw – proposed species include cockles. As set out in the previous section, whilst there may be a driver for changes to the minimum sizes (including implementing such where none presently exists), the approach recommended is to implement a byelaw to provide a continued protective effect in the first instance and seek to augment this going forward.

Potential impacts on stakeholders

The proposed byelaw intends to maintain the protective effect of measures which were already in place prior to their amendment at the European level. As such, no additional burdens are placed on commercial or recreational fishing beyond those that already existed. A regulatory impact assessment has been produced which sets this out in more detail in addition to further benefits and rationale for the intervention.

Proposed byelaw

As set out above, the proposed Minimum Sizes Byelaw 2019 reflects the emergency byelaw, with an amendment in relation to mackerel. In addition to addressing the key issues resultant of the amendments to European legislation, the byelaw includes ancillary provisions to effectively administer the minimum size regulations, including for example an exemption in relation to use of undersize marine organisms as live bait. A summary of the provisions of the byelaw is set out below, briefly explaining each provision. The Byelaw is at Appendix 2.

Section / paragraph	Explanation and intended effects
Interpretation / 1	Sets out the meaning of terms used within the byelaw to provide clarity and reduce the need for lengthy explanations within the wording of each provision
Catch prohibitions	
2	Sets out that the byelaw does not apply in relation to catches subject to the landing obligation. This is required to prevent conflict between the landing obligation and this byelaw – i.e. this byelaw would require such catch to be returned to the sea, but the landing obligation would require it to be retained on board.

3	Prohibits removal of undersize marine organisms from the sea, including their transport etc.
4	Prohibits removal of undersize whelks specifically from outside of the Eastern IFC District as the Whelk permit Byelaw sets the minimum size for whelks caught within separately.
5	Exemption in relation to 'small pelagic species' which permits the retention of undersize catch of an amount no greater than 10% of total catch. Exemption features within European regulation.
6	Provides exemption for landing crabs of different sizes depending on where it was caught from.
7	Provides an exemption from the minimum size of mackerel within Eastern IFC District if caught from outside. This is intended prevent a circumstance where it is an offence to transport etc. mackerel within the Eastern IFC District which was caught and retained lawfully elsewhere.
8	Requires that marine organisms are measured in a manner consistent with European Regulations.
9	Requires that crustaceans (crabs, lobsters etc.) and molluscs (scallops etc.) must be retained on board or landed whole. This enables effective enforcement of minimum sizes of these organisms.
10	Sets out the minimum size for each species in line with the European regulations. Species included within this paragraph reflect those for which there is evidence of their having been landed within the Eastern IFCA District since 2010.
11	Sets out exemption in relation to use of certain species as live bait.
Revocations / 12	Revokes emergency byelaw which this byelaw replaces.

Next steps

After the Authority makes a byelaw, it must be put to formal consultation as per Defra guidance. Once this is completed, the results of the formal consultation are taken into account and amendments to the byelaw are considered.

Once the formal consultation is complete, the byelaw can be formally submitted to the MMO for QA. Further changes may be required as a result of this process also.

It is recommended that the CEO is delegated authority to make amendments to the byelaw pursuant of taking into account the consultation and the MMO formal QA to the extent that such are not considered to alter the intended effect of the byelaw.

It is intended that Officers undertake the process of implementing this byelaw in collaboration with neighbouring IFCA's again to increase transparency and clarity amongst stakeholders and provide as consistent a protective effect as possible. This

also has the effect of reducing burdens on each IFCA as development work is not duplicated.

Financial Implications

The cost of a public notice for a byelaw in the Fishing News is circa £1800 although this varies depending on the size of the notice. There will also be a cost associated with the provision of legal advice from Andrew Jackson Solicitors LLP.

Generally, there is an inherent resource cost to implementing any new byelaw (including for example education and engagement regarding its implementation, extra compliance checks etc.) and this is set out in the Impact Assessment. However, in this case, as the byelaw reflects only the status quo of provisions which had always been in place, no additional costs on Eastern IFCA are likely.

Legal Implications

There is an inherent risk associated with developing and introducing byelaws. This is mitigated through the application of due diligence and process set out in Defra guidance to the IFCAs regards byelaw making. This includes, for example, the provision of independent legal advice for the byelaw and undertaking an effective formal consultation with those who are potentially impacted.

Conclusion

Officers have considered the need to maintain the protective effect of the FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE EMERGENCY BYELAW 2019 and have concluded that there is a need to do so. The impacts on stakeholders are considered nil as the effects of the byelaw maintain the situation which persisted under EU regulations and informal feedback has been taken into account by amending the byelaw.

There are limited financial and legal implications in making the recommended decisions.

Appendices

1. Minimum Sizes Byelaw 2019: Impact Assessment
2. Minimum Sizes Byelaw 2019

Background Documents

- Action Item 9, 37th Eastern IFCA Meeting (11th September 2019), pgs. 51 to 64 - <https://www.eastern-ifca.gov.uk/wp-content/uploads/2019/09/full-set.pdf>
- Regulation (EU) 2019/1241 - <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R1241>
- Sea Angling 2012 - <https://webarchive.nationalarchives.gov.uk/20131213025609/http://www.marinemanagement.org.uk/seaangling/index.htm>
- Angling Trust advice on minimum sizes - <https://www.anglingtrust.net/page.asp?section=163>

- FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE EMERGENCY BYELAW 2019 - <https://www.eastern-ifca.gov.uk/fish-mollusc-and-crustacea-minimum-size-emergency-byelaw-2019/>

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Appendix 1 – Minimum Sizes Byelaw 2019: Impact Assessment

Title: Minimum Sizes Byelaw 2019 IA No: EIFCA009 RPC Reference No: Lead department or agency: Eastern Inshore Fisheries and Conservation Authority Other departments or agencies:	Impact Assessment (IA)		
	Date: 07/11/2019		
	Stage: Development/Options		
	Source of intervention: Domestic		
	Type of measure: Other		
	Contact for enquiries: Julian Gregory, CEO		
Summary: Intervention and Options			RPC Opinion: RPC Opinion Status

Cost of Preferred (or more likely) Option (in 2016 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
£m	£m	£m	Qualifying provision
What is the problem under consideration? Why is government intervention necessary? Changes to European Legislation in relation to minimum sizes of fish and shellfish have diminished the protective effect of these measures by not applying them to recreational fisheries and have diminished the effective enforcement of remaining measures. Intervention is required to maintain the protective effect of the measures lost as result and to ensure that they are enforceable. Preventing or reducing the removal of pre-spawning individuals is an important measure to ensure the sustainability of fish and shellfish stocks within the context of the Marine Strategy Framework Directive.			

What are the policy objectives and the intended effects? To prevent or limit the removal of pre-spawning fish and shellfish from fisheries to seek to ensure the continued sustainability of fish stocks within the Eastern IFC District and beyond. The intended effects are to prohibit the removal of fish and shellfish which are below the minimum size established within European legislation in relation to commercial and non-commercial fisheries and to enable the effective enforcement of such. Effectively, the proposed measures maintain the effects of Council Regulation (EC) No 850/98 in relation to minimum sizes for catches not subject to the landing obligation.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) Option 0 – do nothing Option 1 – implement minimum size requirements for recreational and commercial catches consistent with measures in place immediately prior to the implementation of Regulation (EU) 2019/1241. Option 1 is the preferred option as it presents no impacts on affected stakeholders and reduces the risk of impacts as a result of the removal of pre-spawning individuals from stocks.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: 12/2025				
Does implementation go beyond minimum EU requirements?			Yes	
Is this measure likely to impact on international trade and investment?			No	
Are any of these organisations in scope?		MicroYes	Small Yes	Medium Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: n/a	Non-traded: n/a

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Chief Executive: _____ Date: _____

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Summary: Analysis & Evidence Policy Option 1

Description:

FULL ECONOMIC ASSESSMENT

Price Base Year n/a	PV Base Year n/a	Time Period Years n/a	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: 0
COSTS (£m)		Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low		Optional		Optional	Optional
High		Optional		Optional	Optional
Best Estimate		0		0	0
Description and scale of key monetised costs by ‘main affected groups’					
No monetised costs are identified					
Other key non-monetised costs by ‘main affected groups’					
No non-monetised costs are identified					
BENEFITS (£m)		Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low		Optional		Optional	Optional
High		Optional		Optional	Optional
Best Estimate		0		0	0
Description and scale of key monetised benefits by ‘main affected groups’					
No monetised benefits are identified					
Other key non-monetised benefits by ‘main affected groups’					
Preventing or limiting the removal of pre-spawning fish and shellfish from stocks will have a beneficial impact on overall stock sustainability with beneficial implications on associated commercial (direct benefit) and non-commercial (indirect benefit) catches. In addition, protection of pre-spawning individuals is in keeping with the requirements of the Marine Strategy framework Directive.					
Key assumptions/sensitivities/risks					Discount rate (%)
Effects of the proposed measures are in keeping with and have no additional effects of the associated requirements of Council Regulation (EC) No 850/98. Minimum sizes established in EU legislation are appropriate and have a protective effect.					

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:0
Costs: 0	Benefits: 0	Net: 0	

Evidence Base

Problem under consideration

Regulation (EU) 2019/1241¹ was published by the European Union on 25 July 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 have identified some key differences in the legislation compared to 850/98 which have also been confirmed by an independent 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;

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 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.

As a consequence of the changes to European regulation, Eastern IFCA implemented the FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE EMERGENCY BYELAW 2019 on the 13th August 2019. This byelaw was developed and introduced collaboratively with neighbouring IFCAs (Northumberland, North Eastern and Kent and Essex IFCAs) to provide a continued and consistent protective effect along the East Coast.

An emergency byelaw naturally expires after 12 months (with a potential for a six-month extension). Eastern IFCA consider that the problem under consideration will not have resolved at the time the byelaw expires and as such is proposing a replacement of the emergency byelaw with a permanent byelaw.

Rationale for intervention

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 world^{2,3}. 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

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R1241>

² ¹New South Wales Recreational Saltwater Fishing Guide. (2018) NSW Department of Primary Industries. ISBN web 978-1-76058-242-5

³ 2FLORIDA SALTWATER RECREATIONAL 2019. FISHING REGULATIONS. Florida Fish and Wildlife Conservation Commission. Issued: Jan. 1, 2019

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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 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 marine organisms 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 the Marine and Coastal Access Act 2009 and the Marine Strategy Framework Directive i.e. long-term, sustainable fisheries.

A proposed 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.

It should be noted that the proposed measures are not intended to conflict with the landing obligation – paragraph 2 of the proposed 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

Unfortunately, accurate national or regional information about angling activity around the coast and at sea is relatively sparse. Sea Angling 2012⁴ 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. However, recreational fishing covers more broadly all non-commercial fishing which includes some traditional netting and potting activities to catch fish and shellfish for personal consumption which are not covered by the Angling 2012 survey.

Within Sea Angling 2012, 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:

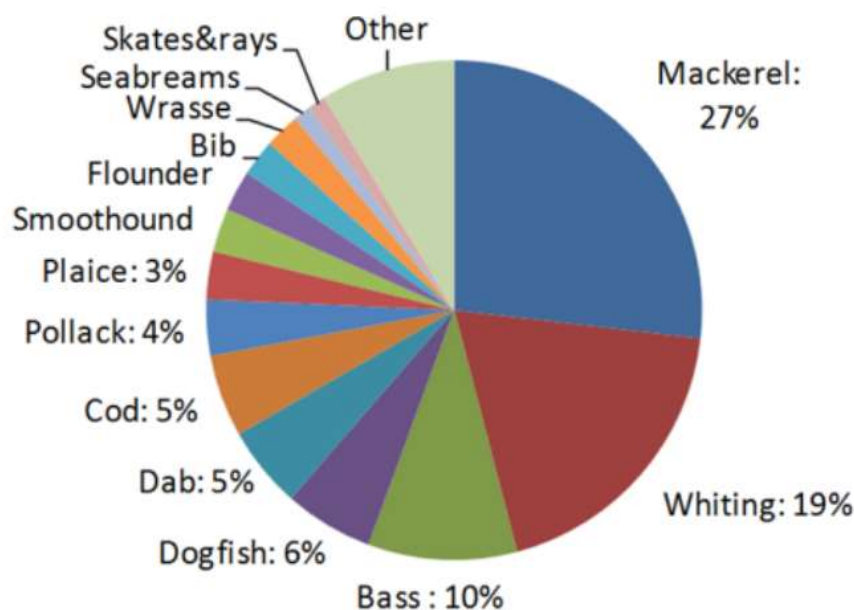
- The surveys estimated there are 884,000 sea anglers in England, with 2% of all adults going sea angling. These anglers make a significant contribution to the economy - in

⁴ 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.

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2012, sea anglers' resident in England spent £1.23billion on the sport, equivalent to £831million 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 £2.1billion 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.

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. Such activities were not captured within the Sea Angling 2012 survey but are known to occur.

In addition, there is potential for the removal of locally significant amounts of pre-spawning fish and shellfish via non-commercial fishing which operates using nets. Such fishing gear is similar if not the same as used by commercial operators and as such can have as significant an impact, particularly in relation to targeting fish within spawning or nursery areas (such as estuaries and rivers) where, do to shoaling behaviours and narrow windows of migration out to sea, large proportions of a local population can be targeted and captured with a single well placed net.

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

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Angling Trust website⁵ (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 several 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*’⁶. 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.

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 Council Regulation (EC) No 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 are relatively unknown on a species by species basis. It is considered reasonable to maintain the current protective

⁵ <https://www.anglingtrust.net/page.asp?section=163>

⁶ Article 15(12) 1380/2013 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R1380>

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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.

Emergency byelaws naturally expire after 12 months and may be extended for a further 6. Therefore, the timeframe for replacing 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 restriction 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.

Policy objective

The objective of the regulatory intervention is to limit or prevent the removal of pre-spawning individuals from populations of fish and shellfish caught within the Eastern IFCA district.

To achieve this, the proposed regulatory intervention will do the following:

Prohibit the removal of fish and shellfish below a size which is considered to represent a 'mature' fish or shellfish which is likely to have spawned;

Apply the above prohibition in relation to commercial and non-commercial fishing activity;

Apply the prohibition to the retaining on board, transshipping, landing, transporting, storing, selling, displaying or offering for sale, any of the species named in the byelaw which are undersize to enable the effective enforcement of the minimum size;

Require shellfish to be landed 'whole' except for *Nephrops norvegicus* to enable effective enforcement of the minimum sizes;

Apply an exemption in relation to using certain fish as bait when they are undersize;

Apply an exemption in relation to certain small pelagic species to permit 10% of catch to be undersize;

Apply an exemption in relation to catch subject to the landing obligation (Regulation (EU) No 1380/2013).

The measures are intended to replicate the related measures within Council Regulation (EC) No 850/98 for all catches not subject to the landing obligation and such as they applied immediately prior to the implementation of Regulation (EU) 1240/2019.

Description of options considered (including status-quo)

Two options were considered:

Option 0 – Do Nothing: Regulation (EU) 1240/2019 had the effect of changing minimum fish and shellfish size provisions as they had been under Council Regulation (EC) No 850/98. In

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particular, the amended provisions do not apply to non-commercial fishers or fishers operating from unpowered vessels and remove the prohibition on transshipping, landing, transporting, storing, selling, displaying or offering for sale undersize marine organisms. This option is not considered appropriate as it will not effectively protect pre-spawning individuals from fishing mortality and will not enable effective enforcement of the minimum sizes.

Option 1 – Minimum Sizes byelaw 2019: This measure effectively maintains the status quo immediately prior to the implementation of 1240/2019. It has the effect of maintaining the provisions which had been in place including applying the minimum size provisions to non-commercial fishers and to fishers from unpowered vessels and in relation to activities ancillary to fishing (i.e. transshipping etc.).

Monetised and non-monetised costs and benefits of each option (including administrative burden)

No monetised or non-monetised costs are identified for either option. This reflects that the proposals effectively maintain the status quo which had been in place immediately prior to the implementation of 1240/2019.

No monetised benefits are identified for option 1 (preferred option) but none for option 0 (do nothing). Non-monetised benefits relate to the protection of pre-spawning individuals from fish and shellfish populations. Removal of pre-spawning individuals can have significant negative impacts on stock health, as populations are unable to replace individuals lost via natural and fishing mortality. Limiting or preventing the removal of pre-spawning fish and shellfish will ensure healthier spawning stock biomass with direct benefits to commercial fishers and indirect benefits to non-commercial fishers and the related industry (i.e. tackle shops, charter vessels etc.). This will also be in keeping with obligations under the Marine Strategy Framework Directive, to ensure stocks are:

1. exploited sustainably consistent with high long-term yields
2. have full reproductive capacity in order to maintain stock biomass and;
3. the proportion of older and larger fish/shellfish should be maintained (or increased) being an indicator of a healthy stock.

The consultation closed on 28th October 2019 and only a single written response was received and a further verbal response. The Angling Trust commented on the proposal subsequent to the deadline and this has also been taken into consideration. There was general support for the byelaw, including from the Angling Trust which supports the need for enforceable minimum sizes for recreational anglers. In addition, the National Federation of Fishermen's Organisations have indicated that their view hasn't changed since the view provided at the time of implementing the Emergency Byelaw which was to the effect that as the measures maintain the status quo, there will be limited impact. A summary of the key comments raised pertinent to the byelaw are set out below.

Limited impact of recreational fishing – representation was made to the effect that recreational anglers are unlikely to have a 'significant' impact on fish and shellfish stocks for most stocks (possibly with the exception of bass and cod).

Whilst this may be the case for 'anglers', the byelaw's effect extends to all 'non-commercial' fishers, including for example, non-licensed fishers who deploy commercial style fishing gear such as nets. The Impact Assessment highlighted this distinction, setting out the potential impacts associated particular with non-commercial fishers using nets in estuaries and rivers for which there is currently no restrictions, save for the minimum sizes for fish and shellfish.

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Lack of parity between commercial and recreational fishers – in support of the byelaw, the view was expressed that European Regulations do not reflect an ‘equal playing field’ between commercial and recreational anglers with minimum sizes being imposed on commercial fishers only. This was of particular concern in the context, in the opinion of the respondent, the EU measures were having a ‘crippling’ impact on local commercial fishers and particularly in relation to bass fishing.

Unintentionally making it illegal to store / transport etc. catch within Eastern IFCA district which was caught legally elsewhere – the concern raised relates to where someone has in their possession a fish which is below the minimum size within the Eastern IFCA district but which was caught elsewhere, where the minimum size is different and was therefore caught legally.

This issue persists only where the minimum size for a marine organism within the Eastern IFCA district is greater than elsewhere. This is considered to be the case for two species only, whelks (*Buccinum undatum*) and mackerel (*Scomber Scombus*). In the case of whelks, the wording of the emergency byelaw takes into account where the whelks were caught from in detaining if there is an offence and as such, the issue does not persist.

In relation to mackerel, the issue does exist because the wording of the emergency byelaw does not take into account the location the mackerel was caught from. As such, it is proposed that this is amended the wording of such to prevent this interpretation. This change reflects the status quo of the original EU measures prior to their changing and it’s not being included in the emergency byelaw was an oversight rather than a purposeful change.

The minimum size of some species should be increased – Representation was made to the effect that the current minimum sizes have only a limited effect in protecting pre-spawning individuals. As set out in the previous section, the limited timescale to replace the emergency byelaw effectively preclude Officers from undertaking a review of the current minimum sizes. This is to be reflected in longer-term workstreams, working collaboratively with other IFCAs.

Other species should be added to the byelaw – proposed species include cockles. As set out in the previous section, whilst there may be a driver for changes to the minimum sizes (including implementing such where none presently exists), the approach recommended is to implement a byelaw to provide a continued protective effect in the first instance and seek to augment this going forward.

Rationale and evidence that justify the level of analysis used in the IA

Given that no impacts are identified from the proposed intervention, the level of analysis within the assessment is considered appropriate.

Risks and assumptions

Minimum sizes set out in the byelaw will have a protective effect – some of the minimum sizes set out in European legislation are thought to be below that which would be effective to limit or prevent the removal of pre-spawning individuals. Evaluating the effectiveness of the minimum sizes set internationally is beyond the scope of the current intervention.

Impacts of using nets with inappropriate mesh sizes – amendments made by 1240/2019 also remove the mesh size requirements on non-commercial fishers in relation to fishing with nets. Bycatch from fishing with nets can be significant and the incidental mortality of fish caught by nets can be significant. The proposed intervention does not implement mesh size

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requirements on non-commercial fishers (which was in place under Council Regulation (EC) 850/98) and as such, this poses a risk to fish stocks, particularly when fishing happens in rivers and estuaries, as a result of incidental mortality of pre-spawning individuals.

Direct costs and benefits to business calculations

None identified

Wider impacts

Non identified

Potential trade implications

Implications on trade are unknown. However, failing to evidence that fish and shellfish stocks are meeting the criteria of the Marine Strategy Framework Directive may have an impact on trade with European Countries after 2020 (deadline imposed by the directive to meet 'good environmental status'.

Summary and preferred option and implementation plan

The preferred option is to implement a byelaw which effectively replicates the minimum size provisions which were in place immediately prior to the implementation of 1240/2019 including their application to non-commercial fishing activity and in activities ancillary to fishing (including transporting, selling etc.).

Given that the proposed intervention is effectively maintaining the status quo, no specific implementation plan is required. Eastern IFCA's engagement plan includes engagement with the non-commercial fishing industry who are broadly aware of the requirement to ensure fish met a minimum size. Commercial fishers are aware of the minimum size requirements.

Eastern IFCA will publicise the byelaw on the Eastern IFCA website and via social media platforms as well as engaging fishers on the ground during compliance activity.

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Assessment of proposed intervention in relation to the Marine Policy Statement.

Marine Plan: Eastern Inshore Marine Plan

Marine Plan Policy	Policy Text	Policy screened in or out from assessment	Assessment of plan policy
Policy AGG1	Proposals in areas where a licence for extraction of aggregates has been granted or formally applied for should not be authorised unless there are exceptional circumstances.	n/a	Does not apply.
Policy AGG2	Proposals within an area subject to an Exploration and Option Agreement with The Crown Estate should not be supported unless it is demonstrated that the other development or activity is compatible with aggregate extraction or there are exceptional circumstances.	n/a	Does not apply.
Policy AGG3	Within defined areas of high potential aggregate resource, proposals should demonstrate in order of preference: a) that they will not, prevent aggregate extraction b) how, if there are adverse impacts on aggregate extraction, they will minimise these c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with the application if it is not possible to minimise or mitigate the adverse impacts	n/a	Does not apply.

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Policy AQ1	<p>Within sustainable aquaculture development sites (identified through research), proposals should demonstrate in order of preference:</p> <ul style="list-style-type: none"> a) that they will avoid adverse impacts on future aquaculture development by altering the sea bed or water column in ways which would cause adverse impacts to aquaculture productivity or potential b) how, if there are adverse impacts on aquaculture development, they can be minimised c) how, if the adverse impacts cannot be minimised they will be mitigated d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts 	✓	Proposals will not impact on aquaculture development.
Policy BIO1	<p>Appropriate weight should be attached to biodiversity, reflecting the need to protect biodiversity as a whole, taking account of the best available evidence including on habitats and species that are protected or of conservation concern in the East marine plans and adjacent areas (marine, terrestrial).</p>	✓	<p>The proposed byelaw will not impact on biodiversity. The measures are intended to reduce the likelihood of impacts on stock sustainability of fish and shellfish targeted by fishing activity which will ultimately prevent reduction in biodiversity (through overfishing).</p>
Policy BIO2	<p>Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interests.</p>	✓	<p>Where the measures act to ensure stock sustainability, they will have the effect of enhancing biodiversity</p>

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			which would otherwise be lost due to overfishing.
Policy CAB1	Preference should be given to proposals for cable installation where the method of installation is burial. Where burial is not achievable, decisions should take account of protection measures for the cable that may be proposed by the applicant.	n/a	Does not apply.
Policy CC1	Proposals should take account of: <ul style="list-style-type: none"> • how they may be impacted upon by, and respond to, climate change over their lifetime and • how they may impact upon any climate change adaptation measures elsewhere during their lifetime Where detrimental impacts on climate change adaptation measures are identified, evidence should be provided as to how the proposal will reduce such impacts.	✓	Preventing or limiting the removal of pre-spawning individuals from populations of fish and shellfish will make such more resilient to negative impacts of climate change.
Policy CC2	Proposals for development should minimise emissions of greenhouse gases as far as is appropriate. Mitigation measures will also be encouraged where emissions remain following minimising steps. Consideration should also be given to emissions from other activities or users affected by the proposal.	n/a	Does not apply.
Policy CCS1	Within defined areas of potential carbon dioxide storage,(mapped in figure 17)proposals should demonstrate in order of preference: <ul style="list-style-type: none"> a) that they will not prevent carbon dioxide storage b) how, if there are adverse impacts on carbon dioxide storage, they will minimise them c) how, if the adverse impacts cannot be minimised, they will be mitigated 	n/a	Does not apply.

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	d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts		
Policy CCS2	Carbon Capture and Storage proposals should demonstrate that consideration has been given to the re-use of existing oil and gas infrastructure rather than the installation of new infrastructure (either in depleted fields or in active fields via enhanced hydrocarbon recovery).	n/a	Does not apply.
Policy DD1	Proposals within or adjacent to licensed dredging and disposal areas should demonstrate, in order of preference a) that they will not adversely impact dredging and disposal activities b) how, if there are adverse impacts on dredging and disposal, they will minimise these c) how, if the adverse impacts cannot be minimised they will be mitigated d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts	n/a	Does not apply
Policy DEF1	Proposals in or affecting Ministry of Defence Danger and Exercise Areas should not be authorised without agreement from the Ministry of Defence.	n/a	Does not apply

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Policy EC1	Proposals that provide economic productivity benefits which are additional to Gross Value Added currently generated by existing activities should be supported.	X	No additional benefits are identified as a result of the proposed byelaw as it effectively maintains the protective effect of measures which were in place prior to an amendment of European legislation. The proposals do make negative impacts on economic productivity as a result of impacts on fish and shellfish stock sustainability less likely.
Policy EC2	Proposals that provide additional employment benefits should be supported, particularly where these benefits have the potential to meet employment needs in localities close to the marine plan areas.	X	No additional employments benefits are identified as a result of the proposed byelaw as it effectively maintains the protective effect of measures which were in place prior to an amendment of European legislation. The proposals do make negative impacts on employment as a

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			result of impacts on fish and shellfish stock sustainability less likely.
Policy EC3	Proposals that will help the East marine plan areas to contribute to offshore wind energy generation should be supported.	×	Does not apply.
Policy ECO1	Cumulative impacts affecting the ecosystem of the East marine plans and adjacent areas (marine, terrestrial) should be addressed in decision-making and plan implementation.	✓	The proposed measures will support a healthy marine habitat which in turn, should have a benefit on the wider ecosystem.
Policy ECO2	The risk of release of hazardous substances as a secondary effect due to any increased collision risk should be taken account of in proposals that require an authorisation.	✓	No additional collision risk identified as a result of the proposed byelaw.
Policy FISH1	Within areas of fishing activity, proposals should demonstrate in order of preference: a) that they will not prevent fishing activities on, or access to, fishing grounds b) how, if there are adverse impacts on the ability to undertake fishing activities or access to fishing grounds, they will minimise them c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with their proposal if it is not possible to minimise or mitigate the adverse impacts	✓	The proposed byelaw will not impact on fishing activities as they effectively maintain the measures which were in place immediately prior to an amendment to European Legislation.

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Policy FISH2	Proposals should demonstrate, in order of preference: a) that they will not have an adverse impact upon spawning and nursery areas and any associated habitat b) how, if there are adverse impacts upon the spawning and nursery areas and any associated habitat, they will minimise them c) how, if the adverse impacts cannot be minimised they will be mitigated d) the case for proceeding with their proposals if it is not possible to minimise or mitigate the adverse impacts	✓	The proposed measures will maintain a protective effect on spawning and nursery areas in so much as they will prevent the removal of pre-spawning fish and shellfish using these areas.
Policy GOV1	Appropriate provision should be made for infrastructure on land which supports activities in the marine area and vice versa.	n/a	Does not apply.
Policy GOV2	Opportunities for co-existence should be maximised wherever possible.	n/a	Does not apply.
Policy GOV3	Proposals should demonstrate in order of preference: a) that they will avoid displacement of other existing or authorised (but yet to be implemented) activities b) how, if there are adverse impacts resulting in displacement by the proposal, they will minimise them c) how, if the adverse impacts resulting in displacement by the proposal, cannot be minimised, they will be mitigated against or d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts of displacement	✓	No adverse impacts identified.
Policy MPA1	Any impacts on the overall Marine Protected Area network must be taken account of in strategic level measures and assessments, with due regard given to any current agreed advice on an ecologically coherent network.	✓	No impacts on the overall Marine Protected Area network are identified.

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Policy OG1	Proposals within areas with existing oil and gas production should not be authorised except where compatibility with oil and gas production and infrastructure can be satisfactorily demonstrated.	n/a	Does not apply.
Policy OG2	Proposals for new oil and gas activity should be supported over proposals for other development.	n/a	Does not apply.
Policy PS1	Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance should not be authorised in International Maritime Organization designated routes.	n/a	Does not apply.
Policy PS2	Proposals that require static sea surface infrastructure that encroaches upon important navigation routes (see figure 18) should not be authorised unless there are exceptional circumstances. Proposals should: a) be compatible with the need to maintain space for safe navigation, avoiding adverse economic impact b) anticipate and provide for future safe navigational requirements where evidence and/or stakeholder input allows and c) account for impacts upon navigation in-combination with other existing and proposed activities	n/a	Does not apply.
Policy PS3	Proposals should demonstrate, in order of preference: a) that they will not interfere with current activity and future opportunity for expansion of ports and harbours b) how, if the proposal may interfere with current activity and future opportunities for expansion, they will minimise this c) how, if the interference cannot be minimised, it will be mitigated d) the case for proceeding if it is not possible to minimise or mitigate the interference	n/a	Does not apply.

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Policy SOC1	Proposals that provide health and social well-being benefits including through maintaining, or enhancing, access to the coast and marine area should be supported.	X	Proposed byelaw does not relate to access to the marine environment.
Policy SOC2	Proposals that may affect heritage assets should demonstrate, in order of preference: a) that they will not compromise or harm elements which contribute to the significance of the heritage asset b) how, if there is compromise or harm to a heritage asset, this will be minimised c) how, where compromise or harm to a heritage asset cannot be minimised it will be mitigated against or d) the public benefits for proceeding with the proposal if it is not possible to minimise or mitigate compromise or harm to the heritage asset	n/a	Does not apply.
Policy SOC3	Proposals that may affect the terrestrial and marine character of an area should demonstrate, in order of preference: a) that they will not adversely impact the terrestrial and marine character of an area b) how, if there are adverse impacts on the terrestrial and marine character of an area, they will minimise them c) how, where these adverse impacts on the terrestrial and marine character of an area cannot be minimised they will be mitigated against d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts	✓	Does not apply.

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Policy TIDE1	In defined areas of identified tidal stream resource (see figure 16), proposals should demonstrate, in order of preference: a) that they will not compromise potential future development of a tidal stream project b) how, if there are any adverse impacts on potential tidal stream deployment, they will minimise them c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts	✓	Does not apply.
Policy TR1	Proposals for development should demonstrate that during construction and operation, in order of preference: a) they will not adversely impact tourism and recreation activities b) how, if there are adverse impacts on tourism and recreation activities, they will minimise them c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts	✓	Does not apply.
Policy TR2	Proposals that require static objects in the East marine plan areas, should demonstrate, in order of preference: a) that they will not adversely impact on recreational boating routes b) how, if there are adverse impacts on recreational boating routes, they will minimise them c) how, if the adverse impacts cannot be minimised, they will be mitigated d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts	n/a	Does not apply.
Policy TR3	Proposals that deliver tourism and/or recreation related benefits in communities adjacent to the East marine plan areas should be supported.	✓	The proposed measures will reduce the risk of negative impacts on fish and

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			shellfish stocks. Commercial and recreational fishing activities are considered important culturally within communities around the Eastern IFC District generating important tourist activity. Most notably the North Norfolk coast.
Policy WIND1	Developments requiring authorisation, that are in or could affect sites held under a lease or an agreement for lease that has been granted by The Crown Estate for development of an Offshore Wind Farm, should not be authorised unless a) they can clearly demonstrate that they will not compromise the construction, operation, maintenance, or decommissioning of the Offshore Wind Farm b) the lease/agreement for lease has been surrendered back to The Crown Estate and not been re-tendered c) the lease/agreement for lease has been terminated by the Secretary of State d) in other exceptional circumstances	n/a	Does not apply.
Policy WIND2	Proposals for Offshore Wind Farms inside Round 3 zones, including relevant supporting projects and infrastructure, should be supported.	n/a	Does not apply.

Appendix 2 – Minimum Sizes Byelaw 2019



Eastern Inshore Fisheries and Conservation Authority **MARINE AND COASTAL ACCESS ACT 2009 (c.23)**

MINIMUM SIZES BYELAW 2019

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

Interpretation

1) In this byelaw-

- a) "the Authority" means the Eastern Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2189);
- b) "Eastern IFC District" means the Eastern Inshore Fisheries and Conservation District as defined in articles 2 and 3 of the Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2189);
- c) "Live bait" means fish that are:
 - i) used only as a hook bait for the capture of other fish; and
 - ii) retained within a receptacle; and
 - iii) released alive into the fishery when no longer required; and
 - iv) not landed or removed from the fishery;
- d) "North Eastern IFC District" means the North Eastern Inshore Fisheries and Conservation Authority as defined in articles 2 and 4 of the Eastern Inshore Fisheries and Conservation Order 2010 (S.I. 2010 No. 2193).

Catch Prohibitions and Restrictions

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- 2) This byelaw does not apply where the landing obligation under Article 15 of Regulation (EU) 1380/2013, or any subsequent regulation that requires marine organisms to be landed, applies.
- 3) Subject to paragraphs 5, and 9, no person shall remove from the fishery, retain on board, tranship, land, transport, store, sell, display or offer for sale, any of the species named in paragraph 9 that measure less than the sizes specified but shall return them immediately to the sea.
- 4) No person shall, retain on board, tranship, land, transport, store, sell, display or offer for sale, any whelk (*Buccinum undatum*) which were caught from outside of the Eastern IFC district which measure less than 45mm.
- 5) Paragraph 3 shall not apply to: sardine, anchovy, herring, horse mackerel and mackerel, within a limit of 10 % by live weight of the total catches retained on board of each of these species. The percentage of undersized sardine, anchovy, herring, horse mackerel or mackerel shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage may be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.
- 6) The marine organisms specified in paragraph 8 shall be measured in accordance with Schedule 1.
- 7) Named crustaceans and named molluscs for which a size is specified in paragraph 8 may only be retained on board whole and may only be landed whole with the exception of the Norway Lobster.
- 8) Species and specified minimum sizes

(a) Named Fish Species

Bass (<i>Dicentrarchus labrax</i>)	42 cm
Cod (<i>Gadus morhua</i>)	35 cm
Sole (<i>Solea spp.</i>)	24 cm
Hake (<i>Merluccius merluccius</i>)	27 cm
Haddock (<i>Melanogrammus aeglefinus</i>)	30 cm
Herring (<i>Clupea harengus</i>)	20 cm
Horse Mackerel (<i>Trachurus trachurus</i>)	15 cm
Ling (<i>Molva molva</i>)	63 cm
Megrim (<i>Lepidorhombus spp.</i>)	20 cm
Mackerel (<i>Scomber scomber</i>)	

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Caught within the Eastern IFC District	30 cm
Caught outside of the Eastern IFC District	20cm
Plaice (<i>Pleuronectes platessa</i>)	27 cm
Pollack (<i>Pollachius pollachius</i>)	30 cm
Saithe (<i>Pollachus virens</i>)	35 cm
Whiting (<i>Merlangius merlangus</i>)	27 cm
(b) Named Mollusc Species	
Queen scallop (<i>Chlamys spp.</i>)	40 mm
Scallop (<i>Pecten maximus</i>)	100 mm
Octopus (<i>Octopus vulgaris</i>)	750 grams
(c) Named Crustacea Species	
Edible Crabs (<i>Cancer pagurus</i>)	
Caught within the Eastern IFC District	115 mm
Caught within the North Eastern IFC District	140 mm
Caught outside of the Eastern IFC and the North Eastern IFC Districts	130mm
European Lobster (<i>Homarus gammarus</i>)	87 mm
Spider Crab (<i>Maja squinado</i>)	
Male	130 mm
Female	120 mm
Velvet swimming Crab (<i>Necora puber</i>)	65 mm
Crawfish (<i>Palinurus spp.</i>)	95mm (carapace length)
Norway Lobster (<i>Nephrops norvegicus</i>)	
Total length	85mm
Carapace length	25mm
Tail length	46mm

- 9) The following named species below the minimum sizes specified in paragraph 8 may be used as 'live bait'

- (a) Horse Mackerel (*Trachurus trachurus*)
- (b) Mackerel (*Scomber scomber*)

Revocations

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- 10) The Byelaw with the title “FISH, MOLLUSC AND CRUSTACEA MINIMUM SIZE EMERGENCY BYELAW 2019” made by Eastern IFCA on the 13th August 2019 and which was in force immediately before making this byelaw is revoked.

I hereby certify that MINIMUM SIZES BYELAW 2019 was made by Eastern Inshore Fisheries and Conservation Authority at their meeting on 11th December 2019.



Julian Gregory

Chief Executive Officer

Eastern Inshore Fisheries and Conservation Authority

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

The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155(3) and (4) of the Marine and Coastal Access Act 2009, confirms the Marine Protected Areas Byelaw 2018 made by the Eastern IFCA on 18th July 2018.

The said byelaw comes into force on:

Explanatory Note

(This note is not part of the Byelaw)

This byelaw prohibits the removal from the fishery, retention on board, transshipping, landing, transporting, storing, selling, displaying or offering for sale specified marine organisms below specified sizes. The byelaw also prohibits the retention on board or landing of crustaceans unless they are whole, with the exception of the Norway Lobster.

The byelaw provisions shall not apply to any catch that is subject to Article 15 of Regulation (EU) 1380/2013 or any subsequent regulation that requires fish to be retained and landed in order to prohibit discarding at sea.

The byelaw includes method of measurement according to the anatomy of the named species.

The byelaw contains provisions for the retention of live named fish species below the minimum size that may be used as live bait when fishing for predatory fish species.

The byelaw also contains provisions for retaining 10% undersize catch in relation to sardine, anchovy, herring, horse mackerel or mackerel.

Schedule 1

Measurement of the size of a marine organism

1. The size of any fish shall be measured, as shown in Figure 1 for illustrative purposes, from the tip of the snout to the end of the tail fin.
2. The size of a Norway lobster shall be measured as shown in Figure 2 for illustrative purposes:
 - a. as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace, and/or,
 - b. as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae, and/or,
 - c. in the case of detached Norway lobster tails: from the front edge of the first tail segment present to the rear end of the telson, not including the setae. The tail shall be measured flat, unstretched and on the dorsal side.
3. The size of a lobster shall be measured, as shown in Figure 3 for illustrative purposes, as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace.
4. The size of a spider crab shall be measured, as shown in Figure 4 for illustrative purposes, as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace.
5. The size of an edible crab or velvet swimming crab shall be measured, as shown in Figure 5 for illustrative purposes, as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace.
6. The size of a velvet swimming crab shall be measured, as shown in Figure 6 for illustrative purposes, as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace, excluding the spines.
7. The size of any bivalve mollusc shall be measured, as shown in Figure 6 for illustrative purposes, across the longest part of the shell.
8. The size of a whelk shall be measured, as shown in Figure 7 for illustrative purposes, as the length of the shell.
9. The size of a crawfish shall be measured, as shown in Figure 8 for illustrative purposes, as the length of the carapace from the tip of the rostrum to the midpoint of the distal edge of the carapace.

Figure 1

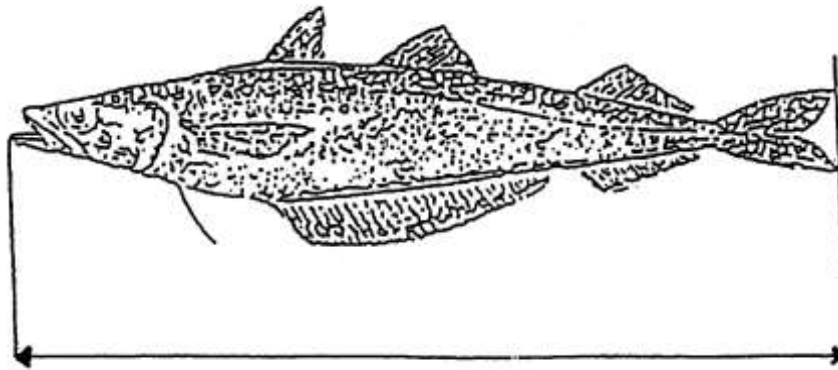


Figure 2

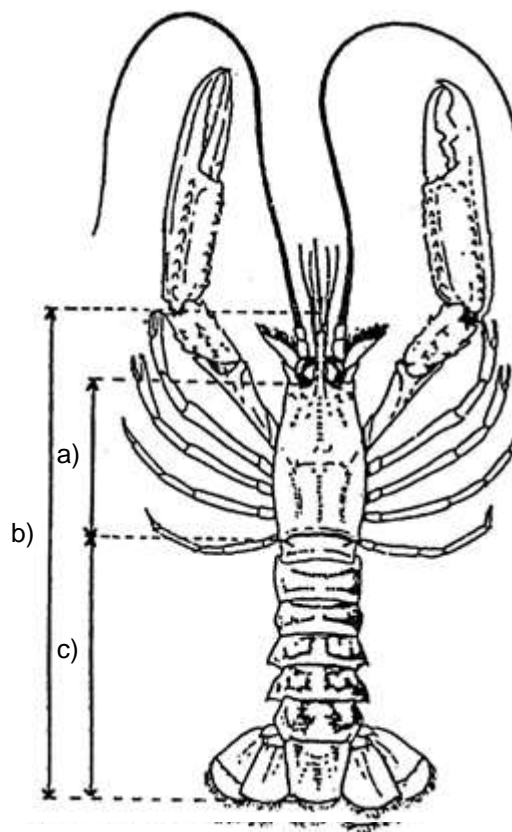


Figure 3

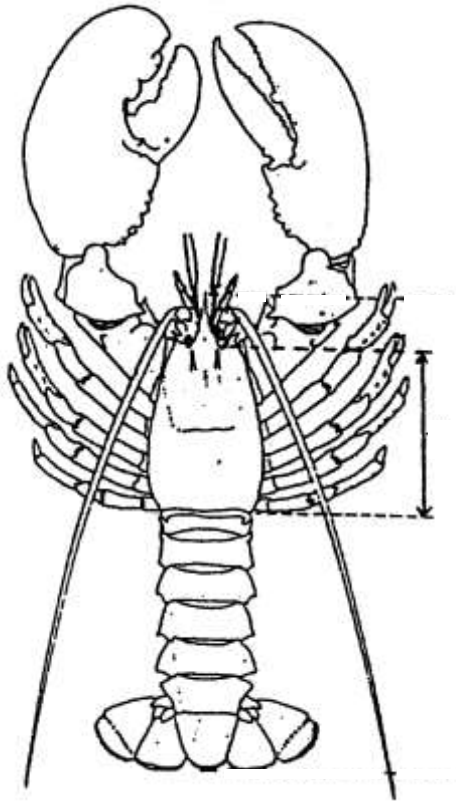


Figure 4

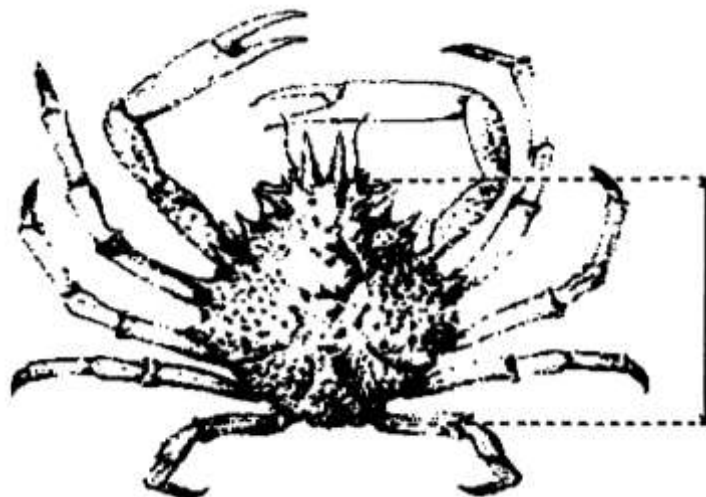


Figure 5

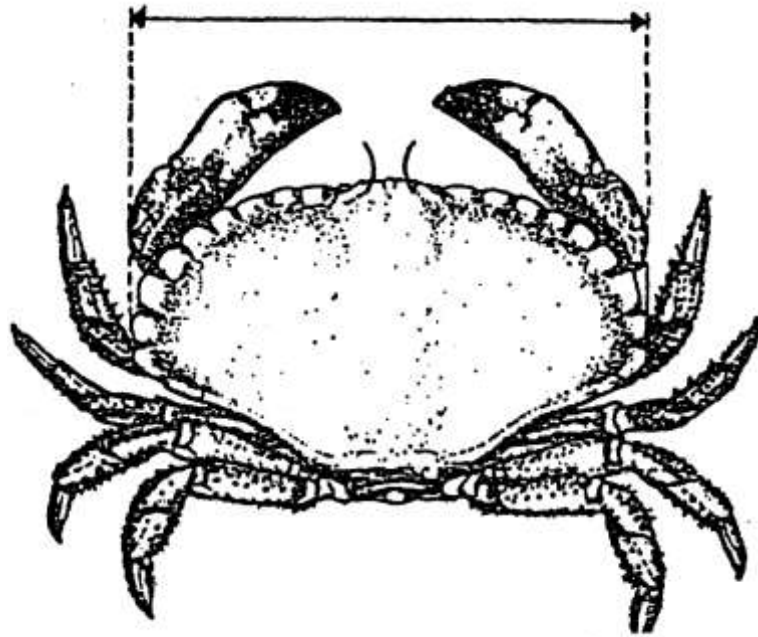


Figure 6

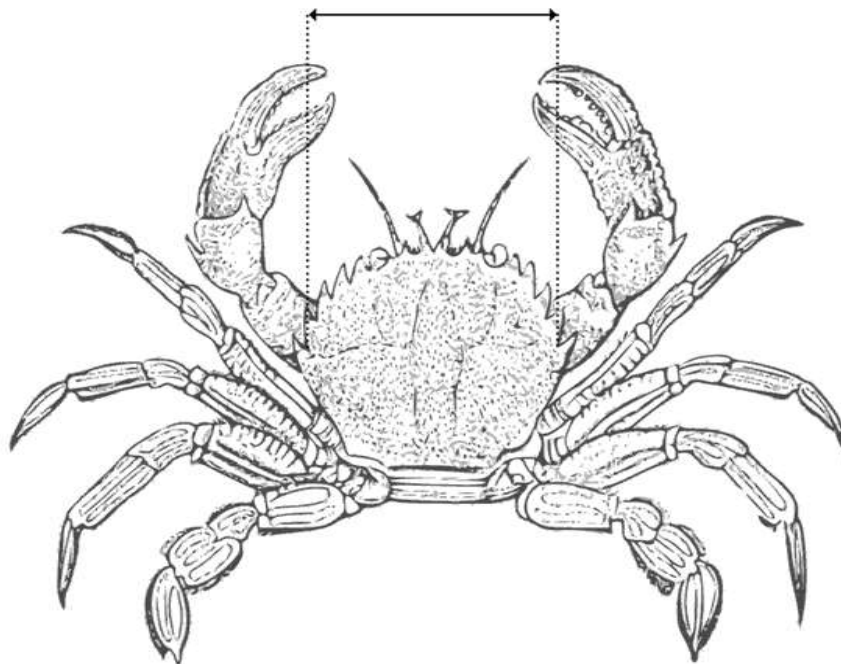


Figure 7



Figure 8

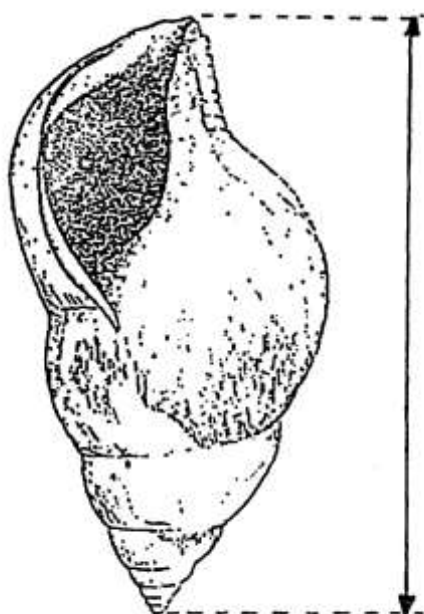
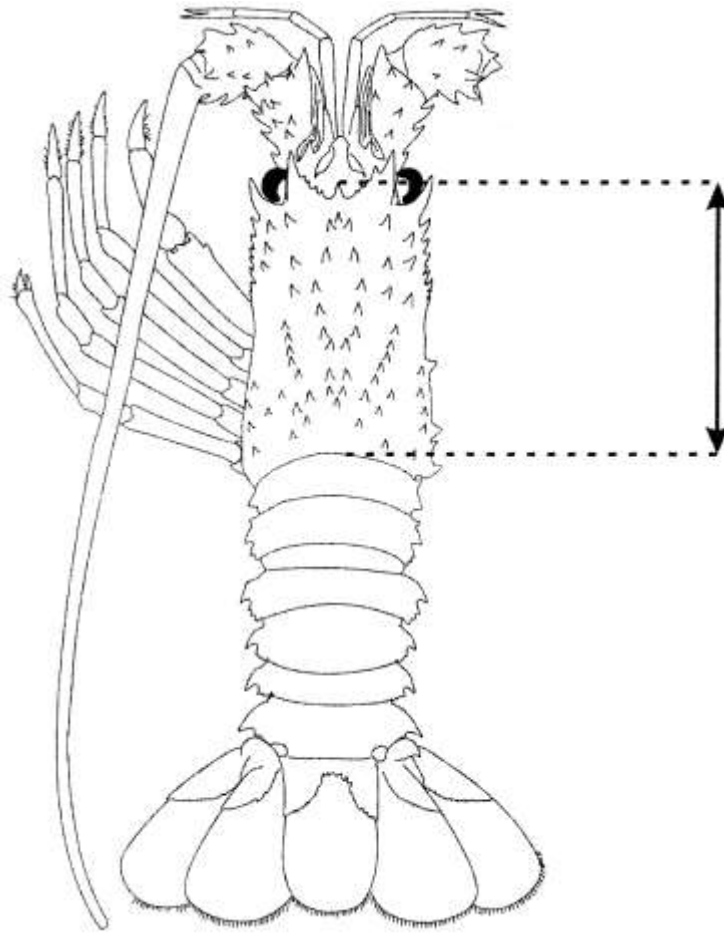


Figure 9



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

38th Eastern Inshore Fisheries and Conservation Authority meeting

11th December 2019

Report by: G. Brown, IFCO/Project Officer
S. Cowper, Marine Science Officer
L. Godwin, Senior IFCO (Regulation)
J. Stoutt, Senior Marine Science Officer (Environment)

Closed Areas Byelaw 2020

Purpose of report

To recommend to the Authority a new area closed to bottom towed fishing gear in the Wash & North Norfolk Coast SAC, and to report on progress towards management of “red risk” fishery/habitat interactions in the Inner Dowsing, Race Bank and North Ridge SAC. Both measures will be recommended for agreement in a new byelaw, the Closed Areas Byelaw 2020, to be brought to the Authority in March 2020. Agreement is sought at this stage for the closure in the Wash & North Norfolk Coast SAC.

Recommendations

It is recommended that Members:

- **Note** the rationale and justification for the circalittoral rock closed area in The Wash & North Norfolk Coast SAC;
- **Note** the Impact Assessment associated with the proposed circalittoral rock closure;
- **Agree** to include the closed area in the Wash & North Norfolk Coast SAC in the Closed Areas Byelaw 2020 when it is made; and
- **Note** the progress made with towards management of red risk fishing/feature interactions in the Inner Dowsing, Race Bank and North Ridge SAC.

Background

a. Marine protected areas

“Marine protected area” (MPA) is a general term for an area of sea that is designated for the protection of particular plants and animals and the habitats that support them. Designations include sites recognised under national and European laws – examples are shown in Table 1.

Table 1. Types of marine protected areas in Eastern IFCA district

Type of marine protected area	Origin	Mechanism
Site of special scientific interest (SSSI)	National	Countryside & Rights of Way Act 2000
Marine Conservation Zone (MCZ)	National	Marine & Coastal Access Act 2009
Special Area of Conservation (SAC) ⁷ / Site of Community Importance (SCI)	European Union	EU Habitats Directive 1992 UK Habitats Regulations 2017 UK Offshore Habitats Regulations 2007
Special Protection Area (SPA)	European Union	EU Birds Directive 1979 UK Habitats Regulations 2017
Ramsar Site	International	Ramsar Convention on Wetlands 1971

MPAs are instrumental in helping to meet UK commitments under the OSPAR Convention for the Protection of the Marine Environment of the North-east Atlantic (1992), the Rio Convention for Biological Diversity (1992) and the EU Marine Strategy Framework Directive (2008).

The majority (>95%) of sea area in the Eastern IFCA district has some form of marine protected area designation. As a regulator, Eastern IFCA is responsible for furthering the conservation objectives of marine protected areas by ensuring appropriate fisheries management is in place.

Eastern IFCA's Marine Protected Areas byelaw is one mechanism for the management of fisheries in Marine Protected Areas. Other mechanisms include permit schemes, effort controls, vessel size and fishing gear restrictions, seasonal fishing restrictions and quota. These are implemented through a suite of Eastern IFCA Byelaws and through the Wash Fishery Order Regulations. Not all MPAs require exclusion of demersal fishing; management is targeted according to risk to features from fishing activities.

b. Evolution of the Eastern IFCA Marine Protected Areas Byelaw

Eastern IFCA made its original Protected Areas Byelaw in 2014. This included four regulatory notices to close parts of marine protected areas in the Eastern IFCA district, to protect MPA features at high risk of damage from fishing activities ("red risk" interactions).

In response to subsequent advice from Defra, Eastern IFCA replaced the Protected Areas Byelaw 2014 with the Marine Protected Areas Byelaw 2016. This did not change the effect of the Byelaw but changed its mechanism from the regulatory notice model to a standard Byelaw model. This meant that future changes (e.g. the addition or removal of closed areas) would need to be made by fully replacing the byelaw rather than adding or removing regulatory notices. It was noted that several replacement byelaws would be expected over the next few years, as Eastern IFCA concluded fisheries assessments in the suite of MPAs within its district and identified new management requirements.

The first replacement was made in 2018. Eastern IFCA replaced the Marine Protected Areas Byelaw 2016 in order to introduce an additional suite of protected areas within the Wash and North Norfolk Coast Special Area of Conservation. This followed the assessment of shrimp beam trawling in that site, which concluded that this activity should

⁷ Special Areas of Conservation are referred to as Sites of Community Importance (SCI) before designation by member states

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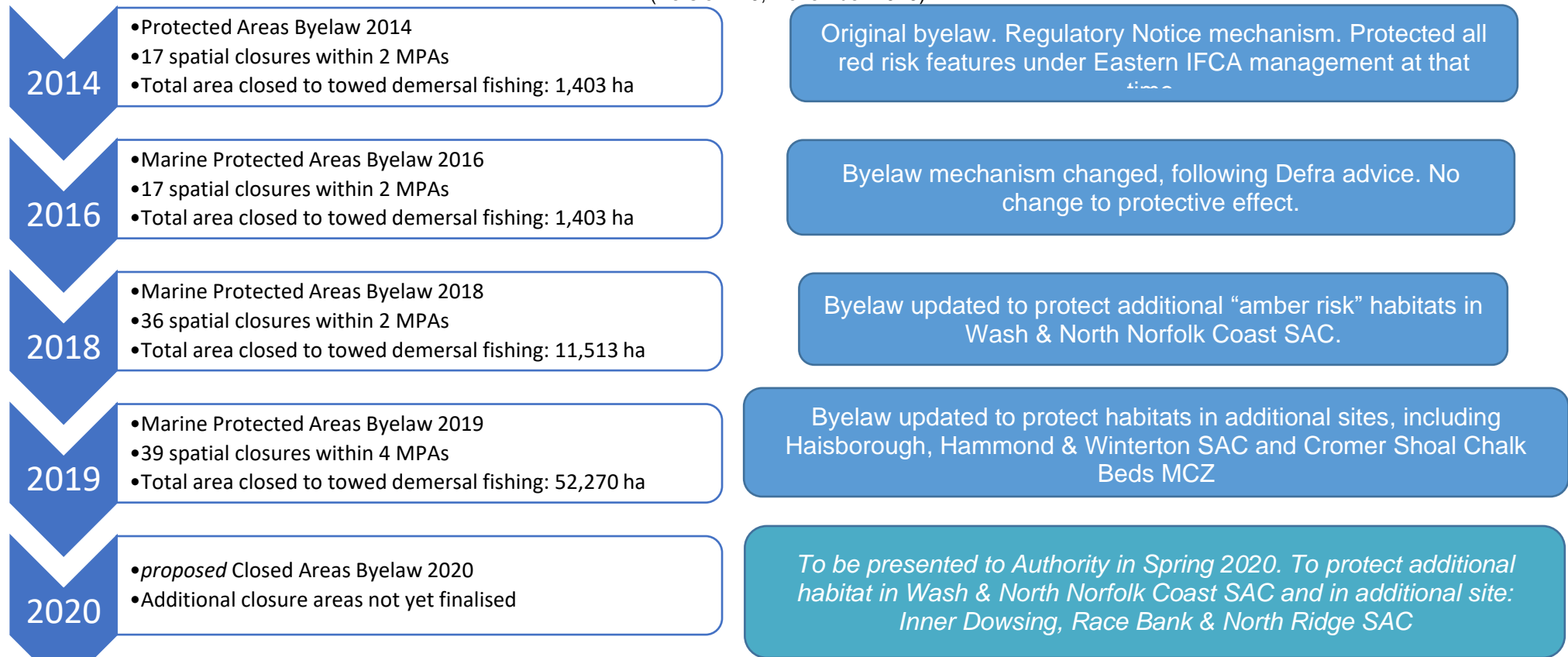
be excluded from sensitive habitat areas (subtidal mixed sediment, subtidal mud, intertidal mussel beds) to ensure no adverse effects on site integrity. Eastern IFCA approved the Marine Protected Areas Byelaw 2018 in November 2018 (Minute EIFCA 18/89) and the byelaw is currently undergoing quality assurance with Defra before it is implemented.

Further requirements for management were subsequently identified in two additional MPAs: Haisborough, Hammond & Winterton SAC and Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ). This resulted in the Marine Protected Areas byelaw being further updated in May 2019 when Eastern IFCA approved closures in these areas, plus an additional area in The Wash & North Norfolk Coast SAC. Public consultation has been completed and the Marine Protected Areas Byelaw 2019 is due to be submitted to the Marine Management Organisation for legal checks before final Defra sign-off.

The evolution of the Marine Protected Areas Byelaw is summarised in Figure 1 below.

Figure 1. Further development of Eastern IFCA's Marine Protected Area Byelaw and proposed Closed Areas Byelaw: 2014-2020

(Version 2.0, November 2019)



Eastern IFCA's Marine Protected Areas byelaw is one mechanism for the management of fisheries in Marine Protected Areas. Other mechanisms include permit schemes, effort controls, vessel size and fishing gear restrictions, seasonal fishing restrictions and quota. These are implemented through a suite of Eastern IFCA Byelaws and through the Wash Fishery Order Regulations.

Not all MPAs require exclusion of demersal fishing; management is targeted according to risk to features from fishing activities.

c. Requirement for additional closures

Progressing with the “revised approach” to fisheries management in MPAs, Eastern IFCA officers have identified three further areas for management consideration and one existing closure to review. It is proposed that these will be included in a further replacement of the Marine Protected Areas Byelaw, to be called the Closed Areas Byelaw 2020 (see Figure 1).

One closure is recommended to Eastern IFCA at the current (December 2019) meeting. If agreed, it is proposed that this will be implemented via the Closed Areas Byelaw that will be recommended to the Authority in March 2020. It is not recommended that the Closed Area Byelaw itself is made at the December 2019 meeting because it would need to be replaced in a short space of time when the remaining measures are recommended to the Authority (anticipated to be in March 2020).

Table 2. Proposed additional / review measures for Eastern IFCA consideration under proposed Closed Areas Byelaw 2020

Marine Protected Area	Proposed measure	Feature	Eastern IFCA decision date
The Wash & North Norfolk Coast SAC	Closure to bottom towed gear	Circolittoral rock	December 2019
Inner Dowsing, Race Bank & North Ridge SAC	Closure to bottom towed gear	Subtidal <i>Sabellaria</i> reef	March 2020
The Wash & North Norfolk Coast SAC	Closure to bottom towed gear	Intertidal <i>Sabellaria</i> reef	March 2020
Humber Estuary SAC	Closure to bottom towed gear (review)	Eelgrass	March 2020

Report

Closed Areas Byelaw 2020

This paper sets out one of the new closures to be introduced under the Closed Areas Byelaw 2020. This will be a further closure to bottom-towed gear (i.e. all towed, demersal gear including bottom trawls and dredges) in a part of the Wash & North Norfolk Coast Special Area of Conservation (WNNC SAC).

The proposed closed area is detailed below. A chart showing the area’s location and a table of co-ordinates will also be set out within the draft Byelaw when presented to the Authority in March 2020.

Table 3. New area proposed for closure to towed demersal gear under Closed Areas Byelaw 2020.

Marine Protected Area name	Closure number and name	Closure extent (ha)	Features protected by closure
The Wash & North Norfolk Coast SAC	39 – WNNC Circalittoral rock	86.18	Circalittoral rock

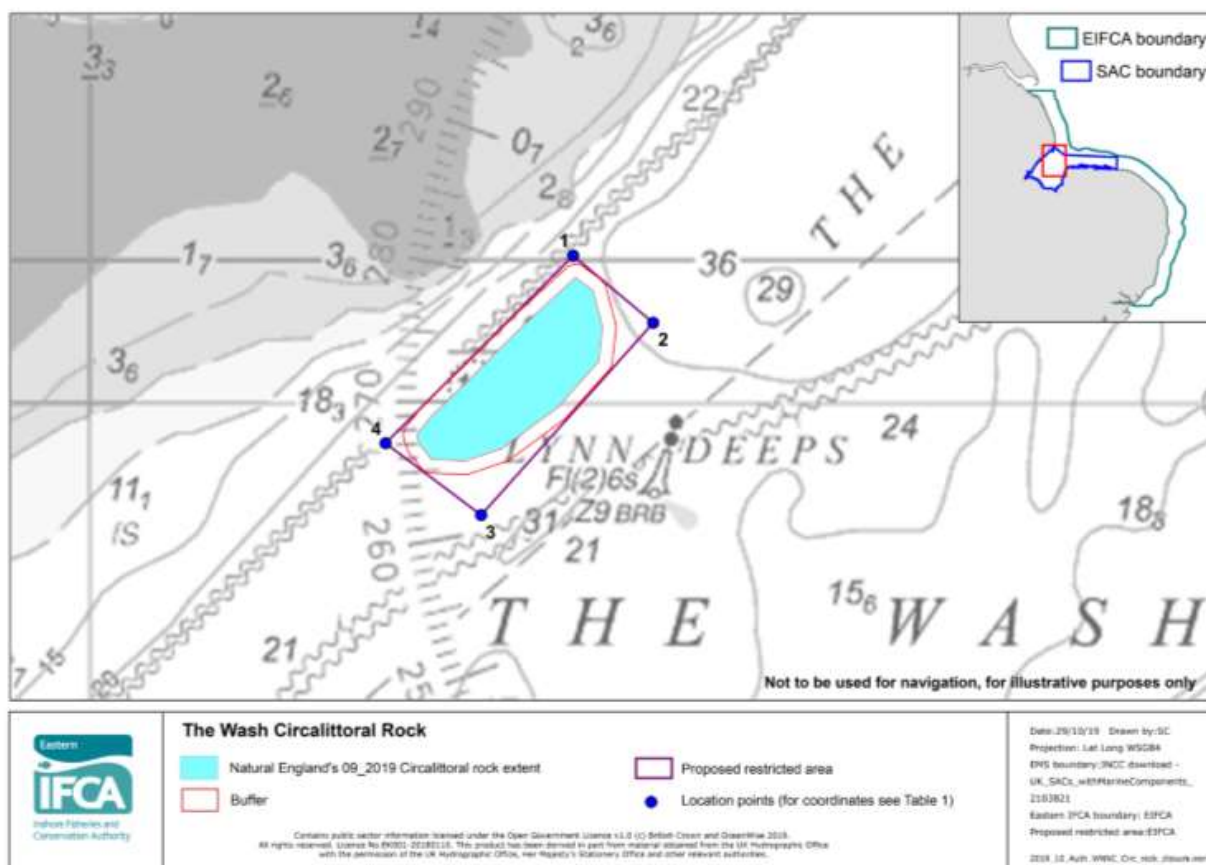


Figure 2. Proposed closed area for circalittoral rock in The Wash & North Norfolk Coast Special Area of Conservation

Table 3. Co-ordinates for proposed closed area 39

Location point	D.d Latitude	D.d Longitude	D M.m Latitude	D. M.m Longitude
1	53.007058	0.372556	53° 00.42'	00° 22.35'
2	53.003775	0.379061	53°00.23'	00° 22.74'
3	52.994368	0.36508	52°59.66'	00° 21.90'
4	52.997879	0.357335	52°59.87'	00° 21.44'

Rationale for proposed new closure

- (i) Circalittoral rock in the Wash & North Norfolk Coast SAC

This SAC lies entirely within the Eastern IFCA district, and extends from Gibraltar Point on the Lincolnshire coast to Weybourne on the north Norfolk coast. The SAC fully

encompasses the Wash embayment and the western half of the north Norfolk coast. The extent of the SAC is approximately 1,078 sq km. It is designated for a range of qualifying features including intertidal and subtidal habitats, saltmarsh, harbour seals and otters. Full details of the site's features are available at: <https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK0017075&SiteName=The%20Wash%20&SiteNameDisplay=The%20Wash%20and%20North%20Norfolk%20Coast%20SAC&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=&NumMarineSeasonality=2&HasCA=1>

'Circalittoral' is the name given to the subtidal zone where light intensity is so low that habitats are dominated by animal communities rather than algae (plants), which dominate where there is enough light for them to photosynthesise⁸. Circalittoral rock is a rare feature in the sediment-dominated habitats of The Wash. It is a sub-feature of the "large shallow inlets and bays" feature of the SAC and is sensitive to damage from activities involving contact with or penetration of the seabed. Fishing with bottom-towed gear over this subtidal bedrock feature is a 'red risk' interaction⁹, and therefore requires spatial closures to protect the feature from damage. This habitat had not been identified as a sub-feature of the site when Eastern IFCA agreed the initial "red risk" closure areas in 2013, but has subsequently been mapped and included in the formal conservation advice for the site¹⁰, as follows:

"The site is principally a region of soft sediment, however there is a small pocket of moderate energy circalittoral rock outcropping from the surrounding coarse sediment on the western flank of The Well area (central area) of The Wash (McIlwaine et al 2014). The calculated extent is 47 hectares, and occurs at depths between 20 and 30 metres)...

"...the exposed rock supports taxa that require a stable, hard substrate for attachment and/or benefit from the shelter provided by the various crevices that characterise the substrate." (McIlwaine et al 2014).

Officers have scrutinised the evidence for the extent of the feature and have sufficient confidence in the underlying data to support a proposal to manage the area shown in Figure 1. Following Natural England's advice, the 86ha closure includes the 47ha area of the feature itself, plus a 75m buffer around the feature and a small additional area to create a functional closure shape with minimal boundary points. The closure covers less than 0.1% of the SAC but includes the full extent of the circalittoral rock feature.

Given the confidence in the evidence showing the extent of the feature and its known sensitivity to towed, demersal fishing, it is recommended that restricted area 39 is included in the Closed Areas Byelaw 2020.

⁸ http://www.ukmarinesac.org.uk/communities/circalittoral/cf1_1.htm

⁹ "Red risk" is defined in Defra's Revised Approach to the management of commercial fisheries in European Marine Sites as follows: "Where it is clear that the conservation objectives for a feature (or sub-feature) will not be achieved because of its sensitivity to a type of fishing, - irrespective of feature condition, level of pressure, or background environmental conditions in all EMSs where that feature occurs - suitable management measures will be identified and introduced as a priority to protect those features from that fishing activity or activities".

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/345970/REVISED_APPROACH_Policy_and_Delivery.pdf

¹⁰

<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK0017075&SiteName=The%20Wash%20&SiteNameDisplay=The%20Wash%20and%20North%20Norfolk%20Coast%20SAC&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=&NumMarineSeasonality=2&HasCA=1>

- (ii) Biogenic reef (*Sabellaria spinulosa*) in Inner Dowsing, Race Bank and North Ridge SAC

This SAC lies partially within the Eastern IFCA district, but most of the site extends beyond 6nm and beyond 12nm (see Figure 3). It lies off the Lincolnshire and Norfolk coasts, with one boundary directly adjacent to the WNNC SAC boundary.

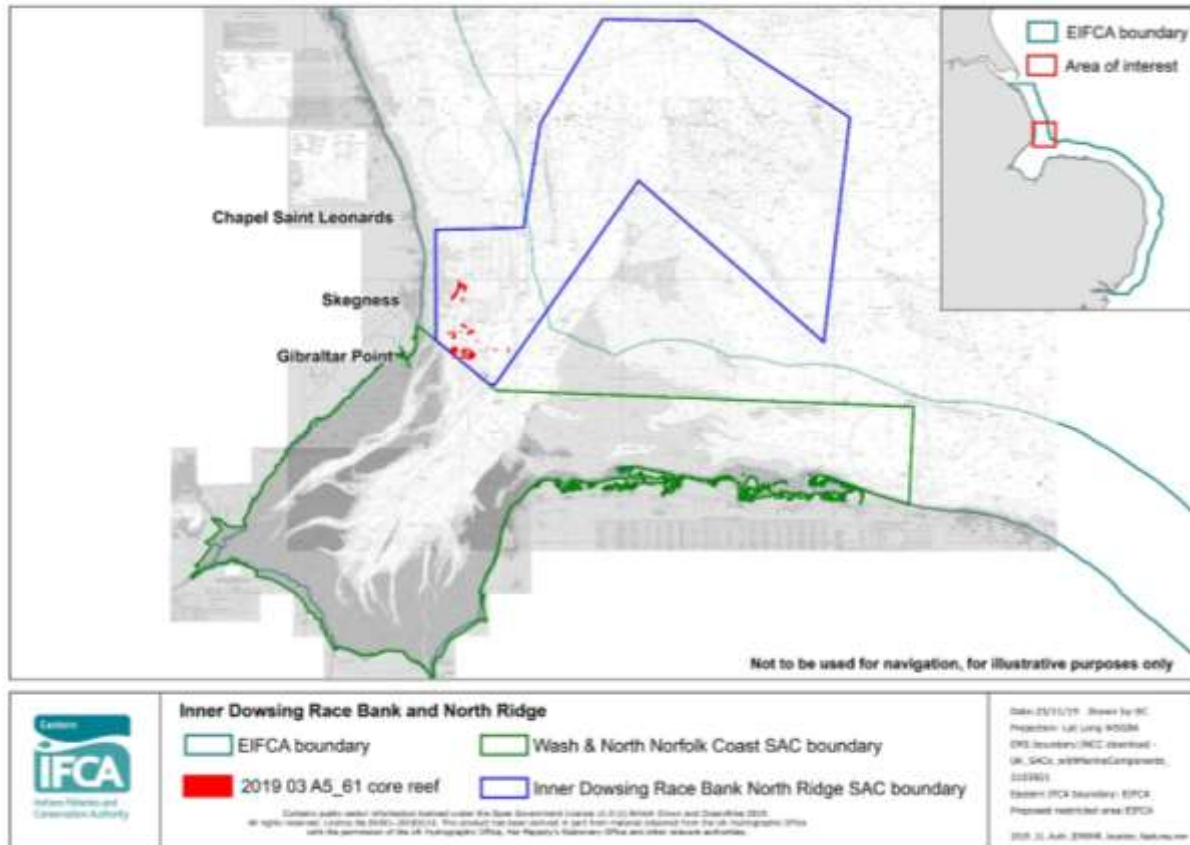


Figure 3: Location of Inner Dowsing, Race Bank and North Ridge Special Area of Conservation.

The extent of the SAC is approximately 845 sq km. The MMO previously managed the 0-12nm section of this site, but the 0-6nm area – 17.5% of the site – has now been passed to Eastern IFCA for management. The SAC is designated for two qualifying features: subtidal sandbanks and biogenic reef. Full details of the site's features are available at: <https://designatedsites.naturalengland.org.uk>. The subtidal sandbank feature is not located within the 0-6nm section of the site, so the focus for Eastern IFCA is management of the biogenic reef feature.

Biogenic reefs formed by ross worm (*Sabellaria spinulosa*) are a valued conservation feature because they support many other species (i.e. increasing biodiversity). The reefs allow colonisation by species not otherwise associated with adjacent, looser sediment habitats. Areas of high ross worm density support epifauna (colonies of animals attached to the surface) such as bryozoans, hydroids, sponges and anemones. Additional fauna also includes polychaetes, squat lobsters, crabs, the common lobster *Homarus gammarus* and notably the commercially exploitable pink shrimp *Pandalus montagui*¹¹.

¹¹ <http://archive.jncc.gov.uk/default.aspx?page=6536>

Eastern IFCA is responsible for ensuring fishing activities do not threaten the integrity of MPAs, for example by damaging reef and reducing its distribution. *Sabellaria spinulosa* reef is vulnerable to damage from towed, demersal fishing activities, so these types of fishing need to be managed so that they do not interact with the reef feature. Eastern IFCA has already agreed spatial closures in The Wash & North Norfolk Coast SAC and in Haisborough, Hammond & Winterton SAC to protect reef feature (see Figure 2).

Officers are currently liaising closely with the statutory conservation advisor, Natural England, over the location and quality of the reef feature within the inshore (0-6nm) section of the IDRB&NR site, in order to identify which areas require closure to towed demersal fishing. Natural England supply feature extent data. This is scrutinised by Eastern IFCA officers, to ensure there is sufficient confidence to support management. Although officers are satisfied with data supporting some of the reported reef extent within this site, officers have queried other areas with Natural England. This has involved examining the raw data (video footage and photos of grab samples from the main data source, a survey undertaken by Cefas¹² in 2013/14) to ascertain whether the areas in question should be regarded as reef areas.

As discussions are ongoing regarding the extent of the reef feature within the area of Eastern IFCA's remit, recommendations for closed areas are not being presented to the Authority at the current (38th) Authority meeting. It is intended that recommendations will be brought to the 39th Authority meeting in March 2020, so long as the feature evidence issues have been resolved. Two further features / closed areas will also be considered at the 39th Authority meeting: intertidal *Sabellaria spinulosa* reef in the Wash & North Norfolk Coast SAC, and a review of the eelgrass closed area in the Humber Estuary SAC (see Table 2).

Officers undertook informal engagement with stakeholders regarding areas considered for management within Inner Dowsing, Race Bank and North Ridge SAC and The Wash & North Norfolk Coast SAC. The results are set out below.

Results of informal engagement

Summary of information from the informal engagement for area J (circalittoral rock in WNNC SAC)

Officers wrote to all fishers for whom we held an address or email address to ask for feedback regarding impacts of closures and requesting information about fishing activity so Eastern IFCA could adapt closures to minimise impact where we have discretion to do so. For transparency and completeness, the questionnaire was also sent to those stakeholders with a conservation interest. In total four written responses were received, representing views of seven individuals and one association. One response was received from an organisation with a conservation interest. Officers also attended one further meeting with a concerned stakeholder and had continued dialogue with another including multiple telephone calls and emails exchanged. This is a low level of feedback on the proposed areas and is considered less than optimal. This is attributed to several factors including a lack of fishing effort in the area and consultation fatigue with the same stakeholders being asked to respond to several overlapping consultations and having responded to many similar consultations in the proceeding months and years. To counteract this, officers made attempts to contact key stakeholders with some success and the period of informal engagement was extended.

A summary of responses in relation to area J is set out below:

¹² Centre for Environment, Fisheries and Aquaculture Science

The informal engagement materials did not only focus on the closures within the Wash but also the IDRB&NR. All written responses were in relation to the IDRB&NR rather than the Wash. No concerns were raised about the closure of area J in the Wash. Further engagement carried out by officers suggested that there is not thought to be any fishing activity in the area due to the water being too deep and the ground too rough to trawl over for shrimps. This information matches that in the impact assessment which shows very little fishing activity.

A summary of responses in relation to areas with the IDRB&NR

Areas A, B and C represent important shrimp grounds, which during good shrimp seasons can reduce the amount of fishing pressure on the Wash (in terms of number of tows). If these areas are closed, effort will increase in the Wash. It was communicated that for certain fishers up to 60% of their annual catch comes from those areas. If the areas are closed, then it would have a significant impact upon their business models.

Areas A, B and C represent important grounds for obtaining mussel seed, although they have not been utilised recently due to activity in relation to wind farms. The mussel seed in this area is traditionally moved into the Wash where it becomes an important food source for overwintering birds. It was also raised that the mussel settle in areas with *S. spinulosa* but in turn smother the habitat, so there is benefit in fishing the mussels in this area.

Further engagement will be had in relation to these closures following further investigation of the feature evidence. Officers intend on drawing out the full impacts of any such closures on impacted stakeholders.

Summary of impacts as per impact assessment (circalittoral rock in WNNC SAC)

Costs to Impacted Stakeholders

There are no anticipated costs based upon the loss of fishing grounds. There may be some potting for crab, lobster and whelk in the area but these activities will not be prevented. Shrimp fishing and beam trawling for white fish are the main impacted activities but there is no evidence that these occur in this area. This is supported by VMS data which shows that there is unlikely to be any fishing effort within the area proposed to be closed. There are limitations with the VMS data, in that it only pings once every 2 hours and only currently applies to vessels over 12m in length. However, this is mitigated by the large set of data and the fact that there is only 1 ping within this area. Anecdotal information also shows that shrimp fishing doesn't occur over this habitat type.

Costs to Eastern IFCA

Additional compliance activities will be required in addition to education and engagement. The cost of these are estimated to be £7,176 based on six additional sea patrols and four additional shore patrols. This is likely to be an overestimate as patrols already occur in the area due to closures implemented through the previous MPA byelaws.

Exemption for activities pursuant of Rights in Common

The Marine Protected Areas Byelaw 2019 includes a generic exemption from the closed areas in relation to activities undertaken in exercising a 'Right of Common'. These are specific, registered Rights which relate to registered common land. This exemption was implemented in the original Protected Areas Byelaw (May 2014) after it was concluded that such activities did not pose a risk to site integrity.

Officers have investigated the appropriateness of the exemption in relation to the proposed closures. None of the additional proposed closed areas overlap with common land according to available records. This primarily reflects that most common land is landward of the mean high-water mark. As such, it is proposed that the exemption is maintained in the Closed Area Byelaw 2020.

Exemption from having to secure and stow bottom towed gear within Restricted Areas
Previous iterations of the MPA Byelaw, including the original Protected Areas Byelaw, have exempted vessels from having to 'secure and stow' bottom towed gear in certain circumstances. This only applies to 'beam trawls' and where a vessel has been fishing immediately prior to entering or intends to commence fishing immediately on leaving the Restricted Area.

This is to enable fishing between and around closed areas effectively and safely. During consultation on the first iteration of the byelaw, fishers raised concerns about having to secure and stow fishing gear when they are transiting smaller Restricted Areas or small parts of Restricted Areas.

It is recommended that this exemption is maintained in all the proposed additional closed areas for the same reasons.

Appendices

Appendix 1 - Impact Assessment

Background documents

1. Eastern IFCA's informal engagement materials:
 - Two-page summary, including charts and co-ordinates
 - Covering letter and questionnaire
2. 36th Authority meeting papers: Item 13: Marine Protected Areas Byelaw 2019

Appendix 1 – Closed Areas Byelaw 2020 – initial Impact Assessment

Title: Closed Areas Byelaw 2020 IA No: EIFCA008 RPC Reference No: n/a Lead department or agency: Eastern Inshore Fisheries and Conservation authority Other departments or agencies: n/a	Impact Assessment (IA)			
	Date: 05/11/2019			
	Stage: Draft Version 1			
	Source of intervention: Domestic			
	Type of measure: Primary legislation			
	Contact for enquiries: Julian Gregorv (CEO)			
Summary: Intervention and Options				RPC Opinion: Not Applicable

Cost of Preferred (or more likely) Option (in 2016 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status Qualifying provision
£-27227.70	0	0.0	

What is the problem under consideration? Why is government intervention necessary?

Bottom Towed gear and its potential impacts on circalittoral rock within the Wash and North Norfolk Coast Special Area of Conservation (SAC) has been assessed and it has been concluded that impacts on site integrity are likely. A spatial closure has been proposed through the Closed Area Byelaw 2020 which will mitigate the identified impacts and therefore the risk to the circalittoral rock (a sensitive sub-feature of the site). Intervention is necessary because the risk to a Marine Protected Area (MPA) dictates that a regulatory approach is required to ensure the protection of

What are the policy objectives and the intended effects?

The policy objective is to manage long-term, sustainable fisheries with the Eastern IFC District which do not adversely impact the conservation objectives of MPA's. The intended effect is to prevent degradation and or improve the condition of circalittoral rock which has been assessed as being vulnerable to bottom towed gear.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 0. Do nothing

Option 1. A single discrete spatial closure encompassing the circalittoral rock feature through the Closed Area Byelaw 2020

Option 2. Total closure of the Wash and North Norfolk Coast SAC.

The preferred option is option 1 as the proposed byelaw will ensure that fishing activity will not impact negatively on the conservation objectives of the Wash and North Norfolk Coast SAC. It will also not close any part of the site where the circalittoral rock feature does not exist.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: 11/2026

Does implementation go beyond minimum EU requirements?		Yes		
Is this measure likely to impact on international trade and investment?		No		
Are any of these organisations in scope?	Micro Yes	Small Yes	Medium Yes	Large Yes
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)		Traded: N/A	Non-traded: N/A	

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Chief Executive: _____ Date: _____

Summary: Analysis & Evidence

Description:

FULL ECONOMIC ASSESSMENT

Policy Option 2

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£m)		
			Low: -61768.8	High: 0	Best Estimate: -30884.4

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
	Low	0		
High	0		7176	61768.8
Best Estimate	0		3588	30884.4

Description and scale of key monetised costs by 'main affected groups'
The key monetised cost relates to the loss of fishing grounds to those who use bottom towed gear. There is anticipated to be no impact based on the best estimate. If any impact does occur (due to unforeseen circumstances) fishers will be able to mitigate losses by fishing in different areas. The scale is therefore thought to be very low. The only costs are in relation to enforcement costs to Eastern IFCA.

Other key non-monetised costs by 'main affected groups'
None anticipated, if this does occur it will be a low cost associated with increased vessel overhead costs (depreciation and fuel costs) as a result of increasing range to accommodate displacement from fishing grounds closed to fishing by bottom-towed-gear. There may be loss of potential future fishing opportunities in closed areas.

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
	Low	0		
High	0		0	0
Best Estimate	0		0	0

Description and scale of key monetised benefits by 'main affected groups'
None Identified

Other key non-monetised benefits by 'main affected groups'
Protection of the circalittoral rock identified as being at risk from bottom towed gear fishing activity will have a positive effect on the overall ecological functioning of the MPAs and potentially improve fishery productivity, including in relation to species other than those targeted using bottom towed gear.

Key assumptions/sensitivities/risks	Discount rate (%)
Assumptions: That no fishing occurs within the closed area and that the VMS data that shows this is representative of all vessels (VMS is only fitted on vessels over 12m). Risks: Although no fishing activity is thought to occur within the closed area if it does the closure could cause displacement into other less sensitive areas with the effect of impacting site integrity (unlikely). The closure will prevent future fisheries with the area	

BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs:	Benefits:	Net:	

Evidence Base (for summary sheets)

Problem under consideration

Defra's revised approach to managing fishing activity in European Marine Sites requires Eastern IFCA to ensure that fishing activity does not have an adverse effect on site integrity in marine protected areas (MPA's) which occur within the IFC District. This requirement derives from Article 6 of the Habitats directive and the Conservation of Habitats and Species Regulations (as amended) 2017 (SI 2017/1012). Furthermore, Eastern IFCA is required under the Marine and Coastal Access Act 2009 to further the conservation objectives of any marine conservation zones within the Eastern IFC District.

Eastern IFCA also has a duty to act to ensure the sustainable exploitation of fisheries within its district as per section 153 of the Marine and Coastal Access Act 2009. In carrying out its duties Eastern IFCA is obliged to ensure good environmental status of fish and shellfish stocks as per the Marine Strategy Framework Directive (2008/56/EC) namely; sustainable fisheries with high long-term yields, stocks functioning at full reproductive capacity, and to maintain or increase the proportion of older and larger individuals.

The prolific shrimp fishery within the Eastern IFC District co-occurs primarily with the Wash and North Norfolk Coast Special Area of Conservation (SAC) – see figure 1. The fishery was assessed in accordance with s.63 of the Habitats and Species Regulations (as amended) 2017 and it was concluded that management measures are required to prevent an adverse effect on site integrity. Some closures to bottom-towed-gears have already been implemented in relation to this assessment (within The Wash) under the Marine Protected Areas Byelaw 2018 and previously the Marine Protected Areas Byelaw 2016.

Further information about the requirement for closure can be found in action item 13 of the 38th Eastern IFCA full authority meeting.

Data about the feature

Given that this feature is considered of 'red-risk' in relation to fishing with bottom towed gear, Defra's revised approach to managing fishing activity in MPA necessitates closures of the area to the fishing activity.

The Wash and North Norfolk Coast SAC

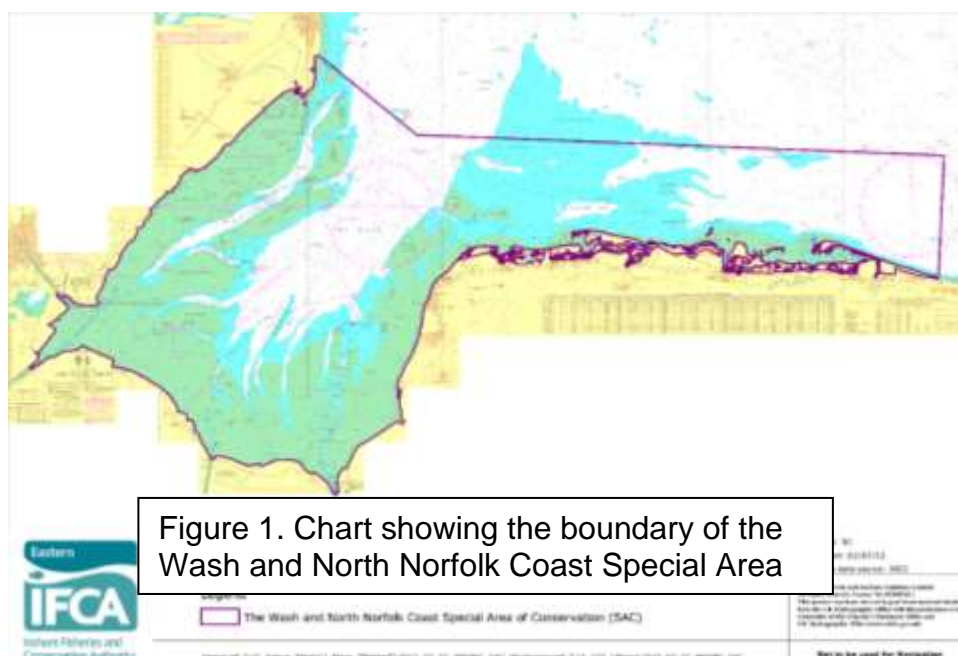


Figure 1. Chart showing the boundary of the Wash and North Norfolk Coast Special Area

Rationale for intervention

IFCAs have a duty to ensure that fish stocks are exploited in a sustainable manner, and that any impacts from that exploitation on designated features in the marine environment are reduced or suitably mitigated, by implementing appropriate management measures. Implementing this byelaw will enable Eastern IFCA to ensure that fishing activities are conducted in a sustainable manner and that the marine environment is suitably protected.

Fishing activities can potentially cause negative outcomes as a result of market failures. These failures can be described as:

1. Public goods and services – a number of goods and services provided by the marine environment such as biological diversity are ‘public goods’ (no-one can be excluded from benefiting from them but use of the goods does not diminish the goods being available to others). The characteristics of public goods, being available to all but belonging to no-one, mean that individuals do not necessarily have an incentive to voluntarily ensure the continued existence of these goods which can lead to under-protection/provision.
2. Negative externalities – negative externalities occur when the cost of damage to the marine environment is not fully borne by the users causing the damage. In many cases no monetary value is attached to the goods and services provided by the marine environment and this can lead to more damage occurring than would occur if the users had to pay the price of damage. Even for those marine harvestable goods that are traded (such as wild fish), market prices often do not reflect the full economic cost of the exploitation or of any damage caused to the environment by that exploitation.
3. Common goods - a number of goods and services provided by the marine environment such as populations of wild fish are ‘common goods’ (no-one can be excluded from benefiting from those goods however consumption of the goods does diminish that available to others). The characteristics of common goods (being available but belonging to no-one, and of a diminishing quantity), mean that individuals do not necessarily have an individual economic incentive to ensure the long-term existence of these goods which can lead, in fisheries terms, to potential overfishing. Furthermore, it is in the interest of each individual to catch as much as possible as quickly as possible so that competitors do not take all the benefits. This can lead to an inefficient amount of effort and unsustainable exploitation.

IFCA byelaws aim to redress these sources of market failure in the marine environment through the following ways:

- Management measures to conserve designated features of MPAs will ensure negative externalities are reduced or suitably mitigated.

- Management measures will support continued existence of public goods in the marine environment by conserving the range of biodiversity in the Eastern IFC District.
- Management measures will also support continued existence of common goods in the marine environment by ensuring the long-term sustainability of shrimp stocks in the Eastern IFC District.

Policy objective

The policy objective is to ensure that the bottom towed gear fisheries within the Wash and North Norfolk Coast SAC do not have an adverse effect on site integrity whilst minimising the economic impact on the fishing industry. The size and shape of the closures are intended to be representative of minimum requirements to ensure conservation objectives are met but also effective, enforceable and clear to impacted stakeholders.

The intended effect of the measures is to prohibit the use of bottom towed gear in areas which contain habitats which are likely to be damaged by their use and with the effect of adversely affecting site integrity.

Description of options considered (including status-quo)

Option 0 (do nothing) – status quo

Eastern IFCA has assessed the impacts of fishing with bottom towed gear within the Wash and North Norfolk Coast SAC. Circalittoral rock is identified as a 'red-risk' feature where Defra policy dictates the removal of the fishing pressure for 'red-risk' interactions. Towed demersal fishing activities on circalittoral rock within the SAC is classified as a red-risk interaction and requires management measures to prevent fishing activities from having harmful effects on the environment. The 'do nothing' option would have the least economic impact on stakeholders, however, is not considered to adequate to reduce the risk of impacts from bottom towed gear within Wash and North Norfolk Coast SAC and is therefore not considered a viable option.

Option 1 (preferred option) – Closed Area Byelaw 2020

The Closed area Byelaw 2020 will introduce an additional spatial closure in addition to those in effect from the Marine Protected Areas Byelaw 2018 to prohibit the use of bottom towed gear in relation to Circalittoral rock. This habitat has been assessed as being sensitive to bottom-towed-gear fishing. So as to be effective, closures are proposed which are as simple shape as possible and do not necessarily follow the convoluted extent of sub-features identified. As such, closures will also encompass some habitats and features which are not considered at risk of damage.

Option 2 – Closure of MPA to bottom towed gear

Closure of the site would meet the conservation objectives of the site but have disproportionate impacts on the industry. It also goes beyond the minimum requirement to achieve the conservation objectives of the associated MPA. Therefore, this option was not considered viable.

Monetised and non-monetised costs and benefits of each option (including administrative burden)

Option 0 (do nothing) – status quo

There are no monetised costs associated with the 'do nothing' option.

The key non-monetised costs relate to the impacts on ecosystem functioning resultant of continued fishing activity in the areas proposed to be closed. Impacts on ecosystem function is likely to lead to impacts on the sustainability of the fishery and its productivity.

In addition, the 'do nothing' option is not in keeping with the requirements of the Habitats Directive or the Marine and Coastal Access Act 2009 and as such may lead to infraction proceedings being taken against the UK.

Option 1 (preferred option) – Closed Area Byelaw 2020

There are no anticipated costs based upon the loss of fishing grounds. There may be some fishing for crab, lobster and whelk in the area however these activities will not be prevented. Shrimp fishing and beam trawling for white fish are the main impacted activities but are not thought to occur in this area. This is supported by VMS data which shows that there is unlikely to be any fishing effort within the area proposed to be closed. There are limitations with the VMS data, in that it only pings once every 2 hours. However, this is mitigated by the large set on data and that there is only 1 ping within this area. It is also anecdotally known that shrimp fishing doesn't occur over this habitat type.

Costs to Eastern IFCA

Additional compliance activities will be required in addition to education and engagement. The cost of these are estimated to be £7,176 based on six additional sea patrols and 4 additional shore patrols. This is likely to be an overestimate as there are already closures implemented through previous byelaws in adjacent area which are routinely monitored. It is possible that costs could be high if the number of patrols have to increased based on risk with the fishery as directed through the Tactical Coordinating Group. This is deemed unlikely, due to the current lack of fishing effort within the proposed closed area. The high costs is 6 additional sea patrols, and 4 additional shore patrol costs, it is likely that due to the number of patrols already in the area, there will not be a requirement for this number of patrols. Therefore, the best estimate is half this number of patrols. The low estimate is that no extra patrols are carried out as enough enforcement activity already occurs in this area.

Table 2. showing the breakdown of costs associated with additional compliance needs resultant of introducing a new byelaw.

Costs associated with 1 sea patrol				
		employment		
Crew: -		cost	working days	cost per 7.4-hour day
Skipper	1	33,760.00	225	150.04
Crew: -	3	29,410.00	227	388.68
"on costs"				
Pension			21.50%	115.83
Employers NI		12,156.97	226	53.79
Total cost				708.34
		annual cost	days at sea	
<u>Operation cost of vessel</u>			70	
Maintenance/refit		15,000.00		214.29
Insurance		3,000.00		42.86
				257.14
Total operation cost per day/trip				965.48
Costs associated with 1 shore patrol				
		employment		
Crew: -		cost	working days	cost per 7.4-hour day
Skipper	0	33,760.00	0	0.00
Crew: -	2	29,410.00	227	259.12
Total cost				259.12
"on costs"				
Pension			21.50%	55.71
Employers NI		6,978.94	226	30.88
Total operational cost of shore patrol				345.71

Option 2 Closure of MPA to bottom towed gear

The pink and brown shrimp fisheries in the Eastern IFC District are worth between £584,525 and £2,668,788 per annum. The vast majority of these fisheries are thought to occur within the Wash and North Norfolk Coast SAC although there are other notable areas are off the Lincolnshire coast and north of this MPA.

The potential impact of this option is likely to be underestimated by the landed value of catch. The factories which process the shrimp caught (both of which are based in King's Lynn) rely to a large degree on the shrimp market. The market price for the processed shrimp is likely to be much higher than the landed value and which

includes a significant amount of export to foreign markets (primarily Netherlands). There are a significant number of tertiary jobs associated with this fishery and these processing factories (i.e. engineers, factory workers, delivery drivers).

Closure of the whole site would meet the conservation objectives however; it is likely to cause a large impact on stakeholders with little or no additional benefit to site integrity. As such, it is considered disproportionate to close the entire site to bottom towed gear.

Rationale and evidence that justify the level of analysis used in the IA (proportionality approach)

This assessment has used the following information:

MMO landings data (2010 to 2017 inclusive)

VMS data (2012 to 2019 inclusive)

Anecdotal information provided by fishers (during informal engagement)

The analysis has considered the best available evidence to estimate monetised costs where the data will allow such. This has included extensive consultation with stakeholders who are likely to be impacted. There have been no concerns raised by the fishing industry in relation to the closure during the informal engagement period, this is despite all fishers (whom we hold contact details for) within the Eastern IFCA district being directly contacted either by post or email.

Risks and assumptions

The conclusion that this area is based upon limited stakeholder input which is assumed to be representative of the industry. Local knowledge has shown that the grounds are not suitable for shrimp fishing and this is the primary bottom towed gear fishery in the Wash.

The absence of VMS pings in the area means that we are confident that this represents the fishing pattern (no fishing in the area). However, given that VMS only pings once every 2 hours it is plausible though unlikely that some vessels have fished in the area, but have never been there when there VMS pings.

In addition, as set out above, shrimp fishing grounds are known to move within and between years. As such, the importance of the areas closed to fishing are likely to change over time. It is however thought that the habitat is unsuitable for shrimp, if the habitat was to change then it is likely the closure would be reviewed.

Wider impacts

There are no wider impacts anticipated as the closure is being placed over an area in which no fishing activity currently occurs, the grounds are also perceived as unsuitable for future fishing effort.

A brief qualitative summary of the potential trade implications of measure.

None anticipated.

Summary and preferred option with description of implementation plan.

The preferred option is option 1 – Closed Area Byelaw 2020. This would close one area to the use of bottom towed gear and require the gear to be secured and stowed when transiting restricted areas with an exception in certain circumstances.

These closures are in addition to the closures already implemented in the Marine Protected areas Byelaw 2019.

The proposed measure will have the effect of protecting the sensitive sub-feature within the Wash and Norfolk Coast SAC from the effects of bottom towed gear but minimise the impact on industry by closing only those areas which will be impacted.

To implement these measures, fishers will be made aware of the additional closures through updates to the Eastern IFCA website and targeted dialogue with fishers. Officers will engage with the industry to educate and engage as per Eastern IFCA's Enforcement Policy and Regulation Strategy¹³.

¹³ <http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/03/RC-Strategy.pdf>

Vision

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



Action Item 14

Eastern Inshore Fisheries and Conservation Authority Meeting

11 December 2019

Wash Restricted Area Byelaw 2019

Report by: Luke Godwin – Senior IFCO (Regulation)

Purpose of Report

The purpose of this report is to notify members of an amendment to the Formal Operating Procedure for the Wash Restricted Area Byelaw and to seek approval to delegate authority to the CEO to make further amendments as may be required.

Recommendations

It is recommended that members:

- **Note** the amendments made to the Formal Operating Procedure and eligibility criteria for the Wash Restricted Area Byelaw 2019;
- **Agree** to delegate authority to the CEO to make further amendments to the Formal Operating Procedure, eligibility criteria and permit conditions as may be required, and which do not substantially alter the intended effects of the byelaw.

Background

At the 36th Eastern IFCA meeting (15th May 2019) Members agreed to make the Wash Restricted Area Byelaw 2019 (hereafter 'the byelaw'), the associated eligibility criteria and permit conditions and to adopt the associated Formal Operating procedure (FOP). The intention of the byelaw is to replace the Wash Emergency Byelaw 2018 which expires on 26 January 2020.

The FOP sets out how the Authority will go about introducing, varying and revoking flexible management measures for the fisheries managed under the byelaw. The FOP is intended to provide clarity and transparency to potentially affected stakeholders.

Officers were directed by Members to undertake formal consultation on the byelaw and the CEO was delegated authority to make amendments to the byelaw following the consultation and as a result of the formal QA to be undertaken by the Marine Management Organisation (MMO).

Report

Officers have submitted the byelaw and associated documents (including the eligibility criteria, permit conditions and FOP) to the MMO for formal QA after undertaking a formal consultation and receiving informal advice from the MMO. As a result, the CEO has made several amendments to the byelaw as per the delegated authority provided at the 36th Eastern IFCA meeting. Given that the byelaw is still the subject of formal QA and is likely to have to be amended further, these have not been summarised within this report. Officers intend to bring the changes made to the attention of Members once formal QA has been completed to avoid repetition. None of the changes affect the intended effects of the byelaw and all are in keeping with the authority delegated to the CEO at the 35th Eastern IFCA meeting.

In addition to amendments to the byelaw, several 'administrative' amendments have been made to the eligibility criteria and Formal Operating Procedure prior to submission to the MMO for formal QA.

Eligibility criteria

The intended effect of the eligibility criteria is to limit eligibility to persons who hold a Wash Fishery order 1992 (WFO) Licence. In addition, the specifics of a Wash Restricted Area permit would match those of the WFO Licence (i.e. the persons and vessel named on the permit would be the same as the WFO Licence). In addition, a person would be limited to the same number of WRA permits as they were WFO Licences.

Further scrutiny from officers identified that the wording of the criteria was not sufficiently clear to achieve this effect. In addition, a representation was made during the formal consultation to the same effect.

As such, Officers have amended the wording with the effect of providing this clarity. The wording is at Appendix 1 (amendments highlighted).

Formal Operating procedure

The byelaw includes reference to Eastern IFCA implementing certain flexible measures in relation to a 'risk' having been identified to stock sustainability or to the protection of the Marine Protected Area of The Wash.

As a result of advice from the MMO, officers have included a 'definition' of risk within the formal operating procedure to provide clarity and transparency to stakeholders. The wording of this is set out in Appendix 2 (the addition is highlighted for reference).

Whilst officers recommended delegated authority to the CEO to amend the byelaw prior to submission for formal QA, no such recommendation was made in relation to the permit conditions (which were not amended on this occasion), eligibility criteria or formal operating procedure specifically.

Given the time constraints on replacing the emergency byelaw, the CEO decided to submit the amended permit conditions and FOP so as to start the formal QA as soon as possible. The MMO set a target timeframe of 28 days to complete formal QA and further changes are likely during the QA as a result of

any outcomes before it can be submitted to the Secretary of State for approval. Officers can make changes to the byelaw or associated documents during this time.

Officers recommend that the CEO is delegated authority to make further amendments to the eligibility criteria, permit conditions and FOP in accordance with the general authority delegated to amend the byelaw.

Financial Implications

None identified

Legal Implications

None identified

Appendices

Appendix 1 – Amended Wash Restricted Area Byelaw 2019: Eligibility Criteria

Appendix 2 – Amended Wash Restricted Area Byelaw 2019: Formal
Operating Procedure

Background Documents

Confirmed minutes – 36th Eastern IFCA meeting (15 May 2019)

Appendix 1 – Amended Wash Restricted Area Byelaw 2019: Eligibility Criteria



Eastern Inshore Fisheries and Conservation Authority

Wash Restricted Area Byelaw 2019

Eligibility Criteria

These eligibility criteria relate to the issuing of permits under Wash Restricted Area Byelaw 2019 and should be read in conjunction with that byelaw.

Criteria

Holder of a Wash Fishery Order (WFO) 1992 Licence

1. A person is not eligible to hold a Wash Restricted Area Permit unless:
 - a. they are named as the Licence Holder of a WFO Licence; and
 - b. they are the owner of a vessel which is named on a WFO Licence and which is the same vessel associated with the Wash Restricted Area Permit application.
2. A person is not eligible to hold a greater number of Wash Restricted Area Permits than the number of WFO Licences that they also hold.
3. A person is not eligible to be named on a Wash Restricted Area Permit as a named representative unless:
 - a. they are named on a WFO Licence (hand-work) as a Nominated Representative or a Nominated Deputy; and
 - b. in relation to a permit, the holder of which is the holder of the same WFO Licence on which they are also named; and
 - c. in relation to a permit, the vessel of which is the vessel of the same WFO Licence on which they are also named.

Commencement date: xx/xx/xxxx

I hereby certify that the above eligibility criteria were made by Eastern Inshore Fisheries and Conservation Authority at their meeting on the 15th May 2019.

The above eligibility criteria come into effect on xx xx xxxx

A handwritten signature in black ink, appearing to read 'J. Gregory'.

Julian Gregory

Chief Executive Officer

Eastern Inshore Fisheries and Conservation Authority

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

Appendix 2 – Amended Wash Restricted Area Byelaw 2019: Formal Operating Procedure

Formal Operating Procedure: Wash Restricted Area Byelaw 2019

Date agreed by Authority: 15th May 2019



This formal operating procedure relates to the opening and closing of fisheries and the implementation of flexible management measures including permit conditions, operating times and eligibility criteria under the Wash Restricted Area Byelaw 2019 (hereafter ‘the byelaw’).

This document sets out what Eastern IFCA considers appropriate in relation to carrying out the review procedures set out in schedule 1 of the byelaw in relation to the different powers of the Authority by the byelaw.

Determining risk

The Wash Restricted Area Byelaw 2019 includes provisions to introduce, vary or revoke management measures with no less than 12 hours’ notice where there is a risk to stocks or conservation objectives of the Marine Protected Areas (MPA) the fishery operates in. The provisions are found within the byelaw at paragraphs 20, 25, 28.

Risk will be determined where the management measures in place at any one time are considered insufficient to mitigate the risk of:

- Impacts to site integrity of the Wash MPAs as determined by a Habitat Regulation Assessment;
- Impacts on stock sustainability as determined by a stock assessment or subsequent assessment.

In determining risk, Eastern IFCA may consider any of the evidence sources referred to in Schedule 1 of the byelaw in determining risk.

Any changes to management measures implemented under these provisions have a limited time duration which is set in each provision. All such measures are also subject to review within this time period. The manner of the review is set out in this document.

Restricting the number of Wash Restricted Area Permits issued and setting criteria to restrict the eligibility for a Wash Restricted Area Permit as referred to in paragraph 11, for issuing, varying or revoking flexible permit conditions as referred to in paragraph 24 and operating periods under paragraph 27

Eastern IFCA will adopt the 'Formal Operating Procedure: Changes to flexible management measures' agreed by the Authority at the 34th Eastern IFCA meeting of the 7th November 2018¹⁴.

Opening a fishery or parts thereof under paragraph 19

1. Acquisition of relevant available evidence will primarily be in the form of the Eastern IFCA stock surveys and Eastern IFCA assessments which determine whether a fishery will have negative impacts on the site integrity of the Wash and North Norfolk Coast Special Area of Conservation or the Wash Special Area of Conservation (hereafter 'the MPAs') or on shellfish stocks;
2. Eastern IFCA may undertake limited site inspection, which will also be considered a relevant source of information under Schedule 1 of the byelaw;
3. Eastern IFCA will generally consider it appropriate to consult with permit holders in writing over a period of no less than two weeks and / or in relation to a meeting to which all permit holders are invited;
4. Eastern IFCA will consider it appropriate to undertake no consultation with permit holders where the opening of a fishery is in relation to time critical circumstances including the predicted die-off of shellfish;
5. Eastern IFCA will consider the potential impacts on permits holders in the context of the overriding requirement to prevent adverse effects on site integrity of the MPAs and its obligation to ensure long-term, sustainable fisheries;
6. Eastern IFCA will inform Permit holders of the opening of a fishery with a minimum of seven days' notice except in relation to the opening of a fishery is in relation to time critical circumstances including the predicted die-off of shellfish

Review of the closure of a fishery or parts thereof under paragraph 21

1. Acquisition of relevant available evidence will be in accordance with any of those set out in Schedule 1 of the byelaw;
2. Eastern IFCA will generally consider it appropriate to consult with permit holders in writing over a period of no less than two weeks and / or in relation to a meeting to which all permit holders are invited;
3. Eastern IFCA will consider the potential impacts on permits holders in the context of the overriding requirement to prevent adverse effects on site integrity of the MPAs and its obligation to ensure long-term, sustainable fisheries;
4. Eastern IFCA will inform Permit holders of the closure of a fishery or parts thereof with a minimum of seven days' notice.

¹⁴ https://www.eastern-ifca.gov.uk/wp-content/uploads/2015/05/2018_10_Formal_Operating_Procedure.pdf

Review of the issuing, varying or revoking of permit conditions under paragraph 26

1. Acquisition of relevant available evidence will be in accordance with any of those set out in Schedule 1 of the byelaw;
2. Eastern IFCA will generally consider it appropriate to consult with permit holders in writing over a period of no less than two weeks and / or in relation to a meeting to which all permit holders are invited;
3. Eastern IFCA will consider the potential impacts on permits holders in the context of the overriding requirement to prevent adverse effects on site integrity of the MPAs and its obligation to ensure long-term, sustainable fisheries;
4. Eastern IFCA will inform Permit holders of the outcome of the review in writing in accordance with the timeframes in paragraph 26.

Review of the issuing, varying or revoking of operating periods under paragraph 29

1. Acquisition of relevant available evidence will generally be in relation to risk associated with compliance and effective enforcement but may include any of those set out in schedule 1 of the byelaw;
2. Eastern IFCA will generally consider it appropriate to consult with permit holders in writing over a period of no less than two weeks and / or in relation to a meeting to which all permit holders are invited;
3. Eastern IFCA will consider the potential impacts on permits holders in the context of the overriding requirement to prevent adverse effects on site integrity of the MPAs and its obligation to ensure long-term, sustainable fisheries;
4. Eastern IFCA will inform Permit holders of the outcome of the review in writing in accordance with the timeframes in paragraph 29.

Vision

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



Action Item 15

Eastern Inshore Fisheries and Conservation Authority Meeting

11 December 2019

Wash Mussel Fisheries

Report by: Luke Godwin – Senior IFCO (Regulation)

Purpose of Report

The purpose of this report is to present to members the initial findings of the 2019 mussel survey in The Wash and to seek approval to delegate authority to the CEO to make decisions to effectively manage the related mussel fisheries.

Recommendations

It is recommended that members:

- **Note** the initial findings of the Mussel survey 2019;
- **Agree** to maintain the Welland Wall mussel fishery as open to relaying and harvestable fisheries;
- **Agree** to issue the licence conditions and adopt the enforcement policy as at Appendices 1 and 2 in relation to the Welland Wall Mussel fishery;
- **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 mussel fishery within the Wash or the Welland Wall fishery as may be considered appropriate or required, including 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.

Background

The Authority manages bivalve mollusc fisheries within The Wash under the Wash Fishery Order 1992 (WFO), including the mussel (*Mytilus edulis*) fisheries. There are two district fisheries within The Wash relating to mussels, one at Welland Wall (where the mussels are situated on a bank of the River Welland) and the fishery which occupies the rest of the Wash's mud and sand banks.

Officers undertake an annual survey of mussel stocks each year during October to inform if a fishery can be opened and under what management measures. Since 2010, the surveys have indicated an overall pattern of decline on all of the inter-tidal mussel beds due to high mortalities combined with poor recruitment. This has left all of the beds in poor condition and unable to support a harvestable fishery. Following a settlement in 2016, which did offer some recovery to the stocks, it was possible to open small 'relaying' fisheries over the last two years – these constituted fisherman taking juvenile (undersize) mussels from the fishery and placing them on lays within The Wash to grow on.

The Welland Wall mussel fishery is only capable of supporting a small-scale fishery due to the rocky substrate it is situated on. The stocks on the site have remained stable and the vast majority of mussel removed is used in aquaculture (lays) within the Wash or adjacent North Norfolk Coast.

Report

Mussel stock surveys

Mussel surveys started on 28 September 2019 and have not concluded at the time of writing. The progression of the survey has been affected by poor weather and vessel breakdowns which has required the survey to continue into December. However, only two beds remain to be surveyed.

The surveys indicate that the mussel stocks have declined by approximately 45% since the previous survey, which follow similarly high losses in 2018. Looking at recent trends, in which mussels seem particularly vulnerable as they reach 2-3 years old, high losses were predicted following a good settlement of seed in 2016. The losses that have been seen, however, exceed those that were anticipated, leaving stock levels low. There are still two beds yet to be surveyed, but from what has already been seen, stocks are unlikely to exceed 7,500 tonnes in total (estimate based on beds surveyed so far and projected biomass of the two beds yet to be surveyed).

Due to a combination of poor recruitment coupled with unusually high mortalities, the inter-tidal beds have been in a state of decline since 2010. The cause of the high mortalities is yet to be proven but is thought to be linked to the presence of relatively large copepod parasites, *Mytilicola intestinalis*, that are known to be infecting the mussels. Scientific literature is divided as to whether the presence of this parasite causes die-offs as has been seen in The Wash, but Cefas were of the opinion that they were a causal factor in the high mortalities seen 2010. As *Mytilicola* is not always associated with high mussel mortalities, if this parasite is responsible for the losses seen in The Wash, it is likely there are other environmental factors that are also contributing. One such factor could be the high elevation of the inter-tidal beds, which results in lengthy emersion times. Although mussels are well adapted for emersion, and can live several days out of water, long emersion times will reduce feeding opportunities and leave the mussels exposed to

extreme temperature conditions in hot summers and cold winters. Although mussels can usually survive these conditions, when already weakened by the parasites, this additional stress could be too much. This theory is supported by the absence of similar die-offs when fishermen have relayed mussels from the inter-tidal beds onto their lays, which tend to have lower elevation and shorter emersion periods. It has also been observed that mortalities are particularly high in populations of mussels that are 2-3 years old, which is unusual for a species that can live 15-20 years. This indicates the mussels are particularly vulnerable as they reach maturity and that the stress caused by their first spawning could be another contributing factor in their demise.

Whatever the actual cause of the die-offs, few mussels are recruiting into the adult population, resulting in declining beds that are composed of increasingly ageing individuals that had settled before the first die-offs were observed in 2010. Unlike the cockle stocks, which seem to be responding to their own die-off issues with more frequent spatfalls, good mussel settlements have been infrequent. This is usual for The Wash, but where in the past it was sufficient to offset natural and fishing mortalities, it is no longer adequate. This situation has been made worse by the declining state of the beds. Not only are there fewer breeding individuals to produce the next generation, but as mussel larvae seek a matrix of mussels, shell and byssus threads to settle amongst, the declining nature of the beds is limiting the available habitat for successful settlement to occur. Since 2014 the Authority has trialled improving settlement conditions by laying culches of cockle shells on the seabed in experimental areas. These were successful at attracting mussel seed, and one such site on the Mare Tail produced one of the densest patches of mussels in The Wash. However, these areas were relatively small, and the costs involved mean it is unfeasible to use as a widescale method of attracting seed.

While the occasional good settlement, as last seen in 2016, can appear to reverse the downward decline of the beds, and even result in high stock biomasses as seen in 2017, the vulnerability of 2-3 year-old mussels to high mortalities make any apparent recovery only temporary. The high losses seen in 2018 and this year were predicted and follow a general pattern of decline seen in The Wash since 2010. Unfortunately, if the recent die-offs are the result of disease (*Mytilicola* or another) it could be very difficult to rectify the problem, as eradication of pathogens from a marine ecosystem is almost impossible. Even when attempts have been made elsewhere to eradicate pathogens from oyster farms by removing all of the farmed oysters, the disease tends to linger in low numbers of wild oysters that remain, only to re-infect the farm when oysters are reintroduced. The complete eradication of a disease from a wild population of mussels as widespread as those in The Wash is unlikely to be successful, therefore. Further, the presence of a disease that results in high mortalities, means any attempts to reverse declines by artificially restocking the existing beds are likely to be expensive and ultimately fail.

Officers plan to discuss the current issues facing the mussel stocks and possible solutions in more detail at the next Fisheries and Conservation Management Working Group meeting.

Potential for a mussel fishery

In order to open a mussel fishery within The Wash, The Authority must demonstrate that a fishery will not impact on site integrity of the Wash Marine protected Areas¹⁵. This includes meeting the conservation objective of a biomass of mussels of 12,000 tonnes.

Given the decline in mussel stocks identified through the 2019 survey, it is very unlikely that The Wash inter-tidal beds can support a mussel fishery this year. Whilst the survey has not concluded, it is very unlikely that the beds which remain to be surveyed will influence the stock to the extent that an assessment will show a fishery as not impacting site integrity. That said, so as not to unduly rule out a fishery in The Wash, Officers recommend delegating authority to the CEO to open a mussel fishery and to introduce, vary or revoke management measures should the final outputs of the mussel survey indicate stocks are sufficient.

By contrast, the stocks at Welland Wall are considered to be stable and importantly are considered to be discrete and independent to those on the inter-tidal beds. As such they do not contribute towards or are constrained by the Conservation Objective targets. It is therefore recommended that the Welland Wall Fishery is maintained as open but that the CEO is delegated authority to make the same decisions to manage the fishery (including issuing, varying and revoking licence conditions etc.) as may be required as a result of the survey or thereafter.

To this end, Officers have drafted Licence Conditions for a Welland Wall Mussel Fishery which are at Appendix 1. These Licence conditions are an amended version of the conditions issued previously to reflect the advice received regarding the use of tenders (i.e. that powered tenders cannot be used to fish within the fishery. Officers have also included a definition of the area which constitutes the Welland Wall mussel fishery for transparency and the 'Dual Fishing Prohibition' as is added to reflect the Licence conditions of the other Wash Fishery Order 1992 fisheries.

In addition, Officers have drafted an enforcement policy at Appendix 2 to enable the removal of 'juvenile' mussel from Welland Wall such that the fishery can support a harvestable fishery (i.e. where mussels are sold directly to markets) or a relaying fishery (i.e. where juvenile mussel are relayed into private aquaculture lays to grow on before sale).

Essentially the proposed Licence conditions and enforcement policy maintain the *status quo* and continuation of the fishery as it is currently managed. This is considered appropriate given the initial findings of the mussel surveys and the recommended delegated authority for the CEO will enable adjustments to be made as needed as a result of the completion of the survey and / or any further changes to the situation at Welland Wall.

¹⁵ The Wash Marine Protected Areas includes the Wash and north Norfolk Coast Special Area of Conservation and the Wash Special Protection Area.

Bird food availability

Officers also assess whether there are sufficient stocks of mussel and cockles to support the bird populations of The Wash which prey on them. Whilst the biomass of the stock precludes a fishery in any case, the low biomass of mussel may also have impacts on the 2020 cockle fishery which officers wanted to bring to the Authority's attention.

To determine the amount of available bird food, Officers use a bird food model, in which combined stocks of mussels and cockles need to reach an ash-free-dried-mass value equivalent to approximately 28,000 tonnes to ensure there is sufficient bird food resources. Because of the higher energy value of mussels in this model, 1 tonne of mussels equates to 2 tonnes of cockles. Mussel stocks are important, therefore, as they contribute proportionally more to the model and to bird food resources.

The predicted limited mussel stocks will only contribute circa 15,000 tonnes to the bird food availability model for the 2020 assessment. This would mean that at least 13,000 tonnes of cockles are needed to ensure sufficient bird food resources and to open a cockle fishery. The 2019 cockle stocks were 19,808 tonnes of which 12,980 were adult (and more than likely now dead). That leaves 6,827 tonnes of juveniles, many of which were targeted during the 2019 fishery.

The contribution of the remaining juvenile cockles to the biomass of the cockle stocks cannot be estimated accurately as several factors influence growth rates but will ultimately be determined by the 2020 cockle survey. As such, there is the potential that the cockles available to the fishery in 2020 will be limited as a result of declining mussel stocks.

It is worth noting that the mussel stocks at Welland Wall do not contribute to the bird food model and so can be removed without impact on the 2020 cockle fishery.

Financial Implications

None identified

Legal Implications

Regulation 8 of the Wash Fishery Order 1992 sets the minimum size for mussels as 45mm in length. As identified previously, there is no formal mechanism to enable the removal of mussels smaller than 45mm from within The Wash for the purpose their use in private aquaculture. As such, an enforcement policy is issued to the effect that the Authority will not enforce the associated regulation where undersize mussels are removed for the purpose of relaying into The Wash or North Norfolk Coast.

There is an inherent risk in using enforcement policies (rather than a formal mechanism) however, this is considered very low. Ultimately the issue will

only be resolved once the revised regulations have been agreed by Defra (which is likely to be imminently) which include provision for this.

Appendices

Appendix 1 – Licence Conditions for a Welland Wall Mussel Fishery

Appendix 2 – Enforcement Policy regarding Regulation 8: removal of mussel of less than 45mm

Background Documents

Not applicable

Appendix 1 - Proposed Wash Fishery Order 1992 Hand-Work Licence conditions – Welland Wall Mussel fishery

WFO Welland Wall mussel fishery – Hand-work Licence conditions

Fishers operating under a licence issued under Article 8(1) of the Wash Fishery Order 1992 are required to undertake their fishing activities in accordance with the conditions set by the Authority as per Article 8(5) of the same Order.

The following Licence Conditions are applicable to fishers operating in the Wash Fishery Order 1992 Welland Wall mussel fishery. These Licence conditions must be read in conjunction with the Wash Fishery Order 1992 Regulations which also apply to this fishery.

The Welland Wall Mussel Fishery is defined as the mussel fishery situated on the banks of the River Welland in Lincolnshire the upstream extent of which is determined by the boundary of the Wash Fishery Order 1992 and the seaward extent of which is the beacon called Tabs Head.

Licence Condition 1: Catch Returns Data

An accurately completed weekly catch return form, as supplied by Eastern IFCA, must be returned for each week of fishing, to Eastern IFCA's offices by no later than the Friday of the week following any such fishing activity.

Licence condition 2: use of tenders

A vessel must not carry or tow a tender unless it is six metres in overall length or less and unpowered.

Licence condition 3: Dual Fishing Prohibition

It is prohibited for any person/vessel to fish for, take or remove from the Welland Wall fishery any mussels on the same calendar day as fishing for, taking or removing mussels from within any other fishery regulated under the Wash Fishery Order 1992 or from outside a regulated fishery or from a lay granted under the Wash Fishery Order 1992.

Failure to comply with a licence condition is an offence under section 3(3) of the Sea Fisheries (Shellfish) Act 1967. The master, owner and charterer (if any) of a vessel used in the commission of an offence shall each be guilty of any such offence and liable to an unlimited fine on summary conviction.

Licence conditions are subject to change and fishers will be notified of any amendments to the licence conditions.

Appendix 2 - Proposed enforcement policy regarding Regulation 8: removal of mussel of less than 45mm

Eastern IFCA Enforcement Policy – Regulation 8: Mussels (*Mytilus edulis*) minimum size

Wash Fishery Order (1992) Welland Wall mussel fishery

Regulation 8 of the Wash Fishery Order 1992 (WFO) prohibits the removal of mussels less than 45mm in length from within the WFO.

Mussel relaying fisheries target juvenile mussels for the purpose of ‘relaying’ the mussel onto beds allocated for private aquaculture. The majority of mussel removed from the wild beds for this purpose are relayed within WFO Shellfish Lays within The Wash or the North Norfolk Coast.

The mussel relaying fishery is an established practice and is guided by associated policies which ensure the sustainability of the mussel fishery.

Policy

Eastern IFCA will not take enforcement action against fishers licenced to fish within the WFO Welland Wall mussel fishery with regards to non-compliance with Regulation 8 where such is removed for the purpose of relaying onto private aquaculture within the Wash and north Norfolk Coast Special Area of Conservation.

Eastern IFCA will enforce Regulation 8 where fishers fish for, take or remove any mussel from the Welland Wall fishery for the purpose of selling to market or as part of any harvestable fishery where mussels are not used for relaying.

Rationale and mitigation

Eastern IFCA has enabled several mussel relaying fisheries in the past and it is an established fishery. Pending the planned review of the WFO Regulations, there is no formal mechanism to grant exemption from Regulation 8 for the purpose of aquaculture cultivation (as there is for Eastern IFCA byelaws). As such, an enforcement policy is required to enable the fishery.

Mussels less than 45mm in length are unlikely to have spawned and are therefore protected from removal during a ‘normal’ fishery. Removal of pre-spawning individuals has the potential to negatively impact the sustainability of the mussel fishery. However, only limited fisheries can take place on Welland Wall due to the nature of the site (rocky substrate which precludes high levels of activity).

The Welland Wall fishery is distinct from The Wash mussel stock on which conservation objectives are based on. As such, there is limited risk site integrity

of the Wash and North Norfolk Coast Special Area of Conservation or Special Protection Area.

Risks of over-fishing and environmental impacts are mitigated primarily through WFO regulations and licence conditions. There is limited management of this fishery by virtue of its small scale and low risk as set out in the 2019 assessment¹⁶. Eastern IFCA monitors activity through weekly catch returns and monitors stock health through annual stock surveys.

¹⁶ Eastern IFCA Marine Protected Area Sub-Committee meeting, 13th March 2019: Action Item 7.

Vision

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Action Item 16

38th Eastern Inshore Fisheries and Conservation Authority Meeting

11 December 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 content 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.

Appendices

1. Report on priorities set for 2019-20

Background documents

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

APPENDIX 1

Eastern Inshore Fisheries and Conservation Authority

11th December 2019

Quarterly Progress against Annual Priorities – Quarter 2/3

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>d) Completion of amber/green gear/feature interactions.</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 was completed and Officers are reviewing the results of the consultation with a view to submit to the MMO for formal QA. . <i>Inner Dowsing, Race Bank & North Ridge:</i> Ongoing examination of <i>Sabellaria</i> feature evidence to inform development of management measures – close liaison with Natural England. Informal engagement on potential management areas has been undertaken – identified potential impact on mussel seed fishery. Proposed measures to be presented for Authority consideration when feature evidence issues have been resolved.</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 extended following very poor response.</p>

<p>Development of management measures where required.</p>		<p>Ongoing collaboration with Natural England and University of Essex to enhance understanding of interaction between potting gear and chalk feature.</p> <p>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. Shrimp fishing effort threshold work progressed: will inform shrimp permit byelaw and monitoring and control plan.</p> <p>1.d. Ongoing. Overview of “revised approach” assessments is in progress, to ensure all interactions have been duly assessed.</p> <p>Effort threshold has been identified for shrimp permit byelaw. This measure complements the Marine Protected Areas Byelaw (2018 and 2019) to ensure shrimp fishery amber/green interactions are duly managed.</p> <p>Assessments started for later-designated sites within (or straddling) EIFCA district: Greater Wash SPA and extension of Outer Thames Estuary SPA. Limited progress during quarter because of prioritisation of red risk work (see above) and Wash Fishery Order mussel surveys.</p>
<p>2. To ensure that sea fisheries resources are exploited sustainably and in accordance with MSFD requirements:</p>		<p>2a. Ongoing. The industry is seeking Marine Stewardship Council (MSC) accreditation for the brown shrimp fishery. As this assessment will need to consider both the sustainability of the fishery and impacts on other non-target species and</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>conservation features, its goals align closely with our own conservation and sustainability drivers. EIFCA have been liaising closely with the process to enable synergy between the industry's proposed management measures and any management we need to introduce. Following submission, the MSC accredited consultancy assessing the accreditation bid highlighted 8 Conditions that would need satisfying for the bid to be successful. EIFCA assisted the industry agents to develop action plans that will satisfy these conditions. The final report is currently undergoing a final stage of public consultation prior to a formal peer review. The deadline for completion of the process was originally October, but an application for a month's extension was accepted by the MSC.</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 is to determine if a consensus can be found within industry regarding the most effective approach to management. The original closure of the consultation was planned for October 2019, but this has been extended due to a low rate of returns. Similarly, an initial workshop for North Norfolk Coast fishers was poorly attended. Officers are reconsidering their engagement strategy with this sector of the industry in the hope of improving industry input.</p>
<p>3. To ensure that the marine environment is protected from the effect of exploitation by reviewing district wide biosecurity measures</p>		<p>3a & b. Ongoing. The Fish Health Inspectorate have completed an annual audit of the Shellfish Production Business Certification held by Eastern IFCA (the WFO Lays) and have reviewed the draft WFO Biosecurity Plan. The</p>

<p>including management of invasive, non-native species by:</p> <p>a) Development of district wide biosecurity measures</p> <p>b) Implementation of WFO Shellfish Lay lease conditions</p>		<p>most substantive element of the plan is the introduction of a mandatory check lay holders must undertake on their lays at least once per year. This is intended to be introduced via amended WFO Shellfish Lay lease conditions however, the drafting of such has been delayed due to limited capacity. Officers intend to complete a final draft set of lease conditions to consult with industry and the Crown Estate in the New Year.</p> <p>The wider biosecurity plan for the entire district is in development. This has been informed in part via Officers attending a biosecurity workshop for The Wash.</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. Delayed. Formal consultation on new policies has been postponed on several occasions in favour of other, higher priority consultations. The consultation was intended to start in October of this year but has been delayed to allow for the continuation of other workstreams including several other high priority consultations relating to several byelaws.</p> <p>4b. Delayed. Work to the compare the options of another Regulating Order or a Permit Byelaw is delayed as a result of other high priority workstreams. This piece of work is intended to start in the New Year.</p> <p>4c. Delayed. Officers have been in dialogue with Defra for a significant amount of time. Officers received further feedback regarding the revised WFO Regulations and have submitted a further iteration of such to Defra for consent by the Minister.</p>

		<p>Officers have developed a Cockle Fisheries Management Plan to update and replace the cockle sections of the 2008 Shellfish Management Policies. This new plan underwent consultation with the industry and Natural England prior to a final draft and recommendations being presented to the members at the September Authority meeting. These recommendations were accepted, and the new plan has been formally adopted.</p> <p>Officers are in 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:</p> <p>a) Implementation of I-VMS for all fisheries</p>		<p>Ongoing. As per the previous update, delays in the national roll out of I-VMS has led 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>

Key:

	Complete
	In progress
	No progress

Vision

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Information Item 17b

38th Eastern Inshore Fisheries and Conservation Authority meeting

11 December 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 24th September 2019.

Recommendations

Members are asked to:

- **Note** the content of the report and the minutes of the AIFCA meeting held on 24th September 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 24th September 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 24th September 2019

Appendix A

The Association of IFCAs Members Forum Meeting 24 September 2019 – 10:30 Followed by Directors Meeting

**The Passage, Cathedral View, St Vincent's Centre, Carlisle Place, London
SW1P 1NL**

Attendance for the Meeting:

Chair: Tony Tomlinson (Les Weller - Acting Chair until Tony arrived at 10:50 due to travel delays).

CEO: Stephen Bolt

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

Minutes: Samantha Davis

Apologies for absence: Stuart Harper, Tom Hooper, John Humphreys, Sally Standing.

No declarations of interest.

1. Minutes of the last meeting (4 June 2019) –agreed.

a. Matters arising from actions

Action 1: Done, new system has been adopted.

Action 2: AIFCA paper has been sent to A. Wareing at MMO, response promised within a week currently two weeks late. Concerns raised that this issue is still not resolved and acknowledgment of impacts on most IFCAs, e.g .loss of 65% members of DSIFCA, CIFCA. Examples provided by members about the delays in the issuing of reappointment letters and inconsistencies in terms of appointment.

Action 3: Done.

Action 4: On agenda. WW confirmed that pension and NI costs have been included in budget for training officer but post doesn't follow Kent CC paygrades.

Action 5: English Fisheries Group (EA stakeholders group) – RC – matters overtaken by recent EA/IFCA meeting, should be useful mechanism for future engagement.

Action 6: Done.

Action 7: Clarification provided that new IFCO powers SI was not affected by prorogation. Thanks recorded to Dominic Bailey at KEIFCA for his work on SI text. RC reported that Defra impossible to engage with regarding impact of new tech. con. legislation on management of recreational fisheries but he will follow up again with Defra.

Discussion followed over range of approaches taken in different IFCAs, based upon local prioritisation/risk. TD reported that at meeting with Angling Trust, it had been useful to communicate reasons leading to a variation in approach around the coast. JL felt that AIFCA should still write to Defra to voice concern over the need for a national steer.

Action 1: AIFCA to write again to Defra regarding impact of new EU technical conservation regulation on the management of recreational fishing.

Further discussion followed on the wider issue of the management of recreational sea angling (RSA) within the wider context of the forthcoming Fisheries Bill and inshore fisheries conference. TD and SB had been involved in a Defra/AIFCA meeting about angling policy and delivery and Defra were holding a RSA Stakeholder Group meeting on 7 October, to look at policy drivers, to which LW had been invited. LW made point that Defra was using the term recreational sea fishing (RSF) and it would appear that there are two separate groups - one group containing all métiers (spear fishing, recreational potting, hand gathering etc.) and another looking specifically at hook and line., a distinction that needs clarification. The former group may be more relevant to certain IFCAs for e.g. in NEIFCA which issues 2500 recreational shellfish permits.

2. Defra update (Natalie Bown (NB), Anne Harkness-Moore (AH), Jen Ashworth (JA), Rachel Muckle (RM), Martina de Fonzo (MF)

MF moving to new role and due to Defra re-structuring, NB and AH will attend and be key contact into Defra, RM liaises with Neil Hornby and across Defra marine systems.

Marine and Fisheries update (RM)

Spending Review (SR) 19 process beginning in September and is one year spending round (not 'review). All departments know overall allocation but internal bidding underway, Treasury have set out rollover budget as per 2019/20, giving time to consider before next 3 yr spending review. There is a slight uplift but big pressures and some Treasury ring fences. Assumption is currently that Treasury will call 3 year SR in Jan 2020 but could be 5yr SR. Defra will need to think through delivery, arm's length bodies etc.

Questions raised included the timetable for confirmation of New Burdens rollover – RM stated that this was very soon and would confirm with us ASAP. Also question regarding the allocation of Brexit no-deal contingency funding – RM confirmed that there were two funding streams - business as usual and EU Exit but there was blurring between them and that operational projects for EU exit being delivered by MMO.

WW emphasised that IFCAs were doing more through JMOC, alongside other partners including Border Force and RM questioned if this may be a proxy for new ways of working and future roles in post Brexit world.

RC mentioned that a range of tasks were being asked of IFCA's in parallel to our day jobs and that it would be helpful to present this to Defra via RM in a coordinated fashion to provide clarity for Defra. NB agreed to help with this co-ordination. WW raised issue about the importance of prioritisation of tasks in the short/medium/long term and how priorities may change for Defra as this has an impact on our delivery as a lot of resources have been front loaded into short term which is now creating issues with staffing time left available to IFCA's.

Action 2: RC to write to Natalie Bown with list of tasks.

Highly Protected Marine Areas (HPMA) Project (JA)

JA gave brief background to project and confirmed that stakeholder visits had been held in Lyme Bay, Isle of Arran and two more planned for Poole Harbour/Plymouth and Holderness.

A call for evidence would be launched from 3-31 October to look for stakeholder input. More stakeholder engagement planned. Area in scope is inshore/offshore English waters and offshore N. Ireland.

Questions/points raised included concerns over the types of evidence which may be provided, the role of the existing MPA network both inshore/offshore and their management, the initial aspiration for pilot sites, the need for the inclusion of socio-economic/cultural data.

Policy update (MF)

(i) IFCA evaluation review report still with Defra and external expert, will be published 'later this year', no date given.

(ii) Sea Fishing Enforcement Regulation SI laid on 30 September, comes into force 28 days later.

SIFCA Order signed 4 Sept, in force 27 Sept, NWIFCA Order signed 4 Sept, in force 28 Sept.

(iii) Fisheries Bill - will be reintroduced ASAP.

Questions/issues raised inc. RC raising point about external IFCA review and whether the report assessed resourcing issues and requested that IFCA's could see the draft before publication. RM clarified that there may be a need for an impact assessment as that this was an independent review of IFCA's after 10 years, not a Defra report, but said that she would take request back to review team. WW linked this to wider issue around deliver of Landing Obligation and new tech con regulation 20141 and the inherent deregulation of fishing and lack of enforcement options available as a result and asked about national strategy, rationale and policy objectives for fisheries management moving forwards? RM stated that there have been some D1R /Brexit events on the coast and that there would be a series of webinars planned to inform the fishing industry but would take away wider question.

Action 3: RC to re-send this question to Defra via RM

EU- Exit

Fast-moving landscape, expecting Fisheries Bill in Queens Speech if this happens, meanwhile UK working with all member states and third parties in advance of 31 October.

Business readiness workshops held around country, leaflets being produced for industry, detailed guidance on use of/need for Environmental Health Certificates

(EHC) on .GOV website. Reference made to new Certification Support officers to assist with EHCs –SD asked how this workforce was being populated, RM offered to report back. Concerns raised by JL about need for strong Defra steer regarding enforcement priorities in event of no-deal to provide clarity to IFCA. RM undertook to take this away and would talk to MMO re MMO/IFCA interface and ask MMO to talk to us directly.

TT recorded the thanks of forum members to Martina de Fonzo for all her work with us.

3. Finance & Resources

- a. Profit and Loss – first quarter
- b. Budget variation
- c. End of year accounts
- d. Future funding considerations

SB is running two accounting systems whilst migrating to new system which will aid reporting.

PW raised point that stating revenue of £120K for Q1 may not be correct as subscriptions were for entire year, so £30K attributed to Q1, need to reflect annual income vs quarterly expenditure. RC asked what the total losses would be for entire year and what impact this will have on reserves. SB – not as much as last year. PW offered to assist SB with accounts, which was accepted.

Action 4: PW to assist SB with presentation of accounts.

PW – raised awareness of the 2018/10 overspend including insurance for the capital equipment, T&S, increased venue costs and one-off payments. PW agreed to assist CEO with setting out budget options for 2020/21.

PW's analysis that there was a loss of £37K in 2018/19, reducing reserves from £110K in March 2018 to £72K in March 2019, so two years of running a deficit would wipe out remaining reserves. Shortfall partly from reduction in income from £120K to £109K, also this number is not clear in the accounts as the final accounts include grant payments for the MPA project and other sums that are cost neutral to the Association.

Conclusion that accounts must be signed off at Directors' meeting to follow forum and PW was thanked by TT for his assistance.

[Discussion on item 3 paused and Item 4b on national training provision moved up as Ian Jones (IJ) present]

4. Matters for decision

4b National training provision (WW and IJ)

WW provided introduction to agenda item with paper 1 setting out this year's work and recommendations, followed by paper 2 setting up medium term strategy and novel three tiered paying structure to meet different needs of IFCA and highlighted need for decision today as national training officer (NTO) post runs Jan – Jan.

[Please see papers from agenda item for detail].

Points raised in discussion – clarification of amendments made to paper 2:

S 5.5: £5622 income from external sources

s 5.6 Shortfall from AIFCA reserves - it was agreed that this was no longer possible.

s. 5.7 If shortfall happens, officer time could be reduced to 4 days/wk to mitigate this.

IJ gave detailed presentation about progress and achievements over last 8 months, including the approach taken, types of training provided, and 124 officers trained so far, with more to be covered with forthcoming advanced officer course, with target of 90 trainees for 2020.

Issues that arose in discussion included very positive feedback from NWIFCA officers via SA, who raised a question about future demand for courses – IJ reported that there were many short courses in development and WW clarified that there is 12-18% national annual turnover in IFCOs. In response to question from JL, IJ confirmed the process for external validation via OFQAL and the importance of the individual training records and importance of training for recruitment/retention of properly qualified, professional officers.

JG made points that the scope for new courses, the need to maintain momentum and investment including overpaying for services by EIFCA and the need for succession planning to support IJ's great work.

A detailed discussion regarding budgetary issues followed, including the potential next year to pay additional IFCOs to contribute to training delivery, the need to phase in admin costs which are currently being underwritten by KEIFCA, the importance of obtaining further external income but also members recognised the need to have a mechanism to balance any shortfall in overall budget which would fall to KEIFCA as host but could be mitigated by being shared by all 10 IFCAs.

Many members spoke in support of the principle of continuation of the NTO post, with an amendment to the report by RC to remove s5.5 and return this report with an alternative solution to cover this eventuality. SA also expressed a desire to renegotiate funding package.

All three recommendations from agenda item were taken together.

These were proposed by RC, seconded by LW, all voted in favour. Thanks were given to Ian Jones and Will Wright for all their work.

[Discussion then returned to item 3, ref. P.14]

Finances must be submitted to Directors' meeting for sign-off.

SB reported that he would be unable to set a balanced budget for 2020/21 due to upward pressures identified on p.14, in addition to shortfall arising from DSIFCA. Reserves have been depleted and alternative sources of income to cover revenue costs rather than capital projects have not been found and decisions have not yet been made about SR19 in which the AIFCA plans to ask Defra for a doubling of funding. Both MH and WW made suggestion that there would be to be a funding options paper put to the December forum meeting which should include the possibility of DSIFCA rejoining, as well as the impact of setting a budget without its contribution.

In response to questions about management of long term staff absence, SB reported that been additional assistance had been brought in from accountants and website designer but he had not practically managed to recruit temporary cover for admin work, which would be expensive.

MH/LW suggested that Emma at NIFCA could assist with advert for temporary staff.

Action 4: SB to speak to Emma at NIFCA.

4. Matters for decision (cont.)

a. Report on the review of the Association – TT

TT gave a verbal update (to be circulated with minutes after request from members) on the progress of the review to date against the list of recommendations in the 3KQ report including update of CEO role which is being evaluated, a similar process is still required with admin role. Work is underway on metrics, on updating the website, production of minutes, annual planning and member liaison.

Concern from DMc about communication about review work not being as full as possible, SD took responsibility for not being able to circulate info earlier, had hoped to be further ahead at this stage.

Action 5: JG to recirculate update paper on review.

b. Discussion on No Deal planning – RC (including paper circulated to members)

RC explained purpose of paper was to set out need for IFCAs to nationally coordinate our responses to Defra's requests for help as it was necessary to understand Defra's priorities/risks, otherwise IFCAs risk not being able to support Defra. Paper has two recommendations: (i) that AIFCA seeks to coordinate responses and (ii) AIFCA writes to Defra to communicate this and to understand risks/priorities. RC thanked WW for his work in coordinating D1R workstream. WW gave an update on JMOCC's coordinating role and where he has provided operational oversight from IFCA perspective and the need for clearer IFCA representation at JMOC to feed in more detailed, quality information. He highlighted the operational challenges of planning where it is difficult to predict how issues could evolve and spread but need to de-escalate wherever possible, LW raised issue around cross border communication with Marine Scotland.

RC - highlighted importance of being able to prioritise the competing requests made of us within the context of a national emergency so that our delivery matches expectations and raised concern that IFCA capabilities and readiness were not being correctly represented to Defra. All mindful of impacts on staff of these competing requests and the need for CO's to have political cover in light of any decisions taken.

Action 6: SB/RC to write to Defra on basis of RC's paper

5. Matters for noting

a. MPA project update (report) – Page 31

b. MPA project Steering Group minutes – Page 33

Report/minutes noted.

c. National recreational strategy verbal update – LW/TD

LW reported that he would be attending Defra angling workshop on 7 Oct and TD referred to his attendance at Angling Trust meeting to help to discuss where IFCA could help with the delivery of marine elements of their strategy.

d. iVMS verbal update – Julian Gregory

Project still under review, in relation to query over use of mobile vs fixed devices. There is re-invigorated national debate about ping rates. Issues over Succorfish and data transmission and the role of the Devon & Severn pathfinder project have been raised by JG and need a project solution ASAP.

e. CEO Meeting Log – Page 37

Noted.

f. Directors minutes - Page 40

Noted and agreed.

g. Devon and Severn update – TT

TT and SD gave positive feedback about recent meeting between CIFCA and DSIFCA CO and Chair.

6. AOB

TT thanked NIFCA for invitation to launch event for new vessel, Robert Arkless MBE.

Forthcoming Inshore Fisheries Management conference is over-subscribed, RC giving presentation on SIFCA work.

TD gave update on his involvement with MCA static gear marking group which includes RYA, NFFO, MCA, Cruising Association (CA), IFCA's and the need to reposition issue as one which needs MCA guidance, not IFCA management.

Close of meeting 16:00

Date of next meeting – Tuesday 3 December 2019 – Watermen's Hall, 16-18 St Mary at Hill, London EC3R 8EF.

Actions from this meeting

Action Number	Action	By Whom
Action 1	AIFCA to write again to Defra regarding impact of new EU technical conservation regulation on the management of recreational fishing.	RC/SB
Action 2	RC to write to Natalie Bown with list of tasks/requests from Defra.	RC
Action 3	RC to re-send this question about wider fisheries management priorities to Defra via Rachel Muckle	RC
Action 4	SB to speak to Emma at NIFCA about potential advert text for temporary recruitment of admin staff	SB
Action 5	JG to recirculate update paper on AIFCA review.	JG
Action 6	SB/RC to write to Defra on basis of RC's paper	SB

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 18a

Eastern Inshore Fisheries and Conservation Authority Meeting

11 December 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 July, August and September 2019.

Recommendations

It is recommended that members:

- **Note** the content of the report

Report

Enforcement and engagement priorities throughout district – overview

July

The engagement priority during the month was primarily in relation to the various ongoing consultations as follows:

- Formal Consultation on the Wash Restricted Area Byelaw
- Formal Consultation on the Marine Protected Area Byelaw 2019
- Informal Engagement on potting fisheries management.
- Informal engagement on the Wash Fishery Order (WFO) Cockle Management Plan

All officers were instructed to have engagement with fisheries stakeholders on the above priorities and to assist with the completion of questionnaires and paperwork where possible. Officers encouraged written responses to all the consultations. The enforcement priorities varied by area, with monitoring the cockle fishery being the priority in the Wash, inspections of whelk vessels and those targeting bass on the north Norfolk coast and Suffolk.

August

In August, the informal engagement around the potting fishery continued, this was an engagement priority for officers. Additionally, Eastern IFCA introduced a new emergency byelaw (Fish, Mollusc and Crustacea Minimum Size Emergency Byelaw

2019), informing impacted stakeholders about the byelaw was the primary engagement priority for August and continued into future months. Officers also identified candidates that may be interested in attending the future of our inshore fisheries conference and passed on information to them to encourage attendance and representation from industry members within the district.

Enforcement priorities varied by area, as with last month in the Wash the focus was on the WFO cockle fishery, and around the coast officers investigated reports of beach netting, undersize bass retention (both recreational and commercial). In Suffolk officers focused on completing shore based landing inspections, both on recreational and commercial vessels.

September

The engagement priorities for September were the same as August with the addition of the ongoing consultation into the management options for the WFO cockle fishery. There was a good level of written and verbal responses and these were accounted for in the ongoing management of the fishery.

The enforcement priorities for the month was to carry out vessel patrols up the Lincolnshire Coast, to continue the monitoring of the WFO cockle fishery and enforcing the relevant legislation in the Wash. In the south of the district the priority was addressing unlicensed fishing and carrying out vessel patrols in the Suffolk rivers.

Enforcement Outcomes (district wide)

Throughout the period various offences were detected and proportionate enforcement action was taken as follows:

- 1 Written warning in relation to retaining undersize fish
- 2 Verbal warnings in relation to retaining/landing undersize fish
- 1 Written warning for retaining undersize bass and in excess of daily bag limit
- 3 advisory letters for exceeding the WFO daily quota
- One case file was prepared for retention of undersize bass and for breaches 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	17
Sub-tidal stony Reef	J	2
Eelgrass beds (North Norfolk Coast)	SH, EH, SF, BP, BC	9
Eelgrass beds (Humber)	K	0

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

Fishing Trends

July

The main fishery in the area for the month was for crab, with the export market going well and high demand for catch. Catches of lobster were reported as stable. There were no reported landings of any other commercial species throughout the area. Recreational anglers reported that bass fishing had been good but had dropped off due to the big tides during the month. An increased catch of smooth-hounds was reported.

August

The crab price was reported as still being high due to strong export markets. There were no other trends reported for this area during the month.

September

No trends reported in this area for the month.

Metrics

Enforcement metric	Number completed
Shore Patrols	5
Port visits	13
Catch inspections (landings observed)	0
Catch Inspections (landing not observed)	0
Vehicle Inspections	0
Premises inspections	0
Enforcement actions/Offences	0
Intelligence reports submitted	6
Fishers engaged	1
Vessel Patrols	2
Boardings	0
Gear Inspections	0

Engagement/ key messages received

Limited engagement was had during this area and period, what engagement there was focused on the engagement priorities for the period as set out in the Tactical and Coordination and Tasking group (summarised above).

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

Fishing Trends

July

The WFO cockle fishery opened in the month with a low density and low yield on the majority of beds. There was a large variation in the quantity and quality landed by various fishers, with some landing clean cockles with little shell and others landing muddy cockles with a lot of shell. Effort concentrated on the Ferrier Sand. Low prices of shrimp were reported by the majority of fishers. Landings of whelk decreased as compared to previous months, as was the anticipated trend however figures were high for July (compared to previous years). There were increased catches of crab and lobster in the area compared to previous years and months, with more vessels actively participating in this fishery. Those that had participated in previous mussel relaying fisheries reported that the mussels were growing on well and keeping them busy. Recreational fishers reported good catches during the month, with many juvenile bass providing good sport fishing, mackerel catches were reported as average from boat fishing but poor from the shore.

August

The main fishery in the area was the cockle fishery and during the month, it was reported that the price increased for cockles, with a better price being paid for smaller cockles due to a better yield. Effort in the Wash Restricted Area fishery decreased, and effort moved onto sands within the WFO fishery primarily the Gat sand. Fishers were targeting smaller cockles in order to be paid a better price for them. Landings of crab were reported as decreased, but were still high for the time of year, lobster landings were reported as increased. Several vessels started to make the move across to targeting shrimp but reported poor overall catches.

September

The cockle fishery continued to be the primary fishery in the area, however the number of vessels participating reduced slightly. The main area fished was the Gat, as well as the Mare Tail. There were no landings of crab, lobster, or whelk in area reported. Effort in the shrimp fishery increased, with now 5 vessels known to be active, the price was reported as low which kept activity towards a minimum.

Metrics

Enforcement metric	Number completed
Shore Patrols	26
Port visits	37
Catch inspections (landings observed)	174
Catch Inspections (landing not observed)	16
Vehicle Inspections	0
Premises inspections	0
Enforcement actions/Offences	2 VW
Intelligence reports submitted	20
Fishers engaged	190

Vessel Patrols	39
Boardings	11
Gear Inspections	0

Engagement/ key messages received

The majority of messages received in this area throughout this period were in relation to the cockle fishery, summarised below:

- Concern over the number of vessels that were fishing hook hill (approx. 10). Potential for accident at sea, damage to grounds and resuspension/smothering of brood preventing settlement for next year's stock.
- All closures should remain in place for the whole season
- Do not open Friskney
- Friskney should be opened as the settlement on there never survives
- Fishers frustrated that they are getting paid better for smaller cockles
- Cockles are so poor, therefore effort will increase in the whelk fishery, permits should have been restricted to prevent this.
- Some fishers asked for the fishery to be closed due to concerns about next years stock and concern over the size of cockles being landed.
- Some asked for the Gat to be closed and others asked for it to remain open
- Whole sands should be closed to fishing effort not just small areas on sands

These are the views of various stakeholders during patrols, in addition to this Eastern IFCA ran a consultation on the closures and overall management of the fishery.

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

Fishing Trends

July

Commercial fishers reported that landings of crabs started to slow with no hen (female) crabs and only few jack (male) crabs, as is the usual trend for this time of year. Catches of lobster started to increase. Landings of whelks dropped to low levels as is the usual trend, due to more movement of crab and lobsters. Those that were targeting whelk have indicated that catches have been disappointing. Recreational anglers reported that there have been good catches of bass, mackerel and tope, but mainly being caught offshore rather than from the shore. The poor catches of mackerel from shore was attributed by many as being due to a high amount of weed in the water.

August

The crab fishery was reported to be average for the time of year, but overall it was a very good season. Some female crabs started to get caught in pots, but many are still

soft. Recreational fishers reported generally poor catches particularly off the shingle beaches, with just a few whiting, bass and smoothhound. Mackerel reported as poor from the shore due to too much weed in the water, catches offshore were reported as generally good. Anglers also reported that there were too many crabs in the water to catch anything.

September

Fishing for crab was reportedly going well again, with many of the females hardening up and having a good meat yield. Lobster was reported as average for the time of year. Whelk fishing was reported as on the increase during the month which was the start of an anticipated trend. Recreational fishing from shore was reported as improving this month, with late evening high tides, and many fish reportedly caught from the shingle beaches.

Metrics

Enforcement metric	Number completed
Shore Patrols	42
Port visits	144
Catch inspections (landings observed)	62
Catch Inspections (landing not observed)	43
Vehicle Inspections	0
Premises inspections	10
Enforcement actions/Offences	2 x VW, 1 Further Action
Intelligence reports submitted	25
Fishers engaged	217
Vessel Patrols	3
Boardings	9
Gear Inspections	0

Engagement/ key messages received

One fisherman reported to IFCO's that he is concerned about the amount of dumping of litter at sea by fishermen, particularly bait boxes. During the period, much of the engagement and messages received was around the ongoing informal consultation in relation to crab and lobster management measures. This will be summarised in other reports so is not included here.

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

Fishing Trends

July

In previous months, there was a lot of effort reported in the bass fishery, this reduced during the month, due to the bass reportedly moving further offshore. Difficulties with netting were reported due to the water being so clear, and trawlers were also struggling to fish due to a high amount of weed in the water. There were no reports of cod or herring. The main species reportedly caught during the month was sole, with good prices reported. Good catches of mullet were reported. Landings of skate and ray dropped off compared to previous months. Whelk catches remained stable in this area during the month, with prices reported as good. Landings of crab were down on this time last year, with lobster improved, with the majority being caught offshore, high amounts of juveniles were reported, and many 'berrying' up early which indicates a good fishery next year.

Recreational anglers gave mixed reports as to how their fishing was going, some were catching very little, whereas others were finding plentiful whiting, dab and bass. As usual there was mixed awareness in relation to MCRS, and officers focused on ensuring that all recreational anglers are aware of the relevant legislation.

August

Once again commercial fishers reported a lower catch of bass than they were expecting. Few catches were reported of cod, despite a higher effort in this fishery. The primary fishery for the month was for sole, for which the effort increased from last month, but fishers reported getting a slightly reduced price. Mullet catches were once again reported as good. Quantity of both crab and lobster was up from this time last year with fishers satisfied with the amount of catch. Whelk fishing was reported as poor with effort reduced, believed to be due to high water temperature.

Conversely to the commercial trends recreational anglers reported good catches of bass, although the majority were undersize so were returned to sea. Recreational anglers reported a good variety of species throughout the month and good catches.

September

The trend of poor bass catches continued into September, with very few landings going to market. A greater number of vessels started targeting sole, due to good catches and an increased market price. Catches of mullet, skate and ray all remained stable from the previous months. Activity in the whelk fishery increased during the month as expected. Effort started to decrease in the crab and lobster fishery throughout the month as is the usual trend in this fishery with pots being brought ashore for the winter period.

Recreational anglers reported that they had caught some good sized mackerel during the period, catches around the Great Yarmouth area were reported as very poor. Some catches of whiting were reported, and many anglers are hoping that they will soon start catching cod. Those engaged generally had a good knowledge of the bass regulations, but not of MCRS so suitable education was delivered by officers.

Metrics

Enforcement metric	Number completed
Shore Patrols	42
Port visits	119
Catch inspections (landings observed)	42
Catch Inspections (landing not observed)	87
Vehicle Inspections	0
Premises inspections	37
Enforcement actions/Offences	1 passed to the MMO
Intelligence reports submitted	83
Fishers engaged	331
Vessel Patrols	9
Boardings	18
Gear Inspections	0

Engagement/ key messages received

Many fishers communicated that they believed that there was no future in the fishing industry due to drops in catches and lack of species to catch. The only fishery doing well is the whelk fishery, but this is overfished. There were concerns that the whelk fishery may 'crash' and also what the ecosystem impacts will be from so many whelk being removed from the system. As with area 3 much of the engagement was around the crab and lobster informal consultation, and this area had very good response rates to the consultation. Many fishers were concerned about what is occurring with EU exit and any potential knock on impacts on their fishing grounds and opportunities. Education and engagement was had around the new technical conservation measures, with officers helping impacted fisheries stakeholders understand the changes and comply with the legislation.

Financial Implications

None

Legal Implications

None

Appendices

Not Applicable

Background Documents

Not Applicable

5Vision

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Information Item 18b

Eastern Inshore Fisheries and Conservation Authority Meeting

11 December 2019

Marine Science Quarterly Reports

Report by:

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

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 August to November 2019, any issues that have arisen (through internal or external drivers), and an indication of upcoming 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. Engagement with partner organisations and the Marine Protection arm of Eastern IFCA remain integral to the Science team's work. Provision of advice on marine licence applications and other marine developments is continued and remains a significant undertaking for the Science team because of the high number of developments affecting the Eastern IFCA district.

Report

WFO cockle stock assessment

When the cockle fishery had opened in July the majority of the stocks were either sparse densities of adult cockles from the 2016 year-class or high densities of juvenile cockles from the 2018 cohort. 24 closed areas were put in place to protect the higher density juvenile patches, including the whole of the Friskney Sand. Friskney is known to be a good growing sand for cockles, so it was anticipated that by late summer the stocks there might have grown sufficiently to be fished. If that proved to be the case,

it was planned to open this area to the fishery towards the end of the season. At the start of the season most of the fishermen targeted the larger cockles, but due to their sparse coverage, they struggled to achieve their quotas or landed large quantities of shell among their catches. Following reports in August that some vessels were landing small cockles harvested from the Gat sand, officers conducted an assessment to determine whether the bed was suitable to be fished. This assessment, which was conducted at a higher spatial resolution than the original survey, found the two closed areas on this bed were not perfectly aligned with the actual juvenile stocks, allowing fishers to harvest small cockles from around the outer edges of the closed boxes. Although still small, these cockles had grown well since the spring survey and were of higher value than the larger cockles that were being landed. An assessment was also conducted of the stocks in Friskney during August. This found the cockles had grown, but not as well as had been anticipated earlier in the year. The extent of the high-density patches was also found to be more widespread than originally thought, so the charts were updated to include the new data. A consultation with the industry at that time found opinions regarding the fishery were greatly divided, with some fishers wanting to see both the Gat and Friskney opened, while others preferred to see the whole fishery closed. Following these two assessments and the consultation, a decision was made to allow the fishery on the Gat sand to continue but for Friskney to remain closed. In September reports were received that the cockles at Friskney had grown significantly and were beginning to ridge out. A further assessment was conducted. This found the cockles had grown a little since the previous assessment but were still firmly in the ground. There was no evidence that ridging out was occurring, but in one place approximately 6 tonnes of cockles were found to have accumulated close to the edge of a wide run that may have been mistaken for ridging out. Although still firmly in the ground, the cockles closest to the seaward edge of the sand were considered to be the most vulnerable to winter storms. As such, this area was opened to the fishery for the duration of the season.

WFO mussel stock assessment

The annual WFO mussel surveys commenced in September. It was hoped to complete these by the end of October but ongoing problems with the research vessel's main engines, combined with periods of poor weather, disrupted the survey programme. At the time of writing, two surveys still need to be conducted. It is planned to conduct these in December. The results from these surveys will be reported at a later meeting once the fieldwork and data analysis has been completed, but it is clear from the surveys conducted to date that the majority of the beds have suffered significant declines since last year. Since 2010 the mussel stocks have suffered unusually high mortalities, particularly among mussels that are 2-3 years old. After a good settlement in 2016 helped stocks to recover to their highest levels since the 1980s in 2017, it was anticipated mortality rates would be high in 2018 and 2019 as these juvenile stocks reached what appears to be a vulnerable age. These predictions proved true both years, although losses seem larger than was anticipated. This is possibly as a result of the ageing population of older mussels that had so far survived also now declining. The cause of the high mortalities has not yet been proven but could be due to the high prevalence of an intestinal copepod parasite, *Mytilicola intestinalis*, that is known to be infecting the mussel stocks. Scientific literature is divided whether this parasite kills its host, but it is known to weaken them and reduce meat yields. It is likely, therefore, that if *Mytilicola* is the cause of the die-offs, other environmental factors will also be contributing. These could include the long emersion times that result from the height

of the wild inter-tidal beds resulting in reduced feeding opportunities and exposure to hot and cold weather. This would explain why juvenile mussels that have been taken off these beds and relayed onto lower lays tend to survive. The fact that mussels seem most vulnerable when they reach 2-3 years old (e.g. as they reach maturity) suggests that spawning behaviour may also be a contributing factor in the die-offs. Irrespective of the cause of the mortalities, their effects have left the beds and the fishery they support, in a poor condition.

It should be noted, that while *Mytilicola intesinalis* may have pathological significance to bivalves, there is no associated risk to human health.

Inter-tidal Sabellaria survey

While *Sabellaria spinulosa* is a common reef-forming species of polychaete worm in our district, it is usually found in sub-tidal habitats rather than inter-tidally. The Authority's predecessor, Eastern Sea Fisheries Joint Committee, first became aware of a relatively rare patch of inter-tidal *S.spinulosa* in 2004, however, on the edge of the Old Lynn Road channel. Due the interest in this feature, it has been surveyed several times since by both ourselves and Natural England. The most recent survey was a joint survey conducted by EIFCA and Natural England in October. During the period surveys have occurred, the bed has shrunk from 11 hectares in 2005, when it stretched 1.3 km along the edge of the sand, to its current size of 1.7 hectares.

Cromer Shoal dive survey

The Authority has been involved in a joint project between the Natural England dive team and Essex University to investigate anthropogenic impacts on the Cromer Shoal chalk reef and the relationship between chalk rugosity and population dynamics of commercial crustacea. This project was conducted in September by divers using arrays of underwater cameras from which 3D images could be developed. The Authority was originally planning to use one of its vessels as a dive platform for this work, but logistics meant it was preferable for the dive team to use a local commercial vessel. The Authority part-funded the charter of this vessel. The team from the university are currently analysing the data with the hope of presenting the results at a workshop next spring.

Brown shrimp fishery MSC accreditation

The Habitats Regulations Assessment for the brown shrimp fishery had identified certain sensitive areas that needed protecting with spatial closures. In addition to these closures, it is also necessary to ensure the fishing effort outside of those areas remains at a similar level to that occurring during the assessment period (2006 to 2016). After deliberating the pros and cons of the various metrics that could be used for monitoring "fishing effort", monitoring "fishing trips" was determined to be the most favourable approach to take. Following that decision, officers have recently analysed EIFCA, processor and MMO landings data to determine what effort has been directed at the brown shrimp fishery within the W&NNC SAC. This has not only provided information on the number of trips that have occurred each year, but also characteristics of the fleet's fishing patterns. This latter information can be used to determine if future legislation causes fishing patterns within the fleet to change.

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. Data collected from this ongoing monitoring programme show the mussel meat yields have been consistently above minimum thresholds, as have the chlorophyll levels measured by the sondes. Since 2010 the Authority has deployed a YSI 6600 sonde in situ on a buoy situated in the central Wash. To avoid downtime of the data while the buoy is out of the water being serviced, a second buoy was acquired this year to alternate with the original one. King's Lynn Conservancy Board have been given a contract to regularly recover and service the buoys as they have the equipment to lift them safely. In the last month malfunctions have occurred to both the hand-held unit of the hand sonde (thought to be associated with its SD card) and with the in situ sonde (in which a rubber seal appears to have perished between two parts of the sonde's main body unit). Both have been sent back to the manufacturer for repairs, servicing and calibration.

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 on behalf of the Local Borough Councils (LBCs). In November two of the samples showed very high levels of E coli, prompting the Boston and King's Lynn LBCs to investigate. It is thought these elevated levels were due to the high rainfalls that occurred in the week prior to the samples being collected, causing run-offs from arable land.

Environment

Assessment and management of commercial fishing in Marine Protected Areas (MPAs) - "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; progress with these is set out in Table 1. Additional detail on progress made in relation to The Wash & North Norfolk Coast SAC and the Inner Dowsing, Race Bank and North Ridge SAC is set out in Agenda Item 13.

The second Fisheries and Conservation Management Working Group (held on 22nd October 2019) proved a useful opportunity for Authority members and officers to discuss in detail key pieces of MPA work. These included the proposed Closed Areas Byelaw 2020, Shrimp permit conditions (including the Total Allowable Effort threshold derived from shrimp effort data), and interactions between potting fisheries and subtidal chalk.

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

Towed demersal fishing over “circalittoral rock” is a red-risk interaction that potentially occurs in this site. This sub-feature had not been identified when the original set of red-risk closures for this site was progressed but, now having been mapped and included in formal conservation advice, Eastern IFCA has a duty to ensure that fishing cannot damage it. Officers have developed recommendations for a closure to towed demersal fishing over and around this sub-feature, as set out at Agenda Item 13.

The new Project Officer for the Wash & North Norfolk Marine Partnership, Dr Adele Powell, took up position in September 2019. Eastern IFCA continues to accommodate this post and provide employer support, as part of delivering duties towards the conservation of this SAC.

Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ)

Additional resource has been applied to finalise the non-potting fisheries assessment for this MCZ. The focus has been on addressing points raised by Natural England, including justification for the threshold of fishing activity that would trigger a review of the assessment, and the need for a more detailed assessment of cumulative effects on site features from fishing in combination with non-fishing activities.

Progress with updating the assessment of potting fishing in the MCZ has been delayed as the drive to engage with stakeholders over summer 2019 (consultation on fishing activity and views on management) yielded no response. Officers are to undertake a new campaign to obtain better information about fishing patterns – such information is crucial to ensure management is effective and proportionate. Officers are engaging closely with Natural England, who are formulating updated advice on potting/chalk interactions following the dive surveys reported above.

Inner Dowsing, Race Bank and North Ridge Special Area of Conservation

Officers have dedicated time this quarter to scrutinise the evidence for the reef feature in this site. Materials were produced to support engagement with stakeholders to ascertain the commercial importance of “areas considered for management”. The results of the evidence review and stakeholder engagement are reported at Agenda Item 13.

Table 1. Revised approach¹⁷: summary of 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) – awaiting Defra sign-off. • Marine Protected Areas Byelaw 2019 (additional areas closed to towed demersal gear to protect subtidal mixed sediment and intertidal sand) – internal QA before submission to MMO and Defra sign-off. • Shrimp Permit Byelaw (effort restriction, gear specification, vessel tracking device and catch returns requirement) – Byelaw in process of Defra sign-off. Effort threshold identified; EIFCA to consult on permit conditions. <p>Monitoring and Control Plan: initial plan drafted. Benthic monitoring plan to be developed (reliant on iVMS being in place).</p> <p>Additional red risk features:</p> <ul style="list-style-type: none"> • Circalittoral rock closed area recommendation to Authority (December 2019) – see Agenda Item 13;

¹⁷ Revised approach: assessment and management of commercial fisheries in Marine Protected Areas

Site name	Interaction and matrix risk level	Assessment conclusion	Next steps
			<ul style="list-style-type: none"> Intertidal <i>Sabellaria spinulosa</i> reef to be considered in future iterations of Marine Protected Areas Byelaw.
Haisborough, Hammond & Winterton Special Area of Conservation	Towed demersal fisheries/ <i>Sabellaria spinulosa</i> reef Red risk	High-risk interaction (red risk on matrix) so no assessment required	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.
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. Officers updating non-potting fisheries assessment following Natural England feedback. Natural England to provide updated advice on chalk/potting interactions, following acquisition of new evidence from summer 2019 dive surveys. Mitigation for impacts of potting to be developed if found to be required. EIFCA officers to continue to work with Agents of Change project to promote local benefits of Marine Conservation Zone designation.

Site name	Interaction and matrix risk level	Assessment conclusion	Next steps
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): no assessment required	Intention to apply protection to reef feature using proposed Closed Areas Byelaw 2020 (see Agenda Item 13). Officers currently scrutinising evidence for areas under consideration for management as <i>Sabellaria spinulosa</i> core reef. Stakeholder engagement undertaken to help understand importance of areas for fisheries. Detail reported at Agenda Item 13.

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 to 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.

Numerous meetings and communications are attended / made on a regular basis, to ensure connectivity with the full range of Eastern IFCA stakeholders. Some of the key initiatives undertaken during August to October 2019 are listed below:

- 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 officers have been actively involved in preparation for and promotion of 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 further "Participatory management in MPAs" workshop organised by JNCC, in September 2019. Events were 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.
- Contribution to joint North-Eastern IFCA and Eastern IFCA presentation and attendance at Humber Nature Partnership conference, September 2019.
- Shrimp Fishery Advisory Working Group meeting – focus on delivering appropriate management / actions to support Marine Stewardship Council certification of this fishery.

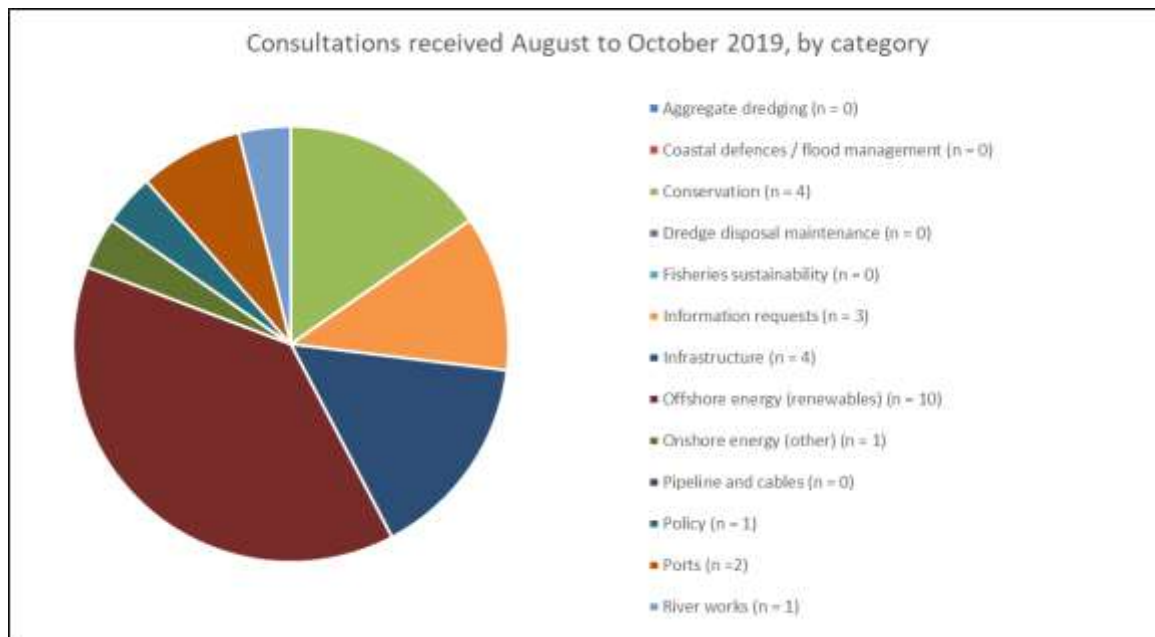
Eastern IFCA input to consultations on marine developments

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. IFCAs are regarded as primary advisors to the MMO on marine licensing issues.

As well as providing consultation input, officers record feedback on whether and how our comments are reflected in planning or licensing decisions. MMO notifications on

licensing decisions show that EIFCA's input regularly forms part of MMO licence conditions.

In the period August to October 2019, the Eastern IFCA Marine Science team received and dealt with 26 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.



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 August and the 31st October 2019, three derogation requests were processed, 2 of which were granted (see Table 3 for details)

Table 3. Active Derogations

Applicant	Activity	Derogation Status
Environment Agency DERO_2019_08_15_176	Scientific beam trawl survey - to determine the effect of the Lincshore Coastal Defence Strategy project on the physical and biological environment.	Granted
Environment Agency DERO_2019_08_14_175	Scientific beam trawl survey as part of a fishery survey to provide evidence for Water Framework Directive classifications..	Granted

Publicity

Officers continue to publish work of the Marine Science team 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.

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.