



**41<sup>st</sup> EIFCA  
Statutory Meeting**

**To be held via online technology**

**Wednesday  
9<sup>th</sup> September 2020  
at  
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: **41<sup>st</sup> Eastern IFCA Meeting**

Date: 9<sup>th</sup> September 2020

Time: 1030hrs

Venue: Online meeting

## 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:
  - a. The 39th Eastern IFCA Meeting, held on 11<sup>th</sup> March 2020 – *Chair*
  - b. The extraordinary meeting of the Chair and Vice-Chair held on 28<sup>th</sup> April 2020 - *Chair*
- 5 Matters arising (including actions from previous meetings) – *Clerk*
- 6 To receive a report to consider Health and Safety risks and mitigation – *Hd Operations*
- 7 To receive a report on the meeting of the Finance and HR sub-committee held on 4<sup>th</sup> August 2020 - *CEO / Hd Finance & HR*
- 8 Closed Areas Byelaw 2020 – *Senior MSO (Environment) / Project Officer*
- 9 Whelk permit conditions review – *Senior IFCO (Regulation) / MSO*
- 10 Offshore windfarm compensatory measures – *CEO*
- 11 Horseshoe Point cockle fishery – *Senior IFCO (Regulation)*
- 12 Shrimp permit scheme - *Senior IFCO (Regulation)*
- 13 Annual Report - *CEO*
- 14 Quarterly review of annual priorities and Risk Register - *CEO*
- 15 WFO 1992 Cockle Fishery 2020 – *CEO*
- 16 Wash Restricted Area Byelaw 2019 – *Senior IFCO (Regulation)*

**Information items**

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

**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  
25<sup>th</sup> August 2020

## 39<sup>th</sup> 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 11<sup>th</sup> March 2020 at 1030 hours.

### Members Present:

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

### Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of Finance and HR
Greg Brown	IFCO / Project Officer
Jon Butler	Head of Operations
Imogen Cessford	Project Officer
Luke Godwin	Senior IFCO (Regulation)
Julian Gregory	Chief Executive Officer (CEO) & Clerk
Judith Stoutt	Senior Marine Science Officer
Stephen Thompson	Marine Science Officer

### Minute Taker:

Jodi Hammond

### EIFCA20/01 Item 1: Welcome

Cllr Skinner welcomed members to the meeting. He advised members the agenda would be slightly amended with items 10 and 11 being discussed prior to item 6.

## **EIFCA20/02 Item 2: Apologies for Absence**

Apologies for Absence were received from Messrs Hirst (EA Representative) Shaul and Worrall (MMO Appointee) and Cllrs Coupland (LCC) & Vigo di Gallidoro (SCC).

## **EIFCA20/03 Item 3: Declarations of Members Interest**

The CEO advised that three of the items on the agenda related to interests that had been declared by MMO appointees. Members were reminded that in these cases they would be able to take part in discussion but not vote.

## **EIFCA20/04 Item 4: Minutes of the 38<sup>th</sup> EIFCA Meeting, held on 11<sup>th</sup> December 2019**

**Members Agreed that the minutes were a true record of the meeting.**

**Proposed: Cllr Collis**

**Seconded: Cllr Goldson**

**All Agreed**

## **EIFCA20/05 Item 5: Matters Arising**

EIFCA19/65 REAF: The CEO advised that subsequent to the meeting Jason Berry had been in touch with the possibility of recruiting the CEO to sit on the Steering Group.

EIFCA19/72 WASH MUSSEL FISHERIES: Results of the mussel surveys had, as expected, shown a decrease in stock levels. There were insufficient stocks to be able to open a fishery. The CEO was concerned what the knock-on effect would be for the cockle fishery as bird food count would have to be taken into consideration. However, on a positive note the CEO was able to advise that CEFAS may be in a position to investigate the problems being faced

## **EIFCA20/06 Item 10: Wash Fishery Order 1992 replacement**

Members were provided with a brief account of what the Wash Fishery Order was, how it worked and its powers. The Wash Fishery Order 1992 was due to expire in January 2023. Whilst in theory the order could be extended it had been advised that Defra were not considering extensions to Orders which would mean making a new order.

Officers advised that a replacement Order was not necessarily the best option and suggested a byelaw based permit scheme might be more flexible. It was also felt that making a byelaw,

which would only need the approval of the Minister, would be much less complex than making a new order and waiting for it to be passed through Parliament. A comparative analysis of what was provided by an Order versus a Byelaw had been undertaken, which concluded that a byelaw could meet all needs and was, on balance, the better option. This analysis was with legal advisors for confirmation.

In addition, it would be necessary to create a Several Order to cover the lays currently operated under The WFO 1992.

Industry members expressed the concerns of the industry. There was fear they may lose their Entitlements to fish or the ability to pass them from father to son, which would put their business's in jeopardy, as well as discouraging investment in the fishery. There was also concern that the fisheries may be opened up to far more effort which could see the demise of the cockle fishery due to overfishing.

The CEO believed there was some misconception of the future expectations and added that this discussion was not about the content of either an order or a byelaw, but to decide the mechanism which would be used to replace the WFO 1992. Whichever mechanism was chosen, the content would be the subject of review, not least because there had been numerous complaints from industry about some of the failings of the WFO1992 over the years. That said, the intention was not to cause widespread upset to business models, but instead to look at what was best and equitable for the industry in the round as well as being mindful of preserving business models. It was the Authority's responsibility to look after all elements of the industry and to 'balance the needs of everybody'.

There was some concern that a permit byelaw would be less flexible than an Order in terms of opening a fishery without permission from NE, however the CEO advised that generally EIFCA worked closely with NE to work out solutions to any disputes, and EIFCA would still be duty bound to adhere to the mechanisms in place to manage the fisheries. There would be checks and balances in the byelaw to ensure the Authority did not make unfounded decisions.

Members were advised the replacement for the WFO 1992 would also encompass the area of the WRA fishery.

Timescales were discussed and it was noted that it was unlikely that there was insufficient time to get a new Regulating Order in place before the WFO 1992 expired. In the event that a byelaw was not in place it would be necessary to take out an emergency

byelaw to manage the area. If nothing was in place when that expired there would be no fishery.

Cllr Goldson felt the Industry members should be able to go back to their members and explain that the Authority understand their concerns and there was no intention to affect family businesses, but the Authority needed to give assurances that this would happen. The CEO advised at this stage only the mechanism was being discussed and that at a later stage there would be consultation with regard to the content which would be developed with close engagement with the industry. He reiterated there was no intention of disrupting existing legitimate business models.

The CEO advised the mechanism for issuing permits would be reviewed and there may be a point system with weighting to points. Such a system may provide scope for new blood to take part in the fishery.

**Members Agreed to note the content of the report.**

**Members Resolved to:**

- **Agree, subject to supporting legal advice, to replace the regulated fishery element of the Wash Fishery Order 1992 with a byelaw-based permit scheme.**
- **Agree to replace the several fishery element of the Wash Fishery Order 1992 with a new Several Order under the Sea Fisheries (Shellfish) Act 1967**
- **Agree to work with all parties on the content to agree to a sustainable Wash Fishery.**

**Proposed: Mr Spray**

**Seconded: Dr Bolt**

**All Agreed**

## **EIFCA20/07 Item 11: Cockle Fishery Management in The Wash**

Due to the timing of Authority meetings members were being asked to delegate the CEO authority to open the 2020 cockle fishery, taking into account the Cockle Fishery Management Plan and Formal Operating Procedure.

Cllr Collis felt these were very important decisions and would prefer to see the decision taken in conjunction with the Chair and Vice Chair. This was reiterated by other members as in future to set a precedent of this nature may not be wise if there was a new CEO as they would have less knowledge of the dynamics of the fishery.

As the opening of the fishery was usually time critical and it was not always possible to get in touch with both the Chair and Vice

Chair it was suggested the requirement should be in conjunction with either the Chair or Vice Chair.

**Members were asked to vote on the amendment to the recommendation.**

**Proposed: Cllr Collis**

**Seconded: Cllr Skinner**

**All Agreed**

**Members Resolved to**

- **Agree to delegate authority to the CEO, in conjunction with either the Chair or Vice Chair, to open cockle fisheries, including the 2020 cockle fishery, within the Wash Fishery Order 1992 and Wash Restricted Area in accordance with the Cockle Fishery Management Plan and Formal Operating Procedure.**
- **Agree to delegate authority to the CEO, in conjunction with either the Chair or Vice Chair, to introduce, vary and revoke management measure (including the licence conditions, operating times and Total Allowable Catch) and to open and close part or all of the fisheries within the Wash Fishery Order 1992 and Wash Restricted Area as may be required for the protection of the Wash marine protected areas or for fisheries management purposes including the sustainability or viability of the fisheries in accordance with the Cockle Fishery management Plan and Formal Operating Procedure.**
- **Agree to delegate to the CEO, in conjunction with either the Chair or Vice Chair, to introduce, vary or revoke management measure or to open or close the fishery or parts of the fisheries with the Wash Fishery Order 1992 and Wash Restricted Area, without 7 days' notice (as per the cockle charter) which it is judged necessary to do to meet the conservation objectives of the Wash marine protected areas or for the sustainability or viability of the fisheries in accordance with the Cockle Fishery Management Plan and Formal Operating Procedures.**
- **Direct Officers to report on the management of the 2020 WFO cockles fishery at the 40<sup>th</sup> Eastern IFCA meeting.**
- **Note the potential implications of low mussel stocks on the 2020 cockle fishery.**

**Proposed: Cllr Collis**

**Seconded: Cllr Chenery of Horsbrugh**

**All Agreed**

*At this point Luke Godwin left the meeting*

## **EIFCA20/08 Item 6: Health & Safety Risks**

The CEO advised there had been several incidents during the last quarter all of which were relatively minor and where necessary appropriate actions had been put in place to prevent reoccurrence.

**Members Agreed to note the report.**

## **EIFCA20/09 Item 7: Meeting of the Finance & HR Sub-Committee held on 4<sup>th</sup> February 2020**

Members were provided with a brief summary of the meeting. It was noted that as from 1<sup>st</sup> April 2020 MMO Appointees who put in expense claims which were over 3 months old would not have them honoured.

**OFFICE ACCOMMODATION:** The Head of Finance & HR advised that Norfolk County Council had agreed in principle to fund the purchase of new office accommodation.

**REPLACEMENT VESSEL:** Norfolk County Council had been retained to carry out the procurement process for a replacement vessel.

**Members Agreed to note the content of the report.**

## **EIFCA20/10 Item 8: Strategic Assessment 2020-21**

IFCO Brown explained to members that the Strategic Assessment was an established tool, which was reviewed on an Annual basis, used to identify priorities in the District during the coming year. Whilst many of the workstreams for the forth coming year remained unchanged the changes which were to take place had been highlighted.

Members congratulated the Officer on a good piece of work and queried some of the wording. The CEO advised the areas raised were in fact addressed in the Business Plan for 2020-2025, as well as being highlighted in the explanatory paper provided to members.

It was Agreed that the monitoring control plan for the shrimp fishery in the Wash would be discussed at the next Working Group meeting.

**Members Resolved to note and Approve the content of the Strategic Assessment, including the priorities identified for 2020-21.**

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Cllr Goldson**  
**All Agreed**

**EIFCA20/11 Item 9: Business Plan 202-2025**

Members were reminded this was a rolling 5 year Business Plan which was reviewed Annually allowing the Authority to prioritise and plan for each financial year.

The CEO worked through the list of priorities, explaining any anomalies.

**Members Resolved to note and Approve the content of the Business Plan, including the priorities and pans for 2020-21.**  
**Proposed: Cllr Goldson**  
**Seconded: Cllr Collis**

## EIFCA20/12 Item 12: Offshore Windfarm Compensatory Measures

Senior MSO Stoutt explained to members the complexity of windfarm activity in the Wash and explained the compensatory measures referred to were not financial compensation but measures to repair areas of the seabed/marine life that had been affected by windfarm activity.

Members were advised that suggested measures were not necessarily in the best interests of the industry and it was not the Authority's intention to agree to measures that may have an adverse effect on fishing. With this in mind members were asked to consider a Position Statement which the Officers had put together.

Members discussed some of the activity which had previously had an adverse effect on fishing as well as some of the suggested compensatory measures. It was also questioned whether compensatory measures would be ongoing as work on cable routes was an ongoing process.

There was some concern expressed by members that they were not happy with the proposed Position Statement as they felt the integrity of the site was more important than the effect compensatory measures may have on fishing. The CEO reminded members there was a need to look at the Authority's duties in the round, there was a need for balance. Conservation duties were taken seriously but there was a need to take a stand in principle against a negative impact on the fishing industry.

Following discussion about the wording of the Position Statement a counter proposal to that put forward in the paper was suggested, which read,

*Eastern IFCA will support exploring compensatory measures and delegate authority to the CEO to represent EIFCA's views once site specific proposals have been developed at the appropriate time.*

*Proposed: Ms Moffat*

*Seconded: Mr Spray*

There remained concern that this took away too much of the original intention. In light of the difficulty in reaching agreement with regard to the Position Statement a further counter proposal was put forward. Which was that the amended Position Statement would be agreed to, pending the matter being discussed at the next Fisheries & Conservation Management Working Group, after which a revised Position Statement would be proposed to the next Authority meeting.

**Members Resolved to agree to an amendment to the original proposal**

**Proposed: Ms Moffat**

**Seconded: Mr Spray**

**1 vote against the motion was carried**

**Members Resolved to:**

- **Note the content of the report and**
- **Agree that “Eastern IFCA would support exploring compensatory measures and delegate authority to the CEO to represent EIFCA’s views once site specific proposals have been developed at the appropriate time”. Subject to the above statement being reconsidered and reworded at the next FCMWG meeting after which a further proposal will be put to the full Authority.**

**Proposed: Ms Moffat**

**Seconded: Cllr Bolt**

**All Agreed**

**EIFCA20/13 Item 13: Quarterly Review of Business Plan priorities**

The Business Plan had been discussed previously on the Agenda. Members had been circulated the papers and were content with progress to date.

**Members Agreed to note the content of the report.**

*At this point the meeting stopped for a 5 minute break*

**EIFCA20/14 Item 14: Fishing into the Future**

Mike Warner provided members with a presentation on the work of the charity. Members were advised that Fishing into the Future was a forum which acted on behalf of fishermen on a countrywide basis with the intention of ensuring sustainable, prosperous UK fisheries.

Following the presentation the CEO advised he had attended a 3 day workshop held by Fishing into the Future which he had felt was very beneficial and by the end of the 3 days presentations and discussion between industry members, scientists and fisheries managers, he felt that there had been a positive change in the views of those attending.

**EIFCA20/15 Item 15 – CEO Update**

The CEO updated members on current workstreams,

- **Cromer Shoal MCZ - engagement was under way with questionnaires having been sent out. A response had**

been received from one of the North Norfolk fishermen's association's which stated they did not trust the Officers and were therefore not prepared to respond which was disappointing but the CEO would continue to attempt constructive engagement.

- Covid-19 – contingency plans would be drawn up to ensure critical workstreams were met. Current concerns being the EHO sample collection and cockle surveys.

AIFCA Minutes were provided for members information. It was noted that Dr Bolt would be moving on from AIFCA in April. Recruitment for the post had begun along with a review of AIFCA, it was expected a feasibility study would determine whether AIFCA would remain a Limited Company or become IFCA hosted.

**Members Agreed to note the information provided and the AIFCA minutes.**

#### **EIFCA20/16 Item 16 – Head of Operations Update**

There was one enquiry as to what the National line recycling scheme was, which members were advised is the ability for anglers/members of the public to take fishing line to approved collection points for recycling.

**Members Agreed to note the content of the reports.**

There being no other business the meeting closed at 1430 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:** Urgent Authority Business Meeting

**Date:** Tuesday 28<sup>th</sup> April 2020

**Time:** 1400hrs

**Venue:** Via Microsoft Teams

### Notes of the Meeting

#### **Present:**

Cllr P Skinner	Chair
Cllr T Fitzpatrick	Vice Chair
J Gregory	CEO
A Bakewell	Head of Finance & HR
G Brown	IFCO/Project Officer
J Butler	Head of Operations
L Godwin	Senior IFCO (Regulation)
R Jessop	Senior Marine Science Officer (Research)

The CEO opened the meeting and began by explaining that the Constitution and Standing Orders contained a provision that enabled decisions to be taken in the absence of an Authority meeting i.e.

#### ***'Matters which it is the responsibility of the Chief Executive Officer to Discharge'***

##### 26. Provision for emergencies

*Where, in the opinion of the CEO (or their nominated deputy in their absence) a decision which is within the powers of the Authority or a Sub-Committee, but is not within the CEO's delegated powers, is urgently required by the Eastern IFCA, and cannot be delayed until an Authority or relevant Sub-Committee meeting is convened, the CEO may take the decision, having first consulted the Chairman and the Vice-Chairman of the Authority and, where relevant, the Sub-Committee Chair and Vice-Chair. All such decisions must be reported to the next meeting of the Authority and the relevant Sub-Committee.*

The Chair and Vice-Chair agreed that in current circumstances relating to the Covid-19 pandemic it was not viable to hold an Authority or sub-committee meeting and that it was appropriate to take decision under this provision and to report them to Authority members.

## 1. Authority business planning in current context

The CEO referred to the Priority Workstreams Sitrep, which had previously been circulated to all Authority members on 23<sup>rd</sup> April 2020, explaining that following the Covid-19 lockdown Officers had reviewed the Business Plan priorities and critical workstreams. The document set out a detailed assessment of each individual priority and critical workstream

Senior IFCO Godwin gave an overview of the document and highlighted the following key points:

- COVID-19 related issues, including diversion of resource to COVID-19 related workstreams and impacts of social distancing measures, compound some issues already identified with regards to progressing workstreams to planned timeline.
- Social distancing requirements will preclude a full cockle survey, the implication of which being that no cockle fishery can take place this year with significant economic impacts. Mitigation identified for limited fishery including through dialogue with Natural England to open fishery without stock assessment.
- Whelk fishing activity has increased as a result of the associated markets having maintained a good price and demand which compounds existing concerns regarding stock sustainability. Short-term impacts of implementing any management measures (e.g. effort restrictions) risks business continuity given increased reliance on whelk market, failure to implement measures may result in stock sustainability issues and permit conditions require review by Oct 2020 in any case. The CEO can consider the review on behalf of the Authority under delegated powers if required to meet timescales.
- Development of crab and lobster sustainability measures and measures to protect the Cromer Shoal MCZ run the risk of being delayed as a result of not being able to undertake effective engagement. At the same time, industry viability is threatened by current stock status and lack of a Fisheries Improvement Plan.
- Social distancing requirements limit the ability to undertake three workstreams critical to shellfish fisheries in The Wash (SWEEP, Environmental Health Sampling and Cockle Surveys) risking business models which rely on these fisheries. It is intended to continue with SWEEP and EHO sampling.

The overall approach is to continue progressing workstreams and priorities identified in the Business Plan and to adapt to the COVID-19 situation as it develops. Delays in certain areas are inevitable, particularly where these rely on engagement with stakeholders and such is precluded by social distancing measures. In the event that high priority decisions are required in the absence of the ability to hold Authority meetings then the provision

from the the Constitution and Standing Orders outlined at the beginning of the meeting could be utilised.

The Chair and Vice-Chair were supportive and agreed that if necessary, any urgent decisions could be taken.

**It was agreed to:**

- **Note and approve the approach adopted**

## **2. Authority meetings**

a. June Authority meeting

The CEO referred to the IFCA Chief Officer Group Position Statement Regarding the holding of Meetings during the Covid 19 Coronavirus Pandemic. This set out that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authorities and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 Statutory Instrument 2020 no.392 (“the Regulation”) came into force on 4<sup>th</sup> April 2020.

Being a Joint Committee of Local Authorities and as a consequence of the Regulation, the Authority was able to cancel, postpone or hold meetings electronically. Where the election of Chair & Vice-Chair is due, the current incumbents can continue in the role until the next annual meeting or as determined by the Authority.

In view of Covid19 Government Guidelines the CEO felt it was unlikely that the June meeting would go ahead. It was noted that whilst the Chair and Vice-Chair positions would have been scheduled for re-election at this meeting these posts could continue and, in any event, having only been elected last year, it was anticipated that they would remain in office for two years.

**It was agreed:**

- **In principle to cancel the June meeting and delegate the final decision to the CEO based upon Covid-19 restrictions and Govt advice applicable at the time**

b. Finance & HR business

The Head of Finance & HR advised that the majority of Officers were working from home, and the Enforcement Team were still monitoring the coastline whilst adhering to social distancing requirements.

The HR Update included an update on recruitment, an additional IFCO had been recruited but would not take up the post until the current situation improved. She continued to be employed by the MMO in the interim.

A Disciplinary process was on-going, it was anticipated this would be resolved on 6<sup>th</sup> May.

Management Accounts for the 4<sup>th</sup> quarter of the 2019/2020 financial year were presented as was a report on payments made and monies received during the same period. It was noted there was a large amount spent on Three Counties however, this was due to the annual refit having been completed. Any additional costs incurred due to Covid19 would likely be offset by savings made in travel and expenses. Once the Annual accounts were completed it was anticipated there would be approximately £100k to put into reserves.

It was also noted that the 2% pay rise which had been included in the budget for 2020/2021 was likely to be 2.75%.

**It was agreed to:**

- **Confirm the cancellation of the 5<sup>th</sup> May meeting of the Finance & HR sub-committee**
- **Note the Management Accounts, Payment and Receipts and HR Update papers**

### **3. Fish Local**

Having circulated prepared documents, the CEO gave a brief overview of the project. This was essentially a combination of website and social media to provide a platform to facilitate the sale of fish by linking fishermen, fishmongers, markets and the general public. In the short term it would help industry during the Covid-19 crisis and in the medium term it had the potential to provide new ways of selling fish and promoting particular species whilst offering suggestions from a celebrity chef on ways to cook fish.

Kent & Essex IFCA had initially set up the project with early engagement with Eastern IFCA a potential partner. Officers had undertaken due diligence, seeking legal advice on any liability to the Authority and canvassing a selection of industry members to assess its applicability to the District.

The Shellfish Association of Great Britain had taken up the mantle and were now the lead with KEICA and Eastern IFCA as a supporting partners. A bid for funding in the region of £4-500k had been made to the recently announced Defra scheme to support alternative fish sales and Eastern IFCA's contribution would not be financial but would involve a costed amount of officer time. The CEO was confident that the commitment could be managed alongside other priorities.

Both the Chair and Vice-Chair believed this was a good way to represent local product and by taking part on an 'in-kind' basis it was showing support for the industry.

**It was agreed to:**

- **Note and approve Eastern IFCA's participation in the initiative.**

**4. WFO Cockle Fishery**

The CEO advised that due to the Covid-19 pandemic it had not been possible to undertake the annual cockle surveys due to it being impossible to comply with social distancing requirements. Recognising the potential for this at an early stage he had asked the Senior MSO (Research) to consider contingency plans to enable a fishery.

Senior MSO Jessop advised that under normal circumstances the cockle surveys would provide information on stock biomass, age class, size and distribution. This information would inform calculations to identify the available TAC and would inform the HRA for NE approval. An important element of the HRA is determining there is sufficient biomass of shellfish to feed the over-wintering wader populations. This requires knowing how much cockle stock there is.

In the absence of a survey, last years' survey data had been analysed to determine which beds would be most vulnerable to die-offs. The conclusion was that Friskney, Gat and Roger were all likely to suffer loss over the summer from A-typical mortality. Natural England were approached and asked to consider a contingency fishery in those ring-fenced areas, with no TAC attached. There was also the possibility of opening further areas to prevent loss from ridging out should it become apparent.

In principle NE felt this was possible but the SMSO was still in discussion with them as there was still a need to complete an HRA before agreement could be confirmed.

The CEO advised that correspondence had been received from the fishing industry setting out alternative proposals for the fishery this year. The intention was to look at them in detail to see if there was merit to any element that could be incorporated into plans but at first take this appeared unlikely due to the challenges in justifying the fishery in an HRA.

At the previous Authority meeting delegated power had been given to the CEO regarding opening the cockle fishery, however, due to the inability to carry out surveys and a different methodology to enable a fishery, the CEO felt the proposed methodology should be considered by the Chair and Vice-Chair.

**It was agreed to:**

- **Note that Covid-19 restrictions and Govt guidance on social distancing have meant that it has not been possible to conduct the annual cockle surveys**
- **Approve the proposed methodology that should enable a contingency fishery**

## 5. WFO licence fees 2020-21

WFO Licence fees were due to be increased this year in line with the requirement to achieve 50% cost recovery. In view of the difficulties being faced by the fishing industry at the present time and the uncertainty around the cockle fishery it was felt rather than increasing the fees it would be prudent to reduce the fee to pre-2019 levels for hand working licences. It was also felt that in view of the uncertainty of the fishery the timeframe for renewing a licence should be increased by 12 months just to cover this one year – effectively the 2020 year won't count.

Discussing the recommendations, it was noted there would be a deficit effect of about £19,000 on the budget but the Head of Finance & HR was confident this could be accommodated.

Considering whelk permit fees, it was noted that whelk fishing was ongoing and whilst prices were reduced, there were still good markets and the fishery appeared to be viable. With this in mind and the relatively low cost of a permit it was felt appropriate to maintain the current fee for whelk permits.

Both the Chair and Vice-Chair were in agreement with the recommendations put forward.

### It was agreed to:

- **Delay implementation of the planned increase in Wash Fishery Order handwork licence fees by 12 months and to reintroduce the licence structure as it was pre-2019 for the financial year 2020/21 with the following effects:**
  - **Maintain single hand-work licence for all species and single dredge licence for all species;**
  - **Implement a hand-work licence fee of £330 (i.e. pre-2019 increase);**
  - **Implement a dredge licence fee of £342 (the fee in 2019 which reflected a decrease from £690)**
- **Extend 'Entitlement period' for all WFO licences by 12 months**
- **Maintain whelk permits fees at current level**

## 6. WFO licence transfer

The Project Officer referred to the supporting Decision Memo concerning a request for the transfer of two WFO licences from one family member to an uncle and cousin. The reasons for the application and the WFO interim policies were considered.

### It was agreed to:

**Allow the transfer of two Wash Fishery Order Entitlements to two different family members, a uncle and cousin, subject to the following conditions:**

- **The current holder surrenders any 'entitlement' to further licences associated with those entitlements, in writing.**

- **Production of proof of ownership of the vessel associated with the licences that sets out that the uncle and cousin are the majority shareholders on each vessel**
- **Production of a bill of sale or similar showing that the vessels have both been sold**

## **7. Any Other Business**

Replacement Vessel: the CEO advised that the process was ongoing, following an exercise with NCC Procurement a decision had been reached to opt for a new build rather than a refurbished vessel. Indications were that a GRP vessel could be built relatively quickly and would be well within the anticipated budget.

The Chair queried the life expectancy of a vessel with a GRP hull, however the CEO felt with a midlife refit scheduled in from the start the vessel would have an adequate lifespan.

Both the Chair & Vice-Chair were in agreement with the decision.

### **It was agreed to:**

- **Go to tender for a new build replacement for RV Three Counties**

Homebased Working: The CEO advised that most officers were working from home with the Enforcement Team carrying out coastal activity at all the major ports around the district on a weekly basis. This was based on single officer patrols to adhere to social distancing.

Since the announcement of the Covid19 lockdown the MMO had taken the decision not to carry out coastal patrols. The CEO felt it was possible to continue to meet statutory requirements as well as ensuring staff safety.

There was ongoing work on a strategy for joint working with MMO and IFCA Officers, so it was anticipated there would be seaborne patrols taking place at some point.

The CEO advised that PPE in the form of hand sanitizer, gloves and face masks had been made available for EIFCA Officers

**The Chair & Vice-Chair felt it was a positive thing that the presence on the ground was being maintained. They thanked all staff for continuing with their duties.**

The meeting closed at 1524 hours.

Meeting notes approved by the Chair and Vice-Chair on 5<sup>th</sup> May 2020.

### Vision

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



### Action Item 6

## 41<sup>st</sup> Eastern Inshore Fisheries and Conservation Authority meeting

9<sup>th</sup> September 2020

### 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:

One incident has been reported in this period.

#### **Risks/Mitigation**

Shock mitigation training/workshop has been rescheduled for October and Lee Torrice and I will be attending this and implementing any recommendations identified

**COVID-19** has dominated the way we have worked in the past 3 months. As an authority we have continued to ensure our assessments, policies are practice are kept up to date to ensure we remain COVID compliant.

Thankfully we have had no known cases amongst the workforce to date. All officers continue to work from home and in 'team bubbles' where possible with appropriate PPE. We have also trialled fishery inspection points which create an area on the quayside to allow officers to safely carry out inspections and

engage with fishermen whilst maintaining a safe distance from the general public, this has become increasingly difficult in places such as Cromer, Wells and other popular tourist areas due to the large number of visitors.

## Appendix 1

Date	Nature of incident	Injury / damage occurred	Action Taken	RIDDOR MAIB Y/N	Investigation complete Y/N	Name of investigating Officer	Follow-up action required Y/N. If Y then what?
20/02/20	Vessel – charger connected to shore supply failed and became hot	Yes	Charger switched off and replaced	No	Yes	Lee Torrice	None

## Appendix 2

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

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

8. Damage to vehicles, trailers and/or equipment through inappropriate operation.	<ul style="list-style-type: none"> <li>Formal trailer training for unqualified officers</li> <li>Refreshers for those with previous experience</li> <li>Periodic vehicle maintenance checks training</li> <li>In-house assessment for drivers using unfamiliar vehicles (crew transport, 4x4)</li> </ul>	<ul style="list-style-type: none"> <li>Failure to adhere to training</li> <li>Mechanical failure of vehicle or trailer</li> </ul>	<b>Tolerate</b>	<b>Treat</b>
9. Physical fitness of personnel to undertake arduous duty	<ul style="list-style-type: none"> <li>Staff briefing</li> <li>Management overview to ensure rostered duties are appropriate and achievable</li> <li>Reasonable work adjustments</li> <li>Routine periodic medical assessment (ML5)</li> </ul>	<ul style="list-style-type: none"> <li>Individual health fragilities</li> <li>Individual lifestyle choice</li> </ul>	<b>Tolerate</b>	<b>Tolerate</b>
10. COVID 19	<ul style="list-style-type: none"> <li>Information</li> <li>Guidance</li> <li>Staff Briefing</li> <li>Risk Assessments</li> </ul>	<ul style="list-style-type: none"> <li>Developing understanding of COVID 19 and rapidly changing guidance</li> </ul>	<b>Treat</b>	<b>N/A</b>

\*

<b>Risk Rating</b>
High
Medium
Low

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

## Vision

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## Action Item 7

### 41<sup>st</sup> Eastern Inshore Fisheries and Conservation Authority meeting

**Report by:** Andrew Bakewell – Head of Finance & HR

#### **Meeting of the Finance & HR Sub-committee held on 4<sup>th</sup> August 2020**

##### **Purpose of report**

To inform members of the key outputs and decisions from the Finance & HR Sub-Committee meeting held on 4<sup>th</sup> August 2020.

##### **Recommendations**

Members are asked to:

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

#### **F&HR 20/18 Minutes of the F&HR Meeting**

- Signed as a true record

#### **F&HR 20/19 Notes of a meeting held on 28<sup>th</sup> April with the Chair and Vice-Chair including some Finance and HR matters**

- Signed as a true record

#### **F&HR20/20 Matters Arising**

CEO reported that despite the difficulties presented by the Covid 19 pandemic sufficient Data was collected to enable the setting of a TAC and opening of the fishery, likely similar to that from a full survey. The Chair recorded his thanks to the Team for the efforts to ensure a fishery.

The CEO reported that the licence fee had been reduced to previous levels in recognition of the present difficulties.

#### **Finance Matters**

##### **Re minute F&HR 20/21 Quarter 1 Payments and Receipts**

- Head of Finance reported that payments and receipts were as expected with no areas of concern.
- Members were advised of the contingency measures in place to ensure staff continued to be paid.

Members Agreed to:

- **Note** the content of the report

### **Re minute F&HR 20/22 Quarter 1 Management Accounts**

- Salary savings due to a delayed start for an IFCO grade 5
- Some “up front” annual payments affecting quarter 1 general expenditure
- Income below budget due to the early receipt of LCC levies in 2019/20

Members Agreed to:

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

### **Re minute F&HR 20/23 Annual Accounts**

The Head of Finance reported that due to the pandemic both the internal and external audits have been delayed and so could only present the accounts for 2020/21 upon which the annual return would be based. The return would be completed post the internal audit for submission to the external verifiers (PKF Littlejohn)

Members resolved to:

- To approve the Statement of Accounts
- To authorize the Chair and CEO to sign the annual return prior to submission to the external auditors
- Authorize in accordance with financial regulations the transfer of operating surplus and asset replacement receipts to “ear-marked” reserves

### **Re minute F&HR 20/24 New Burden funding**

The CEO reported that, although this was the last year agreed for funding, Defra intended to bid for funding at the current level to the upcoming Spending Review. No changes are anticipated to the existing funding formula but a method of directly funding IFCAs is being explored. Members were urged to lobby their MPs to ensure the Defra bid was successful given the pressure on County Council finances.

The CEO when questioned said that no change to our 6-mile seaward limit was anticipated in the short term.

Members Agreed to:

- **Note** the update

### **Re minute F&HR 20/25 Office Accommodation update**

The Head of Finance & HR gave members a brief update. Inevitably discussions for the

new building had been stalled by Covid-19.

The CEO advised that, considering the requirement to work from home came almost overnight the staff had adapted remarkably well, with just a few IT niggles, although he also felt the lack of social interaction may be more difficult to accept during the winter months, and inducting new staff members could be challenging.

Return to working from the office was discussed, and the challenges of maintaining social distancing, Cllr Goldson advised the County Councils were not planning on going back to the offices for some time.

Members Agreed to:

- **Note** the update

### **Re minute F&HR 20/26 Vessel Procurement update**

Members were advised that the specification was near completion. The specification describes a twin hull catamaran between 16-18m in length, with diesel propulsion engines capable of both research and enforcement duties. Current advice was that on completion of the tender process the vessel could be built within 8-12 months.

Members Agreed to:

- **Note** the update

### **HR Matters**

#### **Re minute F&HR20/27 HR Update**

Members were advised on the following:

- The new Grade 5 IFCO would be joining on the 28<sup>th</sup> September
- An existing Grade 5 has recently resigned to pursue an opportunity that afforded more flexibility and leisure time

**Members Agreed to note the content of the report**

#### **Background Documents**

Unconfirmed minutes of the Finance and HR sub-committee meeting held on the 4<sup>th</sup> August 2020.

### Vision

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## Action Item 8

### 41<sup>st</sup> Eastern Inshore Fisheries and Conservation Authority meeting

9<sup>th</sup> September 2020

**Report by:** J. Stoutt, Senior Marine Science Officer (Environment)  
G. Brown, Project Officer/IFCO

### Closed Areas Byelaw 2020

#### Purpose of report

To recommend to the Authority a new byelaw to protect sensitive seabed habitats within marine protected areas in the Eastern IFCA district. The report includes rationale for the new areas to be closed under this byelaw, and charts showing the proposed areas. An assessment of the costs of the byelaw (Impact Assessment) and the proposed byelaw wording and charts have been circulated separately to Authority members.

The new byelaw is proposed to be named the Closed Areas Byelaw 2020. It will increase the number of spatial closures and the total area closed to towed demersal fishing that is currently agreed in the Marine Protected Areas Byelaw 2019. The increase is needed to protect sensitive habitats that are currently vulnerable to damage from fishing. The Closed Areas Byelaw 2020 will replace the Marine Protected Areas Byelaw 2019.

#### Recommendations

It is recommended that Members:

- **Note** the rationale and justification for the *Sabellaria* reef closed area in Inner Dowsing, Race Bank and North Ridge Special Area of Conservation;
- **Note** the rationale and justification for the intertidal *Sabellaria* reef closed area in The Wash and North Norfolk Coast Special Area of Conservation;
- **Note** the rationale and justification for the change to the seagrass closed area in Humber Estuary Special Area of Conservation;
- **Note** the Impact Assessment associated with the proposed closures;
- **Agree** to delegate authority to the CEO to exempt push netting by hand from the prohibitions under the closed area byelaw if the environmental assessment

concludes that the activity does not have an impact on the relevant sub-features closed under the closed areas byelaw. Alternatively, should the assessment conclude that push netting does have an impact delegate authority to the CEO to alter the wording of the byelaw to clarify that bottom towed gear use does apply to push netting.

- **Agree** to make the Closed Areas Byelaw 2020.

## **Background**

Eastern IFCA is required to manage fishing within marine protected areas (MPAs) to ensure fishing activities do not compromise the conservation objectives for these areas, as set out in the Habitats Regulations 2017 and the Marine and Coastal Access Act 2009. The most effective way to protect the most sensitive areas of seabed is to close these areas to fishing activities that interact with the seabed. Eastern IFCA introduced the first of such closures under the Protected Areas Byelaw 2014. As officers have worked through the suite of MPAs within the district, new closures have been added and the byelaw updated accordingly. More detail on the evolution of this byelaw is provided in Appendix 4.

## **Requirement for additional closures**

Following agreement of the Marine Protected Areas Byelaw 2019, Eastern IFCA officers have identified three further areas for management and one existing closure to review (Table 1). It is proposed that these will be included in a replacement of the Marine Protected Areas Byelaw 2019, to be called the Closed Areas Byelaw 2020 (Figure 1).

One of the new closures (circalittoral rock in The Wash) was agreed by Eastern IFCA at the December 2019 meeting. Rationale for that closed area has not been repeated in this report. The two additional closure areas and one revised closed area are presented for agreement at the current (September 2020) Authority meeting. All will be implemented via the Closed Areas Byelaw 2020.

**Table 1.** Existing measures in Marine Protected Areas Byelaw 2019 to be carried over into Closed Areas Byelaw 2020

Marine Protected Area	Existing measure	Feature	Original Eastern IFCA decision date	Byelaw Area reference
The Wash & North Norfolk Coast SAC	Closure to bottom towed gear	Biogenic reef: <i>Sabellaria</i>	December 2013	14-28
		Boulder and cobble reef (subtidal stony reef)	December 2013	29
		Intertidal eelgrass beds	December 2013	30, 32
		Biogenic reef: <i>Sabellaria</i> (additional areas)	November 2018	14-28
		Subtidal mixed sediment and subtidal mud	November 2018	29
		Biogenic reef: intertidal mussel beds	November 2018	1-13
		Subtidal mixed sediment and subtidal mud (additional areas)	May 2019	31, 33-34
Haisborough, Hammond & Winterton SAC	Closure to bottom towed gear	Biogenic reef: <i>Sabellaria</i>	May 2019	36-38
Cromer Shoal Chalk Beds MCZ	Closure to bottom towed gear	Subtidal chalk	May 2019	35
Humber Estuary SAC	Closure to bottom towed gear, bait collection and hand gathering (review)	Eelgrass	December 2013; <b>amendment September 2020</b>	39

**Table 2.** New measures under proposed Closed Areas Byelaw 2020

Marine Protected Area	Proposed measure	Feature	Eastern IFCA decision date	Byelaw Area reference
Inner Dowsing, Race Bank & North Ridge SAC	Closure to bottom towed gear	Biogenic reef: <i>Sabellaria</i>	<b>September 2020</b>	40 – 51
The Wash & North Norfolk Coast SAC	Closure to bottom towed gear	Circalittoral rock	December 2019	52
The Wash & North Norfolk Coast SAC	Closure to bottom towed gear, bait collection and hand gathering	Biogenic reef: <i>Sabellaria</i> (intertidal)	<b>September 2020</b>	53

## Report

### Closed Areas Byelaw 2020

The Closed Areas Byelaw 2020 is intended to replace the Marine Protected Areas Byelaw 2019. It will include all the restricted areas in the 2019 byelaw (including an amendment to the closure in the Humber Estuary SAC), the circalittoral rock closure in The Wash (agreed by the Authority in December 2019 – details in Appendix 5) and new closures set out in this report.

The draft Closed Area Byelaw 2020 was sent to members as part of the notification of intention to make the byelaw, which included the associated Regulatory Impact Assessment.

The proposed new measures are:

- (i) a revised closed area in the Humber Estuary Special Area of Conservation (HE SAC), which is a proposed reduction from the existing closed area to better reflect the feature extent;
- (ii) closures in the inshore part of the Inner Dowsing, Race Bank and North Ridge Special Area of Conservation (IDRB&NR SAC) to bottom-towed gear; and
- (iii) an additional closure to bottom-towed gear (i.e. all towed, demersal gear including bottom trawls and dredges), handworking and crab tiling in one part of the Wash and North Norfolk Coast Special Area of Conservation (WNNC SAC).

A detailed rationale for these measures is presented below.

#### Rationale for proposed new and revised closures

##### (i) Intertidal seagrass in the Humber Estuary SAC

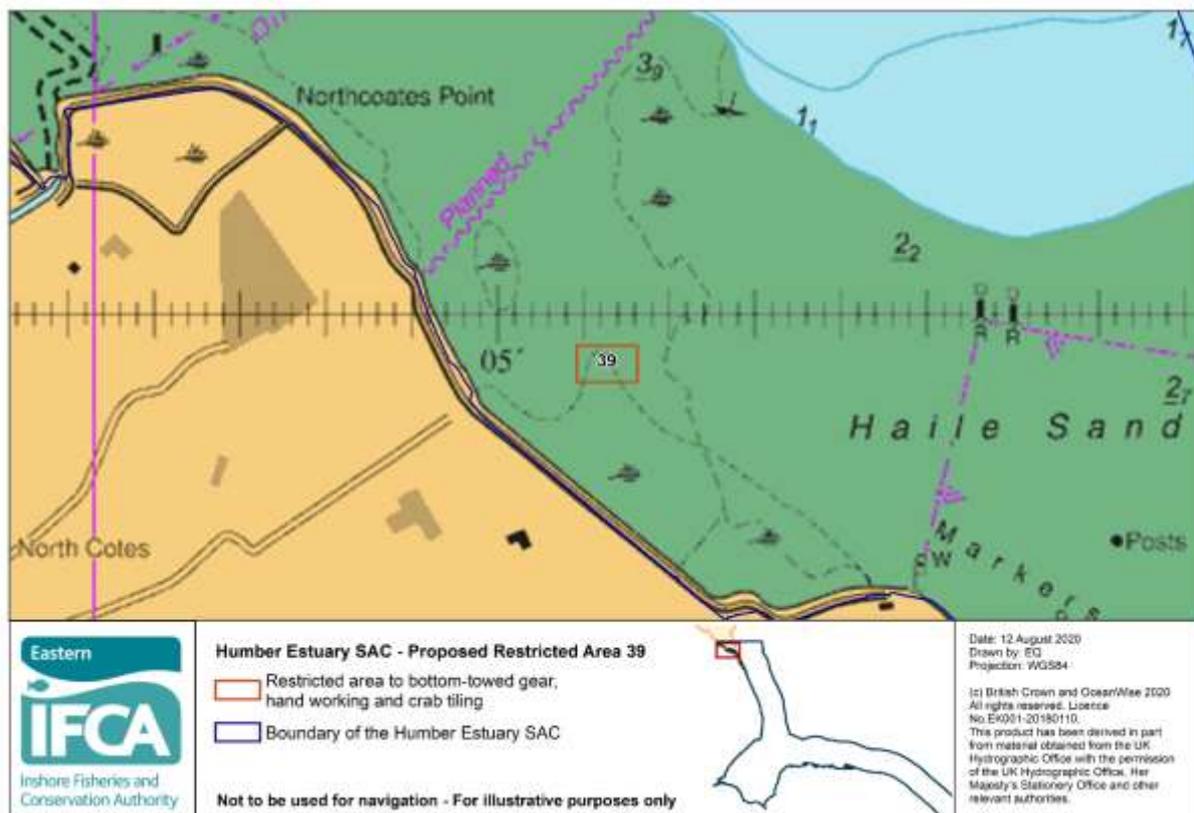
This SAC lies partly within the Eastern IFCA district, extending from Saltfleet and Spurn Head at the mouth of the Humber past the ports of Grimsby, Hull and up to the limit of saline intrusion from the rivers Ouse and Trent. It is designated for a range of qualifying features including mudflats, sand flats, sand dunes and grey seals. Full details of the site's features are available on Natural England's [Designated Sites Webpage](#).

Among the ecologically important designated features of the Humber Estuary SAC is intertidal seagrass, a sub-feature of the feature 'mudflats and sandflats not covered by seawater at low tide'. Fishing with bottom-towed gear, dredges, intertidal handwork, crab tiling and digging with forks (bait collection) over seagrass beds are 'red risk'

interactions<sup>1</sup>. The sub-feature therefore requires spatial closures to protect it from fishing damage.

In 2014, Eastern IFCA closed a large, precautionary area (170.8 ha) to bottom-towed gear, hardworking and crab tiling. The boundaries of this closure were originally delineated in 2013 using historical records of seagrass in the area and encompassed the single known patch of seagrass and a very large margin. This closure is currently in force under the Marine Protected Areas Byelaw 2018 and will be carried forward as Restricted Area 39 of the agreed Marine Protected Areas Byelaw 2019.

Officers have reviewed this closure and now recommend that under the Closed Areas Byelaw 2020, Restricted Area 39 is retained but reduced in size to cover 9.2ha, within the boundaries outlined in Figure 1. It is recommended that fishing using bottom-towed gear, hand working, and crab tiling should continue to be prohibited within this amended restricted area.



**Figure 1.** Proposed restricted area at Horseshoe Point under the Closed Area Byelaw 2020.

<sup>1</sup>'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](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/345970/REVISED_APPROACH_Policy_and_Delivery.pdf)

Officers have monitored the extent of seagrass at Horseshoe Point since 2014. The only known seagrass in the restricted area is a very small patch covering less than 1m<sup>2</sup>. Despite the absence of the prohibited activities, the seagrass in the area has not extended its range since implementation of the closure, consistently occupying less than 0.0001% of the closure. Having evaluated the potential for natural expansion of seagrass, officers have concluded that expansion is not likely to occur without human intervention, for example an extensive seagrass planting scheme. In recognition of Eastern IFCA's duty to balance environmental benefits and fisheries viability, officers now propose to replace the existing closure with a more proportionate one. The smaller closure will continue to protect seagrass from potentially damaging fishing activities; it will include a generous buffer (where a restoration project could be carried out if deemed appropriate), and it will remove a barrier to fishing in the surrounding area where seagrass does not occur. The amended Restricted Area 39 will include only areas with accounts of seagrass recorded in the last 20 years, along with a 100 m buffer around these records. The revised restricted area measures 9.2 ha (Figure 1).

Eastern IFCA are committed to balancing socio-economic considerations with environmental protection. There is increasing pressure on inshore fishing, including from the growing number of spatial restrictions on fishing for conservation, fisheries sustainability and offshore development purposes. It is considered that this proposal meets the requirements that Eastern IFCA management is evidence-based, proportionate and fit-for-purpose.

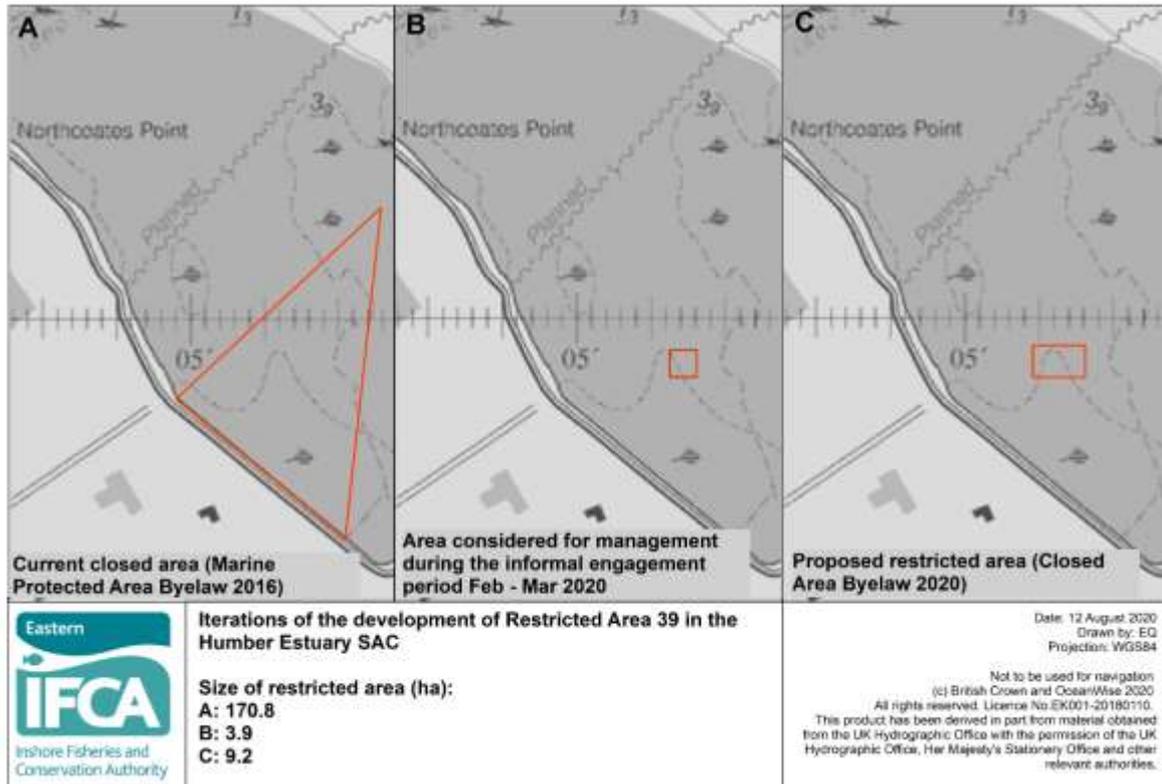
### **Summary of feedback from informal engagement**

Officers requested comments from stakeholders on the proposed amendment at Horseshoe Point over an informal engagement period dating from the 20<sup>th</sup> February 2020 to the 23<sup>rd</sup> March 2020. Comments were received from Natural England and the Wildlife Trusts (a joint response from the Lincolnshire Wildlife Trust and North Seas Wildlife Trusts) on the proposal. No comments were received from fishery stakeholders.

Following the response from The Wildlife Trusts, which included the provision of recent historical records for seagrass close to the west of the area being considered for management, officers extended the proposed closure to include all records collected in the last 20 years, including a 100 m buffer around each record (Figure 2).

Natural England provided an initial response outlining that they were unable to advise on the proposal based on insufficient information, stating that Natural England required a "broader evidence base to fully cognise the natural resilience of the eelgrass and to further explore the possibility of restoring/promoting the seagrass beds at Horseshoe Point". Officers have since responded to Natural England, providing the further information requested. Natural England provided their formal advice on the 22<sup>nd</sup> June, which welcomes the current proposal (Appendix 3). Following their initial concerns and officers' response, The Wildlife Trusts have verbally advised that they have no outstanding objections to the new proposed closure and welcome that additional evidence they provided was taken into account. The Wildlife Trusts have requested that annual monitoring of the closed area continues, and they are happy to assist in

this. In line with this, the closed area should be regularly reviewed based on any new evidence; of both seagrass extent and fishing activity. Finally, The Wildlife Trusts emphasised that it is important that evidence is gathered to understand the reasons for the lack of growth of seagrass in the closed area and this should be done in partnership with organisations such as Natural England, the Environment Agency and The Wildlife Trusts. There may be opportunity in the future to consider seagrass restoration as part of a Wildlife Trust project, and they encourage our involvement in this work.



**Figure 2.** Iterations of the restricted area considered for the Closed Area Byelaw 2020: (A) is the existing restricted area under the Marine Protected Area Byelaw 2018 (and agreed Marine Protected Area Byelaw 2019), (B) is the area considered for management during the informal engagement period in February and March 2020, and (C) the proposed restricted area for the Closed Area Byelaw 2020.

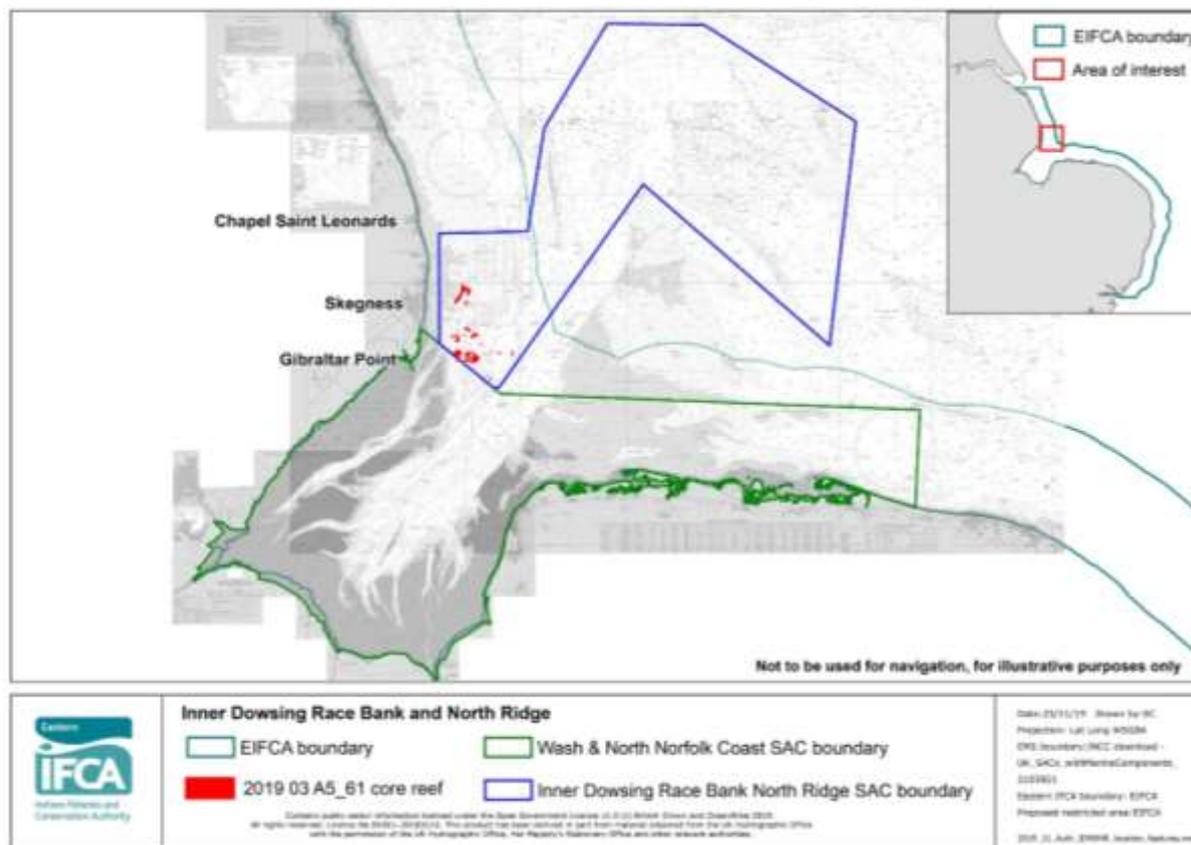
### Summary of impacts of the closure

No impacts were identified as the area is a reduction in size and any impact was accounted for when the area was previously closed.

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

Inner Dowsing, Race Bank and North Ridge SAC lies partially within the Eastern IFCA district, but most of the site extends beyond 6nm and beyond 12nm (Figure 3, below).

It lies off the Lincolnshire and Norfolk coasts, with one boundary directly adjacent to the Wash and North Norfolk Coast 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 km<sup>2</sup>. 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 mobile 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*<sup>2</sup>.

<sup>2</sup> <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 biogenic reef feature.

Officers have liaised closely with the statutory conservation advisor, Natural England, over the location and nature of the reef feature within the inshore (0-6nm) section of the IDRBNR site, in order to identify which areas require protection. Officers have scrutinised feature extent data supplied by Natural England, to ensure there is sufficient confidence in the presence of the feature to support management. Officers have been satisfied with data supporting some of the reported reef extent within this site, but have queried the evidence for 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 Cefas<sup>3</sup> in 2013/14) to ascertain whether the areas in question should be classified as reef areas.

Following detailed scrutiny of the supporting data, including liaison with Cefas personnel, officers are satisfied with evidence for much of the reported feature extent, but remain in discussion with Natural England about some areas. Recommended spatial closures to bottom-towed gear have been drawn up for the agreed reef areas for Authority consideration, to be included in the Closed Areas Byelaw 2020. These are shown in Figure 4; the twelve areas cover a total of 200.6 ha. They are located to the west and to the south of the Lynn offshore wind farm. Figure 4 also shows the extent of the reef feature as advised by Natural England (red shading). Those reef areas not contained within proposed closure boxes are the areas where officers are not satisfied that the supporting evidence shows the area should be classified as reef.

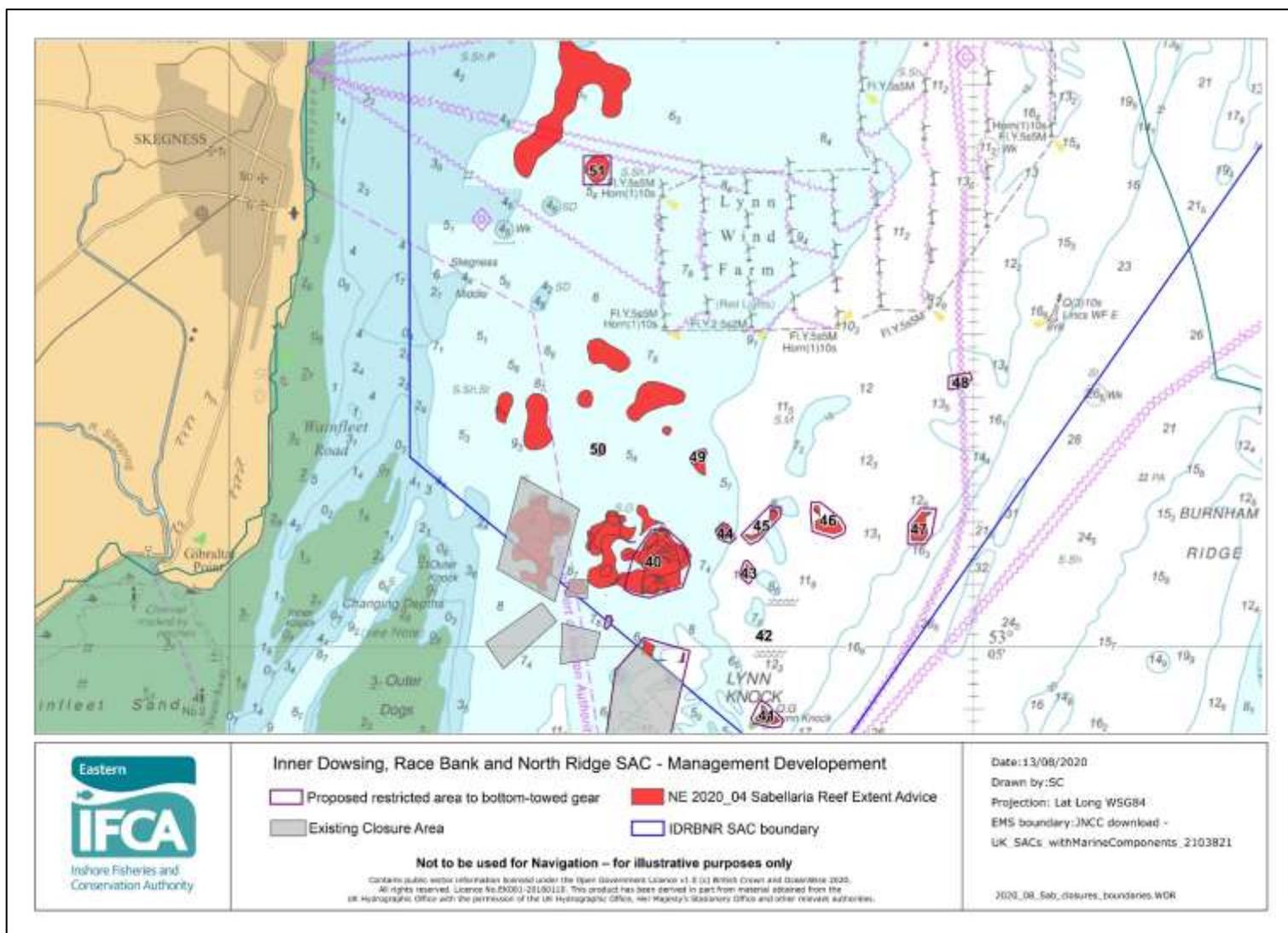
Some of the biogenic reef: *Sabellaria* feature occurs across the boundary of the IDRBNR SAC and the WNNC SAC. Closures have already been agreed for the latter site (currently implemented under the MPA Byelaw 2018) including areas of overlap into IDRBNR. One of these overlapping closures (area 16) has been amended slightly to reflect the latest evidence in reef feature. The closures in The Wash and overlapping with Inner Dowsing are shown in Figure 5.

Officers will continue to work closely with Natural England to ascertain the requirement for additional biogenic reef: *Sabellaria* closures in IDRBNR SAC. To date, Natural England has provided an extent map for this feature covering a wider extent than the closures recommended by officers. However, officers do not currently have sufficient confidence in the supporting data for areas not being proposed for closure in this paper. If, through further liaison, officer confidence in the non-agreed areas increases,

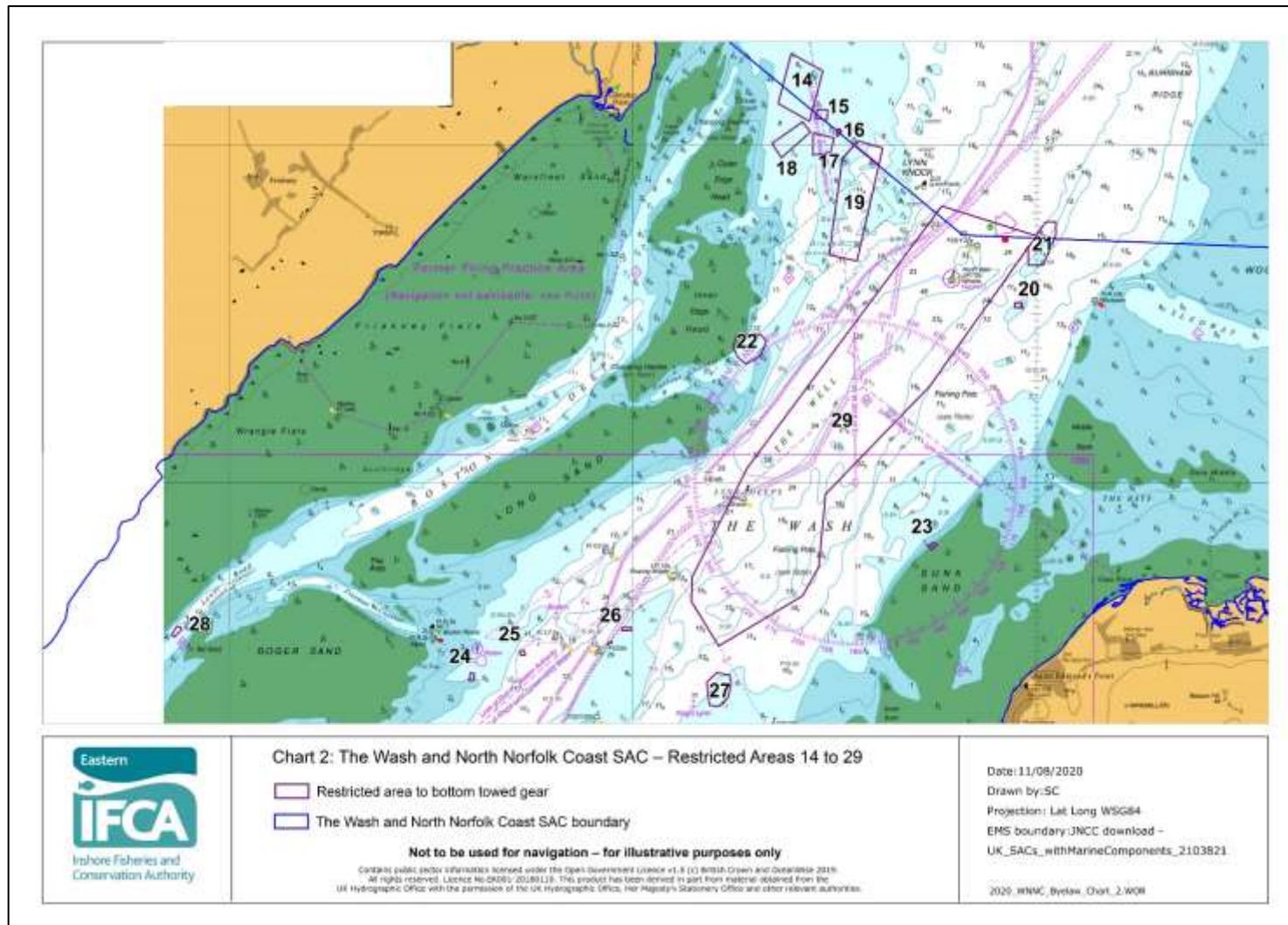
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<sup>3</sup> Centre for Environment, Fisheries and Aquaculture Science

further recommended closures would be presented to the Authority to be introduced in a later iteration of the Closed Areas Byelaw.



**Figure 4.** Reef extent advice, existing closures and recommended new closed areas (labeled 40 to 51) to protect biogenic reef: *Sabellaria* from towed demersal fishing in inshore section of Inner Dowsing, Race Bank and North Ridge SAC.



**Figure 5.** Existing *Sabellaria* reef and mixed habitat closed areas in The Wash – noting the overlap of reef feature into Inner Dowsing, Race Bank & North Ridge SAC.

## Summary of feedback from informal engagement

Informal engagement was conducted in relation to the IDRBNR closures during the same time as the circalittoral rock engagement. General “management areas” were presented, since the engagement took place before the current refined recommendations had been drawn up. The informal engagement was reported at the 38<sup>th</sup> Authority meeting, and is included at Appendix 6. Responses from fishery stakeholders highlighted that the areas form part of the local brown shrimp fishing grounds, and have historically been important for seed mussel (although this fishery has not occurred in recent years, partly as a result of offshore wind farm activity in the area).

### (iii) Intertidal *Sabellaria* reef in the Wash and North Norfolk Coast SAC

The recommendation is for a closure to be introduced under the Closed Areas Byelaw 2020 to prohibit fishing using bottom-towed gear (i.e. all towed, demersal gear including bottom trawls and dredges), hand working, bait collection and crab tiling on a small part of Inner Westmark Knock, a sandbank in The Wash embayment. The area contains a small area of intertidal biogenic reef formed of *Sabellaria spinulosa* tubes. This constitutes the protected feature “biogenic reef”, which is vulnerable to damage by the above fishing activities (‘red risk’ feature/fishing interaction). As the responsible authority, Eastern IFCA is required to restrict fishing here to protect the feature.

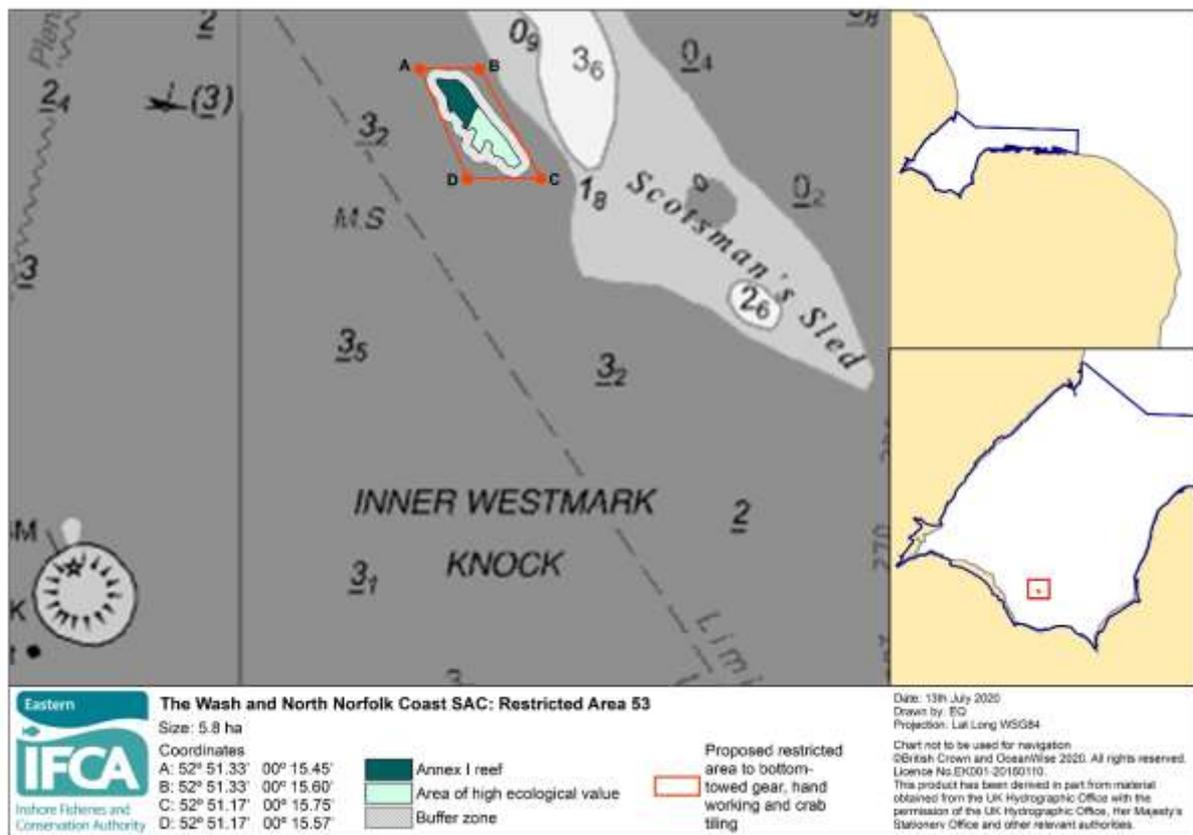
The Wash & North Norfolk Coast SAC lies entirely within the Eastern IFCA district, and extends from Gibraltar Point on the Lincolnshire coast to Weybourne on the north Norfolk coast, fully encompassing the Wash embayment and the western half of the north Norfolk coast. It is designated for a range of 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> .

The recommended closure area covers 5.8ha and is shown in Figure 6, below. It constitutes all of the intertidal reef feature, but covers just a tiny fraction (< 0.006%) of the overall extent of the WNNC SAC (1078 km<sup>2</sup>), or <0.02% of the intertidal area of the Wash (approx. 30,000ha).

“Biogenic Reef: *Sabellaria spinulosa*” is vulnerable to damage or loss by the fishing activities outlined above so these types of activities need to be managed so that they do not interact with the 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 can support epifauna (colonies of animals attached to the surface) such as bryozoans, hydroids, sponges and anemones. Additional fauna also include polychaetes, squat lobsters, crabs, the common lobster *Homarus gammarus* and notably the commercially exploitable pink shrimp *Pandalus montagui*. Whilst ross worms are abundant and widespread in UK waters, and not considered to be of high biodiversity value in themselves, the formation of their reefs is less common. The current example is the only known intertidal *Sabellaria spinulosa* reef in the Eastern IFCA district.



**Figure 6.** Recommended new closed area to protect intertidal biogenic reef: *Sabellaria* from towed demersal fishing, crab tiling and hand raking in The Wash & North Norfolk Coast SAC.

Natural England surveyed the feature with Eastern IFCA officers in October 2019. They advised that the biogenic reef feature extended across the top half of the area and must be protected, following the “Revised Approach to management of commercial fisheries in MPAs<sup>4</sup>”. Natural England noted that additional *Sabellaria* was present in the southern part of the area, and although the coverage was not sufficient for this area to be formally classified as reef, the presence of conglomerated *Sabellaria* tube structures resulted in a notably higher abundance and diversity of epifauna than

<sup>4</sup> <https://www.gov.uk/government/publications/revised-approach-to-the-management-of-commercial-fisheries-in-european-marine-sites-overarching-policy-and-delivery>

the surrounding sandflats. Natural England advised that this area is therefore of high ecological value, and warrants protection.

Eastern IFCA consulted informally in February 2020 to help ascertain the impact a closure at this location would have on fishing. A single fisherman responded and indicated that the proposed closure area contains important shrimp and cockle fishing grounds and it would be to the fishing industry's detriment if this were to be lost. The details of the response is outlined later in the document.

To improve our understanding of the importance of the area for fishing, officers have assessed available data from shrimp fishing returns and vessel monitoring system (VMS) data. Shrimp fishing effort by vessels over 12m throughout the Wash (VMS data), showed the amount of activity currently conducted in the proposed closure area is low. It is likely that these vessels will not be significantly impacted if prohibited from fishing in the proposed closed area, because there is a large amount of alternative, open shrimping grounds in the area. The shrimp returns data show a higher level of shrimp fishing around the proposed closure area, although it should be noted that the shrimp returns data record activity at a coarser scale than that shown by the VMS data.

Closure of the area is likely to have a more significant impact on vessels under 12m than larger vessels because of their smaller operational range. However, when compared with the total number of reported shrimp tows, the level of fishing in the area is still low. It is concluded that the closure of the recommended area to towed demersal fishing could cause a small scale inconvenience to fishers utilising the Scotsman's Sled channel for shrimping, but would not significantly affect fishing opportunities because of the widespread available fishing area across The Wash, even considering other closed areas.

Natural England have provided conservation advice that shows the extent of area to be managed as *Sabellaria spinulosa* reef. 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. The closure includes the 1.78ha area of the *Sabellaria* habitat (including the reef and the adjacent area of high ecological value), plus a 28 m buffer around the feature and a small additional area to create a functional closure shape with minimal boundary points. The closure includes the full extent of the intertidal *Sabellaria spinulosa* feature.

The Inner Westmark Knock intertidal *Sabellaria spinulosa* reef was previously larger than that found in the 2019 survey. Natural England's advice is to protect the reef that was identified in the 2019 survey and the adjacent *Sabellaria* area, but not to protect the surrounding area where the reef had extended previously.

## **Summary of feedback from informal engagement**

Officers undertook informal engagement with stakeholders regarding the area considered for management within The Wash & North Norfolk Coast SAC. The results are set out below.

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 two written responses were received. One response was received from an organisation with a conservation interest. 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 preceding months and years. The fishing response indicated that the area can be important for shrimp fishing and the vessel undertakes 5 to 15 trips in that area during a year. The conservation response indicated support for the closure.

## **Financial Implications**

### Costs to Impacted Stakeholders

Impacts on fishery livelihoods were assessed using available data (including landings data from the Marine Management organisation) and informal dialogue with stakeholders. A Regulatory Impact Assessment has been completed and was provided to members as part of the notification of intention to make the Closed Area Byelaw. A summary is provided below.

There are no anticipated costs based upon the loss of fishing grounds in relation to the circalittoral rock closure. There are no anticipated costs in relation to the Humber closure.

Shrimp fishing and beam trawling for white fish are the main impacted activities in relation to the closures for intertidal reef and biogenic reef. There is evidence to show that these types of fishing occur in these general areas, but not necessarily over the closures.

For the intertidal *Sabellaria* reef, the best estimate of an annual cost is £6,506 - based on loss of fishing grounds. The estimate is based on amount of fishing reported in the corresponding box on shrimp returns, adjusted to the actual size of the proposed closure. This is however considered to be an overestimate as fishing activity is thought to predominantly occur outside of the discrete closure.

For the subtidal *Sabellaria spinulosa* reef, respondents had highlighted the importance of the Inner Dowsing area for shrimp fishing, there is in fact very little evidence of shrimp tows occurring in any of the proposed IDRBNR closure areas, with only two tows in 2016 and 2017 reported in the corresponding shrimp return boxes. This disparity is due to respondents seeing the management focus areas, which were ultimately much larger than the now proposed closures. Therefore, the cost associated with the closure are low with the best estimate being £540.

### Costs to Eastern IFCA

Additional compliance activities will be required in addition to education and engagement. The high cost of these are estimated to be £10,514 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, therefore the best estimate is for half this number of patrols costing £5257.

### *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. It is therefore 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.

## Push Netting activity

Following conclusion of the informal consultation of the Marine Protected Areas Byelaw 2019, new evidence and information was discovered in relation to push netting activity in the district, specifically within Cromer MCZ, in that there is a low level of recreational 'push netting' usually for shrimp, carried out from the shore, in the intertidal area on foot. Upon investigation officers have identified that this activity would be prohibited under the MPA 2019 and subsequent Closed Area Byelaw 2020 (as these byelaws now include intertidal areas). This is due to the definition of bottom towed gear and its intention to cover all gear types. In terms of habitat impacts the assessments were made on bottom towed gear use from vessels rather than by hand, and the assessment conclusions therefore may not be relevant to push netting.

In order to more accurately examine the impacts of push netting by hand, officers are now completing an assessment of this specific activity, to conclude if it should be prohibited in the same way as other bottom towed gear activity. Pending conclusion of this assessment, changes may be required to the wording of the closed area byelaw to either allow the activity or specifically restrict it in order to provide clarity for our stakeholders. For clarity it is likely that this change will also be implemented in the Marine Protected Areas byelaw 2019 and would fall under the CEO's delegated authority and would not require re consultation as the measures would in all likelihood become less strict.

## Conclusion

If agreed, the new closures and revision to the Humber closure set out in this report would result in an overall increase in the area of seabed closed to towed demersal fishing in the Authority's district, from 52,270 ha (MPA Byelaw 2019) to 52,401 ha (Closed Areas Byelaw 2020). It would also see a net reduction in the area that is closed to crab tiling and hand working from 170 ha to 15 ha. Evidence suggests there will be a small effect in terms of a reduction in trawling opportunities, but conservation gains in terms of protection of the most vulnerable seabed habitats (biogenic reef: *Sabellaria* and circalittoral rock).

Based on Eastern IFCA's duties as fisheries regulators to protect marine protected areas (as set out in the Habitats Regulations), verified evidence on the extent of the designated features, Natural England's advice, consultation feedback and fishing activity assessment, it is recommended that the Authority agrees the recommended closures by agreeing the Closed Areas Byelaw 2020.

## **Appendices**

Appendix 1: Draft Closed Areas Byelaw 2020

Appendix 2: Draft Impact Assessment: Closed Areas Byelaw 2020

Appendix 3: Natural England advice relating to Humber Estuary closed area

Appendix 4: Marine Protected Areas and evolution of Eastern IFCA's Protected Areas Byelaw

Appendix 5: Agreed closures for Circalittoral rock in The Wash & North Norfolk Coast SAC

Appendix 6: Informal engagement relating to Inner Dowsing, Race Bank & North Ridge closed areas

## **Background documents**

1. Eastern IFCA's informal engagement materials:
  - Two-page summary, including charts and co-ordinates
  - Covering letter and questionnaire
2. 38<sup>th</sup> Authority meeting papers: Item 13: Closed Areas Byelaw 2020

## Appendix 1: Draft Closed Areas Byelaw 2020



### EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY

#### MARINE AND COASTAL ACCESS ACT 2009 (c. 23)

#### Closed Area Byelaw 2020

The Authority for the Eastern Inshore Fisheries and Conservation District in exercise of the powers conferred by sections 155, 156 and 158 of the Marine and Coastal Access Act 2009 makes the following byelaw for that District.

#### **Interpretation**

1. In this byelaw:
  - a) 'the 1983 baseline' means the baselines for the measurement of the breadth of the territorial sea as they existed at 25th January 1983 in accordance with the Territorial Waters Order in Council 1964.
  - b) 'angling' means fishing using a rod and line or a hook and line;
  - c) 'the Authority' means the Eastern Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Eastern Inshore Fisheries and Conservation Order 2010 (SI 2010/2189);
  - d) 'beam trawl' means a trawl net where the mouth or opening of the net is kept open by a beam, which is mounted at each end on guides, shoes or skids which travel along the seabed;
  - e) 'bottom towed gear' means any fishing gear designed to be towed, dragged or pushed through the water whilst in contact with the seabed;
  - f) 'crab tiling' means laying artificial items or structures in intertidal areas to gather crabs for the purpose of fishing;
  - g) co-ordinates are based on WGS 84 datum, where 'WGS 84' means the World Geodetic System, revised in 1984;

- h) 'the District' means the Eastern Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of SI 2010/2189;
- i) 'fishing' includes:
  - (i) digging for bait;
  - (ii) shooting, setting, towing and hauling of fishing gear;
  - (iii) gathering sea fisheries resources by hand or by using a hand operated implement;
  - (iv) catching, taking or removing sea fisheries resources;
- j) 'fishing gear' includes any nets, pots, ropes, anchors, surface markers, lines, dredges, grabs, rakes or other implements used during fishing;
- k) 'handwork' means the collection of sea fisheries resources, including bait, using the hands or handheld 'fishing gear';
- l) 'Restricted Area' means the areas numbered 1 to 53 as set out in the schedule of this byelaw;
- m) 'Right of Common' means registered rights held by "commoners" in respect of registered "common land";
- n) 'secured and stowed' means that fishing gear is stored in such a way that use cannot readily be made of it for any fishing activity;

### **Prohibitions**

2. A person must not fish with bottom towed gear in Restricted Areas.
3. Within Restricted Areas 39 and 53 a person must not:
  - a) fish with bottom towed gear;
  - b) fish by handwork; or
  - c) fish by crab tiling.
4. When transiting through a Restricted Area bottom towed gear on vessels must be secured and stowed.

### **Exemptions**

5. Paragraph 2 does not apply to fishing under the authority of a licence issued under Article 8 of the Wash Fishery Order 1992 in Restricted areas 1 to 13.

6. Paragraph 2 does not apply to fishing within Restricted Area 33 (Seasonal Restricted Area) between 1<sup>st</sup> April and 15<sup>th</sup> October in any year.
7. The prohibitions in paragraph 3 do not apply to angling.
8. Paragraph 4 does not apply in relation to Restricted Areas 1 to 38 and 40 to 53 if the following apply:
  - a) a vessel had been fishing using a beam trawl up to the boundary of the Restricted Area or it will be fishing using a beam trawl immediately upon leaving the Restricted Area; and
  - b) any beam is hoisted so that it is clearly visible above the sea and that no part of the fishing gear is in contact with any part of the seabed whilst the vessel is within the Restricted Area.
9. This byelaw does not apply to any person performing an act which would otherwise constitute an offence against this byelaw, if that act was carried out in exercise of any right of common held by that person.

#### **Revocations**

10. The byelaw titled "Marine Protected Areas Byelaw 2019" which was made by the Eastern Inshore Fisheries and Conservation Authority on 15<sup>th</sup> May 2019 and in force immediately before the making of this byelaw, is revoked.

I hereby certify that the above byelaw was made by Eastern Inshore Fisheries and Conservation Authority at their meeting on 9<sup>th</sup> September 2020.



**Julian Gregory**

*Chief Executive Officer*

*Eastern Inshore Fisheries and Conservation Authority*

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

*The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155(3) and (4) of the Marine and Coastal Access Act 2009, confirms the Marine Protected Areas Byelaw 2019 made by the Eastern IFCA on 15th May 2019.*

*The said byelaw comes into force on: .....*

## SCHEDULE 1

### Restricted Areas

The following tables set out the co-ordinates of the Restricted Areas referred to in subparagraph 1(l) of this byelaw:

<b>Restricted Area 1</b>			
Restricted Area 1 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 1 for illustrative purposes.			
<b>Point</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Area (hectares)</b>
A	52° 57.60' N	00° 10.62' E	3.5
B	52° 57.60' N	00° 10.84' E	
C	52° 57.58' N	00° 10.86' E	
D	52° 57.50' N	00° 10.71' E	
E	52° 57.50' N	00° 10.66' E	

<b>Restricted Area 2</b>			
Restricted Area 2 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 1 for illustrative purposes.			
<b>Point</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Area (hectares)</b>
A	52° 57.13' N	00° 09.61' E	79.8
B	52° 57.03' N	00° 09.84' E	
C	52° 56.24' N	00° 09.08' E	
D	52° 56.32' N	00° 08.81' E	
E	52° 56.99' N	00° 09.19' E	

### Restricted Area 3

Restricted Area 3 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 1 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A	52° 54.95' N	00° 05.47' E	60.7
B	52° 55.14' N	00° 06.30' E	
C	52° 54.85' N	00° 06.51' E	
D	52° 54.65' N	00° 05.54' E	

### Restricted Area 4

Restricted Area 4 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 1 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A	52° 54.56' N	00° 06.06' E	6.5
B	52° 54.49' N	00° 06.13' E	
C	52° 54.41' N	00° 05.81' E	
D	52° 54.48' N	00° 05.70' E	

### Restricted Area 5

Restricted Area 5 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 1 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A	52° 55.20' N	00° 08.97' E	379.7
B	52° 54.74' N	00° 09.35' E	
C	52° 54.61' N	00° 09.36' E	
D	52° 53.85' N	00° 08.46' E	
E	52° 53.89' N	00° 07.98' E	
F	52° 54.58' N	00° 06.74' E	
G	52° 55.04' N	00° 07.26' E	
H	52° 54.60' N	00° 08.10' E	

### Restricted Area 6

Restricted Area 6 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 1 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A	52° 55.27' N	00° 09.74' E	123.4
B	52° 55.64' N	00° 10.60' E	
C	52° 55.63' N	00° 10.71' E	
D	52° 55.46' N	00° 10.72' E	
E	52° 55.46' N	00° 10.96' E	
F	52° 55.64' N	00° 11.42' E	
G	52° 55.64' N	00° 11.64' E	
H	52° 55.38' N	00° 11.87' E	
I	52° 55.19' N	00° 11.58' E	
J	52° 55.29' N	00° 11.38' E	
K	52° 55.19' N	00° 10.09' E	
L	52° 55.08' N	00° 09.82' E	

### Restricted Area 7

Restricted Area 7 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 1 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A	52° 54.09' N	00° 11.00' E	15.7
B	52° 54.12' N	00° 11.39' E	
C	52° 54.13' N	00° 11.83' E	
D	52° 54.07' N	00° 11.78' E	
E	52° 53.98' N	00° 11.40' E	
F	52° 54.00' N	00° 11.22' E	

**Restricted Area 8**

Restricted Area 8 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 1 for illustrative purposes.

<b>Point</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Area (hectares)</b>
A	52° 52.16' N	00° 11.52' E	24.6
B	52° 52.35' N	00° 12.06' E	
C	52° 52.36' N	00° 12.30' E	
D	52° 52.31' N	00° 12.33' E	
E	52° 52.28' N	00° 12.27' E	
F	52° 52.19' N	00° 12.26' E	
G	52° 52.14' N	00° 12.14' E	
H	52° 52.12' N	00° 11.85' E	
I	52° 52.09' N	00° 11.62' E	

**Restricted Area 9**

Restricted Area 9 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 1 for illustrative purposes.

<b>Point</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Area (hectares)</b>
A	52° 50.74' N	00° 14.83' E	64.5
B	52° 50.43' N	00° 15.12' E	
C	52° 50.08' N	00° 14.57' E	
D	52° 50.08' N	00° 14.43' E	
E	52° 50.51' N	00° 14.29' E	

### Restricted Area 10

Restricted Area 10 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence as and finally returning to Point A, set out in chart 1 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A	52° 50.39' N	00° 15.14' E	89.2
B	52° 50.35' N	00° 15.40' E	
C	52° 50.18' N	00° 15.35' E	
D	52° 50.08' N	00° 15.41' E	
E	52° 50.20' N	00° 15.59' E	
F	52° 50.20' N	00° 15.84' E	
G	52° 50.04' N	00° 15.96' E	
H	52° 49.86' N	00° 15.99' E	
I	52° 49.77' N	00° 15.88' E	
J	52° 49.72' N	00° 15.75' E	
K	52° 49.79' N	00° 15.13' E	
L	52° 50.12' N	00° 14.97' E	

### Restricted Area 11

Restricted Area 11 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 1 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A	52° 50.32' N	00° 17.58' E	103.5
B	52° 50.32' N	00° 17.77' E	
C	52° 50.19' N	00° 18.57' E	
D	52° 49.49' N	00° 18.80' E	
E	52° 49.57' N	00° 18.33' E	

### Restricted Area 12

Restricted Area 12 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 1 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A	52° 50.08' N	00° 20.09' E	68.6
B	52° 50.36' N	00° 20.68' E	
C	52° 50.23' N	00° 20.99' E	
D	52° 49.69' N	00° 21.09' E	

### Restricted Area 13

Restricted Area 13 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 1 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A	52° 51.69' N	00° 21.50' E	16.2
B	52° 51.95' N	00° 21.71' E	
C	52° 51.82' N	00° 22.01' E	
D	52° 51.63' N	00° 21.66' E	

### Restricted Area 14

Restricted Area 14 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A	53° 06.35' N	00° 23.92' E	136.7
B	53° 06.09' N	00° 24.70' E	
C	53° 05.35' N	00° 24.37' E	
D	53° 05.61' N	00° 23.60' E	

### Restricted Area 15

Restricted Area 15 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A	53° 05.53' N	00° 24.58' E	8.0
B	53° 05.52' N	00° 24.82' E	
C	53° 05.37' N	00° 24.80' E	
D	53° 05.40' N	00° 24.50' E	

### Restricted Area 16

Restricted Area 16 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 05.24' N	00° 25.07' E	1.48
B.	53° 05.23' N	00° 25.13' E	
C.	53° 05.18' N	00° 25.13' E	
D.	53° 05.13' N	00° 25.07' E	
E.	53° 05.14' N	00° 25.03' E	

### Restricted Area 17

Restricted Area 17 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 05.18' N	00° 24.47' E	26.8
B.	53° 05.10' N	00° 24.98' E	
C.	53° 04.89' N	00° 24.89' E	
D.	53° 04.85' N	00° 24.45' E	

### Restricted Area 18

Restricted Area 18 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 05.34' N	00° 24.20' E	43.2
B.	53° 05.19' N	00° 24.40' E	
C.	53° 04.81' N	00° 23.68' E	
D.	53° 05.02' N	00° 23.44' E	

### Restricted Area 19

Restricted Area 19 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 05.06' N	00° 25.57' E	23.0
B.	53° 04.96' N	00° 26.19' E	
C.	53° 03.28' N	00° 25.55' E	
D.	53° 03.37' N	00° 24.86' E	
E.	53° 04.80' N	00° 25.19' E	

### Restricted Area 20

Restricted Area 20 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 02.66' N	00° 29.46' E	2.7
B.	53° 02.66' N	00° 29.63' E	
C.	53° 02.59' N	00° 29.63' E	
D.	53° 02.59' N	00° 29.46' E	

### Restricted Area 21

Restricted Area 21 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 03.86' N	00° 30.22' E	59.3
B.	53° 03.86' N	00° 30.48' E	
C.	53° 03.67' N	00° 30.48' E	
D.	53° 03.22' N	00° 30.15' E	
E.	53° 03.22' N	00° 29.78' E	
F.	53° 03.48' N	00° 29.78' E	

### Restricted Area 22

Restricted Area 22 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 02.18' N	00° 22.57' E	52.7
B.	53° 02.19' N	00° 23.16' E	
C.	53° 02.09' N	00° 23.30' E	
D.	53° 01.87' N	00° 23.15' E	
E.	53° 01.76' N	00° 22.80' E	
F.	53° 01.85' N	00° 22.60' E	
G.	53° 02.00' N	00° 22.49' E	

### Restricted Area 23

Restricted Area 23 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 59.11' N	00° 27.46' E	2.4
B.	52° 59.06' N	00° 27.52' E	
C.	52° 59.00' N	00° 27.38' E	
D.	52° 59.06' N	00° 27.32' E	

### Restricted Area 24

Restricted Area 24 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 57.17' N	00° 15.98' E	2.4
B.	52° 57.17' N	00° 16.08' E	
C.	52° 57.06' N	00° 16.06' E	
D.	52° 57.06' N	00° 15.94' E	

### Restricted Area 25

Restricted Area 25 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 57.49' N	00° 17.20' E	1.6
B.	52° 57.51' N	00° 17.31' E	
C.	52° 57.44' N	00° 17.34' E	
D.	52° 57.43' N	00° 17.23' E	

### Restricted Area 26

Restricted Area 26 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 57.85' N	00° 19.73' E	2.1
B.	52° 57.85' N	00° 19.96' E	
C.	52° 57.81' N	00° 19.96' E	
D.	52° 57.80' N	00° 19.74' E	

### Restricted Area 27

Restricted Area 27 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 57.18' N	00° 22.07' E	47.3
B.	52° 57.14' N	00° 22.40' E	
C.	52° 57.02' N	00° 22.44' E	
D.	52° 56.81' N	00° 22.35' E	
E.	52° 56.68' N	00° 22.13' E	
F.	52° 56.69' N	00° 21.90' E	
G.	52° 56.75' N	00° 21.88' E	
H.	52° 57.03' N	00° 21.83' E	

### Restricted Area 28

Restricted Area 28 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 57.87' N	00° 08.71' E	3.8
B.	52° 57.85' N	00° 08.81' E	
C.	52° 57.82' N	00° 08.83' E	
D.	52° 57.71' N	00° 08.65' E	
E.	52° 57.73' N	00° 08.58' E	

### Restricted Area 29

Restricted Area 29 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 04.10' N	00° 27.65' E	3446.0
B.	53° 03.65' N	00° 29.98' E	
C.	53° 01.43' N	00° 27.35' E	
D.	52° 59.83' N	00° 24.77' E	
E.	52° 58.75' N	00° 24.60' E	
F.	52° 58.32' N	00° 24.20' E	
G.	52° 57.57' N	00° 22.13' E	
H.	52° 58.23' N	00° 21.45' E	
I.	52° 58.60' N	00° 21.47' E	
J.	53° 00.22' N	00° 22.83' E	

### Restricted Area 30

Restricted Area 30 is defined by a straight line between points A and B in this table and the land boundary is to be taken as the mean high water springs mark, as set out in chart 3 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 59.00' N	00° 40.03' E	51.69
B.	52° 58.63' N	00° 40.85' E	

### Restricted Area 31

Restricted Area 31 is defined by a boundary drawn by a line connecting points A and B which follows the three nautical mile boundary (three nautical miles from the 1983 baseline) and a series of straight lines drawn in sequence between points B to I and finally returning to Point A as listed in this table, as set out in chart 3 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 02.58' N	00° 50.67' E	5922
B.	53° 01.65' N	01° 01.57' E	
C.	52° 58.88' N	01° 01.60' E	
D.	52° 59.16' N	01° 00.06' E	
E.	52° 59.71' N	00° 55.55' E	
F.	52° 59.86' N	00° 54.90' E	
G.	52° 59.73' N	00° 53.81' E	
H.	52° 59.79' N	00° 52.44' E	
I.	52° 59.96' N	00° 50.70' E	

### Restricted Area 32

Restricted Area 32 is defined by a boundary drawn by a line connecting points A and B which follows the land boundary which is to be taken as mean high water springs and a series of straight lines drawn in sequence between points B to O and finally returning to Point A, as set out in chart 3 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 57.47' N	00° 51.06' E	2189
B.	52° 58.26' N	01° 01.60' E	
C.	52° 58.36' N	01° 01.60' E	
D.	52° 59.11' N	00° 58.39' E	
E.	52° 59.15' N	00° 57.26' E	
F.	52° 58.80' N	00° 56.52' E	
G.	52° 58.77' N	00° 55.57' E	
H.	52° 58.88' N	00° 54.81' E	
I.	52° 59.10' N	00° 54.22' E	
J.	52° 59.28' N	00° 52.96' E	
K.	52° 59.33' N	00° 51.90' E	
L.	52° 59.54' N	00° 50.90' E	
M.	52° 59.54' N	00° 50.71' E	
N.	52° 58.62' N	00° 50.76' E	
O.	52° 58.40' N	00° 51.03' E	

### Restricted Area 33 (Seasonal Restricted Area)

Restricted Area 33 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 3 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 59.96' N	00° 50.70' E	1217
B.	52° 59.79' N	00° 52.44' E	
C.	52° 59.73' N	00° 53.81' E	
D.	52° 59.86' N	00° 54.90' E	
E.	52° 59.71' N	00° 55.55' E	
F.	52° 59.16' N	01° 00.06' E	
G.	52° 58.88' N	01° 01.60' E	
H.	52° 58.36' N	01° 01.60' E	
I.	52° 59.11' N	00° 58.39' E	
J.	52° 59.15' N	00° 57.26' E	
K.	52° 58.80' N	00° 56.52' E	
L.	52° 58.77' N	00° 55.57' E	
M.	52° 58.88' N	00° 54.81' E	
N.	52° 59.10' N	00° 54.22' E	
O.	52° 59.28' N	00° 52.96' E	
P.	52° 59.33' N	00° 51.90' E	
Q.	52° 59.54' N	00° 50.90' E	
R.	52° 59.54' N	00° 50.71' E	
S.	52° 59.96' N	00° 50.70' E	

### Restricted Area 34

Restricted Area 34 is defined by a boundary drawn connecting points A and B with a straight line followed by connecting points B to C with a line which follows the three nautical mile boundary (three nautical miles from the 1983 baseline), followed by a straight line drawn between points C and D and finally by a line returning to Point A following the mean high-water springs mark, as set out in chart 3 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 58.25' N	01° 01.61' E	3826
B.	53° 01.65' N	01° 01.60' E	
C.	53° 00.31' N	01° 07.35' E	
D.	52° 57.14' N	01° 07.13' E	

**Restricted Area 35**

Restricted Area 35 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A following the mean high-water springs mark, as set out in chart 4 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 57.15' N	01° 07.10' E	29930
B.	53° 02.74' N	01° 07.52' E	
C.	53° 01.41' N	01° 18.73' E	
D.	53° 01.30' N	01° 19.23' E	
E.	53° 01.20' N	01° 19.65' E	
F.	53° 01.12' N	01° 19.89' E	
G.	53° 01.05' N	01° 20.11' E	
H.	53° 00.96' N	01° 20.32' E	
I.	53° 00.86' N	01° 20.54' E	
J.	52° 58.74' N	01° 26.36' E	
K.	52° 58.36' N	01° 27.24' E	
L.	52° 57.71' N	01° 28.60' E	
M.	52° 57.25' N	01° 29.41' E	
N.	52° 56.98' N	01° 29.80' E	
O.	52° 56.71' N	01° 30.13' E	
P.	52° 56.27' N	01° 30.57' E	
Q.	52° 55.83' N	01° 30.93' E	
R.	52° 55.42' N	01° 31.20' E	
S.	52° 55.00' N	01° 31.42' E	
T.	52° 54.65' N	01° 31.58' E	
U.	52° 54.37' N	01° 31.68' E	
V.	52° 54.00' N	01° 31.79' E	
W.	52° 53.44' N	01° 31.90' E	
X.	52° 51.86' N	01° 33.80' E	
Y.	52° 49.40' N	01° 32.46' E	

### Restricted Area 36

Restricted Area 36 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 5 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 48.53' N	01° 47.07' E	189.8
B.	52° 48.22' N	01° 48.40' E	
C.	52° 48.05' N	01° 48.64' E	
D.	52° 47.69' N	01° 48.56' E	
E.	52° 47.70' N	01° 47.70' E	
F.	52° 47.82' N	01° 47.40' E	
G.	52° 48.06' N	01° 47.06' E	
H.	52° 48.32' N	01° 46.96' E	

### Restricted Area 37

Restricted Area 37 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 5 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 42.11' N	01° 48.33' E	1401
B.	52° 42.45' N	01° 49.86' E	
C.	52° 41.38' N	01° 51.00' E	
D.	52° 40.57' N	01° 51.23' E	
E.	52° 40.16' N	01° 51.27' E	
F.	52° 39.22' N	01° 50.30' E	
G.	52° 38.87' N	01° 49.97' E	
H.	52° 38.87' N	01° 49.78' E	
I.	52° 39.83' N	01° 49.33' E	
J.	52° 40.17' N	01° 48.78' E	
K.	52° 40.62' N	01° 48.57' E	
L.	52° 41.68' N	01° 48.31' E	

### Restricted Area 38

Restricted Area 38 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 5 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 37.16' N	01° 54.34' E	2237
B.	52° 39.92' N	01° 53.25' E	
C.	52° 40.54' N	01° 53.28' E	
D.	52° 41.43' N	01° 53.75' E	
E.	52° 41.62' N	01° 54.49' E	
F.	52° 41.37' N	01° 55.29' E	
G.	52° 39.86' N	01° 56.70' E	
H.	52° 39.22' N	01° 56.76' E	
I.	52° 38.52' N	01° 56.55' E	
J.	52° 37.83' N	01° 56.26' E	

### Area 39

Restricted Area 39 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence, as set out in Chart 6 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 29.88' N	00° 05.46' E	9.2
B.	53° 29.88' N	00° 05.81' E	
C.	53° 29.75' N	00° 05.81' E	
D.	53° 29.75' N	00° 05.46' E	

### Restricted Area 40

Restricted Area 40 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 05.93' N	00° 25.67' E	70.72
B.	53° 05.93' N	00° 25.87' E	
C.	53° 05.82' N	00° 26.10' E	
D.	53° 05.65' N	00° 26.19' E	
E.	53° 05.47' N	00° 26.09' E	
F.	53° 05.38' N	00° 25.64' E	
G.	53° 05.41' N	00° 25.41' E	
H.	53° 05.45' N	00° 25.30' E	
I.	53° 05.72' N	00° 25.43' E	

### Restricted Area 41

Restricted Area 41 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 04.56' N	00° 27.13' E	11.76
B.	53° 04.54' N	00° 27.19' E	
C.	53° 04.52' N	00° 27.24' E	
D.	53° 04.40' N	00° 27.44' E	
E.	53° 04.35' N	00° 27.41' E	
F.	53° 04.34' N	00° 27.31' E	
G.	53° 04.37' N	00° 27.05' E	
H.	53° 04.41' N	00° 27.01' E	

### Restricted Area 42

Restricted Area 42 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 05.12' N	00° 27.13' E	1.71
B.	53° 05.12' N	00° 27.24' E	
C.	53° 05.04' N	00° 27.24' E	
D.	53° 05.04' N	00° 27.13' E	

### Restricted Area 43

Restricted Area 43 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 05.67' N	00° 26.92' E	5.42
B.	53° 05.68' N	00° 26.96' E	
C.	53° 05.60' N	00° 27.08' E	
D.	53° 05.54' N	00° 27.05' E	
E.	53° 05.49' N	00° 26.98' E	
F.	53° 05.56' N	00° 26.85' E	

### Restricted Area 44

Restricted Area 44 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 05.98' N	00° 26.62' E	5.72
B.	53° 05.97' N	00° 26.70' E	
C.	53° 05.86' N	00° 26.81' E	
D.	53° 05.82' N	00° 26.74' E	
E.	53° 05.83' N	00° 26.65' E	
F.	53° 05.86' N	00° 26.56' E	
G.	53° 05.92' N	00° 26.53' E	

### Restricted Area 45

Restricted Area 45 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 06.12' N	00° 27.26' E	15.53
B.	53° 06.10' N	00° 27.42' E	
C.	53° 06.04' N	00° 27.41' E	
D.	53° 05.84' N	00° 27.12' E	
E.	53° 05.81' N	00° 27.00' E	
F.	53° 05.88' N	00° 26.87' E	

### Restricted Area 46

Restricted Area 46 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 06.15' N	00° 27.82' E	18.90
B.	53° 06.15' N	00° 27.95' E	
C.	53° 06.02' N	00° 28.21' E	
D.	53° 05.95' N	00° 28.28' E	
E.	53° 05.90' N	00° 28.26' E	
F.	53° 05.86' N	00° 28.12' E	
G.	53° 05.91' N	00° 27.83' E	

### Restricted Area 47

Restricted Area 47 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 06.10' N	00° 29.29' E	17.23
B.	53° 06.09' N	00° 29.50' E	
C.	53° 05.89' N	00° 29.44' E	
D.	53° 05.81' N	00° 29.35' E	
E.	53° 05.81' N	00° 29.12' E	
F.	53° 05.97' N	00° 29.12' E	

### Restricted Area 48

Restricted Area 48 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 07.16' N	00° 29.67' E	6.15
B.	53° 07.19' N	00° 29.95' E	
C.	53° 07.13' N	00° 29.99' E	
D.	53° 07.05' N	00° 29.80' E	
E.	53° 07.05' N	00° 29.66' E	

### Restricted Area 49

Restricted Area 49 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 06.56' N	00° 26.31' E	3.22
B.	53° 06.57' N	00° 26.40' E	
C.	53° 06.54' N	00° 26.41' E	
D.	53° 06.51' N	00° 26.40' E	
E.	53° 06.45' N	00° 26.26' E	
F.	53° 06.46' N	00° 26.21' E	
G.	53° 06.49' N	00° 26.19' E	
H.	53° 06.53' N	00° 26.22' E	

### Restricted Area 50

Restricted Area 50 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 06.62' N	00° 24.94' E	2.39
B.	53° 06.61' N	00° 25.05' E	
C.	53° 06.54' N	00° 25.04' E	
D.	53° 06.53' N	00° 25.01' E	
E.	53° 06.52' N	00° 24.97' E	
F.	53° 06.57' N	00° 24.89' E	
G.	53° 06.59' N	00° 24.90' E	

**Restricted Area 51**

Restricted Area 51 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 08.92' N	00° 24.76' E	17.38
B.	53° 08.92' N	00° 25.13' E	
C.	53° 08.69' N	00° 25.13' E	
D.	53° 08.69' N	00° 24.76' E	

**Restricted Area 52**

Restricted Area 52 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 2 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 00.42' N	00° 22.35' E	86.18
B.	53° 00.23' N	00° 22.74' E	
C.	52° 59.66' N	00° 21.90' E	
D.	52° 59.87' N	00° 21.44' E	

**Restricted Area 53**

Restricted Area 53 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 1 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 51.33' N	00° 15.45' E	5.8
B.	52° 51.33' N	00° 15.60' E	
C.	52° 51.17' N	00° 15.75' E	
D.	52° 51.17' N	00° 15.57' E	

## Explanatory Note

(This note does not form part of the byelaw)

This byelaw sets restrictions for fishing activities to protect marine habitats and species within or adjacent to marine protected areas from fishing activities. Restrictions include areas restricted to specified fishing gear and types of fishing activity and restrictions related to the use of fishing gear.

The marine protected areas to which these restrictions apply are in relation to Special Areas of Conservation (SAC) as provided in Article 3 Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) or in relation to Marine Conservation Zones (MCZ) as provided in the Cromer Shoal Chalk Beds Marine MCZ Order 2016.

Restrictions set out in the schedule of this byelaw are in relation to the Wash and North Norfolk Coast SAC, the Humber Estuary SAC, Haisborough, Hammond and Winterton SAC, Inner Dowsing, Race Bank and North Ridge SAC and the Cromer Shoal Chalk Beds MCZ.

### Wash and North Norfolk Coast SAC

Certain sub-features of the MPA have been assessed as requiring protection from fishing activities using bottom towed gear as follows:

- Subtidal biogenic reef: *Sabellaria* spp. (Ross worm)
- Subtidal stony reef
- Intertidal biogenic reef: mussel beds
- Intertidal seagrass beds
- Subtidal mixed sediments
- Subtidal mud
- Intertidal sand
- Intertidal *Sabellaria*
- Circa Littoral Rock
- Harbour seals

Some or part of the above features as they occur within the Wash and North Norfolk Coast SAC are closed to fishing by use of bottom towed gear (and fishing by hand and crab-tilling for area 53) with the effect of ensuring site integrity. Closures may include habitats and sub-features other than those set out above to ensure that the size, shape and orientation of the restricted area is clear and effective at providing a protective effect.

### Humber Estuary SAC

The sub-feature 'intertidal seagrass beds' has been assessed as requiring protection from fishing activity using bottom towed gear and 'handwork' fishing activity.

Restrictions in the Humber Estuary SAC include a Restricted Area in relation to fishing with bottom towed gear, fishing by hand and crab-tilling. The Restricted Area does not apply to fishing by hand when a rod and line or hook and line is used.

#### Cromer Shoal Chalk Beds MCZ

The features below have been assessed as requiring protection from fishing activity using bottom towed gear.

- Moderate energy infralittoral rock
- High energy infralittoral rock
- Moderate energy circalittoral rock
- High energy circalittoral rock
- Subtidal chalk
- Peat and clay exposures

These features have been closed to fishing activity by bottom towed gear to ensure that the conservation objectives of the site are met. Closures may include habitats and sub-features other than those set out above to ensure that the size, shape and orientation of the restricted area is clear and effective at providing a protective effect.

#### Haisborough, Hammond and Winterton SAC

The sub-feature 'Subtidal biogenic reef: *Sabellaria* spp. (Ross worm)' has been assessed as requiring protection from fishing activity using bottom towed gear.

Some or part of the above features as they occur within the Haisborough, Hammond and Winterton SAC are closed to fishing by use of bottom towed gear with the effect of ensuring site integrity. Closures may include habitats and sub-features other than those set out above to ensure that the size, shape and orientation of the restricted area is clear and effective at providing a protective effect.

#### Inner Dowsing, Race Bank and North Ridge SAC

The sub-feature 'Subtidal biogenic reef: *Sabellaria* spp. (Ross worm)' has been assessed as requiring protection from fishing activity using bottom towed gear.

Some or part of the above features as they occur within the Inner Dowsing, Race Bank and North Ridge SAC are closed to fishing by use of bottom towed gear with the effect of ensuring site integrity. Closures may include habitats and sub-features other than those set out above to ensure that the size, shape and orientation of the restricted area is clear and effective at providing a protective effect.

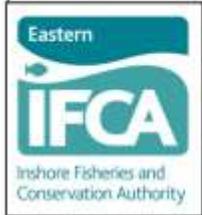
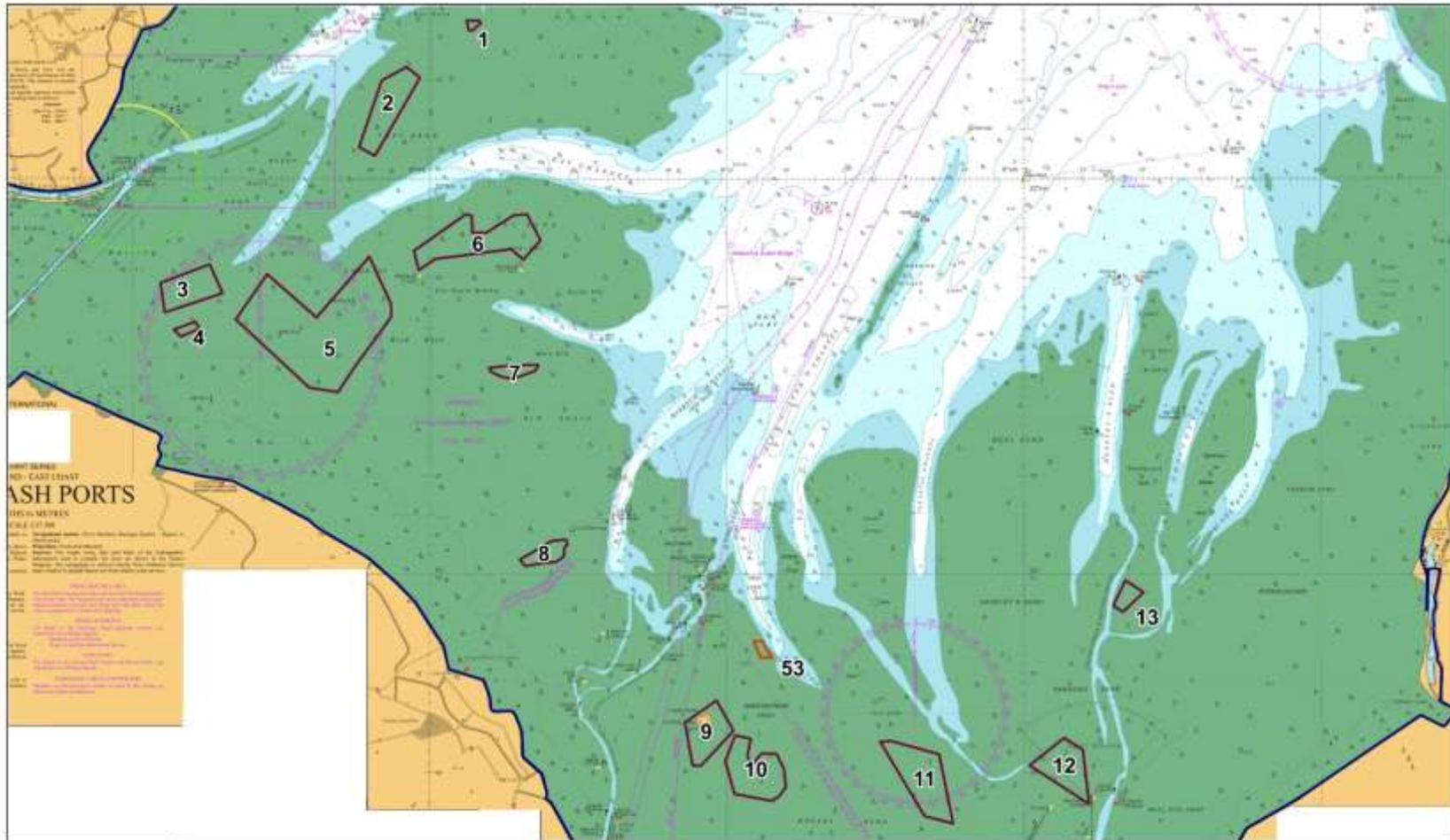
#### Holders of Rights of Common

Paragraph 6 of this Byelaw specifically preserves personal "rights of common". These are particular, specialised and defined rights held by "commoners" in respect of registered "common land". "Rights of Common" relate only to registered common land and this Byelaw retains full force and effect against all other persons, including those exercising their

common law right of fishery and any person exercising a private or several right of fishery. If you have any doubts about the applicability of this Byelaw to you, you should seek guidance from the Authority before fishing for or taking any sea fisheries resources.

#### Secured and Stowed Exemption

Restrictions include a requirement to have bottom towed gear secured and stowed when a fishing vessel is inside the Restricted Areas. Fishers are exempt from the requirement to secure and stow bottom towed gear if the vessel is fishing using a beam trawl up to the boundary of a Restricted Area or it will be fishing immediately upon leaving the Restricted Area. However, the gear must be suspended clear of the water. The exemption does not apply in the Humber Estuary Restricted Area (Restricted Area 39).



**Chart 1: The Wash and North Norfolk Coast SAC - Restricted Area 1 - 13 and 53**

- Restricted area to bottom-towed gear
- Restricted area to bottom-towed gear, hand working and crab tiling
- Boundary of the Wash and North Norfolk Coast SAC

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Date: 13 August 2020  
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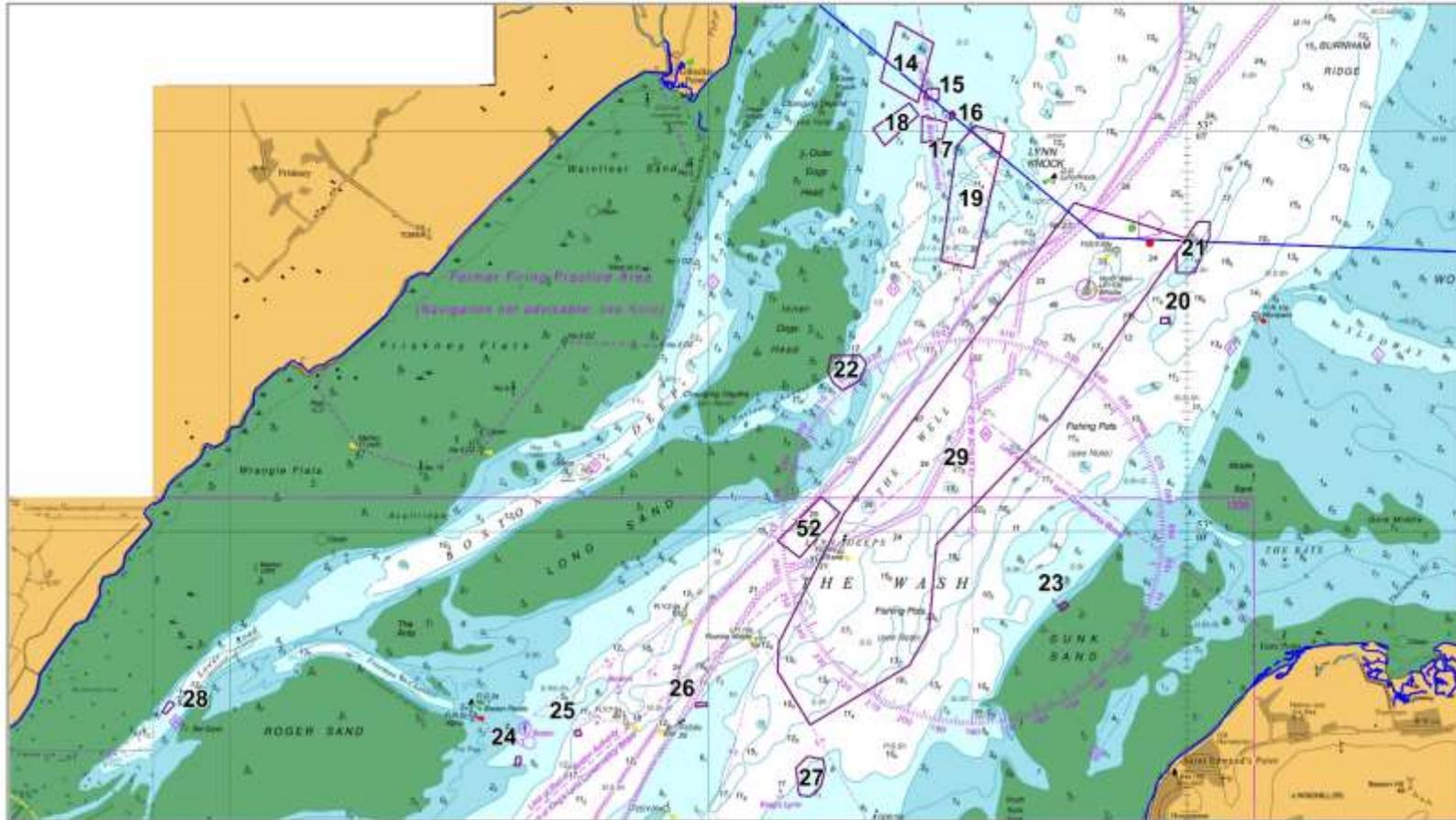


Chart 2: The Wash and North Norfolk Coast SAC – Restricted Areas 14 to 29 and 52

- Restricted area to bottom towed gear
- The Wash and North Norfolk Coast SAC boundary

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2020\_WWNC\_Byelaw\_Chart\_2\_WOR

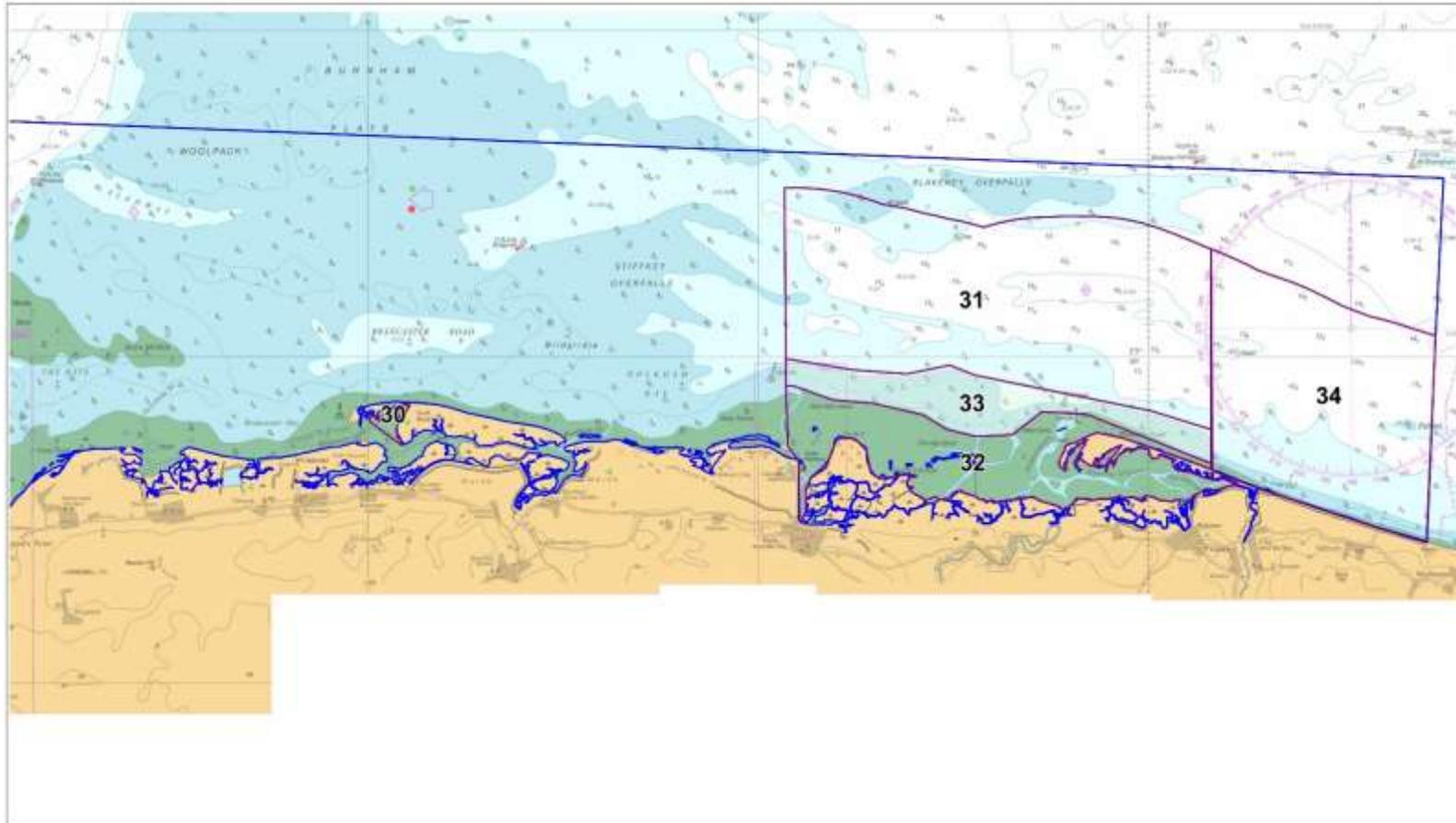


Chart 3: The Wash and North Norfolk Coast SAC – Restricted Areas 30 to 34

- Restricted area to bottom-towed gear
- The Wash and North Norfolk Coast Coast SAC boundary
- Seasonal corridor (open to the fishery October - April)

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Date: 01/05/2019  
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 UK SACs with MarineComponents 2103821

2019\_05\_NNC\_Byelaw\_Chart\_3.WOR

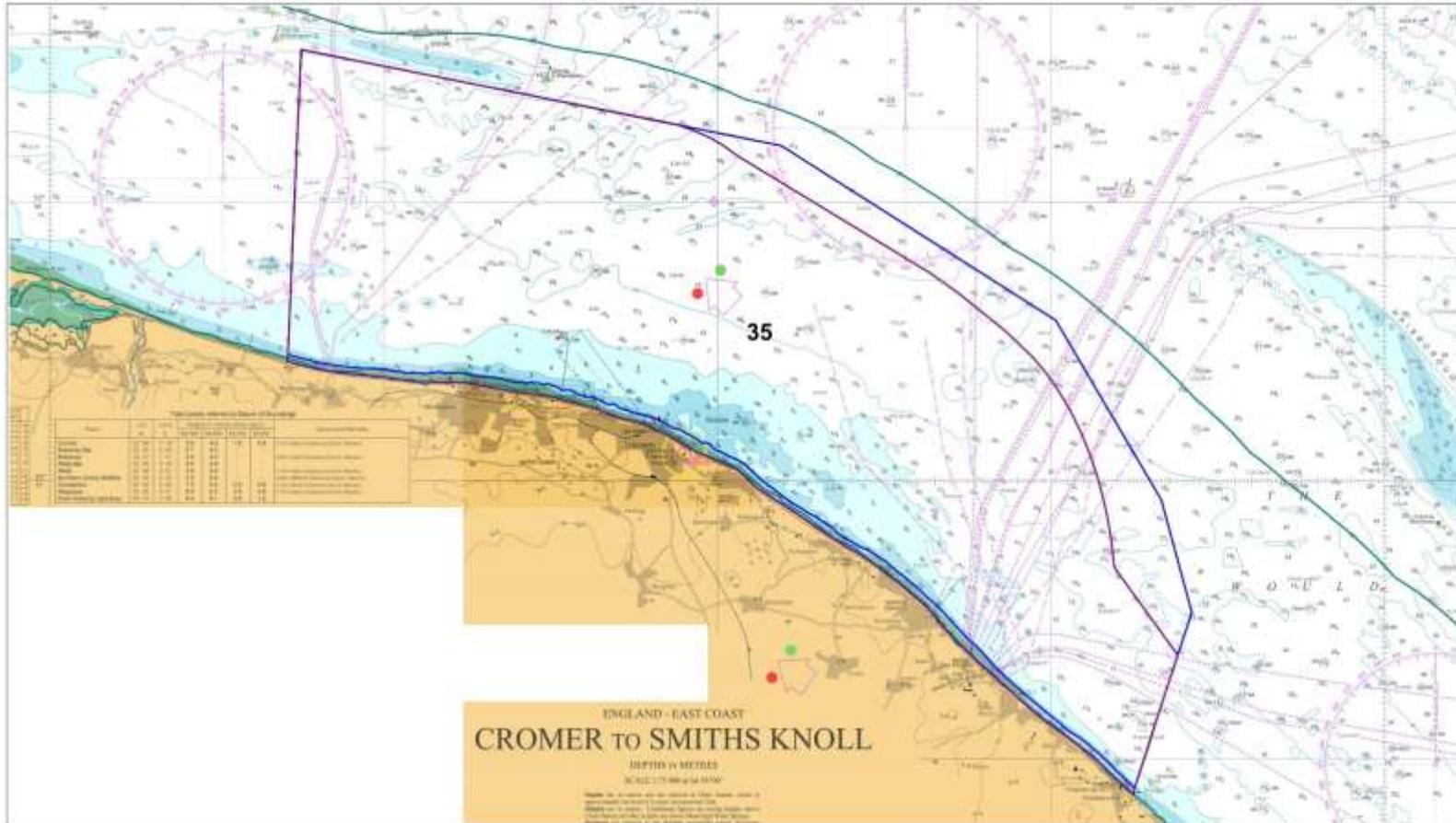


Chart 4: Cromer Shoal Chalk Beds – Restricted Area 35

- [Pink outline] Restricted area to bottom-towed gear
- [Green outline] Eastern IFCA district boundary
- [Blue outline] Cromer Shoal Chalk Beds MCZ boundary

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Date: 01/05/2019  
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2019\_05\_CSCB\_Byelaw\_Chart\_4.WDR





Chart 5: Haisborough, Hammond & Winterton SAC – Restricted Areas 36 to 38

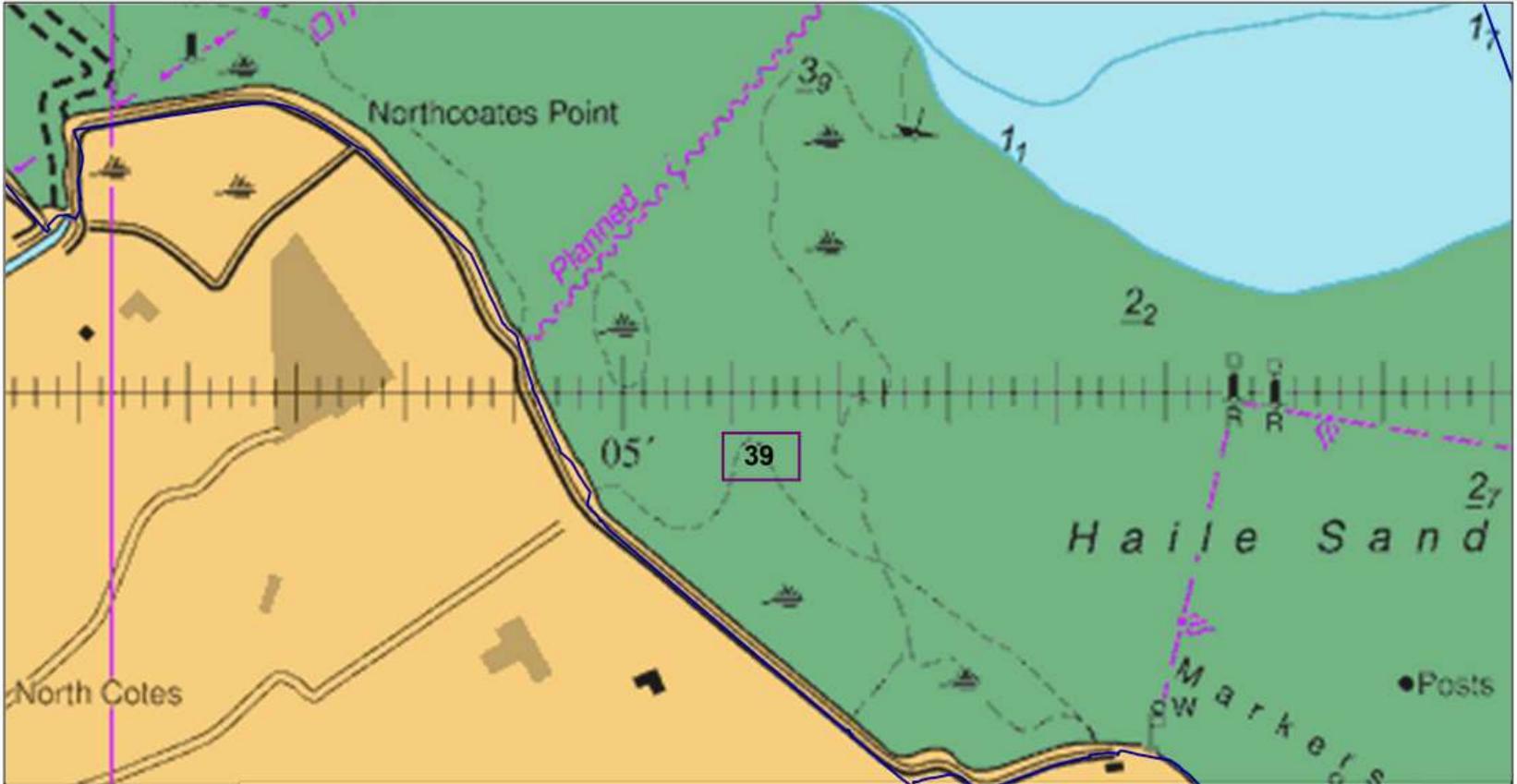
- Restricted area to bottom-towed gear
- Eastern IFCA district boundary
- Haisborough, Hammond and Winterton SAC boundary

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Date: 20/06/2019  
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 Projection: Lat Long W5GB4  
 EMS boundary: JNCC download -  
 UK\_SACs\_withMarineComponents\_2103821

2019\_06\_HHW\_Byelaw\_Chart\_5\_WOR



**Chart 6: Humber Estuary SAC - Restricted Area 39**

- Restricted area to bottom-towed gear, hand working and crab tiling
- Boundary of the Humber Estuary SAC

Date: 12 August 2020  
 Drawn by: EQ  
 Projection: WGS84

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Chart 7: Inner Dowsing Race Bank and North Ridge SAC – Restricted Areas 40 - 51

- Restricted area to bottom-towed gear
- Eastern IFCA district boundary
- Inner Dowsing, Race Bank and North Ridge SAC boundary

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2020\_08\_IDRBNR\_Byelaw\_Chart.WOR

## Appendix 2: Draft Impact Assessment: Closed Areas Byelaw 2020

<b>Title:</b> Closed Areas Byelaw 2020 <b>IA No:</b> EIFCA009  <b>RPC Reference No:</b> n/a <b>Lead department or agency:</b> Eastern Inshore Fisheries and Conservation Authority <b>Other departments or agencies:</b> n/a	<b>Impact Assessment</b>			
	<b>Date:</b> 15/07/2020			
	<b>Stage:</b> Draft Version 1			
	<b>Source of intervention:</b> Domestic			
	<b>Type of measure:</b> Primary legislation			
<b>Contact for enquiries:</b> Julian Gregory (CEO)				
<b>Summary: Intervention and Options</b>				<b>RPC Opinion:</b> Not Applicable

Cost of Preferred (or more likely) Option			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status Qualifying provision
£-192056.5	£-53473.4	£6212.3	

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

Bottom Towed gear and its potential impacts on circalittoral rock & Intertidal Saballaira 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. Assessments have also been carried out for Bottom Towed gear use on *Sabellaria spinulosa* in the Inner Dowsing, Race Bank & North Ridge SAC and it has been concluded that impacts on site integrity are likely. Spatial closures are proposed through the Closed Area Byelaw 2020 which will mitigate the identified impacts and therefore the risk to the features. Intervention is necessary because of the risk to Marine Protected Areas (MPA) dictates that a regulatory approach is required. Fishing activity and its potential impacts on Eelgrass in the Humber Estuary has also been assessed as part of a review of the existing byelaw, evidence of the extent of the feature has indicated that the size of the initial closure can be reduced.

What are the policy objectives and the intended effects?

The policy objective is to manage long-term, sustainable fisheries with the Eastern Inshore Fisheries and Conservation 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, Intertidal *Saballaria* and *Sabellaria spinulosa* which has been assessed as being vulnerable to bottom towed gear. With regards to the closure in the Humber the closure required review and the review concluded that the new extent of the closure achieves the above policy objective, whilst not restricting activity unnecessarily.

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. Discreate spatial closures encompassing the circalittoral rock feature, the Intertidal Saballaira sub-feature and the *Saballaria Spinulosa* sub feature through the Closed Area Byelaw 2020

Option 2. Total closure of the Wash and North Norfolk Coast SAC, Inner Dowsing, Race Bank & North Ridge SAC (within Eastern IFCA's district)

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, or the Inner Dowsing, Race Bank & North Ridge SAC. It will also not close any part of the site where the circalittoral rock, intertidal *saballaria* and *Sabellaria spinulosa* features do not exist.

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

<b>Does implementation go beyond minimum EU requirements?</b>		Yes		
<b>Is this measure likely to impact on international trade and investment?</b>		No		
<b>Are any of these organisations in scope?</b>		Micro Yes	Small Yes	Medium Yes
<b>What is the CO<sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO<sub>2</sub> equivalent)</b>		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 Policy Option 1

### Description:

#### FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period Years	Net Benefit (Present Value (PV)) (£)		
			Low: -568529.1	High: -2805.4	Best Estimate: -105905.5

COSTS (£)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0	325.9	2805.4
High	0	66049.0	568529.1
Best Estimate	0	12303.6	105905.5

#### 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 in terms of the Humber area being reduced or the Circalittoral rock closure. There will be an estimated impact of £7046.60 in relation to the Saballaria closures. Regarding this impact fishers will be able to mitigate losses by fishing in different areas, as the proposed closures are limited in extent. The scale is therefore thought to be very low. There are costs in relation to enforcement costs to Eastern IFCA outlined below.

#### 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 as raised during the informal consultation in relation to future seed mussel fisheries.

BENEFITS (£)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0	0	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, intertidal *saballaria*, and *Saballaria spinulosa* 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 the relevant gear types (i.e. potting or netting fisheries and overall biodiversity may improve), such as gears that would not be effected by this regulation.

Key assumptions/sensitivities/risks	Discount rate (%)
Assumptions: In relation to the Circalittoral rock 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). In relation to the intertidal <i>saballaria</i> and <i>Saballaria spinulosa</i> , that VMS data and shrimp returns are representative of the levels of activity within the closed area. Risks: Any fishing activity that occurs within the closed areas could cause displacement into other less sensitive areas with the effect of impacting site integrity (unlikely). The closure will prevent future fisheries (that may not have previously occurred or have historically occurred) within the area.	3.5%

#### BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £:
Costs: 7046.60	Benefits: 0.0	Net: 7046.6	

## 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.

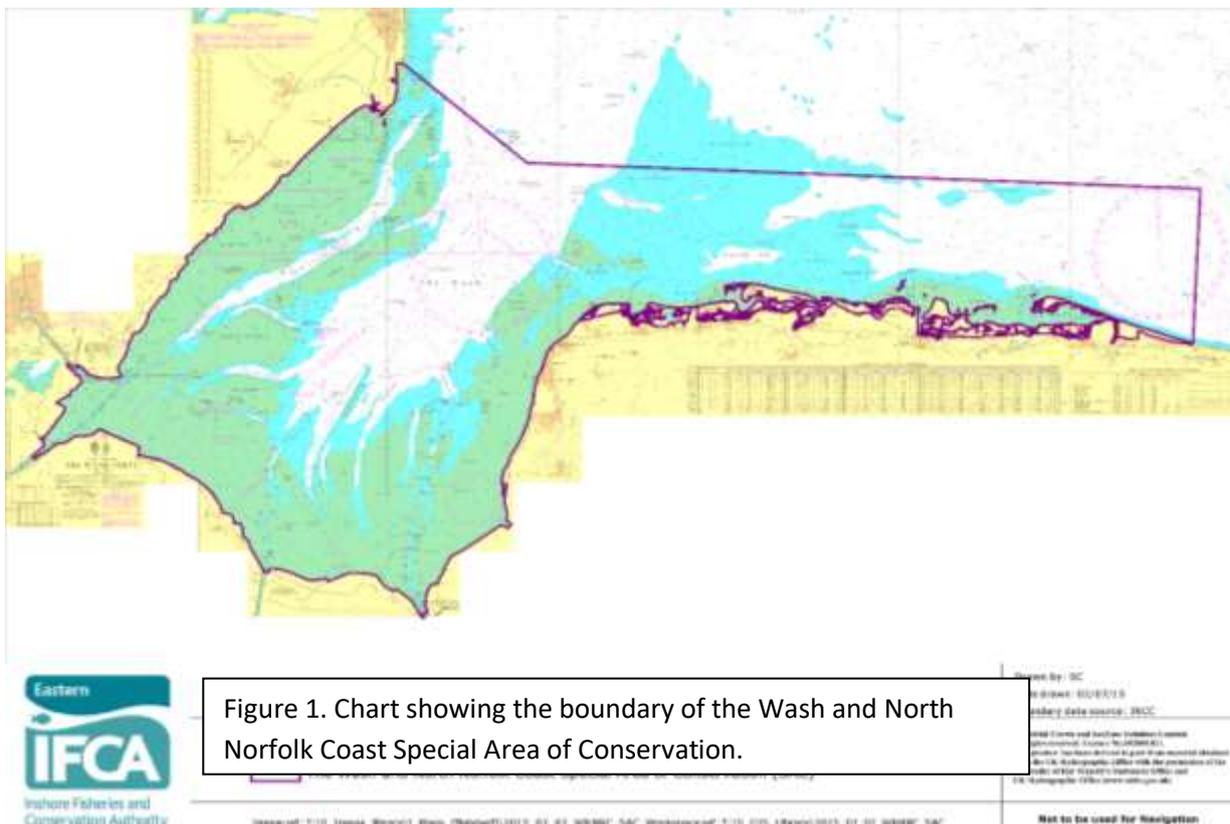
The prolific shrimp fishery (the primary type of bottom towed gear use as assessed) within the Eastern IFC District co-occurs primarily with the Wash and North Norfolk Coast Special Area of Conservation (SAC) – see figure 1. The fishery was assessed in accordance with s.63 of the Habitats and Species Regulations (as amended) 2017 and it was concluded that management measures are required to prevent an adverse effect on site integrity.

Further information about the requirement for closure can be found in action item 8 of the 41<sup>st</sup> Eastern IFCA full authority meeting.

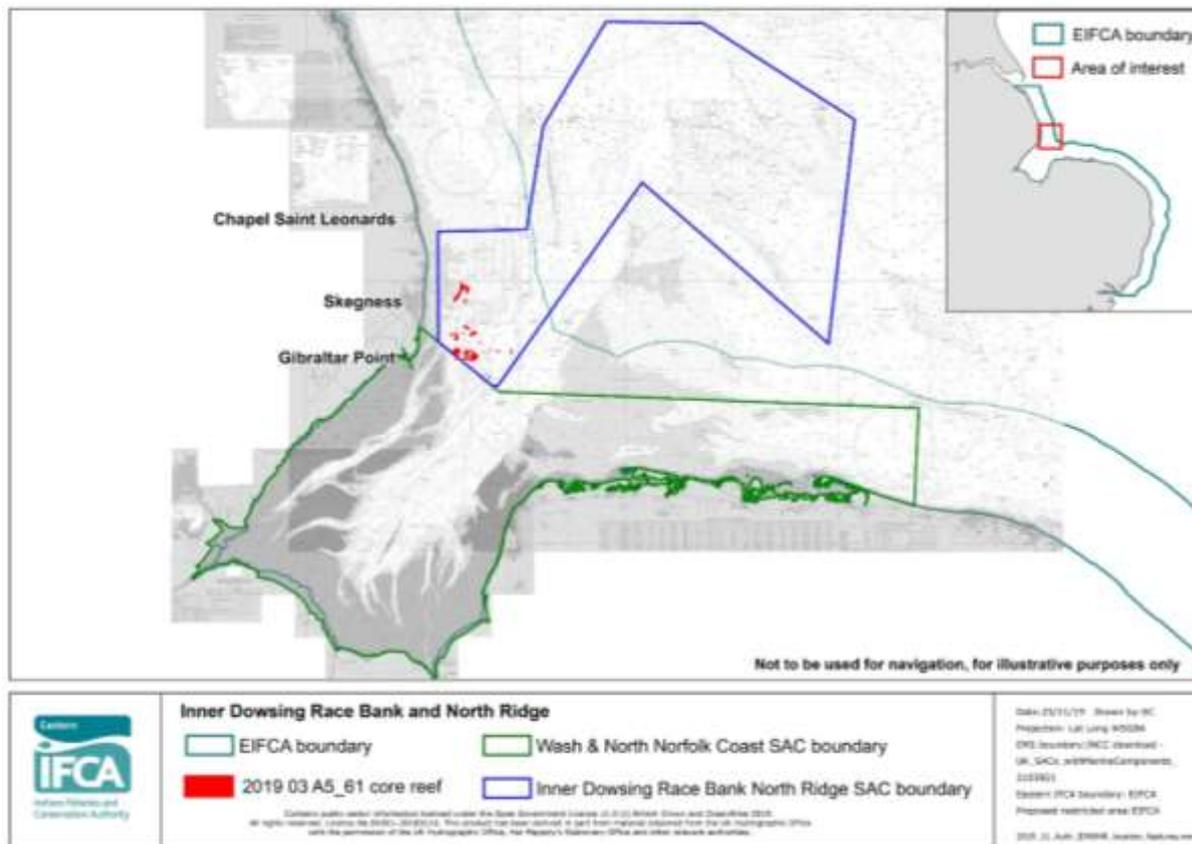
### Data about the features

Given that the features under consideration are considered 'red-risk' in relation to fishing with bottom towed gear (and other fishing types in relation to the Intertidal *Sabellaria*), Defra's revised approach to managing fishing activity in MPAs necessitates closures of the area to the fishing activity.

### The Wash and North Norfolk Coast SAC



## Inner Dowsing, Race Bank & North Ridge SAC



### 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 (and other fishing types in relation to the intertidal *Saballaria*) within the Wash and North Norfolk Coast SAC and the part of the Inner Dowsing, Race Bank and North Ridge SAC within Eastern IFCA's district 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 (and other fishing types in relation to the intertidal *Saballaria*) in areas which contain habitats which are likely to be damaged by their use and with the effect of adversely affecting site integrity.

In relation to the restricted area in the Humber, the aim of the proposal is to ensure that the above policy objective is still met, whilst also ensuring that the size of the restricted area reflects that needed to have a protective effect and is not excessive.

## Description of options considered (including status-quo)

### *Option 0 (do nothing) – status quo*

Eastern IFCA identified additional ‘red-risk’ interactions within the Wash and North Norfolk Coast SAC and the Inner Dowsing, Race Bank and North Ridge SAC. Red-risk interactions relate to the interaction between a type of fishing activity and a feature (or sub-feature) of an MPA which is likely to be impacted by that activity. The present proposals relate to the red-risk interaction of fishing with bottom towed gear concurrent with circalittoral rock, Intertidal *Saballaria* and *Saballaria spinulosa*. Defra policy (Defra’s revised approach to fisheries management within MPA) requires the removal of the fishing pressure for ‘red-risk’ interactions. 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 the Inner Dowsing, Race Bank and North Ridge SAC and would not be in keeping with Defra’s revised approach and is therefore not considered a viable option. In relation to the reduction of size in the Humber, to leave the closure would provide no additional benefit, and would be in contrast to Eastern IFCA’s need to review the closure and using best available evidence in relation to management measures.

### *Option 1 (preferred option) – Closed Area Byelaw 2020*

The Closed area Byelaw 2020 will introduce restricted areas in addition to those in effect via the Marine Protected Areas Byelaw 2019 to prohibit the use of bottom towed gear in relation to Circalittoral rock, Intertidal *Saballaria* and *Saballaria Spinulosa* (the red-risk interactions). 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. In addition, hand-working and crab tiling will also be prohibited in relation to intertidal *Sabellaria* (which is also identified as a red-risk interaction).

Option 1 will also reduce the size of the restricted area within the Humber Estuary SAC for the protection of eelgrass which prohibits hand-working and crab tiling in addition to use of bottom towed gear. This reflects an assessment concluding that the size of the restricted area is in excess of that required to have a protective effect on the eelgrass sub-feature.

### *Option 2 – Closure of MPA to bottom towed gear*

Closure of the sites 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*

**Intertidal Seagrass**

There are no anticipated costs, based on this area being a reduction in size from a previous closure. Therefore, this change opens up more area to fishing. The newly proposed closure still adequately protects the feature.

**Circalittoral Rock**

There are no anticipated costs based upon the loss of fishing grounds in relation to the closure for circalittoral rock. There may be some fishing for crab, lobster and whelk in the area however these activities will not be prevented. Regarding the closure for Circalittoral Rock, 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 reports location once every 2 hours and is only fitted on vessels larger than 12m. However, this is mitigated by the large set of 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.

**Intertidal *Saballaria***

There are moderate costs associated with the loss of fishing grounds over the Intertidal *Saballaria*, in relation to bottom towed gear use. This is supported by VMS and Shrimp returns data which shows moderate fishing effort in the area with around 2% of shrimp fishing occurring within a box where the closure is, with the closure representing 0.2% of this box.

The high cost of this closure is £53,375 (based on the highest value of shrimp caught in any reporting year, and that all of the 2% of shrimp fishing in the corresponding box occurs in the closure area).

The best estimate cost is estimated as £6506.60 (based on the average value of shrimp over the reporting period, and that effort in the corresponding shrimp return box is consistent and that 0.2% of the value of shrimps come from the closure area). This

is deemed a slight overestimate and it is thought less fishing will occur than this in the area.

The low cost is estimated as £23.92 (based on the lowest value of shrimp caught in a year and that effort in the corresponding shrimp return box is consistent and that 0.2% of the value of shrimps come from the closure area), as the area is not thought to be a prime fishing area, ultimately the low cost could be 0 however the figure of £23.92 is more precautionary.

There is no evidence to support that any bait digging, hand working, or crab tiling occurs in this area. The proposed closed area is outside of the area covered by Eastern IFCA cockle survey. It is deemed as an unlikely area to support cockles; the ground appears to be unsuitable for this species. Historically there has been a mussel bed in the area but did not survive for long.

VMS data indicates where vessels  $\geq 12$  m have undertaken shrimp fishing activity within the proposed closure area. Data is from 2018. Activity has been cross-referenced with shrimp sales notes to ensure the vessel reports that relate to shrimp fishing alone and no other type of fishing. There were 4 vessel reports in the area for 2018 and 8 vessel reports in the area in the last 5 years. This is in the context of 5076 total vessel reports in 2018 and 29392 reports over the course of the last 5 years

#### *Saballaria spinulosa reef*

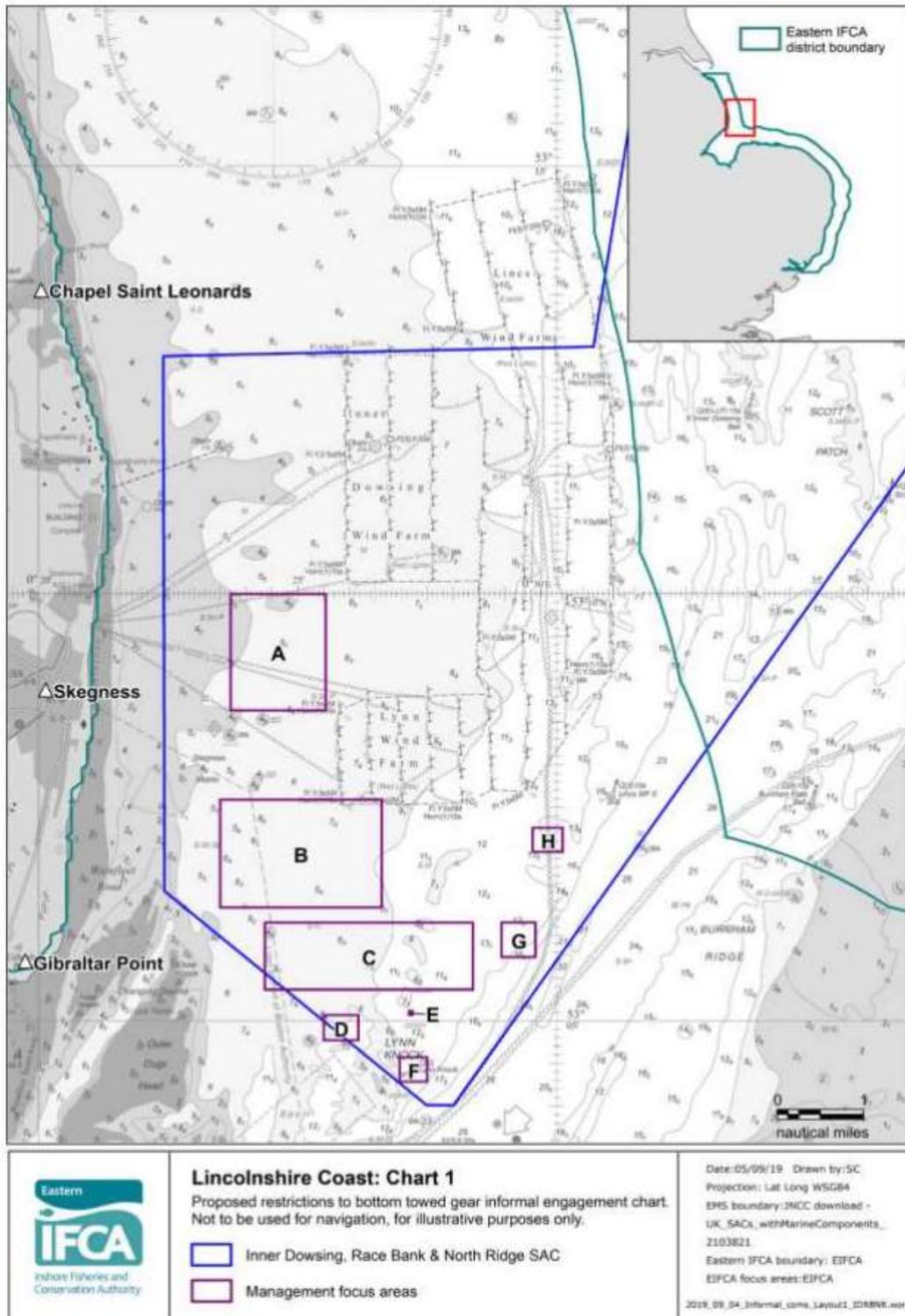
Stakeholder engagement has indicated that historically parts of this area have been important mussel seed ground. They also indicated that areas A, B and C (see below chart) of which the proposed closures fall within (albeit being far smaller) can be important shrimp fishing ground. No further fisheries were identified. There are no VMS pings within, or near to the closures, with the more heavily fished areas clearly being off to the east and west.

The high cost of the closure is estimated as £2160 based on all activity from the corresponding shrimp return boxes coming from within the closed area and a high price (£10) per kilo of shrimp.

The best estimate for the cost of this closure is estimated as £540, based on an average price of shrimp for the reporting period (2011-2019) and that all shrimp from the corresponding shrimp returns box came from the closure area (this is deemed unlikely).

The low cost of the closure is estimated as £302 based on all shrimp from the corresponding shrimp returns box came from the closure area and the lowest price per kilo (yearly average) during the reporting period (2011-2019).

## Management Focus areas from the Informal Consultation



### Costs to Eastern IFCA

Additional compliance activities will be required in addition to education and engagement. The cost of these are estimated to be £10,514 based on six additional sea patrols and 4 additional shore patrols. There are existing closures in the area, which are already routinely monitored, but the closures in the Inner Dowsing and Race Bank SAC are further away from any port location and existing closures and as such would need the additional patrols in order to be 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 areas as shown using current evidence. The high cost is 6 additional sea patrols, and 4 additional shore patrol costs, which is deemed unlikely due to the above rational. Therefore, the best estimate is half this number of patrols costing £5,257. The low estimate is that no extra patrols are carried out as enough enforcement activity already occurs in this area, due to monitoring of closures already in the area and general enforcement patrols that are carried out throughout the district.

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

<b>Costs associated with 1 sea patrol</b>				
		employment		
Crew: -	Number required	cost including on costs	working days	cost per 7.4-hour day
Senior IFCO	1	46197	225	205.32
Grade 5 IFCO	3	120385	227	530.33
<b>Total cost</b>				<b>735.65</b>
		annual cost	days at sea	
<u>Operation cost of vessel</u>			70	
Maintenance/refit		15,500.00		221.42
Insurance		3,250.00		46.42
Fuel etc.		500		500
<b>Total Cost</b>		<b>19250</b>		<b>767.65</b>
<b>Total operation cost per day/trip</b>				<b>1503.30</b>
<b>Costs associated with 1 shore patrol</b>				
		employment		
Crew: -		cost inc on costs	working days	cost per 7.4-hour day

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 consultation with stakeholders who are likely to be impacted. In relation to the Circalittoral rock 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.

In relation to the Intertidal *Saballaria* there are some perceived impacts in relation to fisheries stakeholders. These were raised during the informal consultation period and evidenced by Eastern IFCA shrimp returns and MMO VMS data. No concerns were raised in relation to crab titling, concerns were raised in relation to the area being a cockle bed, however information shows that this area is not included in the WFO cockle fishery.

In relation to the *Saballaria Spinulosa* in the Inner Dousing and Race Bank SAC there were some stakeholder concerns around loss of shrimp ground, which is unsupported by the data held that shows there is not shrimp fishing activity in the area due to be closed.

### *Risks and assumptions*

#### Circalittoral rock

The conclusion that this area has limited to no fishing impact is based upon limited stakeholder input which is assumed to be representative of the industry, however data sources such as VMS and Shrimp returns data corroborate this. 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.

#### Intertidal *saballaria*

That the low level of VMS pings and shrimp returns data correctly indicate low activity (shrimp trawling) in this area. Local knowledge and lack of stakeholder input has shown that there is limited other fishing activity (hand working, crab tiling). It is also thought that this habitat is unsuitable for brown shrimp, if the habitat changed it is likely the closure would be reviewed.

#### *Saballaria Spinulosa*

As with the other sub-feature closures it is assumed that the data showing low vessel activity in the areas, is representative of fishing activity. It is assumed that the responses related to fishing activity in the area are representative of the fishing industry. 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.

A risk is that although mussel beds have not been found in recent years in the areas, as they are ephemeral they could be present in future years and this has not been assessed.

#### Direct costs and benefits to business calculations

Direct costs to business could occur due to non-compliance with the regulation. It is difficult to estimate costs, but they would only be placed on business following non-compliance, and ultimately in line with Eastern IFCA's regulation and Compliance Strategy where there is a proportionate approach to enforcement with education, engagement and endorsement of compliance being at the forefront of the strategy.

No costs or benefits identified in relation to voluntary and community bodies.

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

None anticipated.

#### Wider impacts

No wider impacts identified.

#### 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-features within the Wash and Norfolk Coast SAC and the Inner Dowsing, Race Bank and North

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Ridge SAC from the effects of bottom towed gear and other fishing activity 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 Strategy<sup>5</sup>.

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<sup>5</sup> <http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/03/RC-Strategy.pdf>

### Appendix 3: Natural England's formal conservation advice for the proposed change to the Humber Estuary SAC closure

Date: 22 June 2020  
Our Ref: 308041



Eastern Inshore Fisheries and Conservation Authority  
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RG1 1AF

**BY EMAIL ONLY**

T 02080267162

Dear Elise

#### **Re: Proposed Amendment To Restricted Area, South Bank Of Humber Estuary**

Thank you for your correspondence dated 20 May 2020. Natural England acknowledges and thanks Eastern IFCA for providing further information about the historical records of seagrass and for sharing the data which has kindly been removed of any processing. We also note the associated caveats should Natural England perform further analysis using this data set. Furthermore, we thank Eastern IFCA for providing the rationale behind the data selection and methodology used to delineate the proposed closure which covers an area of 9.24 Ha with a 100m buffer under the Marine Protected Areas Byelaw 2018.

The following constitutes Natural England's formal statutory response:

Natural England welcomes EIFCA's proposal of a buffer to prevent accidental damage to the feature and to allow for potential restoration. For your use and reference we have attached both the 2016 guidance documents on margins and buffers. We note the useful context EIFCA have provided regarding seagrass restoration projects to date and consider 100m to be an appropriate scale for the Horseshoe Point restricted area buffer.

#### Seagrass restoration efforts at Horseshoe Point

Natural England gratefully receive Eastern IFCA's expression of support for appropriate proposals to restore seagrass meadows within the amended restricted area at Horseshoe Point and EIFCA's consideration to be involvement in such projects. We note EIFCA's recommendations that future feasibility studies for restoration should be conducted as a small-scale trial to avoid unnecessary damage from intertidal restoration activities should restoration prove unsuccessful. Natural England would like to add this would ideally occur within the buffer of the closure.

We sincerely look forward to reaching shared outcomes for the marine environment by continuing the collaborative working with Eastern IFCA regarding the Wildlife Trusts' Endangered Landscapes Programme 'Humber Coastal Conservation Project' and other future opportunities linked to potential third party proposals for restoration projects.

<sup>1</sup> Natural England advice on the use of margins and buffers in protecting MPA features from the effects of fishing activities, 28 August 2015

<sup>2</sup> Natural England and JNCC joint Technical Guidance Note. Providing management advice on MPA features – guidance on using feature data for the purposes of fisheries management including the use of buffers and margins, 4th November 2016

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For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,

Caroline  
Marine Adviser  
Coast and Marine Team  
Norfolk & Suffolk Area Team  
Natural England  
E-mail: [caroline.gittins@naturalengland.org.uk](mailto:caroline.gittins@naturalengland.org.uk)  
Telephone: 02080267162

<sup>1</sup> Natural England advice on the use of margins and buffers in protecting MPA features from the effects of fishing activities, 28 August 2015

<sup>2</sup> Natural England and JNCC Joint Technical Guidance Note. Providing management advice on MPA features – guidance on using feature data for the purposes of fisheries management including the use of buffers and margins, 4th November 2016

## Appendix 4 Marine Protected Areas and evolution of Eastern IFCA’s Protected Areas Byelaw

### Marine Protected Area

“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 A4.1.

**Table A4.1.** 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) <sup>6</sup> / 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.

<sup>6</sup>Special Areas of Conservation are referred to as Sites of Community Importance (SCI) before designation by member states

### **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 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 was implemented in May 2020.

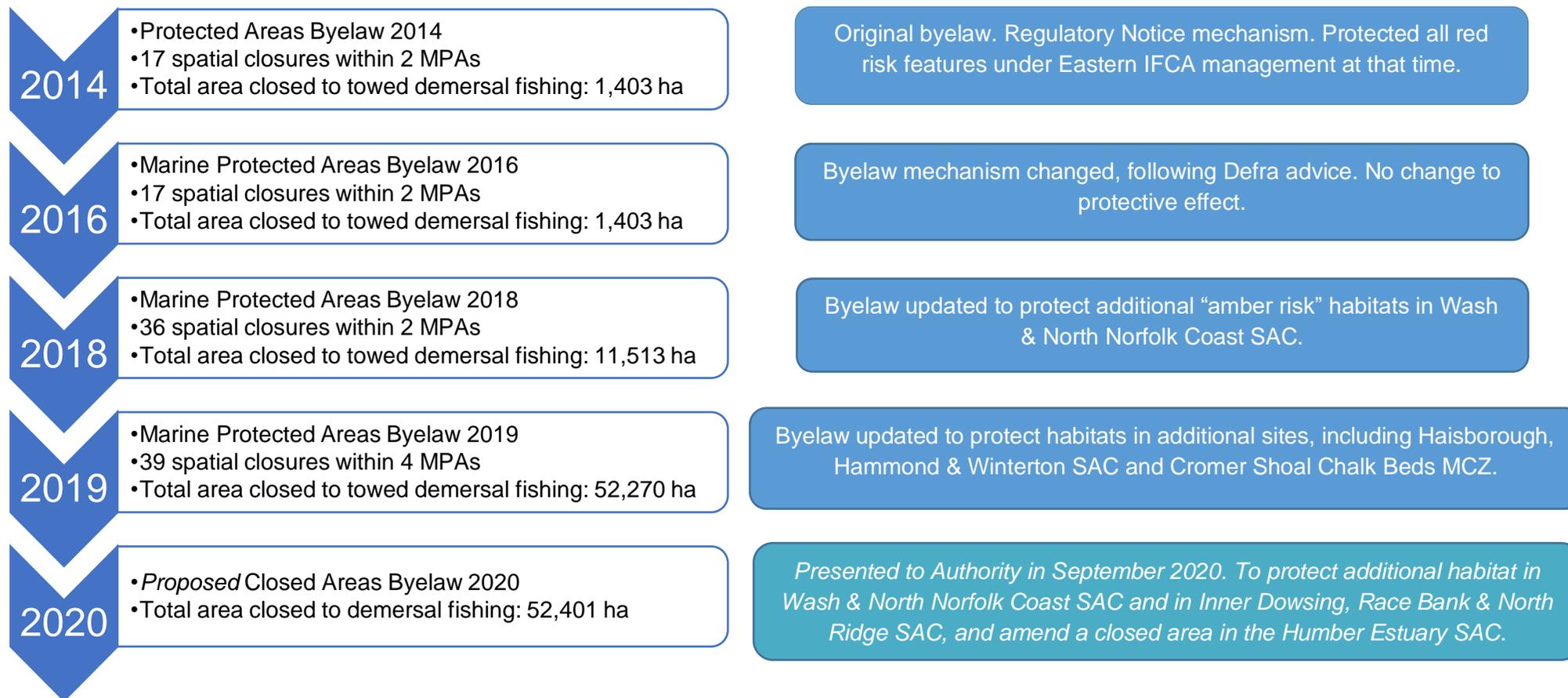
Further requirements for management were subsequently identified in two additional MPAs: Haisborough, Hammond & Winterton SAC and Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ). This resulted in the Marine Protected Areas byelaw being further updated in May 2019 when Eastern IFCA approved closures 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 Closed Area Byelaw 2020 has been proposed to replace the Marine Protected Areas Byelaw 2019 in order to complete protection of the most sensitive (“red risk”) seabed habitats in the Eastern IFCA district from fishing damage, by including additional closed areas and by amending an existing closed area. If agreed, the Closed Areas Byelaw 2020 will replace the Marine Protected Areas Byelaw 2019.

The evolution of Eastern IFCA’s Marine Protected Areas Byelaw is summarised in Figure 1.

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

(Version 4.0, August 2020)



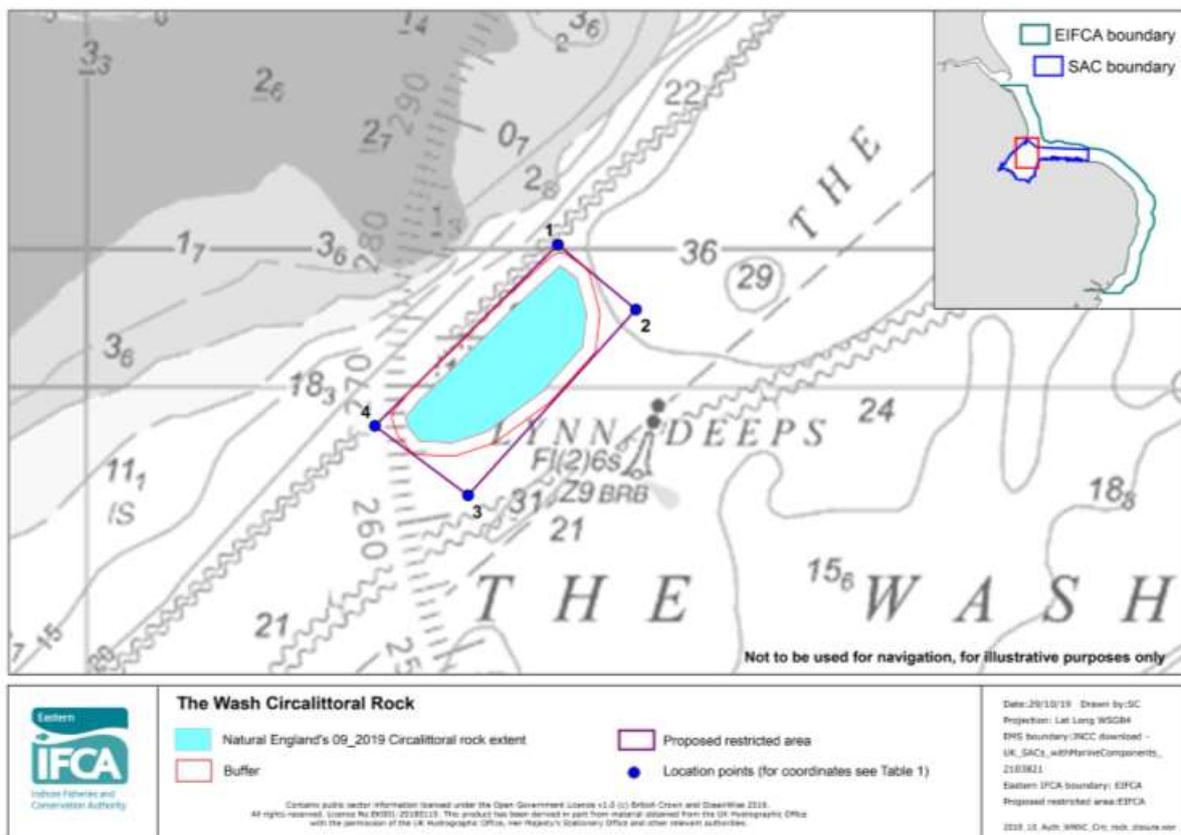
*Eastern IFCA's Marine Protected Areas byelaw is one mechanism for the management of fisheries in Marine Protected Areas. Other mechanisms include permit schemes, effort controls, vessel size and fishing gear restrictions, seasonal fishing restrictions and quota. These are implemented through a suite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

## Appendix 5: Agreed closure to protect Circalittoral Rock in The Wash and North Norfolk Coast Special Area of Conservation

**Table A5.1** Area already agreed for closure to towed demersal gear, to be implemented 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	52 – WNNC Circalittoral rock	86.18	Circalittoral rock



**Figure A5.1** Agreed closed area for circalittoral rock in The Wash & North Norfolk Coast Special Area of Conservation

**Table A5.2** Co-ordinates for agreed closed area 52

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'

## **Appendix 6: Informal engagement relating to proposed closures within Inner Dowsing, Race Bank and North Ridge 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 areas with the IDR&NR

Areas A, B and C [the outline management areas within which the recommended closures occur] 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.

Responses indicated that the same area represents 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 is grown on before harvesting and 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.

### Vision

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



## Action Item 9

### Eastern Inshore Fisheries and Conservation Authority Meeting

09 September 2020

#### **Whelk Permit Byelaw 2016: Permit Conditions review**

**Report by:** Luke Godwin (Senior IFCA – Regulation)

#### **Purpose of Report**

To report on the review of Whelk permit conditions and set out the next steps for taking into account the outputs of the review.

#### **Recommendations**

It is recommended that members:

- **Note** the key findings of the review of whelk permit conditions including the technical summary of the fishery, the consultation with whelk permit holders and assessment of impacts.
- **Direct** officers to develop revised Whelk Permit Conditions which seek to address the issues identified in the assessment including through dialogue with whelk permit holders
- **Agree** to maintain the current whelk permit conditions until such time as new permit conditions are approved by the Authority

#### **Background**

The Whelk permit Byelaw 2016 and associated permit conditions came into effect on the 28<sup>th</sup> October 2016. The byelaw replaced the Whelk Emergency Byelaw which was implemented to protect whelk stocks from a high risk of sustainability issues in the context of a rapid increase in fishing effort and limited national or local management of the fishery.

The key measures for managing the whelk fishery introduced via permit conditions<sup>7</sup> included a pot limitation (500 pots for commercial fishermen, 5 pots for non-commercial) and an increase in minimum landing size (from 45mm to 55mm). Other measures included a requirement to sort catch using a riddle with specified dimensions (in order to facilitate compliance with the minimum size), a limitation on pot volume and to have escape holes in pots.

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<sup>7</sup> Current Whelk permit Conditions [http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/05/2016\\_10\\_10\\_Flexible\\_Permit\\_Conditions\\_Whelks\\_ver4.pdf](http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/05/2016_10_10_Flexible_Permit_Conditions_Whelks_ver4.pdf)

Gear marking requirements (including the marking of gear and use of whelk permit tags on pots) are enshrined in the byelaw rather than permit conditions.

The Whelk Permit Byelaw requires that permit conditions are reviewed at least every 4 years from the date implemented and in accordance with the procedure set out in Schedule 1 of the byelaw and the formal operating procedure agreed by the Authority<sup>8</sup>. In summary, a review of whelk permit conditions must include the following steps:

- Acquisition of relevant data and evidence;
- Consultation with potentially effected stakeholders;
- Consideration of impacts of the measures

Whelk fisheries were not (and to an extent, are still not) well understood and there is a paucity of research on their population dynamics and the impacts of fishing on stocks. Since implementing the measures research has been ongoing in order to inform a review of the key measures.

### **Report**

The whelk permit conditions implemented in October of 2016 require review by the 28<sup>th</sup> October 2020. To this end, it had been intended that a review, along with proposals for new permit conditions, was presented at this meeting. However, delays in completing informal engagement with whelk fishermen (low levels of responses in 2019, subsequent focus on establishing crab and lobster working group and then COVID-19 restrictions) in addition to delays in completing a technical summary has precluded this.

Whilst officers are not in a position to recommend revised measures, the current permit conditions have been reviewed so as to fulfil the requirements of the byelaw. The review is in three parts being; an assessment of the state of the fishery, consultation with industry and consideration of impacts.

### Assessment of the fishery

Officers undertook an assessment, the 'Whelk technical Summary', which primarily considered the effectiveness of the two key measures; minimum landing size and effort limitation. The full report is published and is available online<sup>9</sup>. A summary of the report is set out below.

#### *Minimum landing size*

- Whelks are thought to be slow growing and particularly vulnerable to over-fishing as a result of the removal of immature individuals which have not spawned.
- Whelks are also thought to form 'stocklets' – small and distinct populations of whelks which may show different biology including a different size of maturity.

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<sup>8</sup> [https://www.eastern-ifca.gov.uk/wp-content/uploads/2015/05/2018\\_10\\_Formal\\_Operating\\_Procedure.pdf](https://www.eastern-ifca.gov.uk/wp-content/uploads/2015/05/2018_10_Formal_Operating_Procedure.pdf)

<sup>9</sup> <https://www.eastern-ifca.gov.uk/wp-content/uploads/2020/08/Whelk-Technical-Summary-Report-.pdf>

- Officers collected samples of over 5000 whelks and analysed them to determine their size (length), sex and whether they were sexually mature. This is known as the size of maturity.
- This information was used to determine at what size whelks typically (50% of the population) reach maturity within the different parts of the district.
- The study showed that the current minimum landing size (of 55mm) was appropriate in The Wash (where the size of maturity was 55mm).
- The size of maturity at Lowestoft and Sea Palling was higher than the minimum landing size (being 57mm and 63mm respectively).
- There was insufficient data to determine the size of maturity in Suffolk.

#### *Fishing effort and landings*

- Consideration of fishing effort and the volume of landings provides an insight into the 'health' of the fishery.
- Where the amount of whelk landed is stable relative to the amount of fishing effort, then this indicates that the fishery is relatively stable (i.e. the amount taken out of the fishery doesn't impact on the fishery's ability to recover). This is known as landing per unit effort (LPUE).
- Effort in the whelk fishery has been increasing since the introduction of the Whelk permit byelaw.
- Generally, LPUE has remained stable also.
- However, the vast majority of effort is within two district areas; The Wash and the North Norfolk Coast.
- LPUE in The Wash is decreasing and is now considered to be higher than the fishery can sustain, with the most appropriate levels those seen during 2016-2018.
- LPUE in North Norfolk is stable but effort has increased significantly. LPUE, as an indicator of stock health has limitations, notably that there will be a lag between an impact happening (i.e. effort being too high) and a perceivable change in LPUE. There is therefore a potential risk within this area that effort is at the maximum it can sustain.

#### Consultation with the industry and impacts

Officers started consultation with the industry on the 3<sup>rd</sup> August 2020 with a deadline of 1<sup>st</sup> September 2020. The consultation period has precluded including the results in this paper and officers will present the outcomes of the consultation, as well as any impacts identified at this meeting.

The outputs of the whelk technical summary were also discussed at the Fisheries and Conservation Management Working Group (FCMWG) of the 10<sup>th</sup> August 2020. The discussion points will be included as part of the consultation.

#### Outcomes of the review

Notwithstanding the outcomes of the consultation and any impacts identified (to be presented at the meeting), the technical summary of the fishery indicates that the current permit conditions require amendment in order to ensure a sustainable fishery.

In particular, it is recommended that revised effort limitation is needed in relation to the Wash (potentially a reduction in effort) and the North Norfolk Coast (potentially capping effort) are key considerations. The manner in which these are implemented will be subject to further consideration and informed by further dialogue with industry. Potential mechanisms identified at the recent FCMWG include; cap or limitation on permits, closed periods, reductions in pot limitation and rotation of fishing grounds to allow for recovery.

The assessment also indicates that the minimum landing size may require revision. Proposed changes to the minimum landing sizes will also be informed by industry dialogue and further consideration including a cost benefit analysis. It is noteworthy that the two areas identified where the size of maturity is greater than the minimum landings size are subject to relatively little fishing effort.

#### Next steps

For the purposes of meeting the requirements of the review of permit conditions set out in the Whelk Permit Byelaw 2016, it is recommended that the review is completed and has concluded that revised permit conditions are needed. To this end, it is recommended that members direct officers to develop new permit conditions to address the issues highlighted in the technical summary and consultation.

It is further recommended that the current whelk permit conditions are maintained to provide a level of protective effect whilst revised measures are developed.

#### **Financial Implications**

None identified

#### **Legal Implications**

The use of powers under our byelaws to introduce, vary or revoke permit conditions carries a level of risk of legal challenge. The risk of successful legal challenge is mitigated by application of due diligence and adherence to the framework set out in the Whelk Permit Byelaw 2016 for doing so.

It is recommended that the present review of the permit conditions is sufficient to meet the requirements of the Whelk Permit Byelaw 2016.

#### **Appendices**

n/a

#### **Background Documents**

- Eastern IFCA Formal Operating Procedure: Changes to flexible management measures
- Whelk Technical Summary report – Review of Whelk permit conditions

### Vision

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



## Action Item 10

### Eastern Inshore Fisheries and Conservation Authority Meeting

09 September 2020

### Offshore Wind Farm Compensatory Measures

**Report by:** Julian Gregory, CEO

### Purpose of Report

### Recommendations

It is recommended that members:

- **Note** the content of the report, and
- **Agree** the following position statement:

*Eastern IFCA will actively engage in exploring opportunities for environmental compensatory measures but will not be supportive of measures that will have an overall adverse impact upon fishing activities and opportunities.*

### Background

At the 39<sup>th</sup> meeting of the full Authority held on 11<sup>th</sup> March 2020, members considered a report relating to compensatory measures for offshore wind farms and of potential fisheries implications associated with the measures. This included national considerations and two project-specific developments that could affect the Eastern IFCA district. A recommendation was included in that report for the Authority to adopt a position statement relating to compensatory measures for offshore wind farms. Agreement was not reached on the statement and it was remitted to the Fisheries and Conservation Management Working Group to develop a revised statement.

### Report

The full detail supporting consideration of compensatory measures previously considered by the Authority can be found at Appendix 1.

During discussion at the meeting on 11<sup>th</sup> March 2020 there were mixed views, with some members supporting the proposed position statement and others thinking that it was not in line with the Authority's conservation remit.

The matter was considered at a meeting of the Fisheries and Conservation Management Working Group. Following discussion, the following revised statement was agreed for consideration by the full Authority:

*Eastern IFCA will actively engage in exploring opportunities for environmental compensatory measures but will not be supportive of measures that will have an overall adverse impact upon fishing activities and opportunities.*

### **Financial Implications**

Resource will be required for Eastern IFCA to assist in the development and delivery of compensatory measure projects (where it is deemed appropriate to do so). The developers are responsible for delivery of such projects and would pay in full for Eastern IFCA officer time and any operational costs. Therefore, there should be no costs to the Authority for involvement in these projects.

### **Legal Implications**

No specific issues identified.

### **Appendices**

Appendix 1 – Paper considered at the 39<sup>th</sup> meeting of Eastern IFCA held on 11<sup>th</sup> March 2020

### **Background Documents**

Minutes of the 39<sup>th</sup> meeting of Eastern IFCA held on 11<sup>th</sup> March 2020

## Appendix 1

### 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 March 2020

### Offshore Wind Farm Compensatory Measures

**Report by:** Judith Stoutt, Senior Marine Science Officer (Environment)

#### **Purpose of Report**

This report is presented to make Authority members aware of recent discussions relating to compensatory measures for offshore wind farms and of potential fisheries implications associated with the measures. This includes national considerations and two project-specific developments that could affect the Eastern IFCA district. A recommendation has been included in this report for the Authority to adopt a position statement relating to compensatory measures for offshore wind farms.

#### **Recommendations**

It is recommended that members:

- **Note** the content of the report, and
- **Agree** the following position statement:  
*Eastern IFCA will support exploring compensatory measures with environmental benefits and no adverse impact upon fishing activities but will not support compensatory measures that increase restrictions on fishing activities, particularly where those activities have been assessed and found to be compatible with conservation objectives for the designated site.*

#### **Background**

The UK's commitment to low-carbon energy generation is supporting the rapid expansion of offshore wind farms. The southern North Sea is a key area for this sector because of relatively shallow waters and good wind resource. There are currently eight operational offshore wind farms with export electricity cables that run through the Eastern IFCA district. Five more are under construction and eight more are planned but yet to be consented, all with cables to run through the Eastern IFCA district.

The southern North Sea also contains numerous marine protected areas (MPA), including Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Marine Conservation Zones (MCZ), both inshore and offshore. More than 95% Eastern IFCA district is designated. Under the Habitats Regulations (2017), all sectors, including offshore wind and fisheries, must assess the impact of their activities and

ensure they do not have adverse effects on the designated sites. Where applicants (or regulators) cannot prove the absence of adverse effects, consent for activities is only granted if no alternatives are available, if there are deemed to be “imperative reasons of over-riding public interest” (IROPI) for the activity to be permitted, and when appropriate compensatory measures have been agreed.

Eastern IFCA participates in the planning process for offshore activities, providing advice to developers and regulators (The Crown Estate, Marine Management Organisation, the Planning Inspectorate and Department for Business, Energy and Industrial Strategy) on inshore fisheries and conservation interests. This includes input at strategic planning workshops, at planning examinations for individual projects and to marine licence consultations for works associated with individual projects.

## **Report**

### *National workshop*

Eastern IFCA participated in a strategic workshop run by The Crown Estate on 21<sup>st</sup> January 2020 to consider ideas for compensatory measures for offshore wind projects. These measures are actions that could be undertaken by offshore wind energy developers to compensate for damage they cause to marine protected areas, for example damage to seabed habitats through use of cable protection or damage to protected bird populations through collisions with turbine blades. The application of compensatory measures is new for the offshore wind industry (although not new for certain other major infrastructure projects) and it was emphasised that any kind of idea for measures could be considered at this stage. However, at the workshop it became clear that the offshore wind sector had been considering compensatory measures for over two years and had already developed preferred options, including measures that impact on fisheries.

Eastern IFCA had been invited to participate because the Eastern IFCA district is considerably more affected by offshore wind development than other areas, and because two projects (see below) with cables planned to cross the district had already been directed by the Secretary of State for BEIS to identify appropriate compensatory measures. In addition, some of the measures for consideration were restrictions on fishing activities, with IFCA suggested as relevant delivery bodies.

Fisheries restrictions were suggested because it was considered that fishing causes damage to designated sites, so limiting fishing would benefit designated sites by balancing against damage caused by wind farm projects. This critical point was challenged by Officers, who highlighted that fisheries are already subject to assessment under the Habitats Regulations, and that measures have been put in place (or are in development) to ensure fisheries do not have an adverse effect on designated sites. Therefore, wind farm compensatory measures based on restricting fishing would not pass the “additionality test” – i.e. would not bring additional benefit to marine protected areas.

Major points taken from the workshop were:

- It seems likely that the need for compensatory measures will become “the norm” for the southern North Sea offshore wind developments;
- Current processes at Hornsea 3 & Norfolk Vanguard (see below) may well set a precedent for what happens in the future;
- Consideration of this possibility is something that has been considered by developers for some time, with some relevant documents having been prepared as far back as (at least) October 2017;
- An option for compensatory measures that seems to have been considered – and found to have considerable attraction – by developers is to close areas of seabed to fishing as a compensation measure for impacts to MPAs caused by windfarm developments. There are several points of concern around this as proposals stand at the moment –
  - The compensation measures proposed are in order to permit a commercial entity to undertake a commercial activity within an MPA. It seems fundamentally unfair and unreasonable to decide that in order for this commercial activity to take place, a different commercial activity – with significant socio-economic knock on effects – is to be impacted.
  - The proposed measures are likely to fail the “additionality” test, as any fisheries within MPAs will have already been assessed, and where appropriate, measures put in place to reduce impacts to acceptable levels, through the “revised approach” work undertaken by IFCA and MMO;
  - IFCA byelaws do not allow the implementation of closed areas for this purpose.
  - There seems an assumption of support from the fishing sector for such measures – a highly unlikely possibility.
  - Due to the way that the area required for compensation measures seems to be calculated, low impact fisheries would be impacted more than higher impact fisheries.

In light of these concerns, and the likelihood that this issue could arise for many wind farm project affecting the Eastern IFCA (and other IFCA) district(s), the CEO will raise the issue at the Association of IFCAs. The Authority is requested to agree a position statement for Eastern IFCA, which is set out in the Conclusion section of this paper.

### *Project-specific measures*

In addition to the national (and still theoretical) considerations at that workshop, two offshore wind farms with cables to be routed through the Eastern IFCA district, which are currently awaiting planning consent, have been required to propose actual compensatory measures for potential impacts on MPAs. The projects are Hornsea Three (Figure 1, Table 1) and Norfolk Vanguard (Figure 2, Table 2). The developers have contacted Eastern IFCA to discuss compensatory measures that could affect inshore fisheries, and for Hornsea Three have requested Eastern IFCA’s assistance in delivering measures.

#### *(i) Hornsea Three (Orsted)- Appendix 3*

This project, if consented, will lay cables through the inshore waters of north Norfolk to make landfall at Weybourne. Eastern IFCA’s involved in the planning examination for this project has focused on highlighting concern that the cables would be laid

through an area closed by Eastern IFCA to towed demersal fishing to protect subtidal mixed sediments.

The developer, Orsted, requested Eastern IFCA's input on two projects proposed as compensatory measures for damage to subtidal sandbanks in two SACs: North Norfolk Sandbanks & Saturn Reef, and The Wash & North Norfolk Coast. The developer emphasised that these projects would only be required if it the BEIS Habitats Regulations Assessment concluded that adverse effect from the Hornsea Three development could not be ruled out.

One project is for mussel bed regeneration in The Wash; the other is for the removal of fishing gear "debris" and reduction in ghost fishing (fishing by lost or abandoned gear) on the north Norfolk coast. After discussion and review of outline proposals, the CEO agreed to support both projects in principle, because they both aligned with the Eastern IFCA remit and are both designed to benefit fisheries as well as the environment. Officers emphasised that Authority support would be conditional on Orsted funding any Eastern IFCA involvement and after proper feasibility assessments/resource planning have been completed. The Authority's input was required ahead of this (39<sup>th</sup>) Full Authority meeting, in order to align with the Secretary of State's deadlines for the planning decision for this project. Officers submitted a statement agreeing in principle to these two projects to the Secretary of State for BEIS on 13<sup>th</sup> February 2020. The planning decision is anticipated on 1<sup>st</sup> June 2020.

(ii) *Norfolk Vanguard (Vattenfall) – Appendix 2*

This project, if consented, will lay cables through the inshore waters of east Norfolk to make landfall at Happisburgh. Eastern IFCA's involvement in the planning examination for this project has focused on highlighting concern that the cables would be laid through and area closed by Eastern IFCA to towed demersal fishing to protect *Sabellaria* reef.

The developer's environmental consultants discussed with officers' options for extending fisheries closed areas in the inshore section of Haisborough, Hammond and Winterton SAC, as potential compensatory measures for damage from the wind farm in this site. Officers explained that the Marine Protected Areas byelaw 2019 (agreed by the Authority in May 2019) closes areas agreed with Natural England as requiring closure to towed demersal fishing, and Eastern IFCA would not consider additional closures as being necessary or proportionate to risk of damage from fishing. Crucially, the proposals made by this developer, Vattenfall, differed from those made by Orsted in that the Orsted measures would be for habitat restoration without restricting fishing activities, whereas the Vattenfall measures would result in additional fisheries closures.

Vattenfall also suggested the Authority could introduce fisheries closures to protect an area of *Sabellaria* reef outside the boundary of the Haisborough, Hammond and Winterton SAC (between that site and the coast), as a possible compensatory measure for damage to the SAC from wind farm activities. Officers explained that IFCAs do not have powers to introduce closures to fishing for offsetting damage to conservation features caused by non-fishing sector activities. Even if such powers were available, it was not considered equitable to penalise inshore fishery

stakeholders (by introducing additional spatial closures) for environmental damage caused by the offshore renewables industry.

### **Financial Implications**

Resource will be required for Eastern IFCA to assist in the development and delivery of compensatory measure projects (where it is deemed appropriate to do so). The developers are responsible for delivery of such projects and would pay in full for Eastern IFCA officer time and any operational costs. Therefore, there should be no costs to the Authority for involvement in these projects.

### **Legal Implications**

No specific issues identified.

### **Conclusion**

The Authority is requested to consider taking a position on the issue of compensatory measures affecting inshore fisheries and conservation interests. This position would then be presented by officers in relation to the two highlighted wind farm projects and to additional projects where compensatory measures are considered in future. The position would allow Authority support where appropriate for measures that could enhance or support fisheries and would allow opposition to wind farm compensatory measures that restrict fisheries beyond the restrictions required by existing conservation duties.

It is suggested that the following 'position statement' is adopted by the Authority:

*Eastern IFCA will support exploring compensatory measures with environmental benefits and no adverse impact upon fishing activities but will not support compensatory measures that increase restrictions on fishing activities, particularly where those activities have been assessed and found to be compatible with conservation objectives for the designated site.*

### **Appendices**

Appendix 1 – Hornsea Three

Appendix 2 – Norfolk Vanguard

### **Background Documents**

1. The Crown Estate – Offshore Activity map 2019:  
<https://www.thecrownestate.co.uk/media/3293/ei-all-offshore-activity-a3.pdf>

## Appendix 1

### Hornsea Three

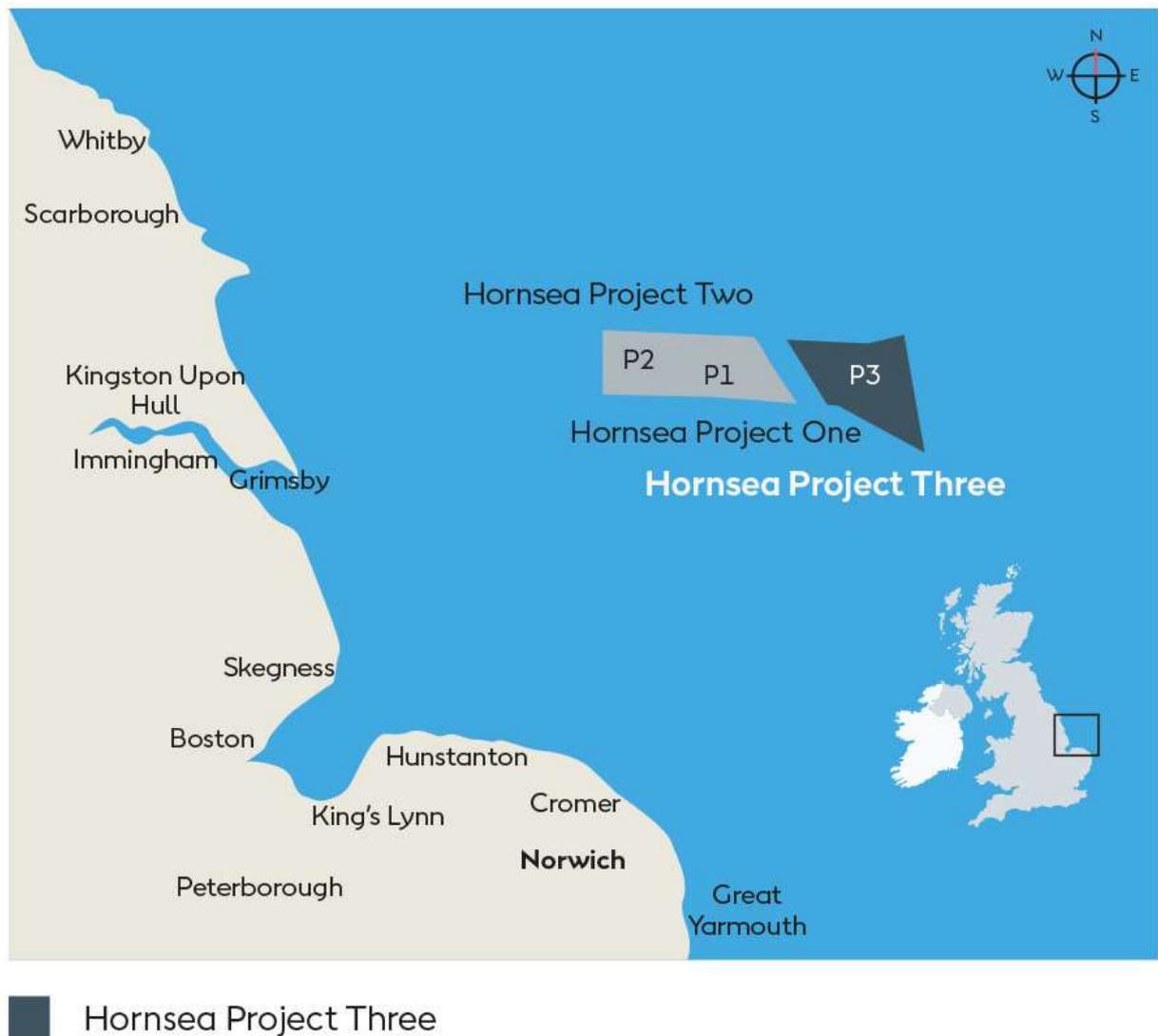


Figure 1. Location of Hornsea Project Sea wind farm array. N.B. Cable route not shown.

Developer	Orsted
Planning status	Awaiting planning decision after planning examination (decision due on 1 <sup>st</sup> June 2020)
Array location	120 miles NE of Trimmingham, Norfolk
Cable landfall	Weybourne
Marine Protected Area interactions (relevant to Eastern IFCA district)	<ul style="list-style-type: none"> <li>• Subtidal sandbanks – The Wash and North Norfolk Coast SAC</li> <li>• Subtidal sand – Cromer Shoal Chalk Beds MCZ</li> </ul>
Compensatory measures under consideration	Mussel bed restoration (The Wash)
	Fishing litter / lost gear removal and fisheries engagement (north Norfolk coast)

## Appendix 2

### Norfolk Vanguard

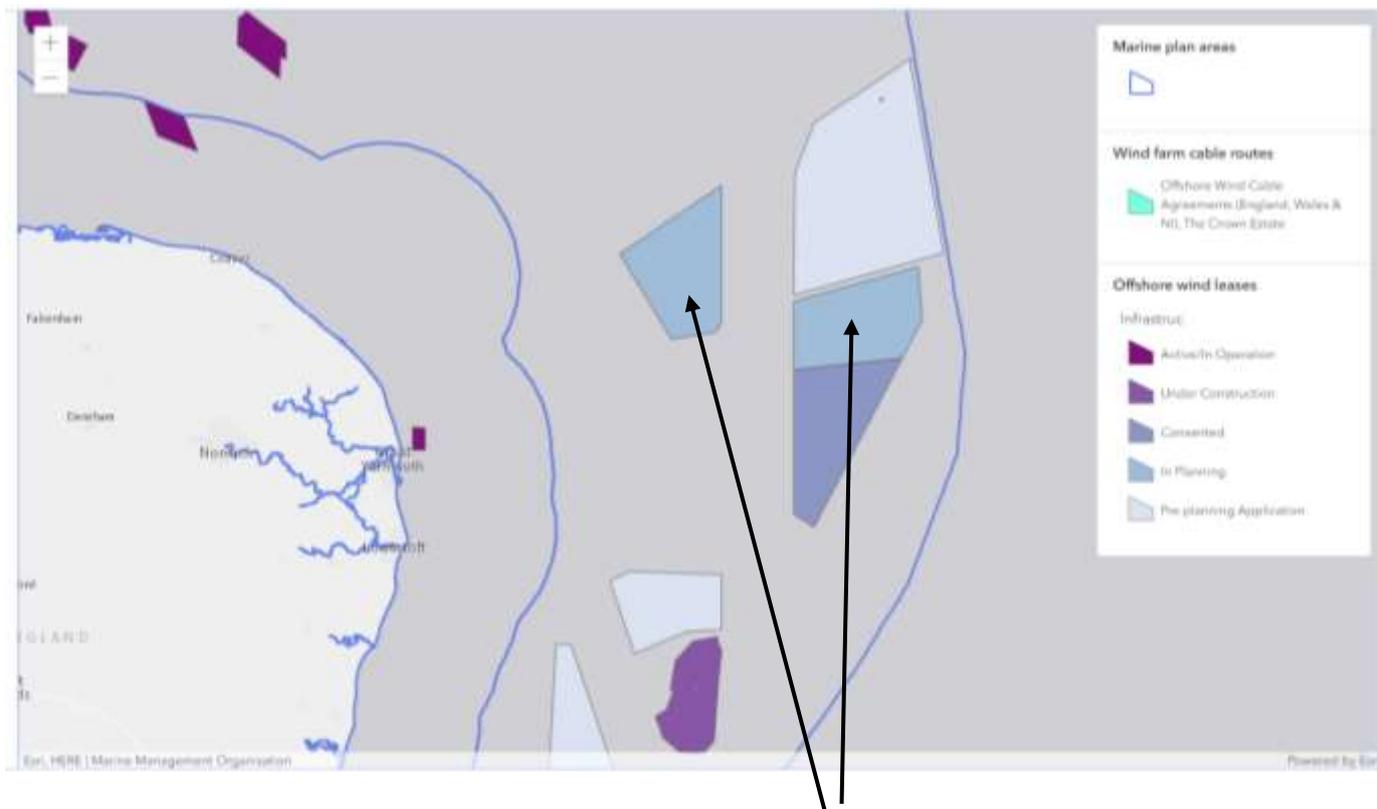


Figure 2. Location of Norfolk Vanguard wind farm array (mid blue shading). N.B. cable route not shown.

Developer	Vattenfall
Planning status	Awaiting planning decision after planning examination (decision due on 1 <sup>st</sup> June 2020)
Array location	40 NE of Gorleston, Norfolk (two arrays)
Cable landfall	Happisburgh
Marine Protected Area interactions (relevant to Eastern IFCA district)	<ul style="list-style-type: none"> <li>• Subtidal sandbanks – Haisborough, Hammond &amp; Winterton SAC</li> <li>• Biogenic reef – Haisborough, Hammond &amp; Winterton SAC</li> </ul>
Compensatory measures under consideration	Extension of areas closed to towed demersal fishing in inshore section of SAC
	Extension of Haisborough, Hammond & Winterton SAC boundary

### Vision

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## Action Item 11

### Eastern Inshore Fisheries and Conservation Authority Meeting

09 September 2020

#### Humber Estuary cockle fishery byelaw

**Report by:** L. Godwin (Senior IFCO – Regulation)

#### **Purpose of Report**

To report to members the need to maintain the current closure on the Humber Estuary cockle fishery and to propose the delegation of authority to the CEO to implement further closures.

#### **Recommendations**

It is recommended that members:

- **Note** the contents of the Report
- **Agree** to maintain the closure of the Humber Estuary cockle fishery until 1<sup>st</sup> October 2021
- **Agree** to delegate authority to the CEO to implement further closures as required

#### **Background**

On establishment under the Eastern Inshore Fisheries and Conservation Order 2010, The Authority's district was increased to include a small stretch of the Lincolnshire coast which was previously in the jurisdiction of North Eastern Sea Fisheries Committee (NESFC). In addition, the Authority also inherited the byelaws which were in place in the area from NESFC including Byelaw XXIV: Humber Estuary Cockle Fishery Byelaw<sup>10</sup> (the Humber cockle byelaw hereafter).

The Authority reviewed the inherited byelaws and revoked the vast majority of them under the Applications and Exemption Byelaw 2016, made at the Regulation and Compliance sub-committee on the 17<sup>th</sup> November 2015. The Humber cockle byelaw was not revoked as it was the only mechanism to manage the cockle fishery at 'Horseshoe Point'.

The area has not been able to support a cockle fishery since 2002. For the most part this has been a result of stock surveys highlighting insufficient cockle to support a fishery. On a single occasion, in 2015, surveys found that the site's stock would have supported a fishery however access issues to the foreshore precluded one. Access is via a saltmarsh which is a feature of the Humber Estuary Marine Protected

<sup>10</sup> <http://www.eastern-ifca.gov.uk/byelaw-xxiv-humber-estuary-cockles-fishery-byelaw/>

Area<sup>11</sup> (MPA) and which is privately owned. Fishermen could not get the agreement of the landowner to put in place the temporary road surfaces required as mitigation against disturbing the features of the MPA. This incident highlighted the significant logistical and procedural barriers to opening a fishery at the site which are to date unresolved.

In addition, the area has recently lost its shellfish 'classification'. Shellfish classification is required for any wild shellfish bed which is commercially fished and is based on the bed being deemed as 'safe' from a food standard perspective. The classification is dependent on samples being taken and treated for chemicals and bacteria which would be ingested by the shellfish and then enter the human food chain if caught and sold, to the detriment of public health.

In order to fish the area legally, shellfish classification is needed, and this is regulated by the Food Standards Agency. From an Eastern IFCA perspective, a permit is required under the Humber cockle byelaw to fish the area.

## **Report**

### Current state of the cockle fishery

The Horseshoe Point fishery has effectively been closed for a number of years as a result of no permits being issued and the bed classification not being in place. In addition, the fishery is considered closed under a provision of the byelaw.

The annual surveys of 2018<sup>12</sup> and 2019<sup>13</sup> found that the stocks could not support a fishery and as such, no fishery has been pursued. As a consequence of the COVID-19 restrictions, no survey has taken place in 2020 however, the area will not support a fishery for a number of reasons:

- Access – The foreshore is only accessible via saltmarsh which is a designated feature of the Humber Estuary marine protected area. Preventing damage to the site including disturbance to the nesting bird species would require a temporary road surface to be laid as mitigation and permission of the landowner. As far as Officers are aware, interested fishers have not successfully negotiated with the landowner to enable access to the fishery.
- Restricted area – part of the fishery is within the closure currently in place to protect eelgrass under the Marine protected areas Byelaw 2018.
- Water classification – Commercial bivalve shellfish fisheries must take place within 'classified beds'. The Authority responsible for these is East Lindsey Borough Council who have cancelled the sample collection needed to retain the classification. As a result, re-classification would require at least six months' worth of samples to be taken.

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<sup>11</sup> The area includes two designations, a Special Area of Conservation (for the protection of habitats) and a special Protection Area (for the protection of bird species).

<sup>12</sup> [http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/11/2018\\_Hspt\\_cockle\\_report.pdf](http://www.eastern-ifca.gov.uk/wp-content/uploads/2016/11/2018_Hspt_cockle_report.pdf)

<sup>13</sup> 2019 survey results not published but showed significant declines in stocks.

- Atypical mortality – cockle stocks have known to suffer from ‘atypical mortality’ of a type similar to that in The Wash since 2010 which, as a result of the high growth rates of the site, result in the loss of cockles during year one (whereas cockles in The Wash typically survive until year two). This significantly hampers the sustainability of the bed.
- Stocks will not support a cockle fishery – following a significant decline in 2017, the 2018 survey indicated good recovery of stocks to the second highest levels since Eastern IFCA started surveying. However, even at this level, stocks were not dense enough to support a fishery. The 2019 survey showed significant declines in the stocks once again. It is very unlikely that the stocks were able to recover to support a viable fishery during 2019. In any case, it has not been possible to undertake a survey and as such, Officers cannot determine whether stocks have recovered to the extent that they could support a fishery.

#### Maintaining the closure under the Humber Estuary cockle Byelaw

The byelaw makes provision for a closure only in certain circumstances as follows:

- Ensuring recovery of depleted stocks, and/or
- Ensuring the protection and development of mainly immature or undersized or transplanted cockles, and/or
- Protection of the fishery, fishery management and control of exploitation, and/or
- Environmental protection and conservation

Given the trend of declining and commercially non-viable stocks at the site, the potential for impacts on the protected features of the site and the inability to undertake a survey this year, officers recommend that all the criteria for a closure are met under the byelaw.

In order to implement a closure under the byelaw is in place, the Authority must:

- Consult with current permit holders,
- Publicise the closure at the site (if possible) and;
- Publicise the closure within a newspaper in circulation around the district.

Given that there are no permit holders at present, there is no requirement to consult permit holders. However, a renewed closure will require an update to the signage at the site and publication within a newspaper.

In addition, the byelaw makes provision for a closure to be for a specified time. Given the complexities in opening a fishery at the site, which in all likelihood would

preclude a fishery for at least six months even in the event of favourable stock survey results to gain water classification and would be dependent on successful negotiation with the land owner and favourable advice from Natural England, it is considered proportionate to place a closure at the site for a period of three years.

#### Further work

Although it is unlikely that a fishery could take place at the site in the near future, the Humber Estuary cockle Byelaw is not an effective tool to manage the fishery. In particular, the byelaw considers the site as open to fishing by default, with action required to close it under certain circumstances, and gives no discretion to the Authority to limit access by way of limiting permits. This creates an unnecessary procedural burden on the part of the Authority and limits our ability to manage a sustainable fishery at the site which does not risk impacting site integrity of the marine protected area.

The byelaw is highlighted in the Strategic Assessment as posing a medium risk and in need of review but not as a high priority. It is likely that, as other priority workstreams are resolved, there will be opportunity to review of this byelaw.

In the interim, it is suggested that it is appropriate to delegate authority to the CEO to implement future closures as may be required. Ideally, the byelaw will be replaced prior to the conclusion of the proposed closed period.

#### **Financial Implications**

There is a financial implication of issuing a public notice in a newspaper to meet the criteria of the byelaw. Officers will seek the most cost-effective method for doing so.

#### **Legal Implications**

There is an inherent risk of challenge relating to making any policy or regulatory decision. That said, this report has considered all the procedural requirements of implementing a closure under the Humber Estuary Cockle Byelaw and has concluded they are satisfied. Therefore, the risk of successful legal challenge is considered negligible.

#### **Conclusion**

The Humber Estuary cockle fisheries are not considered commercially viable and not appropriate for opening on the grounds of stock sustainability, environmental protection and food safety in any case.

A closure is considered to be appropriate given the circumstances and is in keeping with the criteria for such within the Humber Estuary cockle Byelaw.

#### **Appendices**

Not applicable

#### **Background Documents**

Not applicable

### Vision

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## Action Item 12

### Eastern Inshore Fisheries and Conservation Authority Meeting

09 September 2020

#### Shrimp Permit Scheme

**Report by:** L. Godwin (Senior IFCO – Regulation)

#### **Purpose of Report**

To report on the development of the proposed Permit Scheme in the context of having completed the formal consultation and to propose additional permit conditions for shrimp fishing in the Wash and North Norfolk Coast Special Area of Conservation.

#### **Recommendations**

It is recommended that members:

- **Note** the contents of the Report and the results of the consultation
- **Agree** to the proposed amendments to the Shrimp Permit Byelaw 2018;
- **Agree** in principle (subject to legal advice) to introduce the experience requirement set out in the report in relation to Category One shrimp Permits;
- **Agree** to delegate authority to the CEO to introduce a permit condition or eligibility criterion to implement the proposed experience requirement having taken into account legal advice on the matter;
- **Agree** in principle to implement the additional permit condition relating to catch return frequency;
- **Direct** Officers to undertake a formal consultation as per Schedule One of the Shrimp Permit Byelaw 2018 in relation to the experience requirement and catch return frequency permit condition;
- **Agree** to delegate authority to the CEO to make amendments which do not substantially affect the intention of the proposed measures following the formal consultation and further scrutiny of the wording by legal advisors;
- **Agree** to delegate authority to the CEO, following consultation, to introduce the permit condition relating to catch return frequency and to implement the experience requirement as an additional permit condition or eligibility criterion on the commencement of the Shrimp Permit Byelaw 2018.

#### **Background**

At the 37<sup>th</sup> Eastern IFCA meeting, members agreed, in principle, to implement permit conditions relating to the shrimp permit byelaw subject to any changes required as a result of the associated formal consultation.

The intention of the permit conditions is to manage shrimp fishing effort within the Wash and North Norfolk Coast Special Protection Area (the SAC hereafter) to prevent impacts on site integrity. The proposed model does not limit access to the fishery but instead limits the total amount of 'trips' per year, with mechanisms to prevent effort exceeding this including limiting fishermen to a number of trips per month and closure of the fishery.

The model was proposed following extensive consultation with industry which identified a preference for this model which avoided limiting access based on track-record.

### **Report**

Officers undertook formal consultation (aimed primarily at industry) regarding the shrimp permit scheme which closed in March of 2020. The outputs from the consultation are set out in Appendix 1.

In summary, the consultation did not generate a high volume of responses. Whilst 23 responses were received, 19 of them were from individuals from the same business and association, with each representation being a copy signed by different individuals. Therefore, the range of views expressed was limited. Respondents included one local fishing association, the Nation Federation of Fishermen's Organisations (NFFO), the Wildlife Trust and a joint response from two individual fishermen.

Officers have been in liaison with Natural England throughout the development of the permit conditions. Natural England has sought evidence that the permit scheme sufficiently manages effort, so it does not exceed recent historic levels – as has been agreed as mitigation in the Habitats Regulations assessment of the shrimp fishery. Officers have set out at the Fisheries & Conservation Management Working Group in October 2019 and in subsequent email correspondence and meetings how the permit conditions and effort metrics will enable Eastern IFCA to control effort in the fishery. Discussions are ongoing.

It is noteworthy that the response from the NFFO was broadly in support of the measures, recognising the balance the proposals sought between assuring continuity of current business models and reducing regulatory burdens to new entrants. It highlighted the concerns of its members with regards to the potential for the shrimp fishery to close mid-season and suggested that along with the mitigation proposed to prevent this, that the fishery was closely monitored, and flexible conditions used to react to issues as necessary.

### *Limiting access to the fishery*

The key issue raised in the consultation was in relation to access to the fishery.

Extensive consultation has previously identified that the majority of shrimp fishermen do not have a preference to limit access to the fishery via track record (i.e. evidence of having fished in the fishery previously). The proposed model developed by officers takes account of the inshore fishermen's need to diversify into different

fisheries at different times and that many fishermen who may have shrimped historically would not have the more recent track record required.

A minority within the industry have, however, consistently argued that there should be a limit on the number of permits issued for the shrimp fishery so as to prevent the fishery from closing as a consequence of available effort being exhausted due to an influx of 'new' vessels. Feedback from the industry has previously indicated that the likelihood of additional vessels entering the fishery is low given that this has not happened previously and there have never been access restrictions. This is in part because extensive knowledge of the area (including for example the location of shrimping grounds) is required to fish effectively. In addition, the Wash-based industry has recently been granted Marine Stewardship Council Accreditation and has established voluntary measures which includes limitation on the vessels processors (which are part of the Accreditation Scheme) will purchase catch from.

One representation made during the most recent consultation indicated that the fishing industry of the Wash was no longer in agreement with the proposals and was instead in favour of a limitation on the number of permits on the basis of track record (reportedly the outcome of an industry meeting on the 7<sup>th</sup> Jan 2020). There was a limited response to this consultation (with the exception of a large volume of responses from the same association / business) and no other Wash based associations or persons made the same claim. Officers therefore undertook some additional dialogue to validate the claims made.

The subsequent dialogue has identified that, whatever the outcome of the meeting referred to in the response, the current stance of key representatives within the Wash fishery remains broadly the same i.e. a preference to avoid track record-based permit limitations. In general, there is a concern that this will diminish the industry's ability to diversify and in particular those in The Wash who have traditionally relied on mussel, cockle and shrimp (and more recently whelks) for income could be limited in their ability to prosecute the shrimp fishery due to a lack of track record.

Officers recommend, therefore, that no limit on the number of permits issued is implemented, in line with the original proposal. A limit would likely result in a 'closed shop' fishery, similar to that seen in the Wash Fishery Order (WFO) fisheries whereby several bad practices (including the 'renting out' of licences) have emerged to circumvent established policies for issuing licences as they become available.

#### *Proposal for an experience requirement*

Officers consider the risk of an influx of additional vessels into the fishery to be very low, based on consultation with industry. This is primarily on the basis of the market and natural barriers to entering the fishery described above (i.e. the MSC accreditation and the expertise and knowledge required to do the job).

However, the risk can be further reduced through the implementation of an additional measure which requires a specified level of 'experience' of fishing in The Wash. Members will recall that, as part of the proposed permit scheme, officers recommended a longer-term strategy which included the development of such through dialogue with industry over the coming years.

In recognition of the concern raised in this consultation, officers recommend implementing an interim experience requirement which would reflect a similar requirement within the WFO. This would augment the mitigation identified and further reduce the (low) risk of an influx of vessels.

The proposed experience requirement is as follows:

*A person must not fish within the Wash and North Norfolk Coast SAC under the authority of a category One Permit unless they provide satisfactory evidence of having the required experience of fishing within the Wash and North Norfolk Coast SAC.*

*The required experience is having fished for at least 16 days within a year within three separate years within the Wash and North Norfolk Coast SAC.*

*When deciding what evidence is considered satisfactory, the Authority will consider the number of sources of evidence and the apparent credibility of the sources.*

*Potential sources of evidence include the following:*

- *Testimony from an employer;*
- *Salary or other financial arrangement information;*
- *Testimony from an Inshore Fisheries and Conservation Officer;*
- *Landings declarations or return forms.*

*Persons named on the Wash Fishery Order 1992 'pre-qualified list' are considered to have satisfied the requirement.*

The final wording would be subject to consultation and legal advice.

This is proposed as a temporary measure only, with further work required to determine a more robust system to determine whether a person has the relevant experience. This would be in dialogue with the industry and would reflect the best practice as described by the industry and the voluntary measures established under the MSC accreditation of the fishery. In addition, officers intend to develop a system to record and log experience towards reaching the required standard and facilitate gathering of the required evidence.

The following additional benefits are identified with this proposal:

- **Prevent changes in behaviour** – Creating a permit system with limited access has the potential to create a strong drive for fishermen to gain access so as not to be excluded in the future. This was a key concern raised during the development of the Whelk Permit Byelaw and this is reflected in the open system used in that fishery presently. WFO Licences are, for example, highly sought after and have a value of their own, with some licence holders maintaining Entitlements so as to 'rent then out' to other fishers who cannot gain access. The proposed permit condition would restrict access to those with experience but crucially, would not limit the number of permits available.

Permits would not gain a value and there would be no benefit to 'renting out' a permit.

- **Provides stability to the Wash based fishery** – A key component of the shrimp permit scheme was to maintain the status quo of the fishery. That is to say that they would seek to maintain the 'normal' fluctuations in annual fishing effort. Historically and with very few exceptions, those who are involved in the shrimp fishery are Wash based fishermen who are also involved in the cockle fishery. Therefore, including this requirement at the outset of the permit scheme ensures that only fishermen who have fished the area are able to.
- **Provides a clear route into the fishery** – This system will provide a clear route for fishermen to enter into the fishery by gaining the required experience. Whilst the interim system will be rudimentary, further development will establish the key behaviours and level of experience which is needed to become a shrimp fisherman. Officers also intend to create a mechanism to facilitate fishermen in evidencing the experience requirements.
- **Environmental protection** – The Wash is one of the most highly designated marine protected areas in Europe. For this reason, experience requirements were implemented in the WFO fisheries. Shrimp fishing has the potential to cause significant damage to the features of the SAC if undertaken outside of best practice. It therefore stands to reason that a similar level of experience should be required to operate within the area using the bottom towed gear used in shrimp fishing, which are typically more damaging than hand-worked fishing.

The Shrimp Permit Byelaw 2018 enables the Authority to introduce, vary or revoke permit conditions and eligibility criteria. The intention of eligibility criteria is to enable the Authority to limit access to the fishery as needed, using criteria such as track record. Permit conditions are used to manage technical aspects of the fishery such as spatial restrictions or gear specifications.

The proposed 'experience requirement' would, on the face of it, fit within 'eligibility criteria' inasmuch as people would not be eligible to fish within the fishery without meeting the experience requirements. However, several business models in the Wash operate with a vessel owner and a separate skipper where the skipper is the only person who actually fishes. Using eligibility criteria would therefore exclude the vessel owner from holding a permit if they didn't meet the experience criteria which is not the intention of the proposed measure and would have a significant impact on industry.

A permit condition which simply prohibits fishing under a category one permit without the relevant experience could also be used. However, given that the intention had been to use eligibility criteria to this effect, 'experience requirements' are not listed as a type of permit condition within the 'flexible permit conditions' provision.

The Shrimp Permit Byelaw is currently awaiting final submission to Defra for consent by the Minister. As such, there is opportunity to amend the byelaw in light of this

shortcoming having been identified. Therefore, in order to accommodate the proposed measure, officers propose two amendments which are set out below.

#### Frequency of catch return submission

The Shrimp Permit Byelaw requires fishermen to complete and submit catch returns. The frequency of their return is set out in the face of the Shrimp Permit Byelaw and is therefore not flexible. Officers suggest that this provision should be amended to enable the Authority to change the frequency catch returns are required. This would be in keeping with the general flexible approach of the measures and would allow for increased frequency as needed in the context of a flexible effort management system.

It is further proposed that the frequency of catch returns for a Category One permit (i.e. for fishing in The Wash) is increased to once per week (from once per Month) via an additional permit condition. This would be in keeping with the frequency of returns provided within the WFO Cockle fisheries and so the vast majority of fishermen will be familiar with providing returns at this frequency. Submission of return forms at this rate will enable better monitoring of the uptake of the Total Allowable Effort and reduce the likelihood of fishery closing on the basis of a precautionary projected rate of exploitation. The more data officers have at their disposal, the more informed a decision will be.

#### Inshore Vessel Monitoring System

In addition to proposed amendments proposed above, a further amendment is proposed in relation to Inshore Vessel Monitoring Systems (I-VMS).

The byelaw includes reference to I-VMS within the 'flexible permit condition' section. The original wording of this provision made a reference to introducing I-VMS conditions generally however, feedback from the Formal QA process with the MMO required an amendment. The effect was that the byelaw limited the Authority's ability to implement I-VMS permit conditions to in the event that national requirements were implemented.

The national project for delivery of I-VMS is delayed for several reasons and the shrimp fishery is of a high priority with regards to its implementation. Therefore, it is further recommended that this provision is amended to remove reference to the implementation of national measures and enable the Authority to implement such prior to national roll out if it is necessary to do so. This is also set out below.

#### Proposed Amendments to the Shrimp Permit Byelaw 2018

The proposed changes to the Shrimp Permit Byelaw described above are as follows:

##### *Amendment to paragraph 12*

Whole paragraph amended from

*The Authority may restrict the number of shrimp permits issued and may set criteria to restrict eligibility for a shrimp permit in accordance with the procedure set out in Schedule 1.*

To

*The Authority may restrict the number of shrimp permits issued and may set criteria to restrict:*

- a) eligibility to hold or be named on a shrimp permit; and*
- b) eligibility to fish under the authority of a shrimp permit*

*in accordance with the procedure set out in Schedule 1.*

It is proposed that, use of provision b) will enable the introduction of eligibility criteria which restrict fishing by inexperienced skippers but would not prevent vessel owners with no experience from having a permit.

*Amendment to paragraph 18*

Removal or reference to national I-VMS measures (point (g) and the additional category added as point (h) which is underlined as follows:

*The flexible permit condition categories are:*

- a) vessel design restrictions;*
- b) catch restrictions;*
- c) fishing gear restrictions;*
- d) fishing effort restrictions;*
- e) spatial restrictions;*
- f) time restrictions;*
- g) ~~upon introduction of Inshore~~—vessel monitoring device requirements and;*
- h) experience requirements*
- i) catch returns*

*Amendment to paragraph 21*

Revised text underlined:

*The holder of a shrimp permit must have on board shrimp return forms which will be provided by the Authority. Shrimp return forms must be completed with such information as is required by the Authority up to the day that fishing takes place. Return forms relating to the previous month must be submitted to the Authority no later than the 10th day of each month or at a frequency set out in the flexible permit conditions.*

It is judged that none of the proposed amendments add a significant burden to industry or provide any additional 'powers' to the Authority. This is on the basis that, as per consultation with the industry, it was always the intention of the Authority to introduce some form of experience criteria. In addition, whilst the amendment to the catch returns requirement will require additional return forms to be sent to the Authority, the additional burden placed on the industry is considered minimal particularly in the context that WFO fishermen currently return weekly catch returns and the actual increase in frequency (via a permit condition) will be subject to consultation in any case.

As such, it is judged that further consultation is not required in order to amend the byelaw. However, the amendments will be subject to further scrutiny by MMO legal who may advise differently, in which case further consultation would be undertaken.

In relation to experience requirements, Officers will seek the implementation of both amendments however, either of the amendments are considered capable of having the required effect in the byelaw and to allow the introduction of the experience requirements. Officers recommend both amendments so as to ensure the mechanisms are as 'future proofed' as possible.

#### Implementing additional measures

The experience requirement would exclude additional persons from being able to undertake shrimp fishing and be an additional burden to industry. In addition, increased frequency of catch return submission is also considered to be an additional burden, albeit relatively minor. Therefore, in accordance with the byelaw, further consultation is required in order to introduce the measure.

Officers recommend that contacting known shrimp fishermen directly (via post or email) in addition to use of the Authority's website and social media will be the most effective method of consultation.

It will be important to emphasise the temporary nature of the current wording of the experience requirement as part of the consultation and our intention to replace these experience requirements with new requirements in dialogue with industry. This will avoid any claims of legitimate expectation with regard to meeting the experience requirements as a more robust set of criteria is developed i.e. that this system is proposed as an interim measure only whilst a more fit for purpose system is developed and meeting the requirements now will not guarantee the same under whatever system is developed going forward.

The Shrimp Permit Byelaw is currently nearing the end of the formal QA process (with officers reviewing further feedback from the MMO's legal team). So as to

enable the implementation of the proposed system as near to the implementation of the byelaw as possible, officers also recommend delegating authority to the CEO to decide on the final wording of the measures, taking into account the results of the consultation and any legal advice. An update will be provided at the Authority meeting following a decision on the matter.

### Potential Impacts

There is the potential that some fishermen may be unable to meet or evidence the experience requirements, the impact being potentially significant loss of earnings. However, dialogue with the industry has indicated that those involved in the shrimp fishery are, with very few exceptions, long-standing Wash-based fishermen. As such, very limited or no impacts are identified.

### **Financial Implications**

Minor cost associated with consultation which includes postage for letters with information about the consultation. This is minimised as much as possible by the use of electronic comms where appropriate (use of emails, website and social media).

### **Legal Implications**

The Shrimp Permit Byelaw sets out the framework for introducing, varying or revoking permit conditions and eligibility criteria to include consultation with industry and consideration of the impacts of such conditions. Impacts are likely to be very limited, but officers intend to consider this further using information from the planned consultation.

The Authority has been clear in its Shrimp Permit Scheme policy that it intends to implement some form of experience requirement going forward and the current proposals represent only a revised timescale for the implementation of this.

The proposed revised provisions of the Shrimp Permit Byelaw do not constitute a significant change and no extra burden to stakeholders on the basis that they reflect a clarification of wording to meet the byelaws stated intentions. Given that the byelaw has yet to be submitted to Defra for final sign-off (as part of the formal QA process) it will still be scrutinised by MMO legal and any issues will be highlighted although, officers do not anticipate any issues.

### **Appendices**

Appendix 1 – Summary of feedback from the Shrimp Permit Scheme consultation

### **Background Documents**

Not applicable

## Appendix 1 – Feedback from Formal consultation

Feedback	Officers comments
<p>A limit on the number of permits issued is required to prevent additional vessels from entering the fishery with the effect of the fishery closing early as a result of the Total Allowable Effort being exhausted.</p>	<p>Extensive dialogue with industry has indicated that the likelihood of large numbers of additional vessels entering the fishery is limited. Since 2010, the fishery has supported between 54 and 29 vessels and 39 during 2019 and it is noteworthy that no access restrictions have been in place during this time. Entry into the fishery is thought to be limited by the cost of fitting out a vessel to catch shrimps (circa £20,000 to £60,000 based on industry dialogue), the experience required to effectively fish for shrimp and the market conditions. In addition, the recently approved Marine Stewardship Council Accreditation scheme affords additional market pressures, with two processors of shrimp catch effectively limiting entry into the fishery by purchasing catch only from those who fish within the voluntary measures of the system. The intention of the shrimp permit byelaw is to limit effort to that seen within the last 10 years and the system includes 'buffers' to account for annual variations in effort. As such, the proposed model is able to accommodate a degree of additional entries and enabling this is the preference of the majority of the industry.</p> <p>It is judged that there is sufficient mitigation in place which restricts access to the fishery to reduce the risk of a large influx of additional vessels. However, it is suggested that additional mitigation in the form of an 'experience requirement' to fish in the Wash and North Norfolk Coast would further reduce risk and have additional benefits including reducing risk of damage to the protected features of the site.</p> <p>The ability to limit the number of permits issued remains within the byelaw and can be invoked if necessary if the situation changes.</p>
<p>There is no support for the proposed permit scheme amongst Wash based fishermen who have a preference for a limitation on the number</p>	<p>The views of three key Wash representatives were sought to verify this statement and, based on these views, that statement is found to be inaccurate. The preference remains to avoid limiting access based on track record which could result in a 'closed shop' and the exclusion of vessels which have historically relied on</p>

<p>of permits issued based on track record.</p>	<p>shrimp. Enabling fishermen to diversify into different fisheries as needed is a cornerstone of the inshore fisherman and so the proposed measures seek to enable this as far as possible.</p>
<p>The proposed measures do not provide the assurances needed for effective business planning given that the fishery could close part way through the season.</p>	<p>The proposed measures limit the total effort within the Shrimp fishery within The Wash within a year. Ultimately, the fishery would close for a period if effort thresholds are exceeded.</p> <p>However, the model includes several mechanisms to limit the likelihood of this including:</p> <ul style="list-style-type: none"> <li>• Use of a 5-year rolling average as the limit on effort in each year – this allows for increases and decreases in effort to accommodate for expected peaks and troughs and annual variations based on market conditions and availability of shrimp</li> <li>• Measures to reduce the rate of effort increases including temporary suspension of issuing further permits within a year and limits on the number of trips per vessel which can be used as necessary.</li> <li>• A ‘permit year’ starts from the 1<sup>st</sup> August and ends 31<sup>st</sup> July each year. The full amount of available effort is available at the beginning of this period and the fishery becomes more likely to close as the year progresses. The timing of the permit year ensures that the most effort is available during the peak period of fishing (between September and February), with the level of effort decreasing towards the end of the permit year. This reduces the likelihood of the fishery closing as a result of exhausting the total allowable effort and / or as a result of having to project the effort for the remainder of the fishery as levels of effort will be predicted to be lower. In addition, this protects the fishery during the period where the most different fishermen operate within in.</li> </ul> <p>In addition, limiting the number of permits issues would not necessarily reduce the risk of the fishery closing. Depending on the ‘track record’ required to operate within the fishery, up to 86</p>

	<p>different vessels could be provided a permit (based on data over the last ten years). Limiting it to 58 vessels (as has been suggested by the same respondent in previous consultations) would still exceed the maximum number of vessels recorded as fishing in any one year (the maximum being 54, the average being 39). Should all 58 of these vessels (or indeed all 86 vessels) fish at their 'normal' levels, it is likely that the effort threshold would still be exceeded without implementing limitations or early closure of the fishery.</p> <p>The only way to ensure that the fishery does not close would be to limit the number of vessels who have access to the fishery and limit the number of trips for each vessel throughout the year. This would likely exclude fishers who ordinarily rely on it and would result in latent effort which is not used. Further, it would not accommodate the natural ebb and flow of the fishery and would be likely to impact on the economic productivity of the fishery and on individuals.</p>
<p>Failure to impose a limit on the number of permits now, using track record, will prevent imposing a track record-based limit in the future.</p>	<p>The Shrimp Permit Byelaw 2018 includes provision to limit the number of permits issued and to impose eligibility criteria. This could be used to require, for example, a track record of fishing to be eligible to hold or be named on a permit. This could include reference to a reference period and evidence of fishing a certain amount of shrimp over a certain amount of time. Therefore, should new vessels start to fish within the fishery, there is no guarantee that they would meet the track record requirements decided by the Authority. For example, the requirement could be to have landed a minimum weight of shrimp over a number of years.</p> <p>If, as expected, fishing activity continues in the manner as it has done over the last ten years, there should not be a need to implement such restrictions, but these will be reviewed in the context of any changes within the fishery. The Shrimp Permit Byelaw contains all the mechanisms needed to manage the fishery based on the needs of the fishery and the environment.</p>
<p>Vessels which fish for shrimp all year round are</p>	<p>The timing of the permit year is written into the Shrimp Permit Byelaw and subject to</p>

<p>more likely to be impacted compared to those who fish for shrimp during autumn only. The permit year should start on the 1<sup>st</sup> January to reduce this risk.</p>	<p>consultation during the formal consultation of the byelaw. As such, it did not feature as part of the current consultation.</p> <p>As the permit year progresses and effort from the total allowable effort is used up, the fishery becomes more likely to close. The proposed model takes into account the seasonal variations of the fishery, primarily through the timing of the permit year (1<sup>st</sup> August to 31<sup>st</sup> July). As fewer vessels partake in the fishery during spring and summer, the rate of fishing is slower and the projections of how the effort will be used up will be more accurate. As such, the portion of the year where less effort is available is aligned with this period. This model reduces the risk of having to implement measures to restrict the fishery (i.e. limiting the number of trips) and closure as far as is possible.</p> <p>Starting the permit year on the 1<sup>st</sup> January would mean that the end of the permit year (when the least amount of effort will still be available) would coincide the peak period. This would increase the likelihood of imposing restrictions and the fishery closing early and during peak effort and when the highest number of vessels operate in the fishery. This would have a greater impact on the fishery overall compared to the proposed permit year of 1<sup>st</sup> August to 31<sup>st</sup> July.</p>
<p>The permit year period encourages new entrants into the fishery as it has the effect of making the fishery less likely to close during the business period.</p>	<p>As above, the permit year was not part of the recent consultation.</p> <p>The timing of the permit year increases the stability of the fishery, making it less likely to close at all. It is suggested that it is not appropriate to make the fishery less stable so as to make the fishery less attractive to new entrants who would have a significant outlay in order to enter the fishery (the respondent suggested a value of between £20,000 and £50,000 for the required fishing equipment). In fact, it is suggested that measures which purposefully increase instability would be a dereliction of our duties to industry viability.</p>
<p>Implementing restrictions (i.e. restriction on number of tows per fortnight etc.) could make</p>	<p>Where the effort limitation model identifies a risk that effort could exceed the maximum to prevent impacts on site integrity, the Authority can implement measures to limit the number of trips</p>

<p>the fishery unviable. The example given being that when this was the case on the Solway Firth, the local fleet could not catch enough to make continental transport viable.</p>	<p>per month. A fortnightly limit was originally proposed but dialogue has indicated that a monthly limit would provide more flexibility to fishermen to fish the best tides. The intention of this would be to reduce the level of effort to prevent a fishery closure.</p> <p>The Authority is legally obliged to manage effort to ensure that it does not damage the site. The intention is to maintain communication with industry to enable effective business planning as far as possible, including where restrictions are implemented.</p>
<p>A limitation on the number of permits would have the least disruption on industry</p>	<p>A limitation on the number of permits based on track record would exclude vessels which have fished within the last 10 years. In addition, it is likely to change behaviours towards maintaining track record to maintain access to the fishery and potentially in some of the issues seen within the Wash Fishery Order including the 'renting out' of licences (or permits as the case may be).</p> <p>By contrast, the proposed effort limitation scheme does not initially impose any restrictions on the fishery and is intended to encourage the fishery operating as it has done over the last ten years. Restrictions will only be imposed if necessary. If fishing activity continues as it has done in the last ten years, no restrictions will be implemented. This is considered to have the least disruption on industry.</p>
<p>Dialogue is needed with industry to review measures and to decide on a long-term vision for the fishery.</p>	<p>It is intended to remain in continual dialogue with industry regarding the state of the fishery in the context of the total allowable effort. In addition, consultation with industry will inform the development of a long-term vision, including the development of robust experience requirements.</p>
<p>Permits being issued to vessel owners (as the permit holder) impacts on skippers who are also in partnership with the vessel owner but do not have the majority shares in the vessel.</p>	<p>Several Entitlement holders within the Wash Fishery Order who do not have vessels to name on a licence go into partnership with people who do have a vessel. Entitlement holders purchase the majority shares of the vessel and can then name it on a licence. The effect of this is that, whilst the fishermen (and original owner of the vessel) now has access to the fishery, they do not own the vessel legally.</p> <p>The Shrimp Permit Byelaw 2018 requires that a permit holder can only name a vessel on a</p>

	<p>permit if they own the vessel. This effectively makes permit holders vessel owners. This model enables the larger business models whereby a person owns several vessels and employs skippers to fish on their behalf. However, where people have entered into partnership with an Entitlement holder to gain access into the fishery (but in reality, actually own the vessel themselves) they will not be eligible to hold a shrimp permit themselves. The concern being that their ability to fish for shrimp will be dependant on the will of the legal vessel owner.</p> <p>This element of the permit scheme is written into the byelaw and has been consulted on previously and the same concern was raised and considered by the Authority. In summary, this issue is limited to a minority within the industry, but the implications are acknowledged as potentially impacting these individuals. It is intended that the review of the Wash Fishery Order will resolve some if not all of these issues. It is also suggested that the proposed experience requirements empower skippers to a degree.</p>
<p>The precautionary principle should be applied and a reduction in annual fishing effort should be applied</p>	<p>A high degree of precaution was built into Eastern IFCA’s shrimp fishery Habitats Regulations Assessment (HRA) – which presented worst-case scenarios in terms of effort and impacts. Mitigation, including managing effort at recent levels, has been agreed by the statutory nature conservation adviser as being appropriate for the fishery to continue without causing adverse effect on site integrity, so it is not necessary to apply further precaution to this measure. Although not deemed essential from the Habitats Regulations perspective, Eastern IFCA has set out a long-term vision to reduce fishery/seabed interactions resulting from the fishery as part of best practice to reduce environmental impacts wherever possible,</p>
<p>Number of tows should be a management consideration (not just number of trips) and should be set at a lower than average level because “significant</p>	<p>There is a need to balance the burden of reporting on fishermen with the regulators’ requirement for effort data to enable appropriate management. Eastern IFCA officers have carefully considered whether the number of trips would be a suitable metric for monitoring effort. It is recognised that the number of tows per trip</p>

<p>doubt remains on the HRA assessment”</p>	<p>is important in relation to the amount of seabed interaction, but Officers are confident that the data being required in catch returns (see below), including number of tows, will provide sufficient information to allow Eastern IFCA to manage effort and limit seabed habitat interactions to an appropriate level.</p>
<p>More clarity is sought on how the five-year average and maximum number of trips have been determined</p>	<p>The five-year average and maximum number of trips have been determined using available data on shrimp fishing activity in recent years. Officers have worked with Eastern IFCA data, information provided by the two shrimp processors and the Marine Management Organisation, and have focused resource on data verification. We recognise the importance of understanding past effort in order to deliver the agreed mitigation of ensuring effort does not exceed recent historic levels.</p>
<p>Proposed measures to:</p> <ul style="list-style-type: none"> <li>• reduce fishery/seabed interactions;</li> <li>• introduce Code of Conduct;</li> <li>• prohibit fishing if returns are over one month in arrears;</li> </ul> <p>are welcomed. Discussion on how these are developed/achieved is welcomed.</p>	<p>Officers are happy to discuss these measures with the Wildlife Trusts.</p>
<p>A monitoring programme should be signed off by the Authority alongside the effort limitation scheme.</p>	<p>Officers are developing a “monitoring and control plan” for the shrimp fishery, which will set out how the fishery will be monitored and managed. Fishing activity is continuously monitored using a range of sources of information and Eastern IFCA’s management and enforcement is regularly assessed and updated as required. Monitoring habitats requires detailed thought and consideration to ensure it will detect impacts to the protected features and on site integrity. Operational constraints have meant it has not been possible to implement a habitat monitoring programme at this stage. Officers suggest that it is preferable to implement effort management measures prior to developing a habitat monitoring programme to ensure that the measures are having a protective effect as soon as possible.</p>

<p>Catch returns should include:</p> <ul style="list-style-type: none"> <li>• Location of fishing activity per trip;</li> <li>• Duration of trip</li> <li>• Time fishing per trip</li> <li>• No. tows per trip</li> <li>• Spatial footprint per tow</li> <li>• Gear specification</li> <li>• Vessel specification.</li> </ul>	<p>Catch returns will include: location of fishing activity (using returns charts supplied by Eastern IFCA), duration of trip, number of tows per trip, duration of each tow and vessel identity. Eastern IFCA separately hold data on gear specification and vessel specification so there is no need to include these in catch returns. It is not reasonable to request fishermen to record spatial footprint per tow; this will be calculated by Eastern IFCA using gear specification and tow data.</p>
<p>Annual monitoring of feature condition must be undertaken, at a variety of locations and including a control site. The Wildlife Trust can assist in seabed monitoring.</p>	<p>Eastern IFCA cannot commit to annual monitoring of seabed feature conditions. We will gather data from available sources (e.g. Natural England's feature condition data; Environment Agency surveys) and will seek to add to existing data using bespoke Eastern IFCA habitat surveys where possible. We welcome discussion with the Wildlife Trust in relation to assistance with seabed monitoring.</p>
<p>An annual monitoring report should be provided to the Authority, to include condition of features, fishing activity effort, location, footprint and fleet characteristics.</p>	<p>Monitoring of the fishery will be ongoing so it will be possible to create an annual monitoring report on fishing activity, location, fishing footprint and fleet characteristics. Reporting on feature condition will depend on the availability of data.</p>
<p>More work is required before the byelaw can be signed off.</p>	<p>The byelaw was made by the Authority in 2018 and is at formal QA with the MMO. The recent consultation was aimed at developing permit conditions to ensure Eastern IFCA has sufficient control over effort (to limit seabed impacts from the fishery) and ensure the shrimp fishery remains viable – thus meeting Eastern IFCA's aim of balancing social, economic and environmental benefits. We believe that the permit conditions presented to the Authority for agreement following this consultation and subsequent work by officers meet these requirements.</p>

### 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

### Eastern Inshore Fisheries and Conservation Authority Meeting

09 September 2020

#### **Annual Report 2019-20**

**Report by:** Julian Gregory, CEO

#### **Purpose of Report**

To present the Annual Report 2019-20 for consideration by members.

#### **Recommendations**

It is recommended that members:

- **Approve** the Annual Report 2019-20.
- **Direct** the CEO to publish the report and distribute to Defra.

#### **Background**

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

#### **Report**

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

#### **Financial Implications**

N/A

#### **Legal Implications**

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

#### **Appendices**

Appendix 1 – Eastern IFCA Annual Report 2019-20 (enclosed as a separate document)

### 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

### 41<sup>st</sup> Eastern Inshore Fisheries and Conservation Authority Meeting

09 September 2020

**Report by:** J. Gregory, Chief Executive Officer

#### **Quarterly Review of Annual Priorities and Risk Register**

##### **Purpose of report**

The purpose of this report is to update members on progress against 2020-21 priorities and to review the Risk Register

##### **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.

A rolling 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.

The 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**

The tables at Appendix 1 detail the progress against the key priorities for 2020-21, as set in the Business plan for 2020-25.

The Risk Register is set out at Appendix 2 and the current status of each risk area is shown at Appendix 3. The only item of note is that New Burdens funding in its current format will not continue beyond this financial year but the IFCA Chief Officer Group are working with Defra colleagues to bid for a replacement funding stream in Spending Review 2020.

## **Appendices**

Appendix 1 – Update on priorities set for 2020-21

Appendix 2 – Risk Register

Appendix 3 – Update on Risk Register

## **Background documents**

Eastern Inshore Fisheries and Conservation Authority Business Plan 2020-25.

## APPENDIX 1 - Progress against Annual Priorities – Quarter 1

5 key priorities are established for 2020-21.

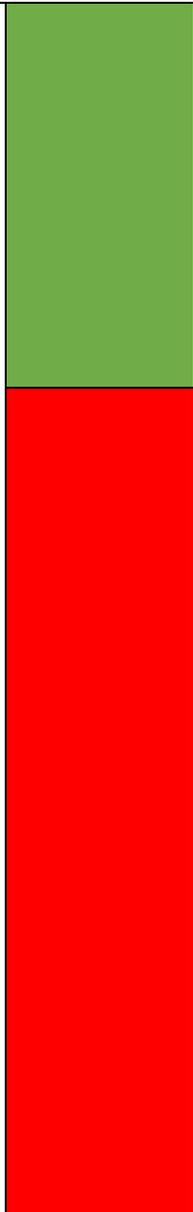
Financial Year 2020-21		
Priorities 2020-21	Progress	Comment
<p>1. To ensure that the conservation objectives of Marine Protected Areas in the district are furthered by:</p> <p>a) Development of management measures for ‘red-risk’ gear/feature interactions in the Inner Dowsing, Race Bank and North Ridge SCI, and the Haisborough, Hammond &amp; 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. Development of management measures where required.</p>		<p>1a. <b>Ongoing.</b> <i>Haisborough, Hammond &amp; Winterton</i>: Officers have been reviewing the results of the formal consultation with a view to submit to the MMO for formal QA. Additional impacts on fishers were identified as a result of information received after the formal consultation which are being investigated. This work has been delayed as a result of other priorities.</p> <p><i>Inner Dowsing, Race Bank &amp; North Ridge</i>: Proposed measures presented for Authority consideration in September 2020. Ongoing scrutiny of evidence for some additional areas where the data did not appear to support the conservation advice. Informal engagement on potential management areas was undertaken in 2019/20 and identified potential impact on mussel seed fishery, but there remains a clear requirement for feature protection.</p> <p>1b. <b>Ongoing.</b> Officers have assessed the impact of non-potting fisheries on Cromer Shoal Chalk Beds MCZ – including new information on activity supplied to the Authority after the initial assessment had been completed – currently considering feedback from Natural England. Management of bottom towed fisheries agreed under Marine Protected Areas byelaw 2019. Officers are continuing to assess impact of potting fisheries on site, and will utilise evidence from Natural England’s dive survey (report due August 2020) and Natural England’s subsequent formal</p>

advice. An additional evidence-gathering exercise was launched by officers in late December 2019, to inform the assessment of potting fisheries, but engagement to support this has been put on hold because of COVID-19 restrictions.

1c. **Ongoing.** No further progress has been made on monitoring and control plans as work has been focused on red risk management. However, work undertaken to identify an appropriate shrimp fishing effort threshold will inform the shrimp permit byelaw and monitoring and control plan.

1.d. **Ongoing.** Formal consultation on shrimp fishing effort management closed on the 3<sup>rd</sup> March 2020. This has informed a paper to this meeting (Action Item 12 – Shrimp Permit Scheme) and revisions to the proposed shrimp effort limitation scheme.

Assessments started for later-designated sites within (or straddling) EIFCA district: Greater Wash SPA and extension of Outer Thames Estuary SPA. No further progress during quarter because of prioritisation of red risk work (see above) and Wash Fishery Order (cockle fishery) assessments.

<p>2. To ensure that sea fisheries resources are exploited sustainably and in accordance with MSFD requirements:</p> <p>a) Development of management measures in relation to shrimp fisheries sustainability.</p> <p>b) Development of management measures in relation to crab and lobster fisheries</p> <p>c) Increase scope of research project and voluntary gathering of whelk samples and undertake stock assessment and assessment of size at sexual maturity sustainability</p>		<p>2a. <b>Ongoing.</b> Voluntary measures are now in place which seek to ensure sustainability in the context of the industry led, Marine Stewardship Council accreditation scheme. Officers are engaging with the scheme to assist in the monitoring of compliance with the voluntary measures, including, for example, an increased minimum mesh size. The implementation of the voluntary scheme has lowered risk associated with the fishery and the priority assigned to developing regulatory measures has reduced as a result. Officers intend to monitor the success of the voluntary measures with a view to consider regulatory measures as necessary.</p> <p>2b. <b>Delayed.</b> Further engagement towards developing sustainability measures was paused during Q1 as a consequence of the COVID-19 crisis. During Q1, officers worked towards developing a Fisheries Improvement Project with the aim of addressing industry viability issues associated with the reduced status of the crab fisheries according to the Marine Conservation Society's 'good fish guide'.</p> <p>2c. <b>Ongoing.</b> Whelk research has focused on analysing landings data provided from the whelk landings returns in order to monitor effort, landings and trends in Landings Per Unit Effort (LPUE) and determining the Size of Maturity (SoM) through bio-sampling. Analysing landings data has revealed a large increase in effort over the past five years, most of which is focused In The Wash or along the North Norfolk Coast. In these two areas, LPUE seems to have passed a peak and is now declining, suggesting the stocks</p>
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		<p>are now being fished at unsustainable levels. The SoM study took samples from The Wash, Lowestoft, Sea Palling and Southwold. The purpose of this study was to determine if the Minimum Landing Size (MLS) of 55mm is appropriate for the size at which whelks attain maturity. The results of the study indicate the MLS is appropriate for The Wash but too small for Lowestoft and Sea Palling. The results indicated whelks from Southwold mature at a smaller size than the other three sites, but the data for this site originated from a single sample, so could be an artefact. It is recommended further samples are collected from Southwold to strengthen that data, and also to sample more areas. Obtaining samples from additional areas has, however, been difficult throughout the study.</p>
<p>3. To ensure that the marine environment is protected from the effect of exploitation by reviewing district wide biosecurity measures including management of invasive, non-native species by:</p> <p>a) Implementation of WFO Shellfish Lay lease conditions</p>		<p>a) <b>Ongoing.</b> No progress was made during Q1 towards completing the draft revised lease conditions. Officers intend to further this workstream during Q2 and Q3 including dialogue with the Crown Estate.</p>
<p>4. To develop management of the fisheries regulated under the WFO (regulated and several fishery):</p> <p>a) Continued development of WFO policies.</p>		<p>4a. <b>Delayed.</b> Officers are undertaking a review of policies in the context of best practice seen in other licenced fisheries. Consultation was intended to start during end of Q1 but was paused as a consequence of the COVID-19 social distancing measures, which precluded the intended inaugural industry meeting on the matter (planned for June). Officers have been developing a revised engagement plan and the</p>

<p>b) Replacement of WFO 1992</p> <p>d) Development of cockle fishery and mussel fishery management plans following their review for the WFO 1992 fisheries. Implementation of, fisheries management plan and regulations</p>		<p>timeline for delivery has been adjusted (pushed back) to reflect the delay in starting consultation.</p> <p>4b. <b>Delayed.</b> The next step involves dialogue with industry but, as above, dialogue with industry (planned for Q1 and Q2) has been delayed as a result of the COVID019 crisis. Officers intend to reengage with industry subsequent to the cockle fishery closure in Q3.</p> <p>4c. <b>Delayed.</b> Officers have been in dialogue with Defra for a significant amount of time regarding this matter and delivery is significantly delayed. Defra committed resource to consenting proposals regarding licence fee changes which were further altered as a consequence of the COVID-19 pandemic instead of towards finalising the Regulations.</p> <p>4d. <b>Ongoing.</b> The cockle fishery management plan has been developed and signed off by the Authority, following consultation with the Industry and Natural England. The measures contained within it have been used to guide the 2019 and 2020 cockle fisheries. Work has not yet started on developing a new mussel fishery management plan, so potential mussel fisheries are still guided by policies within the 2008 WFO 1992 Shellfish Policies. The mussel beds are currently in decline due to suffering on-going high mortalities and poor recruitment. The cause of these issues needs to be better understood before an effective mussel fishery management plan can be developed.</p>
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5. Industry Viability		
a) Investigation into mussel die off		
b) Development of a Fisheries Improvement Plan for crab and lobster		
c) Economic assessment of hand-work cockle fishery viability		<p>5a. <b>Ongoing.</b> Officers have conducted a study to determine if a parasite, <i>Mytilicola intestinalis</i>, known to be present in the mussels could be responsible for the high mortalities. This study found no correlation between the incidence of the parasites and mortalities, however. In February, officers liaised with scientists from Cefas with the intention of starting a joint project to look closer at the problem holistically rather than just at pathogens. Sampling for the project was due to commence in March but the Covid-19 situation meant Cefas's laboratories were closed to new projects, while social distancing restrictions meant we were unable to collect samples. This project, therefore, has been put on hold until the Covid-19 situation improves.</p> <p>5b. <b>Ongoing.</b> The recent reduction of the MCS Good Fish Guide scores for Southern North Sea crab and lobster mean some of the larger markets will choose not to buy crab and lobster from this area. Industry members approached the Authority about developing a Fisheries Improvement Plan for these two species, aimed at improving these scores. The Authority has been supporting this process by research what step will be required in the development of a FIP. The process now needs further liaison with the industry, which has been hindered by the Covid-19 situation.</p> <p>5c. <b>Ongoing.</b> Officers have developed a draft economic assessment project plan and are in dialogue with SeaFish regarding commissioning them (or an associated consultancy) to undertake the required work. As the project would include dialogue with industry, the start date for the</p>

		project is still to be confirmed in the context of COVID-19 restrictions.
6. Obtaining better fisheries data:  a) Implementation of I-VMS for all fisheries		<b>Ongoing.</b> No further progress was made during Q1 which reflects the delays in the national project. In the event that delays continue, the Authority may wish to consider local regulation as an interim measure pending national legislation.

**Key:**

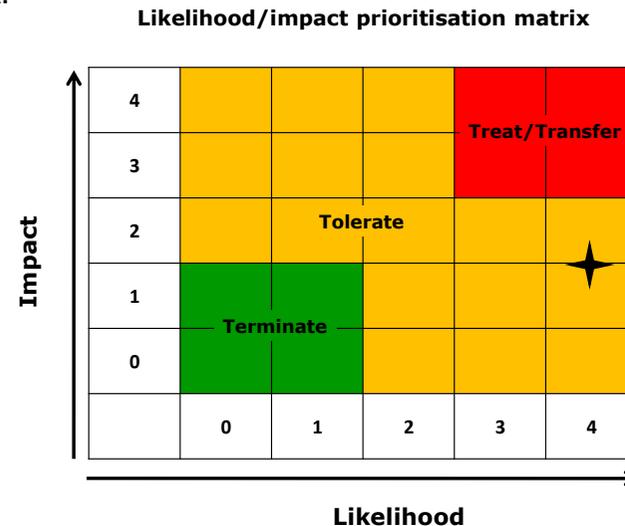
	<b>Complete</b>
	<b>In progress</b>
	<b>Progress stalled</b>

## APPENDIX 2 - Risk Register

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:

<b>Treat</b>	Take positive action to mitigate risk
<b>Tolerate</b>	Acknowledge and actively monitor risk
<b>Terminate</b>	Risk no longer considered to be material to Eastern IFCA business
<b>Transfer</b>	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"> <li>• Current level of reserves provides a short-term buffer to cover replacement of <i>RV Three Counties</i></li> <li>• EMFF funding for a new open RHIB was secured</li> <li>• Seek efficiencies and promote cost effectiveness.</li> <li>• Demonstrate value for money.</li> <li>• Advertise/promote Eastern IFCA output and effectiveness to funding authorities through regular engagement with Council leaders and Financial Directors.</li> <li>• Engage with partner agencies to identify alternative funding sources</li> <li>• Explore asset sharing initiatives</li> <li>• 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 7th November 2019.</li> </ul>	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.				

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
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	<b>3</b>		<b>3</b>		<ul style="list-style-type: none"> <li>Monitor EU exit developments – Defra lead on development of the post-EU exit landscape</li> <li>Engage in national fora to help inform and influence developments (e.g. IFCA Chief Officers Group, Association of IFCAs)</li> <li>Continue “business as usual”</li> <li>Prepare for change</li> <li>Ensure Eastern IFCA is “match fit”</li> <li>Maintain communication with partners</li> <li>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.</li> <li>Officers engaged in future of inshore fisheries management work with Defra and other stakeholders. Officers are also seeking engagement with the REAF initiative.</li> </ul>	<b>Transfer</b>
			<b>Reputation</b>	<b>Financial</b>	EU exit will have an inevitable but currently unpredictable impact. Eastern IFCA responsibilities unchanged in the short term to medium term			
			<b>3</b>	<b>3</b>				
			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	<b>4</b>		<b>2</b> 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"> <li>• Provide a leadership function.</li> <li>• Be proactive and identify issues early.</li> <li>• Engage with all partners routinely.</li> <li>• Use Business Plan to prioritise and communicate outputs, Measure progress/deliver outputs</li> <li>• Represent community issues to higher authorities</li> <li>• 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.</li> </ul>	<b>Tolerate</b>
			<b>Reputation</b>	<b>Financial</b>				
			<b>4</b>	<b>4</b>				
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	<b>3</b>		<b>2</b> Possible – disenfranchised partners seek to introduce doubt as to Eastern IFCA professionalism, utility and effectiveness		<ul style="list-style-type: none"> <li>• Actively and regularly engage with all partners including media outlets.</li> <li>• Utilise full potential of social media and web-based information.</li> <li>• Embed professional standards and practices.</li> <li>• Deliver change efficiently and effectively.</li> <li>• Promote activity</li> <li>• Assure recognition and understanding through community events</li> <li>• Routine updating of news items on website.</li> <li>• Active on social media with demonstrable improvements in 'reach'. Parliamentary Review (above).</li> </ul>	<b>Tolerate</b>
			<b>Reputation</b>	<b>Financial</b>				
			<b>4</b>	<b>2</b>				
			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 infringement nationally resulting in significant financial penalties at the local level.	<b>3.5</b>		<b>2</b>  Possible - Eastern IFCA's approach to managing sea fisheries resources considers environmental obligations		<ul style="list-style-type: none"> <li>Proposed fishing activities authorised by Eastern IFCA are assessed per Habitats Regulations</li> <li>Eastern IFCA is fully engaged in national fisheries/MPA project, prioritising management of highest risk fisheries in MPAs and implementing new management measures</li> <li>Effective monitoring of fishing activity and enforcement of measures</li> <li>Adaptive 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 factors</li> <li>Ongoing, close liaison with Natural England regarding all conservation matters</li> <li>Review agreed Wash Cockle &amp; Mussel Policies</li> <li>Develop the use of iVMS as a management tool by the Authority</li> <li>Continue 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.</li> <li>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.</li> </ul>	<b>Tolerate</b>
			<b>Reputation</b>	<b>Financial</b>				
			<b>4</b>	<b>3</b>				
			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"> <li>Annual stock assessments of bivalve stocks in Wash</li> <li>Annual review of the level of threat via the Strategic Assessment</li> <li>Ability to allocate sufficient resources to monitoring of landings and effective enforcement</li> <li>Consultation with industry on possible management measures</li> <li>Use Project Inshore Phase 4 output to inform MSC pre-assessment review of fisheries and validate management measures</li> <li>Develop stock conservation measures for crab and lobster fisheries through engagement with Cefas and fishing industry</li> <li>SWEEP research into primary productivity levels within the Wash</li> <li>Regular engagement with the industry to discuss specific matters</li> <li>Continued research into the cockle mortality events</li> <li>Maintain whelk management measures</li> <li>Introduce shrimp management measures</li> <li>Consider bass management measures if necessary in light of EU/UK measures</li> <li>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.</li> </ul>	Treat
			Reputation	Financial	Possible - Bivalve stocks have high natural variation; "atypical mortality" affecting stocks despite application of stringent fishery control measures			
			3	3	Crustacean stocks not currently subject to effort control			
			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	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			

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"> <li>All computers are password protected. Individuals only have access to the server through their own computer.</li> <li>Secure wireless internet</li> <li>Remote back up of electronic files</li> <li>Access to electronic files is restricted</li> <li>Up to date virus software installed on all computers</li> <li>Important documents secured in safes</li> <li>ICT equipment and policies provided by public sector provider – including encrypted laptops/secure governmental email system</li> <li>All Eastern IFCA personnel undergo DPA training</li> <li>Electronic backup of all Eastern IFCA documents held by ICT provider offsite</li> <li>Policies and processes developed to ensure compliance with GDPR.</li> </ul>	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 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"> <li>Association of IFCA's has consistently lobbied for the continuation of funding</li> <li>Association of IFCA's 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)</li> <li>Finance Directors representatives briefed and understand that in the event that the funding is discontinued there may be a desire to increase levies</li> </ul>	Tolerate
			Reputation	Financial	Defra have continued to roll over new Burdens funding in recognition of the value that IFCA's 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 3 – Risk Register Update Quarter 1

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 <sup>th</sup> November 2019. Annual meeting to be diarised for October 2020.
Impact of EU exit on Eastern IFCA duties and the wider economic environment	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. Officers engaged in future of inshore fisheries management work with Defra and other stakeholders. Officers monitoring development of the REAF initiative.
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. Participation in the Fishing into the Future event in early 2020
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. Innovative approach to surveys to enable the 2020 Wash cockle fishery.
Failure to secure data	Policies and processes developed to ensure compliance with GDPR.

	New polices developed as part of workstream to implement Data Sharing Agreements between the IFCA's and the MMO and all staff received training on data protection and cyber security during Q1 & 2 this year.
New Burdens funding discontinued	Funding for this year confirmed but Defra have advised that this is the last year that New Burdens funding will be paid in its current form. Defra and the IFCA's are working on the 'co-design' of a replacement for New Burdens, which is likely to be at current levels with the allocation to each IFCA unchanged. It will form part of SR 2020 and the CEO is engaged in this work with Chief Officer Group colleagues.

### 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

09 September 2020

#### Cockle Fishery 2020

**Report by:** Julian Gregory, CEO

#### **Purpose of Report**

The purpose of the paper is to update members on the 2020 cockle fishery including the revised survey methodology adopted as a consequence of the COVID-19 pandemic.

#### **Recommendations**

It is recommended that members:

- **Note** the content of the report

#### **Background**

At the 39<sup>th</sup> Eastern IFCA meeting held on 11<sup>th</sup> March 2020 members agreed to delegate authority to the CEO, in conjunction with the Chair or Vice-Chair, to make decisions relating to the management of the 2020 cockle fishery within the Wash Fishery Order 1992 (WFO) and the Wash Restricted Area Fishery (WRA). Members also directed officers to report on the management of the 2020 WFO cockle fishery at the 40<sup>th</sup> Eastern IFCA meeting, which wasn't held due to the Covid-19 pandemic.

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

- Fishing method (however, the fishery is now a default hand-work fishery);
- Total Allowable Catch (TAC);
- Opening date;
- Operating times; and
- Any closed areas which may be required.

#### **Report**

##### Development of management measures and opening the fishery

As a consequence of the COVID-19 pandemic and associated Government restrictions placed upon the country it was not possible to undertake the annual cockle stock survey which would ordinarily be used to determine key management measures including open areas (taking into account juvenile cockle density) and a Total Allowable Catch.

An additional complexity was the increased risk of impacts on over-wintering birds because of limited food availability. An important element of the Habitats Regulation Assessment (HRA) is determining if there is sufficient biomass of shellfish to feed the over-wintering wader populations. To ensure that there is sufficient food available, the HRA considers mussel and cockle stocks against a biomass threshold. As mussels contribute proportionally more (double) to the model than cockles, there was the potential that the usual one third of adult cockles allocated to the fishery would need to be reduced. Addressing this issue in the context of not having a cockle survey was considered a significant risk to the fishery.

However, an alternative methodology was developed which analysed previous years cockle survey data to determine which beds were likely to suffer from die-off as a result of atypical mortality. The rationale being that, even in the absence of cockle stocks data, a fishery on these beds would not significantly risk impacting bird food available (or cockle stocks for that matter) as the majority of the cockles would perish prior to being available as bird food. In addition, it was proposed that where other die-off was observed (including via 'ridging-out' which is not apparent until later in the season) further beds could be considered for opening following the same rationale.

Officers also engaged the industry and Natural England with regard the proposal.

The CEO discussed the matter with the Chair and Vice-Chair at a meeting on the 28<sup>th</sup> April 2020 and agreed to approve the alternative methodology. In addition, the CEO advised that the outcomes of the discussions with industry and Natural England would be taken into account in the delivery of the fishery.

A key concern of Natural England was being able to ensure sufficient food available to birds in the context of declining mussel stocks and no cockle survey.

Fishery stakeholders were primarily concerned by the limited areas proposed to be open to the fishery in the context of anticipated die-off and what was perceived as large cockle stocks based on their experience from fishing in 2019. In addition, King's Lynn based fishermen felt at a disadvantage as most of the beds proposed as open were on the Boston side of the Wash which increased the likelihood of days lost due to poor weather affecting their ability to make passage from King's Lynn.

As a consequence, a revised methodology was developed, which involved a smaller scale survey using 74 sites as opposed to the 1300 or more in a normal survey). Comparing the changes between the areas surveyed to the 2019 survey data enabled an estimated stock biomass to be extrapolated across all beds in the Wash and for a TAC to be determined. This enabled a more flexible approach than the initial measures proposed with the effect of enabling the justification of opening additional areas to the fishery. The survey report is at Appendix 1.

The available survey data, results of consultation and dialogue with Natural England were all considered in the context of the cockle fishery management plan<sup>14</sup> to finalise

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<sup>14</sup> <https://www.eastern-ifca.gov.uk/wp-content/uploads/2019/09/WFO-Cockle-Fishery-Management-Plan-2019.pdf>

proposed management measures for the fishery. The CEO consulted with the Chair and Vice-Chair on the 12<sup>th</sup> June 2020 who were in agreement with the proposals. For the most part, this embodied the established measures (i.e. the WFO Regulations and standard Licence conditions). In summary, the key management measures specific to this year's fishery were as follows:

- Opening Date – 22<sup>nd</sup> June 2020
- Method of fishing – handwork only
- Total Allowable Catch – 3636 tonnes
- Open beds:
  - Roger;
  - Tofts;
  - Wrangle;
  - Friskney;
  - Mare Tail; and
  - Gat.
- Operating times – in accordance with established principles (i.e. 4-days per week, Monday to Friday, tide heights of more than 6m) but with variations where needed to provide sufficient fishing opportunity.
- Amendment to the 'Code of best practice' relating to use of marker buoys:
  - limitation on the number of marker buoys to two per vessel;
  - requirement to label buoys with vessel PLN;
  - requirement to made for purpose buoys (made of marine grade plastic or cork) rather than recycled bottles to other items; and
  - requirement to remove marker buoys after fishing an area.

WFO Licence holders and skippers were notified in writing of the fishery's opening and the associated management measures.

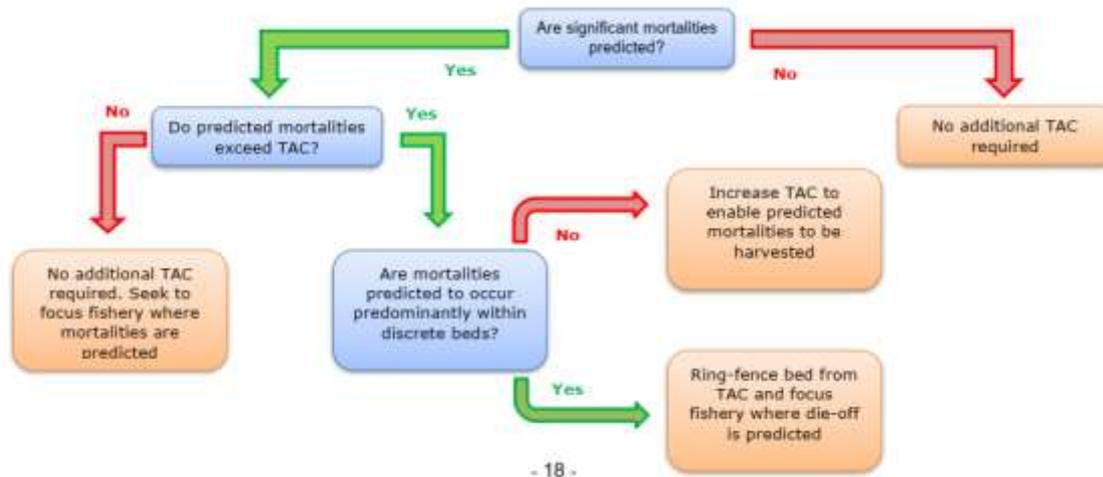
#### Opening additional areas

As per the original proposals, the Dills and Inner Westmark Knock (IWMK) were surveyed in June and July as they were considered to be at risk of potential die-off through ridging-out, a process whereby high density juvenile cockles force older cockles out of the sediment as they grow and which are then lost to the fishery.

The survey indicated that whilst the Dills was not at risk of significant die-off, the IWMK was at risk. An HRA had pre-emptively been submitted to Natural England regards opening these beds following a survey identifying them as at high risk. Therefore, the IWMK was opened as at 23:50 on the 26<sup>th</sup> July 2020.

Feedback from fishery stakeholders included a request to consider providing additional TAC in the context of having identified further die-off. The premise for this was that in previous years, the Authority has increased the TAC (or set an unlimited TAC in certain areas) on the basis that cockle stocks would be lost in any case.

Considering additional TAC is considered within the cockle fisheries management plan. This plan includes measures that have been agreed with NE for adaptive management when high mortalities are anticipated. This includes the following flowchart:



The situation at the time of opening the IWMK did not meet the requirements of the plan to accommodate additional TAC because there was considered to be sufficient TAC remaining.

#### Fishery progress and uptake

An average of 46 vessels are operating in the cockle fishery on a daily basis, landing on average 1936kg of cockle per trip and the value of catch (which varies with quality of cockle landed) is reportedly circa £0.60 per kilo. An estimated first sale value of the fishery this year is therefore £2.18 million.

At the time of writing, the cockle TAC (of 3636 tonnes) is predicated to be exhausted after fishing on the 26<sup>th</sup> August and cockle fishermen have been notified of the fishery's closure thereafter.

The key concerns of the industry remain the level of die-off, the limited open areas and the TAC. There is a perception held by some within the industry that mismanagement is resulting in significant losses of cockles which could otherwise be taken by fishermen and there seems to be a significant drive from the industry to be given additional TAC. This is thought to be driven, in part, by poor prospects for the coming shrimp fishery, which ordinarily starts during August and September. In addition, there is also a perception that there would be significantly more TAC available had the Authority undertaken the usual annual cockle survey. This view is not shared by officers, who are confident that the limited survey does reflect the current state of the stocks so far as it can. Officers have engaged with industry throughout to allay concerns and explain the rationale for the current fishery, including on the quay, over the phone and via letters.

#### Further work

Whilst the TAC is nearing exhaustion, there are still reports of significant die-off on certain beds. The potential to provide further TAC is therefore currently being considered in accordance with the cockle fishery management plan, however, there remain significant barriers. In particular, being able to grant additional TAC is dependent on our ability to ensure sufficient food remains within the bird food availability model. As a consequence of mussel stock declines, the biomass available to birds is very close to the minimum threshold (circa 700 tonnes) and so

any additional TAC will be limited in any case. In addition, cockle die-off is not thought to result in 100% cockle mortality with a proportion surviving to contribute to bird food biomass. Fishing mortality would likely also remove those cockles which would survive in addition to those which would perish.

Nonetheless, further survey's are being undertaken between the 24<sup>th</sup>-26<sup>th</sup> August 2020 to review the state of Friskney and IWMK in particular where mortality is reportedly high. If the survey indicates that the mortality will exceed the TAC and that there may be opportunity for further TAC, officers will consider this within the context of the protection of the Marine Protected Area and in dialogue with Natural England.

The complexity of the circumstances in this year's fishery necessitates careful consideration in order to balance the needs of the fishery, the industry and the marine protected areas within which they operate.

### **Financial Implications**

No financial implications outside of established budget expenditure.

### **Legal Implications**

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

### **Appendices**

Appendix 1 – 2020 WFO 1992 Cockle Stock Assessment

### **Background Documents**

Unconfirmed minutes of the 39<sup>th</sup> Authority meeting held on 11<sup>th</sup> March 2020

## Appendix 1 - 2020 WFO 1992 Cockle Stock Assessment



### 2020 WFO 1992 Cockle Stock Assessment

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Version	Date	Changes	Officer
1.0	19/05/2020	First draft	RWJ

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## Executive summary

Due to the risks posed by COVID-19 Coronavirus, it was not possible for EIFCA to conduct their annual WFO1992 cockle surveys in 2020. Instead, a highly-targeted series of samples were collected from 74 stations that could be used to show what changes had occurred at those sites compared to the 2019 survey data. These changes were then extrapolated to other beds in order to estimate the current cockle biomass.

The calculations estimate the current cockle biomass to be:

- Adult stock (cockles  $\geq 14$ mm width) – **10,908 tonnes**
- Juvenile stock (cockles  $< 14$ mm width) – **11,371 tonnes**
- Total stock – **22,279 tonnes**

From these figures, the TAC for the fishery was calculated to be **3,636 tonnes**

## Introduction

The intertidal cockle stocks in The Wash provide an important resource for the local fishing industry, particularly to the ports of Boston and King's Lynn. In addition to supporting the fishery, these stocks also provide an essential food resource for the internationally important communities of birds that reside or over-winter in The Wash. It is important, therefore, for both the wildlife communities and the sustainability of the fishery, to ensure the fishery is managed and targeted in a responsible manner that does not result in a crash in the stocks.

Following heavy fishing pressure in the 1980s and 1990s, which had resulted in declining stocks and "boom and bust" fisheries, an annual Total Allowable Catch (TAC) system of managing the fishery was introduced in 1998, in which the fishery was assigned one third of the adult cockle stock (cockles  $\geq 14$ mm width) as their annual quota<sup>15</sup>. Since its introduction, the application of a TAC has helped limit exploitation to sustainable levels, stabilising the fishery and facilitating a stock recovery through the 2000s.

This period has also seen a growing environmental awareness introduced into the management of the fisheries, whereby the fisheries are not just limited to ensure their sustainability, but to protect designated environmental features and communities. This has resulted in the need to submit detailed Habitat Regulations Assessments (HRA) to Natural England before fisheries can be consented, to ensure they will not have a detrimental impact on the site's Conservation Objective targets. In 2007 a suite of Management Policies was developed and agreed between Eastern Sea Fisheries Joint Committee (ESFJC)<sup>16</sup>, Natural England and the fishing industry. These management policies have guided the management of the cockle fishery since their

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<sup>15</sup> As determined by the spring cockle surveys.

<sup>16</sup> The predecessor of Eastern IFCA.

introduction and formed the foundation of a new Cockle Fisheries Management Plan, which was introduced in 2019 to update them.

The management of the fishery is heavily reliant on having robust evidence to inform the decisions. Usually this is provided by a comprehensive stock assessment survey programme that involves analysing samples taken from approximately 1,250 stations, covering 24 beds. These surveys provide information about the distribution, biomass and age and size structures of the cockle stocks, from which the TAC for the fishery can be determined and which beds can be opened or require closures. Information from the surveys is also used within the HRA to ensure the proposed fishery does not have an adverse impact on the site's features.

The surveys are conducted using the research vessel, *Three Counties*, and a crew of five officers. Because the tidal nature of The Wash ports restricts access to high water periods, when ideally the vessel would be conducting the surveys, the vessel generally remains at sea for 2 to 4 days at a time in order to maximise the time available for sampling. Without remaining at sea overnight, sampling efficiency would be greatly reduced, resulting in either a reduced sampling programme or the surveys taking much longer to complete.

In light of the Government's advice regarding social distancing and working from home during the current Covid-19 Coronavirus crisis, it was determined that the risk to the crew of operating in close proximity on *Three Counties* for lengthy periods was too high. A decision was made, therefore, that the 2020 survey programme would be cancelled and an alternative approach to managing the fishery would be sought. In the absence of stock information from which a TAC could be calculated, ideas for a "contingency" fishery were developed, in which the fishery would focus within "ring-fenced" areas in which cockle mortalities were anticipated to be high.

Subsequent to developing contingency measures, a limited, but highly focused stock assessment was conducted between 5<sup>th</sup>-7<sup>th</sup> May. This report details that assessment, and how the information derived from it has been used in conjunction with the 2019 stock assessment to provide an up to date estimation of the current stocks.

## Method

Under the current Covid-19 Coronavirus social distancing restrictions, it would not be possible to sample all 1,250 stations that comprise a normal cockle survey. Instead, a strategic approach to sampling was adopted, whereby the 2019 survey data were used to inform where the highest densities of the stocks were anticipated to be situated and to then focus on surveying those areas.

74 sample stations from 8 beds were selected, focusing on areas that had supported the highest concentrations of 2018 year-class cockles at the time of the 2019 survey. It was assumed that due to mortalities among the older cohorts, this would be the dominant cohort this year. These 74 stations were situated on the same positions as existing survey sites that had been sampled in 2019 so that temporal changes at specific locations could be assessed.

On 7 of the beds, sampling was conducted using a small Van Veen grab, deployed by hand from the open RHIB, *Sea Spray*, with a crew of 2. Because this grab only has a sampling area of 0.028m<sup>2</sup> compared to the 0.1m<sup>2</sup> of a Day grab or quadrat, there was an increased risk that localised variations in cockle density would be magnified. To reduce this risk and provide a better estimation of cockle density at each site, two grabs were collected from each station and combined into 0.056m<sup>2</sup> samples.

In addition to these 7 beds, *Three Counties* was deployed to Friskney, where both a grab survey and low water assessment were conducted. For this survey a 0.1m<sup>2</sup> Day grab was used for collecting samples and a 0.1m<sup>2</sup> quadrat for the low water assessment.

Apart from the low water assessment on Friskney, all samples were processed once ashore. All cockles in the retained samples were individually measured to the nearest millimetre by width and separated into two size groups:

1. Those of width equal or greater than 14mm
2. Those smaller than 14mm width.

The cockles within these two groups were then further separated into age classes using their annual growth rings to age them (taking care to identify whether outer ring was the current or previous year's growth). The number of cockles in each age-size group was recorded and the total weight of cockles in each group measured to the nearest 0.01g.

The analysis and how the data have been extrapolated are described below.

## Using the 2019 stock assessment to assign stations for 2020 assessment

Figures 1-3 show the distribution of 2018 year-class (Year-0) cockles at the time of the 2019 spring survey. Although at the time of that survey this cohort only accounted for approximately a third of the total cockle biomass, because of the growth of these individuals, combined with high mortalities of older cohorts, by 2020 they were anticipated to be the dominant cohort. The 2020 assessment, therefore, focused heavily on areas where this cohort was most concentrated. Figures 4-6 show where the 2020 sample stations were taken.

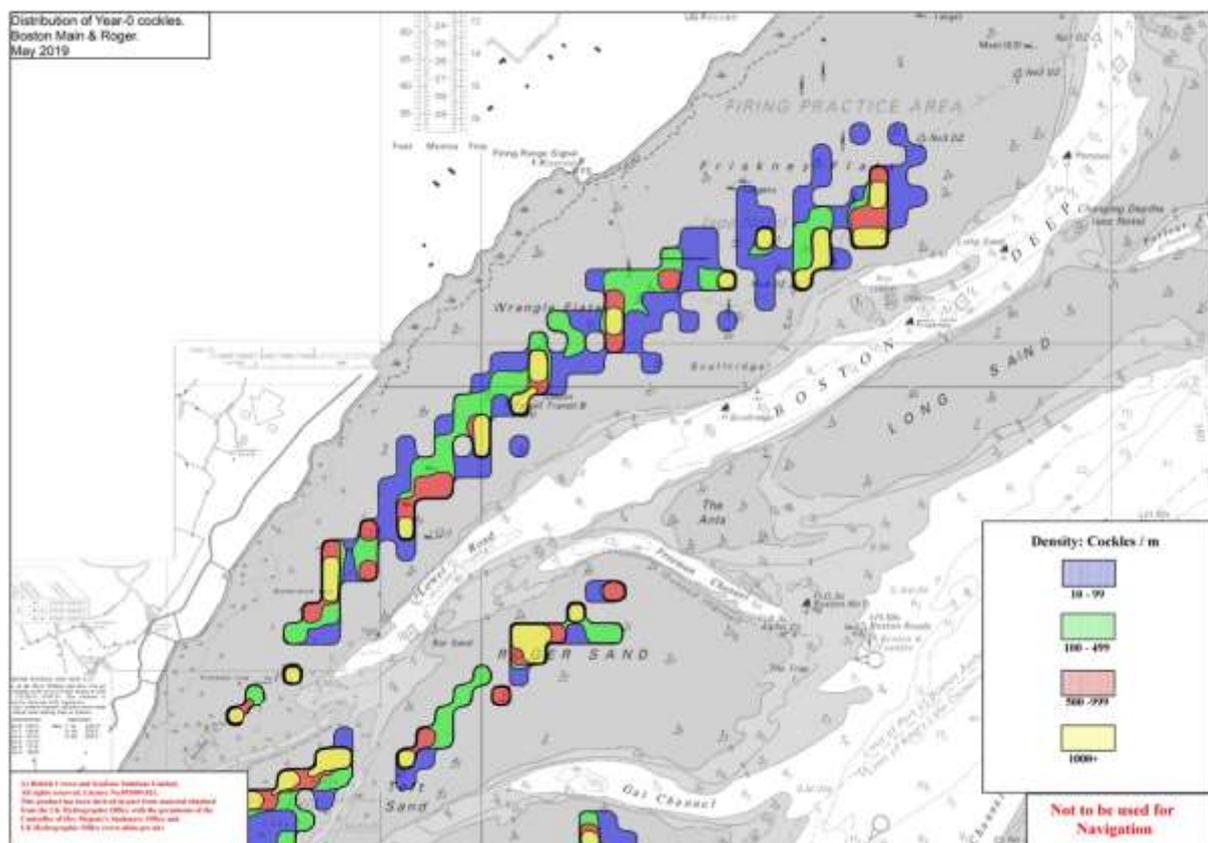


Figure 1 – Chart showing the stocks of Year-0 juvenile cockles on the Butterwick, Wrangle, Friskney and Roger/Toft sands

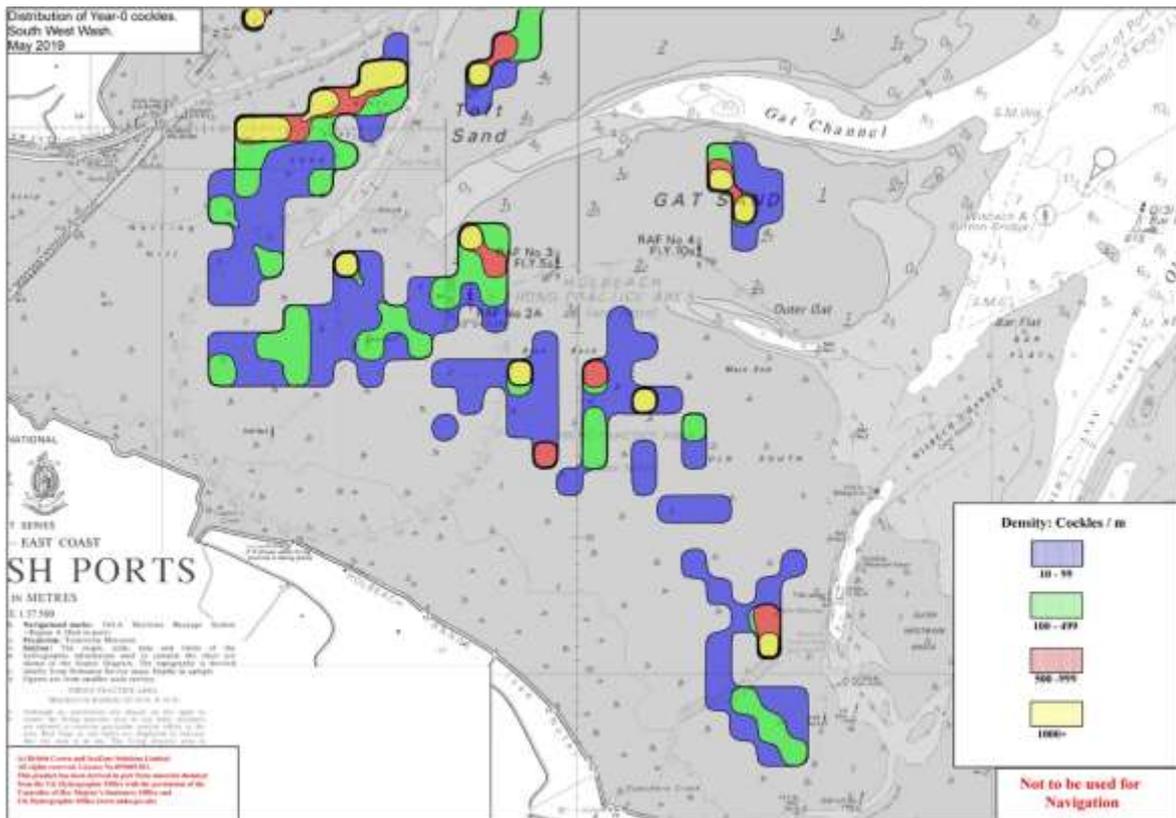


Figure 2 - Chart showing the stocks of Year-0 juvenile cockles on the Black Buoy, Dills, Herring Hill, Mare Tail, Gat and Holbeach sands

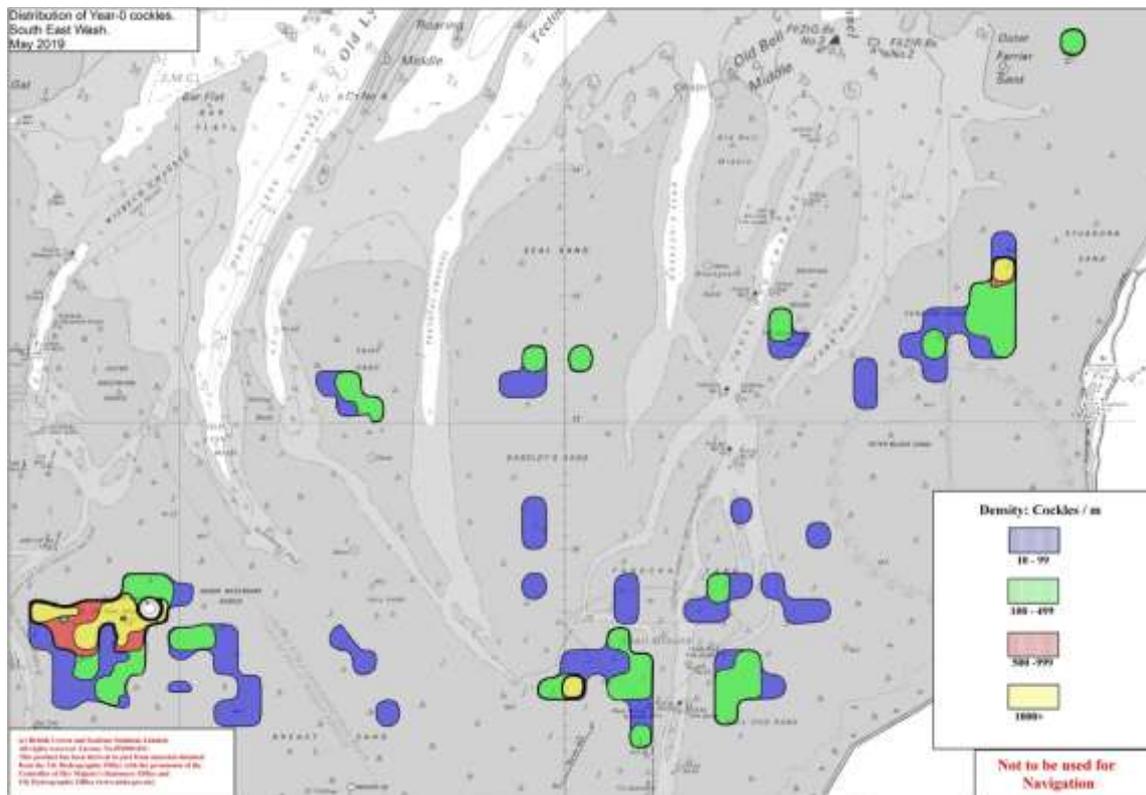


Figure 3 – Chart showing the stocks of Year-0 juvenile cockles on the IWMK, Breast, Thief, Daseley's, Pandora, Peter Black and Outer Ferrier sands

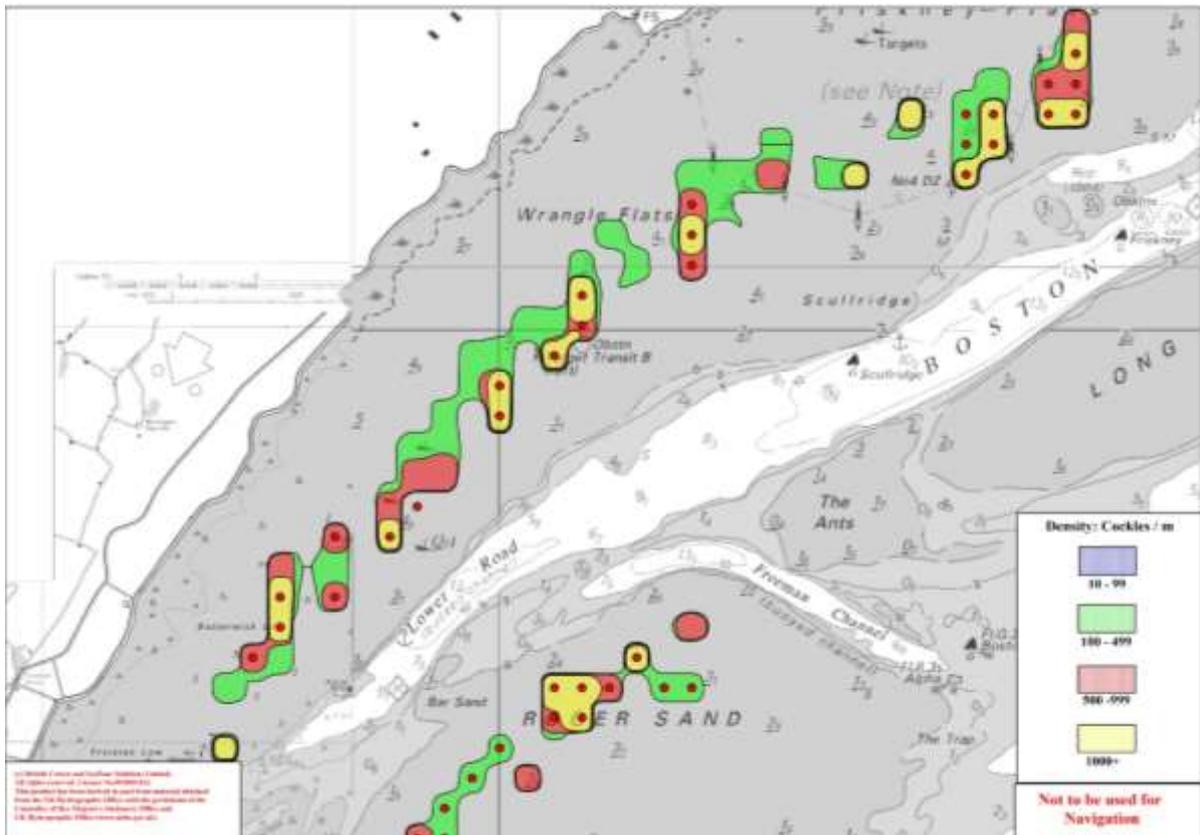


Figure 4 – Positions of sites surveyed during 2020 assessment on Butterwick, Wrangle and Friskney

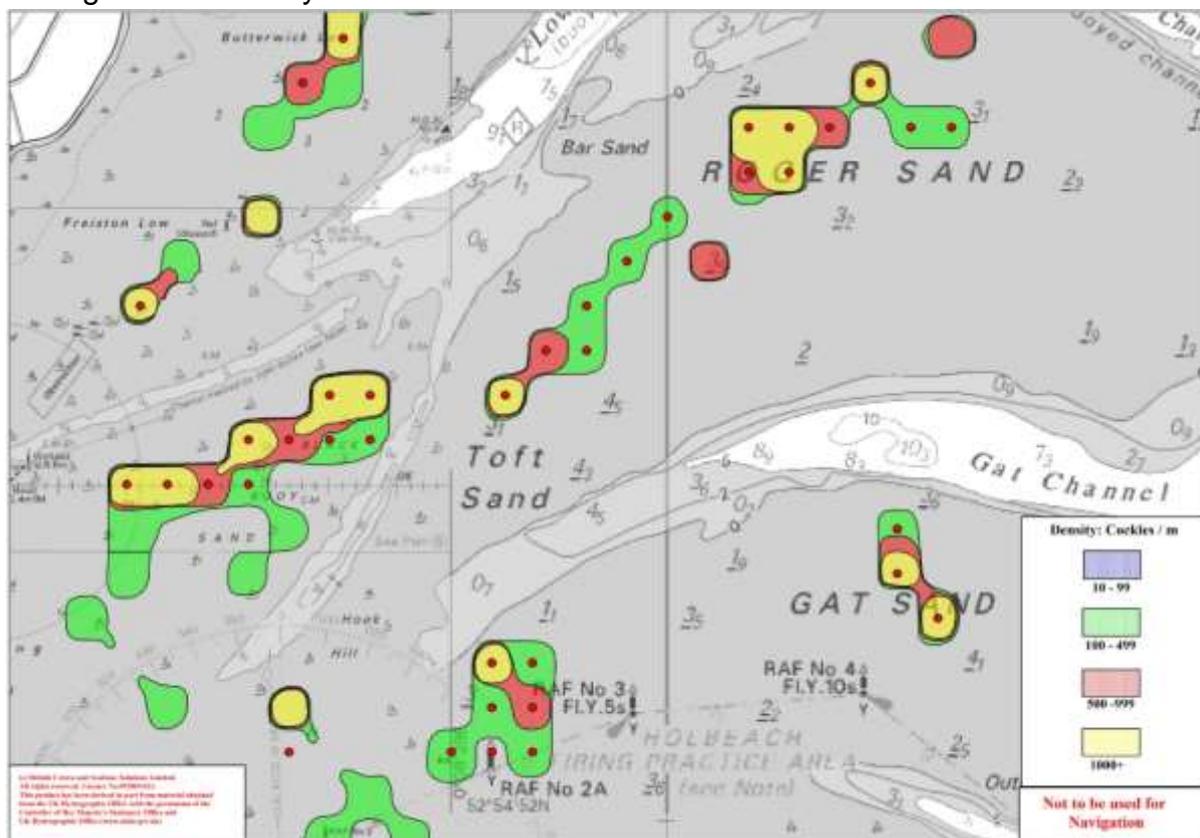


Figure 5 – Positions of sites surveyed during 2020 assessment on Black Buoy (the Dils), Roger/Toft, Mare Tail and the Gat

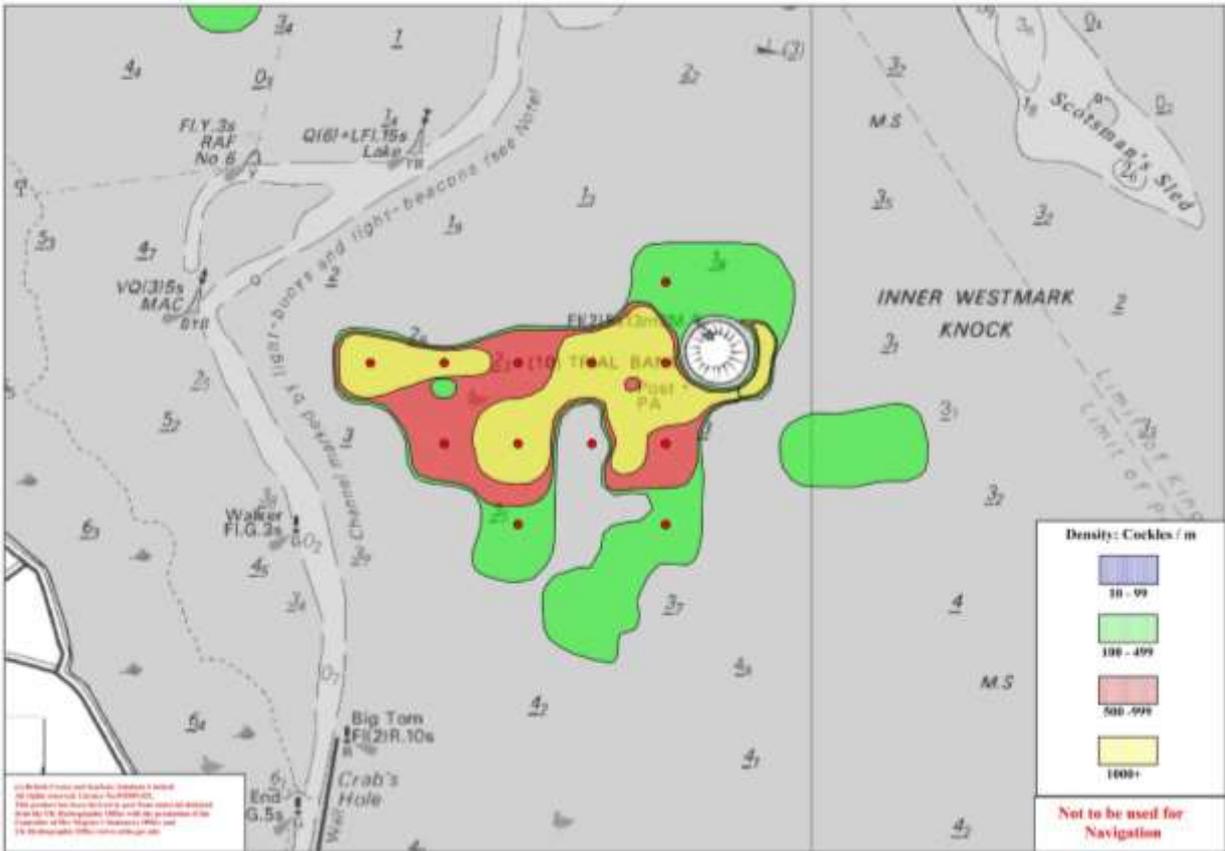


Figure 6 – Positions of sites surveyed during 2020 assessment on IWMK

To determine how well the 74 survey stations selected for the 2020 assessment represented the actual cockle distribution, the 2019 survey data was studied using pivot tables in Excel to determine what proportion of the cockle biomass in the samples from those beds were found within samples from those 74 sites. These proportions are shown in table 1.

Table 1 – The proportion of cockle biomass from each bed represented by the 2020 survey stations

Bed	% of Wgt18	% of Wgt16	% of WgtGrt14	% OfWgtLess14	% of TotalWgt
Black Buoy	98.0	48.1	47.4	97.7	84.6
Butterwick	65.5	37.5	37.9	64.0	47.5
Butterwick EXT	40.3	0.0	0.0	36.2	19.1
Friskney	69.2	37.1	35.5	69.2	61.3
Gat	94.8	7.9	7.8	84.5	15.1
IWMK	61.3	56.5	55.1	60.4	57.7
Maretail	64.3	63.5	62.0	56.4	60.3
Roger	91.7	34.2	28.9	91.2	45.5
Wrangle	70.0	9.7	8.9	64.8	22.7
Grand Total	65.3	16.4	16.9	49.4	28.4

The figures in table 1 show that while the 74 stations only represented 17.5% of the 424 stations sampled from those beds in 2019, the proportion of cockles found in those particular samples were much higher. The 74 stations were strategically selected to specifically focus on areas in which the 2018 year-class cohort had been prevalent in 2019. The figures show that 65.3% of the total biomass of this cohort sampled from these beds came from these 74 stations, and that on some beds (Black Buoy, Gat, Roger), over 90% were present in these samples. For this particular year-class, therefore, the 74 samples sites provide a good representation of the wider beds from which they are taken.

Because the site selection had focused specifically on the 2018 year-class cohort, which had a different distribution to the 2016 year-class cohort (the predominant cohort in 2019 in terms of biomass), these sample stations align less well with the distribution of 2016 cohort. Only 16.9% of the sampled biomass of this cohort were present in samples from these 74 stations in 2019, although on some beds (Black Buoy, Butterwick, Friskney, IWMK, and Mare Tail), more than 30% were found in these stations. This means the 74 stations provide a poorer representation of the 2016 year-class cohort than for the 2018 cohort, making any data extrapolations less accurate. While the 2016 cohort was the dominant cohort in 2019, however, it is anticipated to have suffered high mortalities during the last year making it less important than the 2018 cohort.

In terms of cockle sizes, while only 16.9% of the “adult” ( $\geq 14\text{mm}$ ) cockles, that would have contributed towards the 2019 TAC, came from these stations, 49.4% of the juvenile ( $< 14\text{mm}$ ) biomass did. These proportions reflect that most of the  $\geq 14\text{mm}$  cockles would have been 2016 year-class cockles, hence poorly represented by the 74 stations, while the  $< 14\text{mm}$  cockles would have mainly been the 2018 cohort, plus lower numbers of 2017 and slow-growing 2016 cockles.

## Results from 2020 survey stations

The data from the 74 sample stations were entered into Excel, with columns for the number and weights of cockles in each sample from each year-class cohort, and the numbers and weights in each sample that were  $\geq 14\text{mm}$  and  $< 14\text{mm}$  width. Because most of the samples from the 2020 survey were collected using two grabs of a  $0.028\text{m}^2$  Van Veen grab (total area  $0.056\text{m}^2$ ) rather than the usual  $0.1\text{m}^2$  Day grab, the data from those stations collected with the Van Veen grab were multiplied up to  $0.1\text{m}^2$  so that they could be directly compared with 2019 survey data. Also, because the 2019 survey data recorded the cohorts as Year-0, Year-1 etc, which would be confusing when comparing the same cohorts as a year older in 2020, all cohort data headings were changed to show the year of the cohort (eg. 2019 year-class, rather than Year-0 etc). Table 2 shows the relationship between year-class and cohort age during the two surveys.

Table 2 – Relationship between cohort year-class and age during the two surveys

Year-class	Year of survey	
	2019	2020
2019 year-class	n/a	Year-0
2018 year-class	Year-0	Year-1
2017 year-class	Year-1	Year-2
2016 year-class	Year-2	Year-3
2015 year-class	Year-3	Year-4

### Assessment based on the 74 sampled stations

Figures 7-9 show the cockle densities found at each station sampled in 2020.

The similarities between the cockle densities seen in figures 8 and 9 (e.g. between the density of cockles  $< 14\text{mm}$  and the density of 2018 year-class cockles) shows that most of the 2018 year-class cohort are still under  $14\text{mm}$  width. The main differences are on Friskney and two stations on Mare Tail, where a higher proportion of this cohort has reached  $14\text{mm}$  than on other beds. Baring these faster-growing 2018 year-class cockles, most of the  $\geq 14\text{mm}$  stocks shown in figure 7 are surviving individuals from the 2016 year-class cohort.

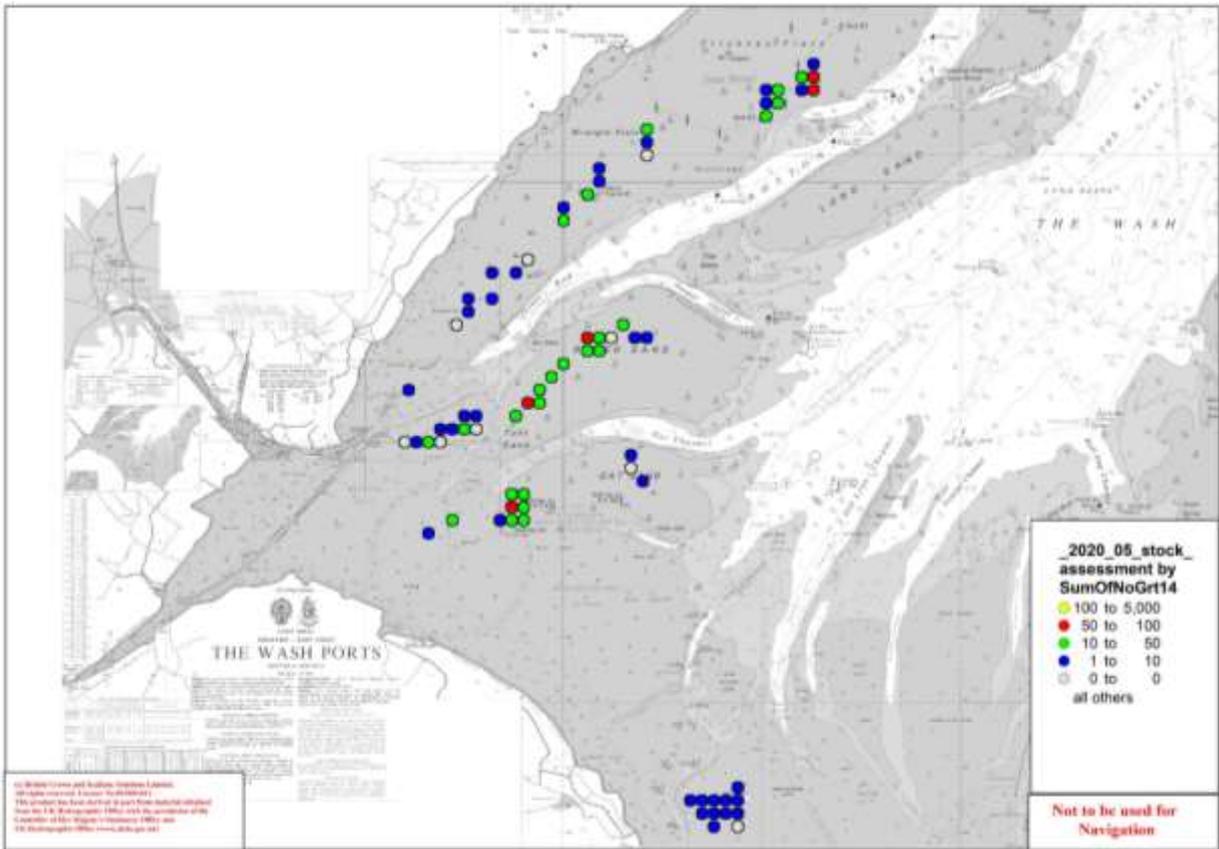


Figure 7 – Densities of cockles  $\geq 14$ mm width found at each of the 2020 survey stations

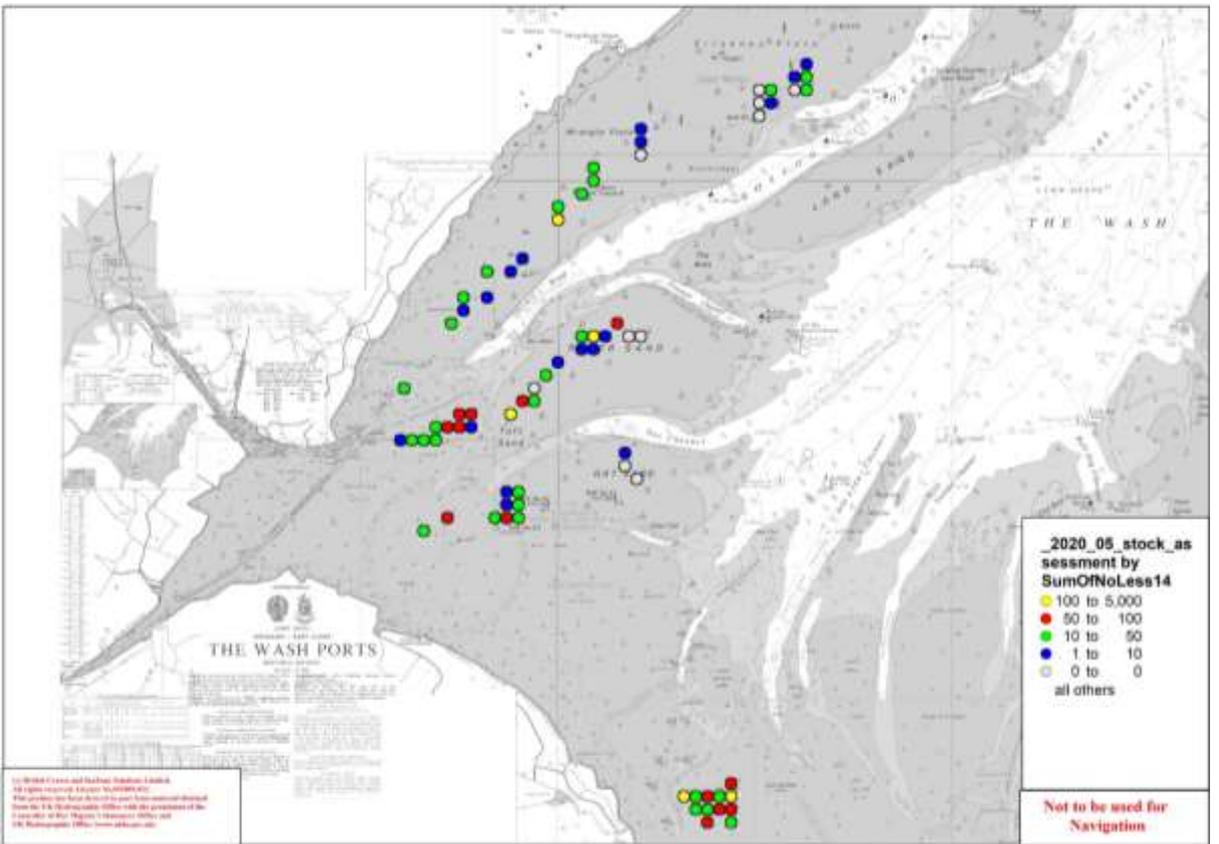


Figure 8 – Densities of cockles  $< 14$ mm width found at each of the 2020 survey stations

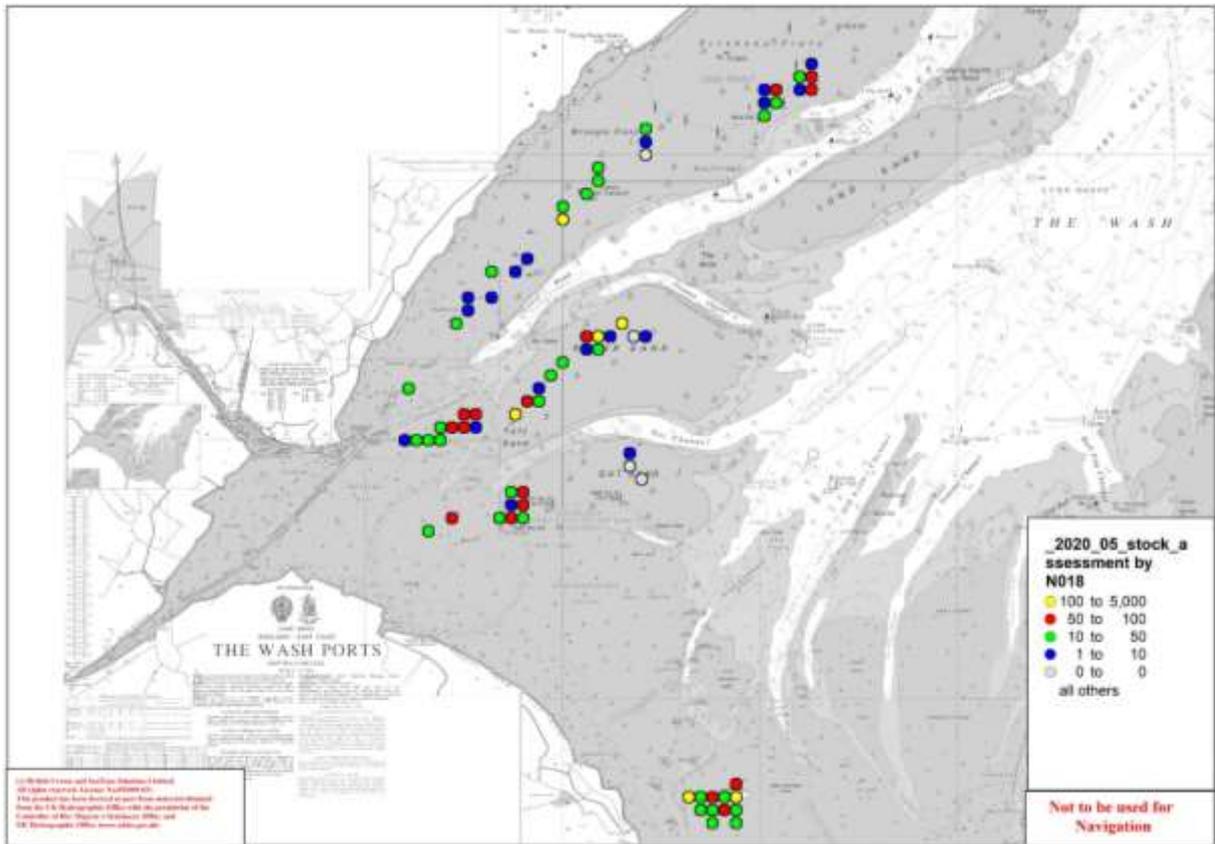


Figure 9 – Densities of 2018 year-class cockles found at each of the 2020 survey stations

Table 3 – The number and weight of cockles from each cohort found in the samples from the 74 stations during each survey

Bed	No 2019		Wgt 2019		No 2018		Wgt 2018		No 2017		Wgt 2017		No 2016		Wgt 2016		No 2015		Wgt 2015	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
Black Buoy	0	2	0	0.80	2490	389	638.4	973.81	2	0	4.53	0.00	24	12	106.8	60.89	0	0	0	0
Butterwick	0	20	0	17.77	655	77	126.3	193.19	2	4	5.16	12.57	35	9	135.1	53.91	1	0	4.49	0
Butterwick EXT	0	0	0	0.00	186	16	35.21	40.16	0	0	0	0.00	0	0	0	0.00	0	0	0	0
Friskney	0	0	0	0.00	1988	307	744.2	1097.55	0	2	0	14.60	14	2	105.2	24.62	1	0	11.76	0
Gat	0	0	0	0.00	346	7	77.72	24.21	0	1	0	14.79	11	0	68.26	0.00	0	0	0	0
IWMK	0	61	0	52.39	2196	700	364.3	1526.83	8	2	16.79	5.45	71	20	266	109.41	17	0	100.3	0
Maretail	0	4	0	2.29	557	366	141	871.42	30	0	58.29	0.00	136	91	553.7	457.89	11	0	81.74	0
Roger	0	0	0	0.00	1551	704	361.6	2180.23	5	7	6.15	44.68	64	27	308.1	176.50	1	0	5.36	0
Wrangle	0	0	0	0.00	1985	336	313.8	994.44	1	0	1.41	0.00	32	11	138.7	74.23	0	0	0	0
Total	0	86	0	73.25	11954	2901	2802	7901.85	48	15	92.33	92.09	387	172	1682	957.45	31	0	203.7	0

Table 3 shows the number and weight of cockles from each cohort found in the samples taken from the 74 stations during the 2019 and 2020 surveys. These show that while the total number of 2018 year-class cockles have declined from 11,954 in 2019 to 2,901 in 2020 (a reduction of 76%), their weight has increased from 2,802 grams to 7,902 grams (a 282% increase). The 2016 year-class cockles, which were previously the dominant cohort, have declined in number from 387 to 172 (a decline of 56%), while their weight has declined by a lesser amount from 1,682 grams to 957 grams (a reduction of 43%). Among the less dominant cohorts, the number of 2017

year-class cockles have reduced from 48 to 15, while their weight has remained similar at 92 grams. The low number of 2015 year-class cockles that were still present in 2019 have now disappeared, but some beds have had a light settlement of 2019 year-class cockles subsequent to the 2019 survey. The numbers indicate this has only been a poor settlement in these areas, however, which conforms with recent trends in which the best settlements have been occurring on the even-numbered years.

The differences in cockle numbers and weights for each bed shown in table 3 have been calculated as percentage changes and displayed in table 4. In this table the figures show the 2020 weights as a percentage of that found in 2019, so a figure higher than 100% would indicate the stock has increased in size, while figures lower than 100% indicate the stock has declined.

Table 4 – The percentage difference between the stock biomass in 2020 compared to 2019.

<b>Bed</b>	<b>2018 cohort</b>	<b>2017 cohort</b>	<b>2016 cohort</b>	<b>2015 cohort</b>
Black Buoy	152.6	0.0	57.0	0
Butterwick	153.0	243.6	39.9	0
Butterwick EXT	114.1	0.0	0.0	0
Friskney	147.5	0.0	23.4	0
Gat	31.2	0.0	0.0	0
IWMK	419.2	32.4	41.1	0
Maretail	618.2	0.0	82.7	0
Roger	603.0	726.5	57.3	0
Wrangle	316.9	0.0	53.5	0
Mean	282.0	99.7	56.9	0

#### Determining stock biomass within sampled area

In order to estimate the actual cockle biomass within beds, the sample data is scaled up from the size of the sample to the area the sample represents within the bed.

During our usual stock assessments, the extent of a cockle bed is modelled by drawing an interpolated area in MapInfo GIS around the survey sites that contain cockles, cutting away areas that don't contain any. The area of this modelled bed is then multiplied by the mean biomass of cockles within each station found within the bed to produce a figure for the biomass of cockles within the bed. With the limited number of stations used in the 2020 assessment, this approach wouldn't be useful. Instead, another commonly used approach has been used, whereby the cockle biomass in each sample has been scaled up by the area that sample represents and then each of these figures summed to produce an overall figure for the bed. In this case, because all of the samples are taken on a regular grid with dimensions 335.4m x 370.6m, each sample represents an area of 12.43 hectares. The sample data have, therefore, been scaled from 0.1m<sup>2</sup> to 12.43 hectares, and from grams to tonnes by using a scaling factor of x1.243 on the samples.

In theory, the application of the two methods should produce identical results. When tested on the 2019 data, however, it produced slightly different results with the scaling up of individual areas producing a result 2.5% higher than when mapping out the bed by hand. As there are potentially errors incurred when interpolating the modelled extent of the bed by hand, it would be expected that the individual scaling method would be more accurate. However, when manually drawing beds, the edges of sandbanks or lays can be cut away, which are still included when an individual scaling method is used. Additionally, some of the stations on the Thief and Whiting Shoal beds have a slightly higher resolution than elsewhere, giving them a slight bias using the individual scaling approach. Also, the original dataset used for the 2019 stock assessment contained some additional stations on IWMK and the Breast that had been gathered for ORSTEAD. While these were used in the original calculations to determine mean biomass, they have been removed from this analysis where individual scaling has been used.

Having scaled up the sample data, as described above, figures for the stock biomass within the sampled areas have been calculated. These are shown in table 5 for 2019 and table 6 for 2020.

Table 5 – Biomass of cockles (tonnes) within the area represented by the 74 sample stations in 2019

Bed	Wgt Yr-19	Wgt Yr-18	Wgt Yr-17	Wgt Yr-16	Wgt Yr-15	Wgt Grt14	Wgt Less14	TotalWgt
Black Buoy	0	793	6	133	0	136	796	932
Butterwick	0	157	6	168	6	177	173	350
Butterwick EXT	0	44	0	0	0	0	44	44
Friskney	0	925	0	131	15	145	925	1070
Gat	0	97	0	85	0	85	97	181
IWMK	0	453	21	331	125	450	489	939
Maretail	0	175	72	688	102	743	294	1037
Roger	0	449	8	383	7	403	461	864
Wrangle	0	390	2	172	0	166	398	564
Total	0	3483	115	2090	253	2305	3678	5982

Table 6 – Biomass of cockles (tonnes) within the area represented by the 74 sample stations in 2020

Bed	Wgt Yr-19	Wgt Yr-18	Wgt Yr-17	Wgt Yr-16	Wgt Yr-15	Wgt Grt14	Wgt Less14	TotalWgt
Black Buoy	1	1210	0	76	0	222	1065	1287
Butterwick	22	240	16	67	0	104	241	345
Butterwick EXT	0	50	0	0	0	21	29	50
Friskney	0	1364	18	31	0	1077	336	1413
Gat	0	30	18	0	0	37	11	48
IWMK	65	1898	7	136	0	220	1885	2106
Maretail	3	1083	0	569	0	1063	593	1655
Roger	0	2710	56	219	0	1701	1553	3254
Wrangle	0	1236	0	92	0	451	877	1328
Total	91	9822	114	1190	0	4897	6590	11487

Because the data in tables 5 and 6 have been scaled up from those presented in table 3, they show the same patterns of increase or decline as seen in table 3 but represent the estimated biomass of cockles on the ground within the sampled areas. While most beds have increased significantly in stock biomass between the two surveys, mainly due to the growth of the 2018 year-class cockles, the stocks on the Gat shows a significant decline for all cohorts. This is most likely due to this bed being heavily fished during the 2019 fishery, while the other beds were either closed or suffered lighter exploitation rates.

#### Extrapolating the data to estimate cockle biomass for entire beds

The information in tables 5 and 6 are based on 74 actual samples that were taken from a selection of standard survey stations. As such, they show the same information that would have been obtained from those stations had a full survey been conducted. They do, however, only represent 17.5% of the 424 stations on these beds that were used during the 2019 survey. While they were specifically selected to cover the most abundant patches of cockles, it is nevertheless important to estimate what stock is present beyond those 74 stations.

Merely scaling the 2020 data up by the area of the whole bed would not provide an accurate estimation. Because the 74 stations focused on the highest density patches, purely scaling up the results by the overall area would grossly over-estimate the stock. To provide a more accurate estimation, the percentage changes between the 2019 and 2020 survey data shown in table 4 were used to adjust the original stock biomass data present on those beds at the time of the 2019 survey. The original stock data for each bed are shown in table 7, while table 8 shows the estimated figures for 2020 after being adjusted by the figures in table 4.

These calculations do not take into account the 2019 year-class cohort, which was not present at the time of the 2019 survey and is thought to only be present in low densities now.

Table 7 – Cockle biomass (tonnes) of each year-class cohort calculated to be present on the beds at the time of the 2019 survey

<b>Bed</b>	<b>2018 cohort</b>	<b>2017 cohort</b>	<b>2016 cohort</b>	<b>2015 cohort</b>	<b>Total Wgt</b>
Black Buoy	810	8	276	7	1101
Butterwick	239	15	448	16	737
Butterwick EXT	109	6	108	6	229
Friskney	1337	0	352	57	1746
Gat	102	5	1080	14	1201
IWMK	471	25	378	143	1028
Maretail	272	138	1085	227	1721
Roger	490	8	1118	248	1897
Wrangle	557	4	1784	78	2487
Total	4388	209	6628	796	12147

Table 8 - Cockle biomass (tonnes) of each year-class cohort calculated to be present on the beds at the time of the 2020 assessment

<b>Bed</b>	<b>2018 cohort</b>	<b>2017 cohort</b>	<b>2016 cohort</b>	<b>2015 cohort</b>	<b>Total Wgt</b>
Black Buoy	1235	0	157	0	1393
Butterwick	366	36	179	0	581
Butterwick EXT	124	0	0	0	124
Friskney	1972	0	82	0	2055
Gat	32	0	0	0	32
IWMK	1975	8	155	0	2139
Maretail	1684	0	897	0	2581
Roger	2954	56	641	0	3650
Wrangle	1766	0	955	0	2721
Total	12372	208	3773	0	16354

The figures in table 8 estimate the total cockle biomass on these beds to be 16,354 tonnes, an increase on the 12,147 tonnes present on the same beds the previous year. Looking at individual cohorts, it can be seen that the older 2016 and 2017 year-class cockles have declined in biomass, but these losses have been more than compensated with increased biomass of the 2018 year-class cohort. These figures follow predicted trends in which the older cohorts of larger cockles suffered high mortalities following the 2019 surveys, while the smaller cockles from the younger 2018 cohort increased significantly in weight, offsetting any mortalities they had suffered.

Interestingly, the figures in tables 6 and 8 show that 11,487 tonnes of the total stock of 16,354 tonnes come from the actual surveyed areas. That such a high proportion comes from actual surveyed areas rather than those that were extrapolated minimises the risk that the figures over-estimate the stock.

While this method has estimated the changes of stock biomass at each of the stations, no attempt has been made to map the estimated distribution of cockles from these data. The method used has assumed that the cockle populations at each station will have suffered the same rates of mortality and growth as each other. In reality, such an occurrence would be very unlikely. At some stations, mortalities will have been higher or growth slower than estimated, while at others mortality will have been lower or growth higher. While, this would make any attempts to map the extrapolated cockle distributions prone to localised inaccuracies, over the whole 424 stations, such differences can be expected to even each other out and produce a reasonable estimation of stock biomass. That said, it should be noted, that because cockle growth tends to be slower in high-density patches and mortality higher, this method will tend to produce an overall under-estimation of stock. Because it is important that the fishery management maintains stocks above minimum food requirement thresholds required for the birds, it is better that an assessment such as this provides an under-estimation of stock rather than an over-estimation, thus providing a safe buffer rather than a deficit.

#### Estimating stock biomass on the beds that weren't included in the 74 stations

Based on the 2019 survey data, the 74 sample stations were deliberately situated where the concentrations of cockles were anticipated to be the highest. This resulted in 8 cockle beds being surveyed, all but one of which were on the western side of The Wash. In addition to these beds, a further 13 were included in the 2019 survey. Table 9 shows the stock biomass that the 2019 survey estimated was present on these remaining beds.

Table 9 – Cockle biomass (tonnes) of each year-class cohort calculated to be present on the remaining beds at the time of the 2019 survey

<b>Row Labels</b>	<b>2018 cohort</b>	<b>2017 cohort</b>	<b>2016 cohort</b>	<b>2015 cohort</b>	<b>Total Wgt</b>
Blackguard	1	0	19	0	20
Breast	147	652	1725	248	2778
Daseleys	4	9	825	69	907
Friskney Ext	1	0	22	0	23
Herring Hill	94	18	103	6	246
Holbeach	258	35	1241	400	1940
Outer Ferrier	22	0	0	0	22
Pandora	13	3	62	0	78
Peter Black	19	8	481	6	515
South Ferrier	91	1	1040	8	1140
Stylemans	7	6	157	0	170
Thief	21	3	104	118	304
Whiting Shoal	0	0	41	0	41
<b>Total</b>	<b>678</b>	<b>736</b>	<b>5820</b>	<b>856</b>	<b>8183</b>

The figures show that approximately 40% of the total stock present at the time of the 2019 survey were present on these beds, three-quarters of which were on either the Breast, Daseleys, Holbeach or South Ferrier sands. It wasn't possible to extend the survey to include these beds, but as they supported 40% of the stock in 2019, they need including in this assessment. Because we have no data from the 2020 samples to show what changes may have actually occurred in these areas, this is more difficult to estimate for these remaining beds.

In the absence of any data that could be used to show actual changes, information gained from the eight surveyed beds was used to estimate what changes may have occurred. One approach to do this could have been to use an average of the changes seen from the surveyed beds and to apply these figures to all of the remaining beds. Beds are known to behave differently, however, in terms of cockle growth and mortality

rates. Additionally, some had been fished at heavier rates during the 2019 fishery than others. Instead of applying an average set of figures across all of the beds, therefore, each bed was looked at in terms of the similarities it shared with one or more of the surveyed beds, both in terms of cockle growth and mortalities, plus 2019 fishing activities. Where there was insufficient knowledge to assign specific beds, an average of all the beds was used. The changes seen among these “proxy” beds were then used to estimate changes that may have occurred among the remaining beds. Table 10 shows the beds that were used to simulate the changes to the remaining beds. Table 11 shows the estimated stocks on the remaining beds after the changes have been applied.

Table 10 – Surveyed beds used as “proxies” for the unsurveyed beds, based on similar characteristics

<b>Unsurveyed bed</b>	<b>Proxy bed(s) used in assessment</b>
Blackguard	Gat
Breast	Butterwick, Butterwick Ext, IWMK, Mare Tail
Daseleys	IWMK
Friskney Ext	Friskney, Wrangle
Herring Hill	Black Buoy, Mare Tail
Holbeach	Butterwick, IWMK, Mare Tail
Outer Ferrier	Average of all beds
Pandora	Average of all beds
Peter Black	Black Buoy, Butterwick, Mare Tail
South Ferrier	Average of all beds
Stylemans	Roger
Thief	Roger
Whiting Shoal	Roger

Table 11 – Cockle biomass (tonnes) of each year-class cohort calculated to be present on the remaining beds at the time of the 2020 survey

<b>Row Labels</b>	<b>2018 cohort</b>	<b>2017 cohort</b>	<b>2016 cohort</b>	<b>2015 cohort</b>	<b>Total Wgt</b>
Blackguard	0	0	0	0	0
Breast	480	450	706	0	1636
Daseleys	18	3	339	0	360
Friskney Ext	2	0	9	0	11
Herring Hill	364	0	72	0	435
Holbeach	1023	32	677	0	1733
Outer Ferrier	62	0	0	0	62
Pandora	36	3	35	0	74
Peter Black	57	7	288	0	352
South Ferrier	256	1	592	0	849
Stylemans	45	42	90	0	177
Thief	129	24	59	0	213
Whiting Shoal	0	0	23	0	23
<b>Total</b>	<b>2471</b>	<b>563</b>	<b>2891</b>	<b>0</b>	<b>5925</b>

Unlike the eight surveyed areas, which the calculations estimate had increased in stock biomass since the 2019 survey, the stock on these remaining 13 beds has declined. This is mainly due to these areas originally having a higher proportion of older 2016 cohort cockles on them than found within the surveyed beds, so their losses were greater. Similarly, they have benefited less well due to having lower proportions of 2018 cohort cockles.

It should be noted that assigning proxy beds to assess changes on these 13 beds in the absence of actual 2020 data, means the results from these beds need to be treated with lower confidence than those from surveyed areas. However, as the stocks from these beds only represent 26.6% of the overall estimated stock for The Wash regulated beds, the risks associated with this lower confidence is greatly reduced.

### Total stock biomass for the regulated beds

Taking all of these figures into consideration, the total cockle biomass has been estimated to be 22,279 tonnes. Of these, 11,487 tonnes are situated within areas that were sampled during this assessment, so have a high degree of confidence associated to them. 4,867 tonnes are situated within the beds that were surveyed, but outside of the sampled areas. The data have been extrapolated from nearby sites, therefore, to calculate this figure, reducing their associated confidence to moderate. The remaining 5,925 tonnes are situated on un-surveyed beds, in which the assessment has included an element of judgement in addition to extrapolation. The data from these areas should, therefore, be considered to have low confidence.

### Estimating a TAC for the fishery

The TAC for the fishery is traditionally calculated as a third of the “adult” ( $\geq 14\text{mm}$  width) cockle biomass present at the time of the spring cockle surveys. To calculate the TAC, therefore, figures are required that show the amount of stock that has reached this size. During a usual stock assessment survey, the samples are divided into size groups so the  $\geq 14\text{mm}$  width cockles can be weighed separately to the  $< 14\text{mm}$  cockles. This is relatively simple and produces an accurate estimation of “adult” and “juvenile” stock biomass. Because not all cockles grow at the same rate, however, in the absence of site-specific weight data, it is difficult to estimate how many of the cockles may have attained 14mm width and how much they weigh.

Faced with limited sample data from 2020, this assessment has had to focus on changes to individual year-class cohorts when estimating the stock biomass, rather than which cockles may have attained 14mm width. To estimate how much of the cockle biomass is from  $\geq 14\text{mm}$  width cockles, a further process was required, therefore. For beds that didn't have any 2020 sample data, this involved studying the individual site data from a previous survey to determine what proportion of cockle biomass of each cohort on each bed had attained 14mm width. The 2018 survey data was used to do this, as the population dynamics for that year were similar to this year in terms of the proportions of the various cockle age cohorts. There wasn't sufficient time available to include every station from the 2018 survey in this particular analysis, but 315 stations that supported cockles were randomly selected from the dataset to be used. The results from this analysis are shown in table 12, which highlights the proportion of each cohort (by weight) that was found to have attained a size of 14mm width.

Table 12 – Proportion of each cohort 9by weight) to have reached 14mm width

Row Labels	% Yr0 Gtr	% Yr1 Gtr	% Yr2 Gtr	% Yr3 Gtr
BBuoy	0.0	12.0	100.0	100.0
Butt Ext	0.0	42.5	100.0	100.0
Butterwick	0.0	9.0	100.0	100.0
Friskney	0.0	75.5	100.0	100.0
Gat	0.0	62.0	100.0	100.0
IWMK	0.0	4.4	100.0	100.0
MareTail	0.0	45.5	100.0	100.0
Roger	0.0	36.9	100.0	100.0
Wrangle	0.0	29.0	100.0	100.0
Blackguard	0.0	0.0	100.0	100.0
Breast	0.0	3.4	76.6	100.0
Daseley	0.0	18.1	100.0	100.0
Frisk Ext	0.0	89.7	100.0	100.0
HHill	0.0	1.7	85.0	100.0
Holbeach	0.0	0.7	66.1	100.0
Outer Ferrier	0.0	18.1	82.1	99.8
Pandora	0.0	0.0	100.0	100.0
Peter Black	0.0	0.0	63.2	100.0
South Ferrier	0.0	18.1	82.1	99.8
Stylemans	0.0	58.5	100.0	100.0
Thief	0.0	8.6	100.0	100.0
Whiting S	0.0	93.2	100.0	100.0

From table 12 it can be seen no Year-0 cockles on any of the beds were found to have reached 14mm width, while almost 100% of the Year-3 cockles had. For the Year-1

and Year-2 cohorts the results are more mixed, with the faster-growing beds supporting higher proportions than the slower growing beds. It is also noticeable that the beds that were able to utilise the 2020 data have higher proportions among the Year-1 and Year-2 cohorts than beds in which the 2018 survey data was used. This is not thought to be related to the surveyed sites supporting faster growth than the non-surveyed beds, as samples from the surveyed beds showed higher proportions in 2020 than in 2018. The difference seems to be temporal rather than spatial, therefore, indicating the cockles in each cohort were smaller in 2018 than 2020. There are several explanations for this:

- The cockle stock in 2018 was approximately a third higher than present, so assumingly present in denser patches. This would have created greater interspecific competition between the cockles that may have stunted their growth to a greater extent in 2018.
- Spring water temperatures may have been warmer in 2020 than 2018, encouraging earlier growth.
- The mussel biomass was greater in 2018 than 2020. This may have affected the food availability.
- The 2020 samples were collected a few weeks later than would have been the case in 2018. This will have allowed some additional time for growth but is not thought sufficient to account for all of the difference seen.

Although these discrepancies reduce the overall confidence in the calculations, the figures do provide a means of calculating a TAC. By applying the values in table 12 to the stock biomass figures in tables 8 and 11, figures estimating the biomass of cockles  $\geq 14\text{mm}$  width on each bed were produced. These are shown in table 13.

Table 13 – The biomass (tonnes) of cockles from each cohort on each bed calculated to have reached a size of 14mm width.

	Wgt 19	Wgt 18	Wgt 17	Wgt 16	Wgt 15	TotalWgt
Black Buoy	0	149	0	157	0	306
Butterwick	0	156	36	179	0	370
Butterwick EXT	0	11	0	0	0	11
Friskney	0	1488	0	82	0	1571
Gat	0	20	0	0	0	20
IWMK	0	88	8	155	0	252
Maretail	0	767	0	897	0	1664
Roger	0	1089	56	641	0	1785
Wrangle	0	512	0	955	0	1467

Blackguard	0	0	0	0	0	0
Breast	0	16	345	706	0	1067
Daseleys	0	3	3	339	0	345
Friskney EXT	0	2	0	9	0	10
Herring Hill	0	6	0	72	0	78
Holbeach	0	7	21	677	0	706
Outer Ferrier	0	11	0	0	0	11
Pandora	0	0	3	35	0	39
Peter Black	0	0	4	288	0	292
South Ferrier	0	46	1	591	0	638
Stylemans	0	26	42	90	0	158
Thief	0	11	24	59	0	95
Whiting Shoal	0	0	0	23	0	23
Total	0	4409	544	5956	0	10908

The total stock of cockles that had reached a size of 14mm width was calculated to be 10,908 tonnes. This would produce a TAC of 3,636 tonnes.

### **Proposed measures for the 2020 fishery**

The cockle and mussel stocks in The Wash provide an essential food resource for the internationally important communities of birds that reside or over-winter in The Wash. Due to the site's environmental designations, EIFCA must ensure the fisheries are managed in a manner that does not threaten these communities. This has resulted in the need to submit detailed Habitat Regulations Assessments (HRAs) to Natural England before fisheries can be consented, to ensure they will not have a detrimental impact on the site's Conservation Objective targets. Normally, data collected from the spring surveys are fundamental in informing the management of the coming cockle fishery, ensuring the fishery is conducted in a manner that is both sustainable and does not have an adverse impact on the site's conservation features.

Once it became clear that the COVID-19 Coronavirus crisis would prevent the 2020 cockle survey programme from being conducted, options for managing the 2020 fishery were considered. The absence of survey data meant it would not be possible

to determine whether cockle stocks were above minimum thresholds required to sustain the bird populations. Usually, between the combined cockle and mussel stocks, there is an adequate margin to safely enable fisheries, but the recent decline of stock on the mussel beds has placed a greater emphasis on the cockle stocks to provide the required food. In light of an absence of an up to date cockle stock assessment, this greater emphasis is problematic. The figures from the 2019 survey indicate cockle stocks would be close to the minimum thresholds, so not knowing whether they had improved or declined means a precautionary approach is required when managing the fishery. The absence of strong evidence that the fishery would not reduce the stocks below minimum thresholds, means it would not be possible to open a normal fishery that would reduce stock levels further.

Since 2008 the cockles in The Wash have suffered high levels of “atypical” mortality. The age structure of the cockle population at the moment, when coupled with past mortality trends, indicate mortalities will be high this year, particularly on the faster-growing beds where the predominant 2018 year-class will reach 14mm width by early summer. Previous studies and observations have shown that in these faster-growing areas, losses are frequently as high as 95% mortality. As the majority of these losses have been found to occur over the warm summer months, these stocks do not contribute towards the food available for the over-wintering birds. To minimise the impact of anticipated mortality events, there are contingency measures in the Cockle Fishery Management Plan that focus the fisheries into areas where mortalities are expected to be high, thus harvesting the vulnerable stocks before they die. In some cases, where mortalities are anticipated to exceed the TAC of the fishery, such areas can be ring-fenced outside of the TAC. This year is one of those occasions – the fishery effectively has no TAC, but high mortalities are anticipated on fast-growing beds. A proposal was submitted to Natural England, therefore, for three areas on the Friskney, Roger and Gat sands to be ring-fenced to the fishery to harvest the stocks before they were lost to atypical mortality. In the absence of up to date survey data, it was difficult to determine what stock would be present in these areas in order to set a TAC, but as 90+% of the cockles were expected to die over the summer anyway, it was proposed that the fishery should be allowed to continue until the end of October when cooler temperatures generally stop atypical mortality. In addition to these three areas, the cockles on the Dills and IWMK sands were highlighted as being vulnerable to ridging out. The proposal was for these areas to remain closed but to observe them for signs of ridging out. Should it become apparent that widescale ridging out was likely to occur, limited fishing activity would be allowed to help thin them out. As ridging out would occur in dense patches of cockles, the proposal was that prop-washing would be prohibited during these thinning out activities as it could make the situation worse by thickening the cockles up.

The sampling and assessment described in this report have subsequently provided some information regarding the cockle stocks on the regulated beds. While it provides little information of the cockle distribution beyond the 74 sample stations, it does

provide an estimate of the overall cockle biomass from which a TAC can be derived. Importantly, it indicates the overall stock is 4,346 tonnes above that required by the birds, allowing a reasonable margin in which a fishery could operate with more normality.

Normally, provided with numerical evidence that the stocks were above required levels, the TAC would be set, and the fishery allowed to operate across most beds (barring those that required protection due to high densities of juveniles). Although the assessment has provided an estimation of the cockle biomass and a TAC for the fishery, caution is still required, however. This assessment, while taking a strategic approach to maximise the benefit from a limited number of samples, is still only based on 74 samples. Together, these represent 51.5% of the total estimated stock. The remaining 48.5% has been estimated by extrapolating these data. The confidence in their accuracy is lower, therefore, than data gained from a full stock assessment survey.

While the figures do enable a fishery to operate with more flexibility than the contingency measures that were originally proposed, it should also be remembered that high levels of mortality were predicted on the faster-growing beds. These mortalities will occur irrespective of whether they are fished and could reduce the stocks below levels required by over-wintering birds. It is important, therefore, that this year's fishery still focuses on harvesting cockles from areas in which the mortalities are anticipated to be the highest, namely those mentioned in the original proposal. The application of a TAC does enable a little more flexibility to the management of the fishery, however. Where the original proposal focused on beds where mortalities were anticipated to exceed 90%, other beds that are expected to experience 70+% mortality have now been considered. Based on the data from the 74 survey stations sampled this year, in which the cockles have grown faster than anticipated and are therefore considered to be vulnerable, the Roger open-area has been extended to include the Tofts, while patches on Wrangle and Mare Tail have also been proposed to be opened. Figure 10 shows the locations of the proposed open areas for the 2020 fishery over a background of the 2018 year-class cockle distribution.

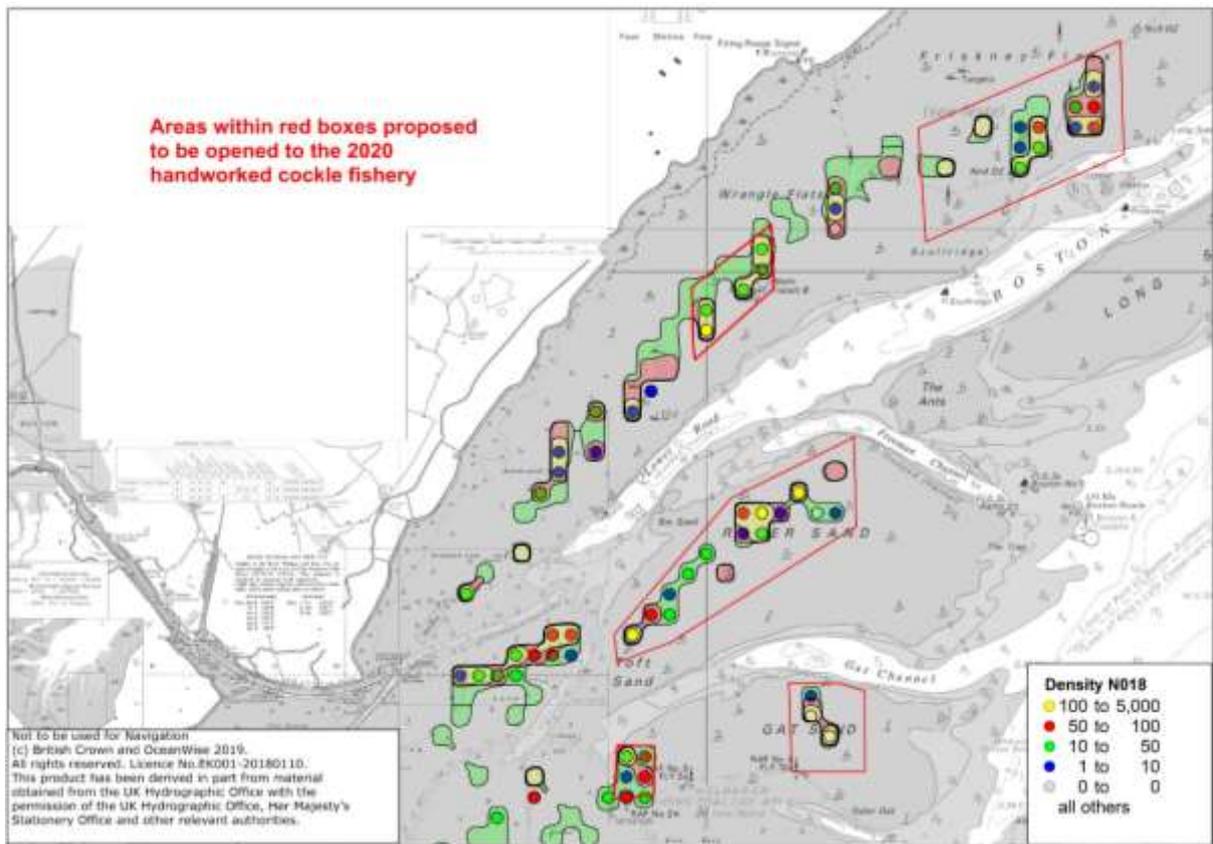


Figure 10 – Chart showing the locations of the areas of vulnerable cockles proposed to be opened to the 2020 hand worked fishery

The figures in appendix 1 show the cockles on the Dills and IWMK are still predominantly only 11-13mm in size. Although atypical mortalities are likely to occur on these beds, they are not considered to be as vulnerable as those within the proposed open areas. It is still proposed that these two beds remain closed, therefore, as they will be among the only high-density patches of cockle left for next year's fishery. Their current high densities suggest these two areas could be prone to ridging out this year. If widespread ridging out does appear imminent, measures would be taken to allow the fishery to thin out these areas in a controlled manner. These two areas are shown in figure 11.

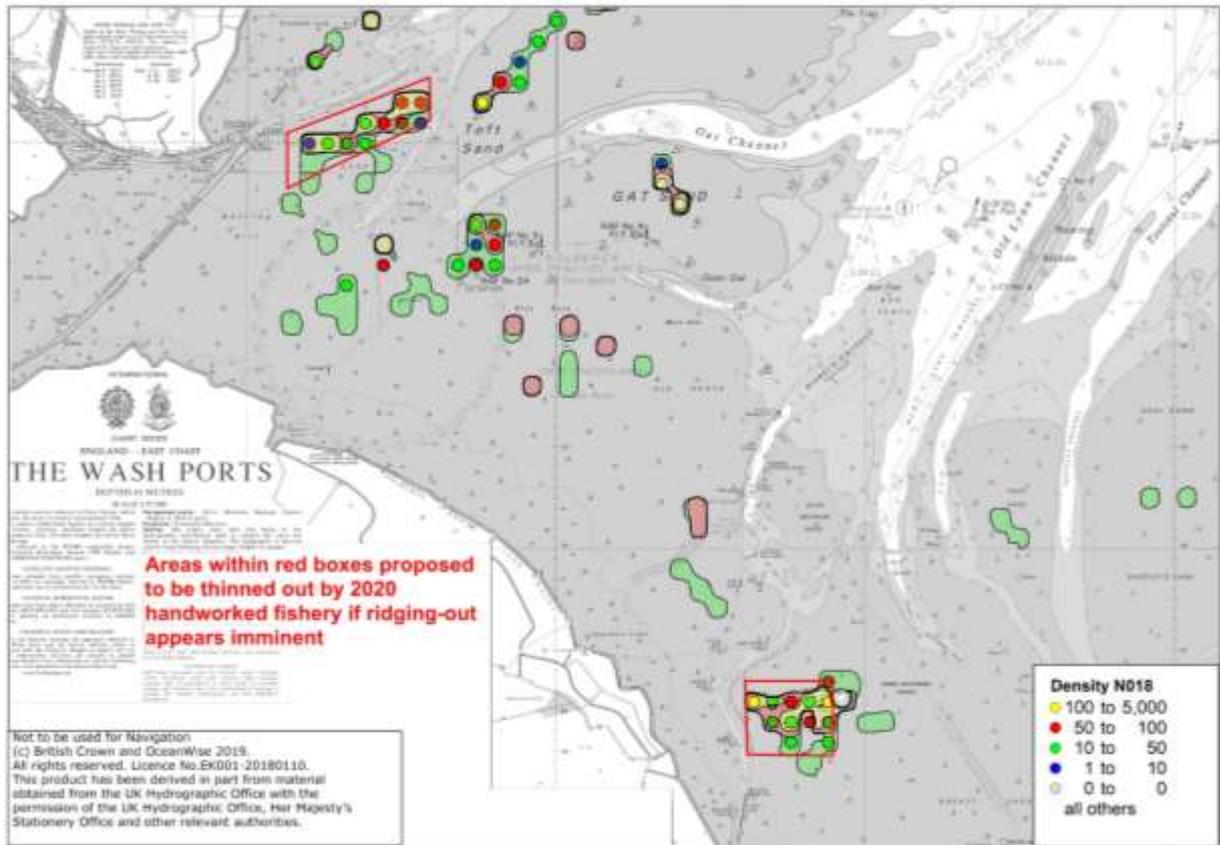
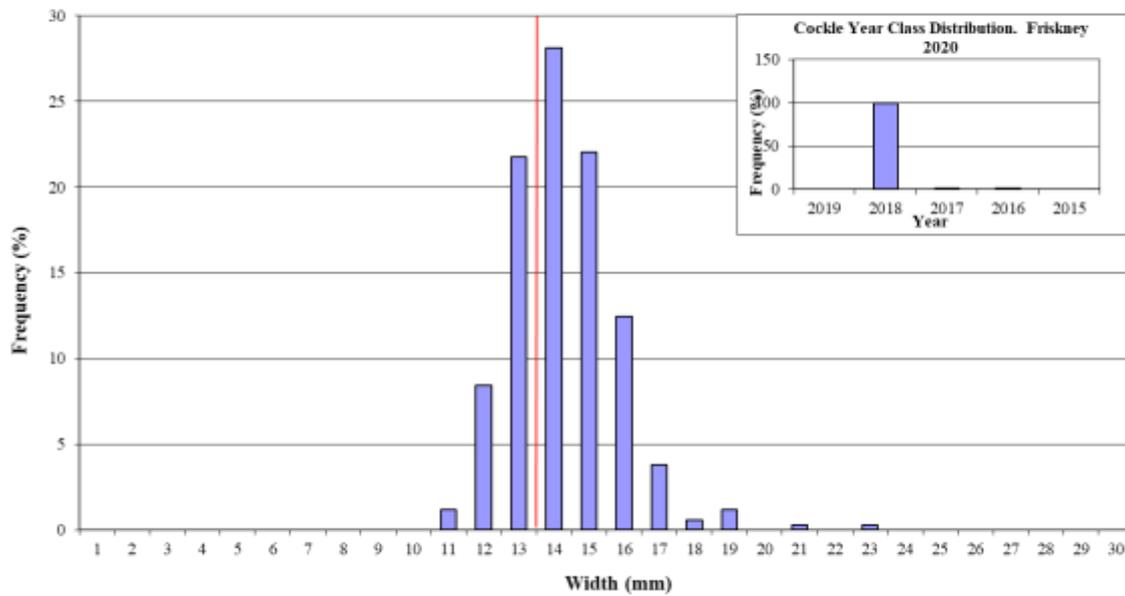


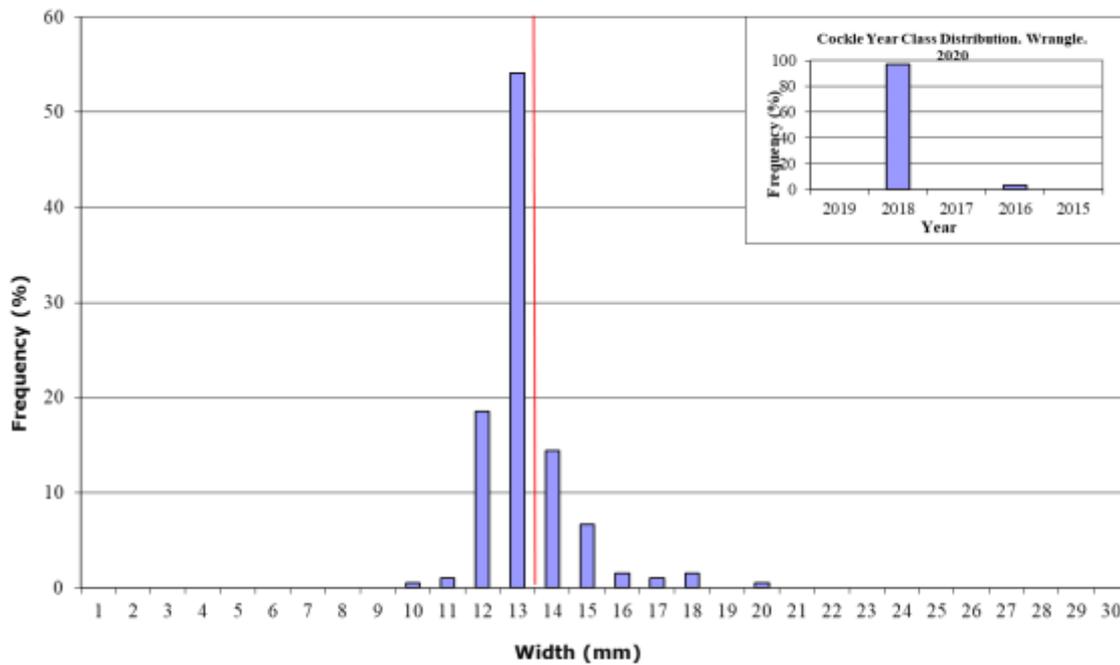
Figure 11 – Chart showing the locations of two areas that are proposed to be thinned out if widespread ridging out appears imminent.

## Appendix 1 – Cockle size frequencies found during 2020 sampling

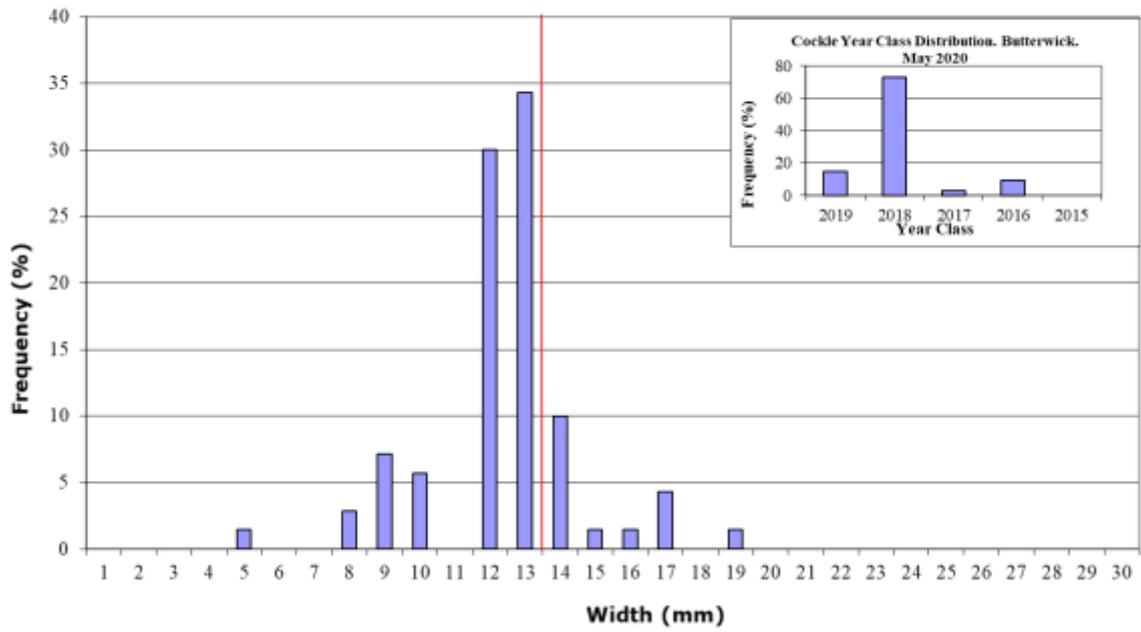
### Cockle Size Frequency. Friskney. May 2020



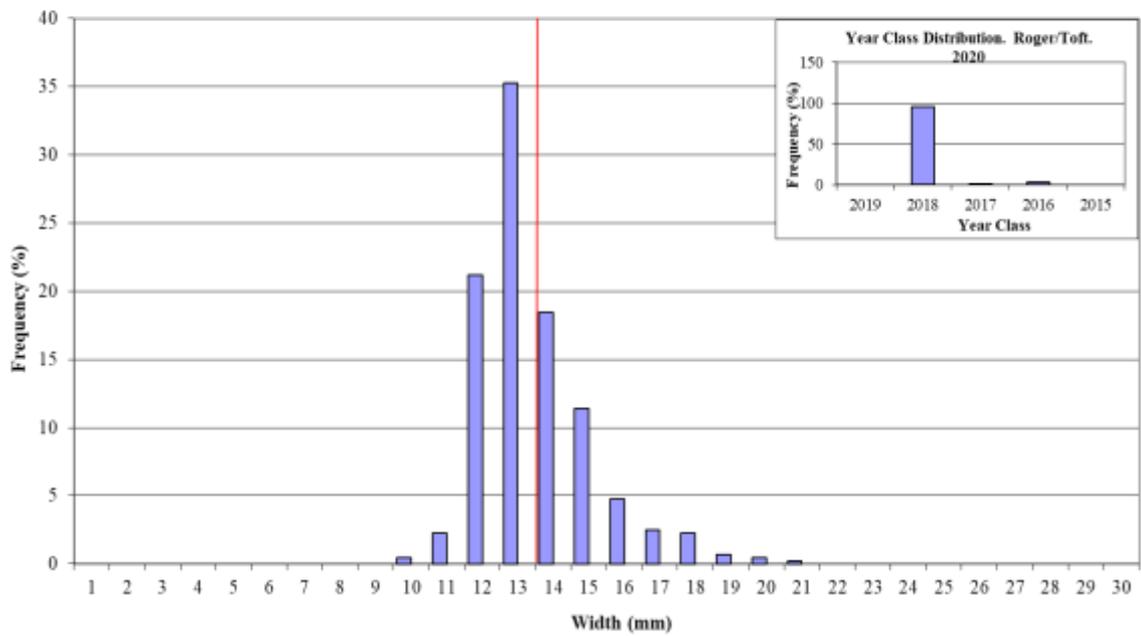
### Cockle size distribution. Wrangle. May 2020



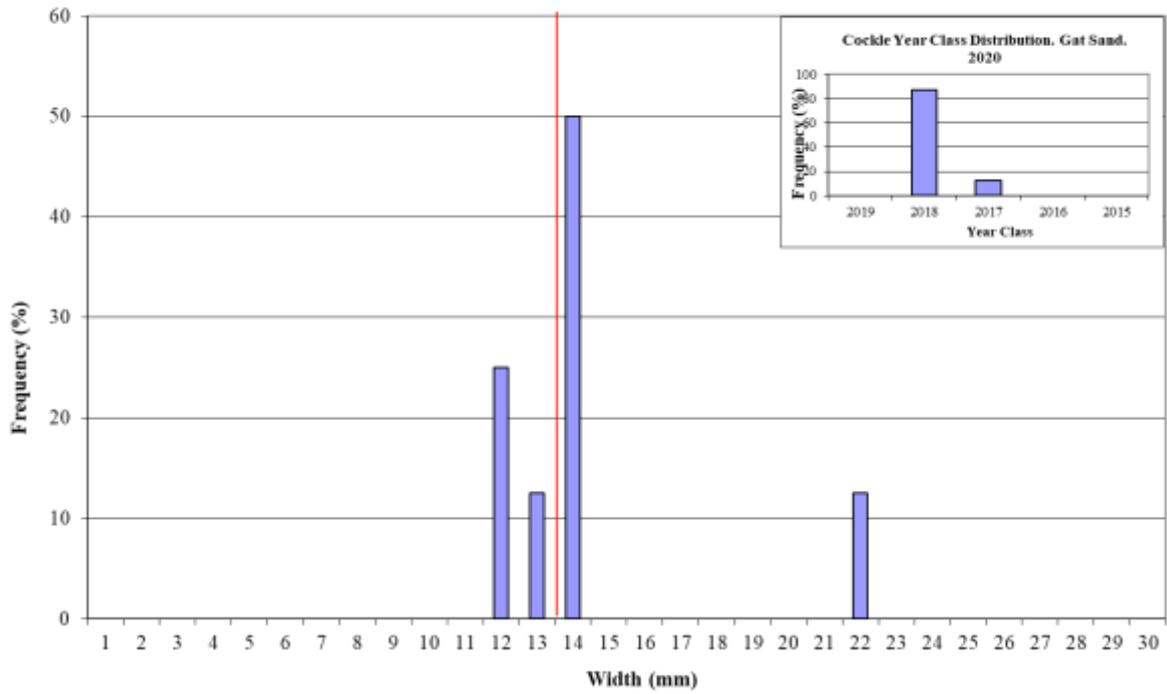
### Cockle Size Frequency. Butterwick. May 2020



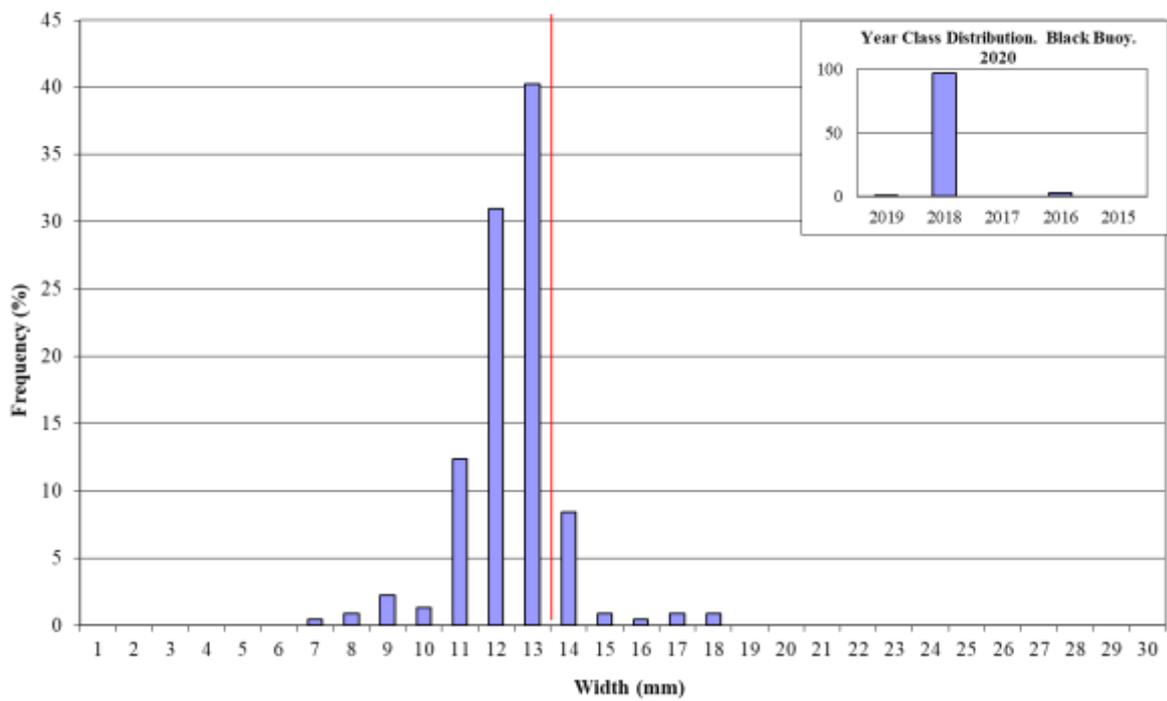
### Cockle Size Distribution. Roger/Toft. May 2020



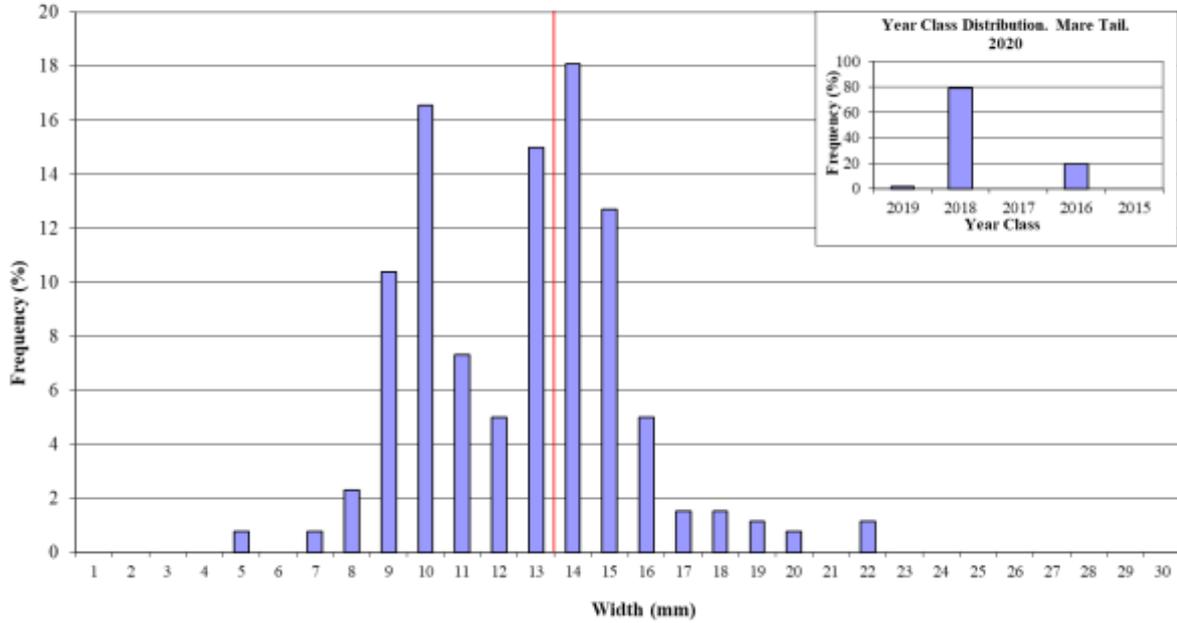
### Cockle Size Frequency. Gat Sand. May 2020



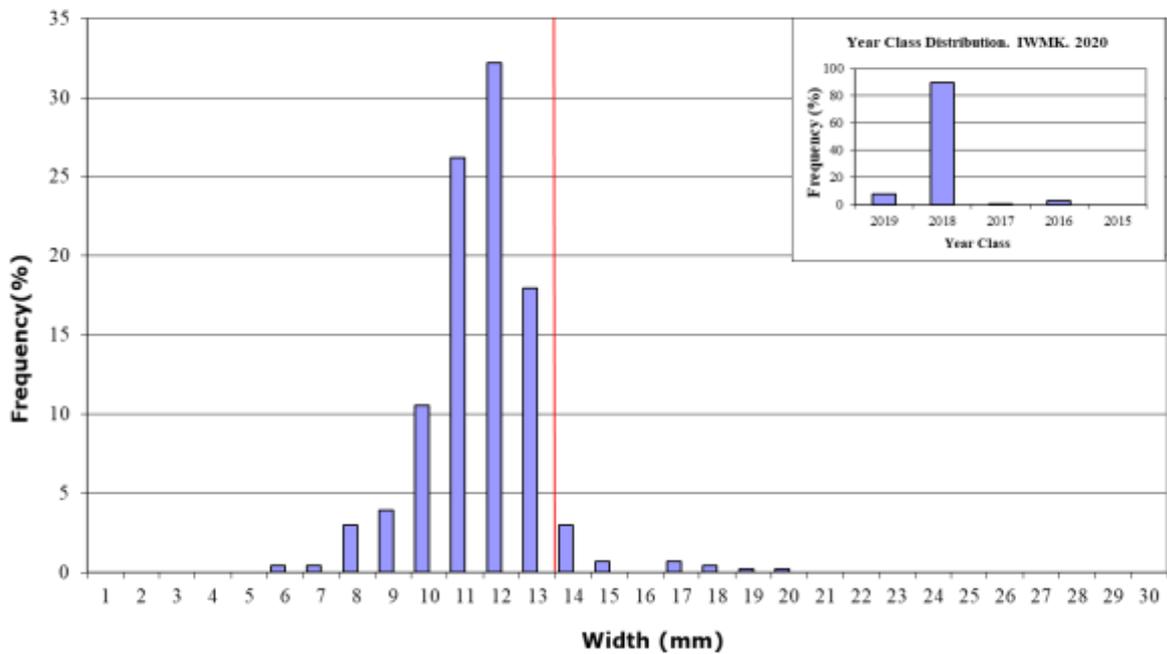
### Cockle Size Frequency. Black Buoy. May 2020



**Cockle Size Frequency. Mare Tail. May 2020**



**Cockle Size Frequency. IWMK. May 2020**



### Vision

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## Action Item 16

### Eastern Inshore Fisheries and Conservation Authority Meeting

09 September 2020

#### Wash Restricted Area Byelaw 2019

**Report by:** L. Godwin (Senior IFCO – Regulation)

#### **Purpose of Report**

To report to members progress made in finalising the Wash Restricted Area Byelaw 2019 and propose an amendment based on feedback from the Marine Management Organisation.

#### **Recommendations**

It is recommended that members:

- **Note** the advice from The Marine Management Organisation with regards to referencing the Wash Fishery order 1992 Regulations within the Wash Restricted Area Byelaw 2019;
- **Agree** to delegate authority to the CEO to amend the Wash Restricted Area Byelaw as necessary, including through the addition of a provision within a separate byelaw, to ensure that the revised Wash Fishery Order 1992 Regulations are applied within the Wash Restricted Area.

#### **Background**

Members agreed to make the Wash Restricted Area Byelaw 2019 (WRA Byelaw) at the 36<sup>th</sup> Eastern IFCA Meeting on the 15<sup>th</sup> May 2019. This byelaw provides a management scheme for the area of The Wash not covered by the Wash Fishery Order 1992 (WFO) or the Le Strange Estate and is intended to replace an emergency byelaw to the same effect.

The intention is to manage this area, referred to as the Wash Restricted Area (WRA) in a manner consistent with the adjacent WFO. As such the WRA Byelaw 2019 included a provision which implements WFO Regulations within the WRA. WFO Regulations include the daily catch restrictions, gear requirements and vessel size limits.

Members also agreed to replace the current set of WFO Regulations with revised wording at the 27<sup>th</sup> Eastern IFCA meeting. The intention of the new Regulations was to implement new measures which had become common place as flexible licence

conditions and to update wording to ensure clarity and transparency. Implementation of the new Regulations requires consent of the Minister and this process has taken a significant amount of time and regulations are yet to be confirmed.

## **Report**

The WRA Byelaw has been at formal QA with the Marine Management Organisation (MMO) who have proposed several amendments. For the most part, amendments are minor and inconsequential (i.e. slight amendments to wording to standardise and improve clarity and transparency) and can be dealt with under the delegated authority provided to the CEO<sup>17</sup>.

One issue identified however requires additional consideration. In summary, the MMO have advised that the WRA byelaw cannot refer generically to Regulations made under the WFO but must refer to a specific set of Regulations. Officers had included a generic reference to Regulations made under the WFO with the intention of ensuring that the both the current regulations and the revised regulations are captured by the provision. Officers sought independent legal advice on the matter and were provided a form of words which, in their opinion, would provide the flexibility needed. The MMO legal team have however responded to the effect that that they cannot advise Defra to consent the byelaw with this wording and that the Regulations referred to must be specified.

The MMO also provided some potential solutions to the issue, one of which being that the current Regulations are referred to only and the WRA Byelaw 2019 is amended once the WFO Regulations are in place. Byelaws can only be amended via another byelaw. Given the time required to implement a byelaw, there will therefore be a period whereby the revised regulations have effect within the WFO but not the WRA.

This can be addressed to an extent via the use of permit conditions under the WRA byelaw, but some differences will persist, such as our ability under the revised regulations to vary the daily catch restriction.

The period of the disparity can also be lessened by including a provision to amend the WRA Byelaw within the Marine Protected Area Byelaw 2019, which will be submitted for formal QA shortly. However, this relies on the revised WFO Regulations being consented in a timeline consistent with that byelaw being implement.

In addition, officers are not clear as to whether the provision to amend the WRA Byelaw 2019 would require further formal consultation. It is judged that no such formal consultation would be required as the intention of the original provision was to include the revised regulations as well as the current regulations. However, if formal

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<sup>17</sup> Confirmed minutes of the 36<sup>th</sup> Eastern IFCA meeting, 15<sup>th</sup> May 2019 - <https://www.eastern-ifca.gov.uk/wp-content/uploads/2019/12/Minutes-15th-May-2019.pdf>

consultation is required, the Marine Protected Area Byelaw 2019 cannot be used to implement the provision as it has already undergone formal consultation.

#### Proposed next steps

Officers intend to seek an alternative solution via dialogue with Defra and the MMO to include specific reference to both sets of Regulations within the WRA Byelaw 2019 without the need to amend the byelaw after having been consented. However, it is suggested that the level of complexity and uncertainty on the matter requires a flexible approach. So as to accommodate all the proposed solutions including amending the WRA Byelaw 2019 after it is consented, it is suggested that members agree to delegate authority the CEO to make amendments the WRA Byelaw including via adding such a provision to a separate byelaw.

#### **Financial Implications**

None identified

#### **Legal Implications**

There is an inherent risk of legal challenge in relation making or amending byelaws. It is judged that this risk is mitigated via application of due diligence and acting on legal advice as required.

#### **Appendices**

Not applicable

#### **Background Documents**

Not applicable

### Vision

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## Information Item 17b

### 41<sup>st</sup> Eastern Inshore Fisheries and Conservation Authority meeting

09 September 2020

**Report by:** Julian Gregory, CEO

#### **CEO Update - Association of IFCA Minutes**

#### **Purpose of report**

The purpose of this paper update members on the Association of IFCA quarterly meeting held on 3<sup>rd</sup> March 2020.

#### **Recommendations**

Members are asked to:

- **Note** the content of the report and the minutes of the AIFCA meeting held on 3<sup>rd</sup> March 2020.

#### **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 ten Members (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.

## **Report**

Devon and Seven IFCA chose to leave the Association during 2017 but following ongoing engagement and completion of a review of the Association have recently re-joined.

Dr Stephen Bolt has moved on from the Association and Dr Rob Clark has been appointed to the role of Chief Officer with effect from 1<sup>st</sup> September 2020.

A quarterly meeting of the member's forum was held on 3<sup>rd</sup> March 2020 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 3<sup>rd</sup> March 2020

## Appendix A

**The Association of IFCAs  
Members' Forum Meeting  
3rd March 2020 – 10:30  
Followed by Directors Meeting  
Mayor's office,  
Southend-on-Sea**

**Draft minutes**

Attendance for the Meeting

Chair: Tony Tomlinson

CEO: Stephen Bolt

Attendance: tbc Mike Hardy, Sam Davis, David McCandless, Julian Gregory, Les Weller, Andy Guy, Stephen Atkins, John Lamb, Rob Clark, Tim Dapling, Steven Axford.

Minutes: Stephen Bolt

Apologies for absence: Will Wright, Paul Williams, Tom Hooper, Stuart Harper, Paul Skinner, John Humphries

A minute's silence for Sally was held.

1. Minutes of the last meeting (3<sup>rd</sup> December 2019) – minutes agreed.

Matters arising from minutes:

Action Number	Action	By Whom
Action 1	Action 1: All to send general members assessment spreadsheet back to SB	All –at the time of the meeting three IFCAs have written to MMO regarding 10-year issues. SB and TT met with Tom McCormack regarding long term resolution regarding MMO appointees and roles and responsibilities between MMO.
Action 2	SB to speak to PW regarding audit process and to amend budget lines for non-recurring items.	SB/PW – PW to visit SB 9 <sup>th</sup> and 10 <sup>th</sup> March to review accounts.
Action 3	Action 3: SB to investigate feasibility and costs for using teleconferencing for some AIFCA Members' Forum meetings.	SB/LW – Fishmongers for 2 <sup>nd</sup> June. – LW investigated webex – up to 100 - £14 per month: the quality of webex

		dial ins was challenged and it was agreed on the value of face to face meetings. Interim meetings could continue to use the free Why pay account currently used
Action 4	Action 4: SB to speak with Fishmongers' Hall regarding its availability to us without cost.	SB – Fishmongers booked 2 <sup>nd</sup> June. No further venues booked for September or December meetings currently scheduled at the time of the meeting.
Action 5	Action 5: Paper on 2020/21 to be submitted to March 2020 Members' Forum meeting.	SB – not practicable at this time.
Action 6	Action 6: All to update TD of any relevant sea angling work to feed into national angling strategy.	All – TD attended national angling strategy meeting. IFCAs not members of board, but observer. LW sits on Defra marine Recreational Sea Fishing group. Distributed "Mullet club" presentation (critical of IFCAs). Policy will be produced by Defra policy.

## 2. Defra update:

- a. MOSC conference – attendees – **Action 1:** all to send to SB/RC by 6<sup>th</sup> March
- b. Various reviews – still not fixed date for publishing ABPmer report on external review of IFCAs.
- c. MMO meeting – partnership working – change of approach by MMO working with IFCAs. iVMS = Greg update re options.
- d. 13:45: Rachel Muckle:
  - i. IFCA review: Defra will visit all IFCAs – timetable to follow. Nothing contentious – base from which to build. Report to be published "soon".
  - ii. Funding – SR20 and replacement of EMFF etc: Victoria Prentis new fisheries minister. Steer with funding methods for IFCAs etc. New Burdens as is for 20/21. Re-assess new burdens etc. Plus how to give the monies to the IFCAs. Probably need to consult. SR20 – MHCLG – Macca duties. Not ring fenced. Need to demonstrate "Value for money".

- iii. Fisheries plan: amendment in fisheries Bill for fisheries management plans. Considering interface between MMO and IFCA, EA etc. Drive towards co-management -
- iv. EU exit negotiations. – IFCA role – started this morning – (Nigel Gooding) – Setting out what the UK would like the relationship to look like. Week 1 in Brussels – then London etc. Will feedback to Association – SD asked for operational issues surrounding IFCA (use of vessels, export of bivalves etc) – RC asked about funding – no funds from previous “no deal” scenario planning. **Action 2:** RM to discuss with MMO.
- v. Fisheries Bill – some amendments refer to IFCA
- vi. No deal: RM explained that we have a deal, so language has changed – it is now about negotiations – contingency at end of December – engage with business etc second half of year.
- vii. MMO appointees: Current 10-year limit methodology in progress. Long term issues with MMO appointee process and roles and responsibilities will be subject to further MMO/IFCA/Defra discussions.
- viii. “Daughter” of EMFF: Business case to treasury – linked but different to EMFF. Seafood innovation fund – Dates not known.
- ix. HPMA – Defra relayed thanks for IFCA input – recommendations to Ministers in “spring”.
- x. Offshore wind – emphasis on use of seas – IFCA role in consultations and scrutiny of licence applications – cost recovery discussed. Possibility of something similar Section 106 discussed.
- xi. Timetable for fisheries bill – 489 amendments(!) – September probably feasible. Working groups will include IFCA input.

3. Finance and Resources: page 6 – Report noted.

4. Budget considerations 2020/21 page 7 – agreed that Paul Williams would report back once 2019/20 financial report finalised. CEO reported that a detailed proposal for a 2020/21 budget not possible at this stage of the review of the Association. **Action 3:** PW to report back to Directors.

5. Matters for decision

- a. Update on the review of the Association. – TT
  - i. CEO leaves 8<sup>th</sup> April 2020.
  - ii. Review position and role of CEO: discussed and further discussions will be held in the Directors meeting.
  - iii. JG document circulated to Directors NE IFCA still considering position within Association. **Action 4:** SB to Circulate to members.
    - 1. Construct of Association. TT reported that the current arrangements (private limited company) will continue for 2020/21 while options are explored.

2. Recruitment of CEO replacement: interviews 15<sup>th</sup> April (fishmongers Hall) – TT, LW plus two directors, advert by 10<sup>th</sup> March.
  - b. National training plan 2020/21 – IJ – paper circulated on 28/2/20: plan adopted
6. Matters for noting:
  - a. MPA project update (report) – Update noted
  - b. CEO Meeting Log – noted
  - c. Directors minutes - noted
7. AOB
  - a. Chair thanked CEO for work at the Association
  - b. Les Weller stated Al Brown retiring – Association thanked AB for his service
  - c. JG inshore wind issue – national working group – no IFCA involvement JG circulate paper to EIFCA Committee.

Date of next Members Forum Meeting: Tuesday 2<sup>nd</sup> June 2020 Fishmongers Hall

## 5 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

09 September 2020

#### 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 of April, May and June 2020.

#### **Recommendations**

It is recommended that members:

- **Note** the content of the report

#### **Report**

##### **Enforcement and engagement priorities throughout district – overview**

##### April

The COVID-19 pandemic dominated both the engagement and enforcement activity throughout the month. Officers engaged with industry on key COVID issues, such as funding and support packages and concluded the work of contacting every fisheries stakeholder in the district to offer advice and information. Themes and concerns were fed directly back to DEFRA and partner agencies as part of a national approach to reporting.

##### May

As with the previous month, engagement focused on COVID-19 issues. Enforcement activity increased during the month, with officers carrying out a greater number of inspections. Engagement was also had with Wash based fisheries regarding the upcoming cockle fishery.

##### June

As with previous months, the engagement priority throughout the district was in relation to the COVID-19 pandemic, but with the addition of other matters, as the industry and recreational anglers adjusted. Engagement and education regarding Mackerel MCRS was specifically targeted on the North Norfolk Coast. The primary enforcement task was the cockle fishery in the Wash, which opened during the month. In addition, whelk enforcement (Whelk Permit Byelaw 2016) throughout the district was a priority during the month.

### Enforcement Outcomes (district wide)

Various enforcement actions were undertaken throughout the period including written warnings, advisory letters and verbal warnings.

### **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		
		April	May	June
<i>Sabellaria spinulosa</i> (Ross Worm) Reef	A, B, C, D, E, F, G, H, I	0	2	3
Sub-tidal stony Reef	J	0	0	0
Eelgrass beds (North Norfolk Coast)	SH, EH, SF, BP, BC	2	2	2
Eelgrass beds (Humber)	K	1	0	0

### **Area 1: West-North (Hail Sand Fort to Gibraltar Point) Fishing Trends**

#### April

No trends reported for the month.

#### May

No trends reported for the month

#### June

Recreational anglers reported a high number of small bass in their catches. Commercially, catches of Crab were reported as reducing. No further trends were reported.

### **Metrics**

Enforcement metric	Number completed		
	April	May	June
Shore Patrols	2	1	2
Port visits	9	3	11

Catch inspections (landings observed)	1	0	0
Catch Inspections (landing not observed)	0	0	0
Vehicle Inspections	0	0	0
Premises inspections	0	0	0
Enforcement actions/Offences	0	0	0
Intelligence reports submitted	1	1	1
Fishers engaged	4	1	11
Vessel Patrols	0	0	0
Boardings	0	0	0
Gear Inspections	0	0	0

### Engagement/ key messages received

Some commercial fishers raised concern that there was too much potting effort in this area.

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

#### April

Fishing in this area primarily focused on whelk fishing in the Wash, with various reports, but generally of a productive fishery. As the impacts from the COVID-19 pandemic hit there was concern about both the long term and short term impacts on markets and overall product demand, extensive consultation was had with industry on this matter. Shrimp fishing activity remained low, with few boats going occasionally.

#### May

The whelk fishery remained the primary fishery in the area throughout the month. The area in which activity has been occurring moved due to the number of vessels targeting the fishery. The shrimp fishery was reported as poor due to the impacts of the COVID-19 pandemic. Much of the dialogue was around the cockle fishery, and many skippers started work on vessels in order to get them ready for the upcoming fishery. There were several vessels targeting crab and lobster in the Wash, with reports of an average fishery.

#### June

The cockle fishery in the Wash opened in June, as such on the run up to this there was very limited fishing activity, with the majority of fishers choosing to complete vessel maintenance in preparation for the cockle season. Cockle fishing then dominated the fishing effort once open. With some other limited fishing for whelk and shrimps by those vessels unable to partake in the cockle fishery.

## Metrics

Enforcement metric	Number completed		
	April	May	June
Shore Patrols	6	7	21
Port visits	6	9	33
Catch inspections (landings observed)	7	6	109
Catch Inspections (landing not observed)	1	0	21
Vehicle Inspections	0	0	0
Premises inspections	0	1	2
Enforcement actions/Offences	1	0	3 VW
Intelligence reports submitted	26	10	7
Fishers engaged	10	21	164
Vessel Patrols	4	8	8
Boardings	0	0	0 (1 VHF Challenge)
Gear Inspections	3	0	0

## Engagement/ key messages received

Primarily engagement was focused on the up-coming cockle fishery with fishers wanting to know how the fishery would operate this year. Engagement was also in relation to the COVID-19 pandemic with officers communicating support packages and general advice. As the quarter proceeded more detailed information was provided about the cockle fishery. Industry comments on the fishery are summarised as:

- More sands should be open
- Kings Lynn fishers would like to see the Inner Westmark knock open.
- Some fishers wanted the fishery opened later than usual with some wanting it opened sooner.
- Evidence of cockles gaping early in the season
- Some concerns about die off in areas not open
- Good yield on the cockles

In addition to these comments there was also general engagement about the Wash Fishery Order replacement. This information is captured in other reports and as such is not reported on here.

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

### April

Fishing trends indicated an increase in effort in relation to crab and lobster although lower than usual for the time of year, due to the COVID-19 pandemic and associated restrictions and price drop. Much of the fishing was altered based on market demand,

with fishers seeing an unprecedented change in markets, and overall demand. In general terms this meant a reduction in crab and lobster fishing with many fishers choosing to stay whelk fishing for a longer period of time. The driving force for this was closures of restaurants and associated markets, and some reduction in overseas markets and demand overall. Some Herring fishing occurred but this was primarily for bait.

### May

The majority of fishers reported catches of crab as reduced, with fishers often asking about diversification options in the wake of market changes as a result of the COVID-19 pandemic. Catches of lobster reportedly remained stable. There were concerns with regard to bait availability and cost, with this impacting viability. As COVID restrictions eased, there was increased amounts of RSA activity, catches were primarily flatfish some whiting with reports of a few bass being caught.

### June

As with the previous month, reports were that crab was poor, with many crab starting to shed their shells. Catches of lobster were reported as improving. Increasing catches of finfish including, bass, sole and whiting caught in increased numbers.

There were increased numbers of RSA fishers on the coast. The primary fish being targeted was Mackerel, with reports received that there were a lot of undersize mackerel all along the coast. IFCO's responded to these concerns with positive education and engagement had with nearly all anglers.

### **Metrics**

Enforcement metric	Number completed		
	April	May	June
Shore Patrols	12	10	10
Port visits	51	27	28
Catch inspections (landings observed)	2	5	8
Catch Inspections (landing not observed)	12	0	2
Vehicle Inspections	0	0	0
Premises inspections	1	0	0
Enforcement actions/Offences	0	0	0
Intelligence reports submitted	29	20	26
Fishers engaged	34	50	68
Vessel Patrols	1	1	1
Boardings	0	0	0 (1 VHF Challenge)
Gear Inspections	0	0	0

## **Engagement/ key messages received**

Engagement in the area focused on the COVID-19 pandemic and associated impacts. Impacts were reported directly to DEFRA to inform national policy. Concerns are summarised as:

- Lack of clarity around financial support in the early stages
- Low price for crab and lobster
- Difficulty selling direct to public as knowledge of how to dress crabs has been lost
- Lack of diversification options for pot fishers on the N. Norfolk Coast
- Lack of markets
- Difficulty to source parts for breakdowns
- Some reports of high demand if seeking out opportunities
- Increase in effort required to compensate for poor price paid.
- Mixed reports about the availability of funding, with some finding the process easy, whereas others were experiencing problems

Several fishers raised concerns in relation the MCS grading of the crustacea fishery in this area, and the overall impact on the industry from this.

There were also concerns raised in relation to the Highly Protected Marine Areas report in relation to Cromer MCZ.

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

### **Fishing Trends**

#### April

Herring were still reportedly being caught at the start of the month, but the quantity and quality dropped off through the month as the season ended. Catches of bass were reportedly low, with the water temperature reported as too cold still. The main catch was skate using long lines. As with other areas there were concerns regarding overall market demand which restricted activity.

#### May

Generally fishing trends in May were outside the usual annual trend, although this was driven by market demands rather than fisheries trends. There were therefore reduced catches of bass than usual annual trends.

Whelk activity in the area increased, due an increased number of vessels working the area. Herring catches were reported as good, with fishers choosing to target this species in order to use it as bait, which was driven by the otherwise high price of bait.

There were reports of very good numbers of crabs on the ground, but catches were limited due to market demand and the lack of restaurant trade. Lobster catches were reportedly low and low in terms of numbers also. There were plenty of other fish species being caught including cod, rays and sole, albeit in lower than usual quantities. As with area 3 as COVID restrictions were lifted the amount of RSA activity increased.

## June

Commercial fishers reported catching a good variety of fish. Sole fishing was reported as slow compared to previous years. Spurdog numbers are still being reported as high. High amounts of bass were reported in the rivers and at sea. Mullet was targeted by several commercial fishers. Fishers reported steady catches of Turbot and Brill. Commercial fishers reported a reduction in the number of lobsters being caught. Good Edible Crab catches also reduced with many being reported as soft shelled.

### **Metrics**

<b>Enforcement metric</b>	<b>Number completed</b>		
	<b>April</b>	<b>May</b>	<b>June</b>
Shore Patrols	6	5	15
Port visits	11	11	36
Catch inspections (landings observed)	0	0	1
Catch Inspections (landing not observed)	2	4	2
Vehicle Inspections	0	0	0
Premises inspections	3	4	6
Enforcement actions/Offences	0	0	0
Intelligence reports submitted	52	48	33
Fishers engaged	9	10	56
Vessel Patrols	0	5	4
Boardings	0	0 (14 VHF challenges)	0 (4 VHF challenges)
Gear Inspections	0	0	0

### **Engagement/ key messages received**

All engagement reported during April, May and June was in relation to COVID-19 pandemic with officers offering support and advice to industry.

### **Financial Implications**

None

### **Legal Implications**

None

### **Appendices**

Not Applicable

### **Background Documents**

Not Applicable

## Vision

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## Information Item 18b

### Eastern Inshore Fisheries and Conservation Authority Meeting

09 September 2020

#### 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 work provides evidence to underpin the development of fisheries management measures and supports other marine regulators in planning and licensing decisions. This paper informs Members of key activities undertaken by the Authority's Marine Science team during the period April to June 2020, any issues that have arisen (through internal or external drivers), and an indication of up-coming developments that could require future actions.

##### Recommendations

It is recommended that members:

Note the contents of the report.

##### Background

The Marine Science team has further progressed workstreams for the assessment and management of fisheries in marine protected areas (the "revised approach"), and towards the sustainable exploitation of stocks. The programme of field surveys, quayside catch monitoring and measurement and laboratory analysis (set out in the Marine Science Plan) has required significant changes in response to COVID19 restrictions. Engagement with partner organisations and the Marine Protection arm of Eastern IFCA remain integral to the Science team's work, however, greatly facilitated by online meetings. 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

During the summer months the science team usually make use of the longer daylight hours and calmer weather to conduct surveys at sea or measure catches landed by the fishermen. COVID-19, however, has prevented many of these surveys from

occurring so far this year. Instead, the team has sought different ways of gathering evidence and has been catching up with desk-based studies and assessments.

#### *WFO Cockle surveys*

The Authority usually conducts its annual inter-tidal cockle surveys in The Wash between the end of March and the beginning of May. These surveys involve sampling approximately 1,250 stations from 22 beds; a task that necessitates us staying out at sea for several days at a time. The risk posed by COVID-19 was too great for us to operate in this way this year, however, so an alternative approach was required.

This entailed conducting a rudimentary stock assessment by sampling 74 stations from 8 beds, by deploying a new 10kg Van Veen grab by hand from one of our RHIBs. These 74 stations were strategically selected from stations that the 2019 survey had identified as supporting high densities of the dominant 2018 year-class juvenile cohort. Rather than using these data in isolation to determine the stock, as would be done in a normal survey, they were used instead to calculate what changes had occurred at those 74 stations since the previous survey. That information was then used to extrapolate changes to the remaining sites and beds. Although this assessment had lower confidence margins than a normal survey, it provided sufficient evidence to inform this year's fishery's Habitats Regulations Assessment (HRA) and enabled us to calculate a TAC for the fishery.

This lower confidence, coupled with a declining mussel stock, nevertheless meant we have had to be precautionary with our cockle management this year to ensure sufficient shellfish stocks remain to support the requirements of the overwintering wader populations. To reduce the combined impact of fishery mortalities and natural losses, therefore, we have had to focus the fishery open areas into places we had strong evidence to show mortalities will be the highest. This restricted the fishery to specific open areas on the Wrangle, Friskney, Roger/Toft, Gat and Mare Tail beds.

The stock assessment also indicated two further beds on the Dills (Black Buoy) and Inner Westmark Knock could be vulnerable to "ridging out" as the season progressed due to the high densities of cockles present on them. An assessment was made on the Dills in June to determine whether these stocks were in danger of ridging. This survey found, however, that the cockle densities on that bed were not as high as first anticipated, had plenty of room for additional growth, and as such, didn't appear in imminent risk of ridging. It is planned for a similar assessment to be conducted on Inner Westmark Knock in July.

#### *Mussel health*

Members of the science team had a meeting with Cefas in March to discuss setting up a new mussel health project, which would involve a thorough health check of The Wash mussels to identify factors that could be causing the unusually high mortalities. The start of this project was put on hold due to the COVID-19 outbreak restricting the ability of Cefas to start new non-essential laboratory work. Unfortunately, these issues are still ongoing, to date it has not been possible to commence this project.

While assessing the cockle stocks on the Dills bed in June, a small mussel bed was found that had not previously been identified. Situated entirely within the designated spoil ground area used by the Port of Boston for the disposal of their maintenance

dredging material, this bed looks to have settled about two years ago, possibly attracted to the spoil material. Disposal at the site is ongoing, so this bed might be lost. If it did settle on spoil material, however, a trial could be conducted to see if spoil material could be used to encourage mussel settlement into existing beds, as was trialled with cockle shell culch in 2014 and 2016.

#### *Whelk stock assessment and development of management measures*

Analysis of landings data from the whelk permit returns has been completed for the period 2015 -2019, providing recent trends in Landings Per Unit Effort (LPUE) for this fishery within the district. This analysis has looked at LPUE trends both district-wide and also focused more closely on the heavier fished areas of The Wash and North Norfolk. This analysis has found effort within the district has been increasing rapidly during the study period. Within the more heavily fished areas, the LPUE values appear to have peaked and are beginning to decline, indicating stock densities are declining within those areas. In addition to landings data, the project has also studied the Size of Maturity (SoM) to determine if the current Minimum Landing Size (MLS) of 55mm is appropriate. While the results indicate the MLS is correct for The Wash, it appears too small for whelks caught from Sea Palling and Lowestoft.

#### *Crab/lobster*

The crab and lobster project usually focuses on monitoring landings data provided in MSAR forms and bio-sampling animals in ports. Covid-19 restrictions mean it has not been possible to conduct bio-sampling this quarter, however. Analysis of landings data indicate the LPUE in the more heavily fished areas may have peaked between 2016-2017, but the large dip seen in 2018 may have been influenced by the “Beast from the East” storm, which resulted in large numbers of crabs and lobsters being washed up on beaches. Any potential management required to maintain the sustainability of this fishery will be considered holistically with bespoke measures that may result from the Cromer Shoal MCZ assessment that is currently being conducted. The Authority is also assisting the industry to develop a ‘Fisheries Improvement Plan’ (FIP) for the crab and lobster fisheries, which aims to improve MCS Good Fish Guide scores; something which is vital for maintaining some of the larger markets.

#### *EHO/biotoxin sampling*

In contrast to the previous quarter, in which prolonged periods of poor weather interfered on several occasions with sampling, all samples have been successfully collected this quarter despite Covid-19 restrictions. The previous quarter also experienced elevated results from some samples resulting in Temporary Closure Notices being placed on the Nene Mouth and Ouse Mouth sites. While there have been no such closures this quarter, the Black Buoy sample station has been downgraded from B-class to C-class water due to a number of elevated readings over the past year. The heat treatment process used by the processors for cooking cockles, however, means this change will have little impact on the fishery.

## 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, which cover 96% of the Eastern IFCA district. The Authority's Business Plan sets out six priority marine protected area projects. An overview of progress with these is set out in Appendix 1 of the Quarterly Progress Report.

Table 1 (below) outlines the fishing/feature interactions for which management has been required (to prevent adverse effects on marine protected areas), and the mechanisms in place or in development to deliver this management. Management has either been agreed and implemented (shaded green), agreed pending implementation (shaded amber), or is in development (shaded red), for all red risk interactions.

The Marine Science team's work during the quarter has focused on development of supporting evidence for the Closed Areas Byelaw 2020. It is planned that this byelaw will provide the required management for the remaining "red risk" interactions, namely:

- Circalittoral rock in The Wash & North Norfolk Coast SAC
- Intertidal *Sabellaria* reef in The Wash & North Norfolk Coast SAC
- Subtidal *Sabellaria* reef in Inner Dowsing, Race Bank and North Ridge SAC.

The Closed Areas Byelaw will replace the previous Marine Protected Areas Byelaw 2019 but will incorporate all the restricted areas already agreed within the latter, except for the Humber Estuary SAC eelgrass closure, which is under review. Full details are presented at Agenda item 8.

### *Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ) – non-potting fisheries*

Officers completed the in-combination assessment for the non-potting fisheries assessment (i.e. how fishing activities affect conservation features in combination with other activities within the site) and submitted this to Natural England. It has been necessary to update the non-potting assessment following receipt of new evidence about an artisanal trawl fishery in two small areas of the MCZ. This work has been ongoing during the quarter and will be used to inform whether management of this activity is required. Natural England's feedback was received in late July 2020 and will be carefully considered.

### *Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ) – potting fisheries*

The assessment of potting fishing in the MCZ is a key piece of work that will help inform the Authority's management of this important fishery. Although a high priority, the assessment has been delayed whilst several areas of evidence and advice are being prepared. These are (i) the results of the Essex University summer 2019 dive

survey, undertaken to examine physical interactions between chalk reef and fishing pots (now expected August 2020); (ii) Natural England's formal advice on this interaction (to follow the dive survey report), and (iii) the results of Eastern IFCA's engagement with potting fishermen during December 2019 to March 2020 (engagement delayed as a result of COVID-19 restrictions).

Natural England's advice to date is that abandoned or stored pots are likely to damage rugged chalk reef and should therefore be removed from the site. Further consideration would be required before conclusions were drawn on the potential for active potting to damage chalk reef. Officers acknowledge the importance of working closely with local fishery stakeholders to identify and implement the most appropriate management measures for this fishery.

**Table 1.** Revised approach<sup>18</sup>: summary of progress of priority assessments and development of management.

Key: Green shading = management in place; amber = management agreed but pending implementation; red = management in development.

Revised approach category	Interaction		Site	Management status and mechanism		
	Fishing activity	Designated feature(s)		Previous	Current	Future
Red risk	Towed demersal fishing	<ul style="list-style-type: none"> <li>• Biogenic reef: <i>Sabellaria</i></li> <li>• Subtidal stony reef</li> <li>• Eelgrass</li> <li>• Intertidal mussel beds</li> </ul>	The Wash & North Norfolk Coast SAC	<ul style="list-style-type: none"> <li>• Protected Areas Byelaw 2014</li> <li>• Marine Protected Areas Byelaw 2016</li> </ul>	<ul style="list-style-type: none"> <li>• Marine Protected Areas Byelaw 2018</li> </ul>	<ul style="list-style-type: none"> <li>• Marine Protected Areas Byelaw 2019</li> </ul>
						<ul style="list-style-type: none"> <li>• Closed Areas Byelaw 2020</li> </ul>
Red risk	Towed demersal fishing; bait collection; hand gathering	<ul style="list-style-type: none"> <li>• Eelgrass</li> </ul>	Humber Estuary SAC	<ul style="list-style-type: none"> <li>• Protected Areas Byelaw 2014</li> <li>• Marine Protected Areas Byelaw 2016</li> </ul>	<ul style="list-style-type: none"> <li>• Marine Protected Areas Byelaw 2018</li> </ul>	<ul style="list-style-type: none"> <li>• Marine Protected Areas Byelaw 2019</li> </ul>
						<ul style="list-style-type: none"> <li>• Closed Areas Byelaw 2020</li> </ul>

<sup>18</sup> Revised approach: assessment and management of commercial fisheries in Marine Protected Areas

Revised approach category	Interaction		Site	Management status and mechanism		
	Fishing activity	Designated feature(s)		Previous	Current	Future
Red risk	Towed demersal fishing	<ul style="list-style-type: none"> <li>Biogenic reef: <i>Sabellaria</i></li> </ul>	Haisborough, Hammond & Winterton SAC	n/a	n/a	<ul style="list-style-type: none"> <li>Marine Protected Areas Byelaw 2019</li> </ul>
						<ul style="list-style-type: none"> <li>Closed Areas Byelaw 2020</li> </ul>
Red risk	Towed demersal fishing	<ul style="list-style-type: none"> <li>Subtidal chalk</li> <li>Peat and clay exposures</li> </ul>	Cromer Shoal Chalk Beds MCZ	n/a	<ul style="list-style-type: none"> <li>Inshore Trawling Restriction (part of site)</li> </ul>	<ul style="list-style-type: none"> <li>Marine Protected Areas Byelaw 2019</li> </ul>
						<ul style="list-style-type: none"> <li>Closed Areas Byelaw 2020</li> </ul>
Red risk	Towed demersal fishing	<ul style="list-style-type: none"> <li>Biogenic reef: <i>Sabellaria</i></li> </ul>	Inner Dowsing, Race Bank & North Ridge SAC	n/a	n/a	<ul style="list-style-type: none"> <li>Closed Areas Byelaw 2020</li> </ul>

Revised approach category	Interaction		Site	Management status and mechanism		
	Fishing activity	Designated feature(s)		Previous	Current	Future
Red risk	Towed demersal fishing	<ul style="list-style-type: none"> <li>• Circalittoral rock</li> <li>• Intertidal biogenic reef: <i>Sabellaria</i></li> </ul>	The Wash & North Norfolk Coast SAC	n/a/	n/a	<ul style="list-style-type: none"> <li>• Closed Areas Byelaw 2020</li> </ul>
Amber / Green risk	Towed demersal fishing	<ul style="list-style-type: none"> <li>• Subtidal mixed sediment</li> <li>• Subtidal mud</li> <li>• Subtidal sand</li> </ul>	The Wash & North Norfolk Coast SAC	n/a	<ul style="list-style-type: none"> <li>• Marine Protected Areas Byelaw 2018</li> </ul>	<ul style="list-style-type: none"> <li>• Marine Protected Areas Byelaw 2019</li> <li>• Shrimp Permit Byelaw</li> </ul>
						<ul style="list-style-type: none"> <li>• Closed Areas Byelaw 2020</li> </ul>

It should be noted that agreement of the Closed Areas Byelaw 2020 (presented at agenda item 8 of this meeting) would see management agreed for all the priority MPA interactions set out in the table above.

### *Partnership work and stakeholder engagement*

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

Whilst face-to-face engagement was put on hold with COVID-19 restrictions being introduced in March 2020, some partnership work was able to continue through remote working. Key highlights were:

- Remote meetings of the “Agents of Change” project, that promotes the conservation and fisheries value of the Cromer Shoal Chalk Beds Marine Conservation Zone. The work of this Marine Conservation Society-funded project has proven to be a strong link between regulators and stakeholders and the local community; officers continue to support and engage with this project.
- Southern North Sea Environment Group: officers participate in this group to exchange knowledge and work updates with a range of statutory bodies and NGOs with an interest in the southern North Sea.
- Wash & North Norfolk Marine Partnership: the Authority CEO chairs this group and has been closely involved in supporting changes to strengthen this partnership and develop a longer term vision. With the exception of the Lincolnshire Wildlife Trust, members have been unable to commit additional financial support but have expressed a clear willingness to support the continuation of the partnership as far as possible.

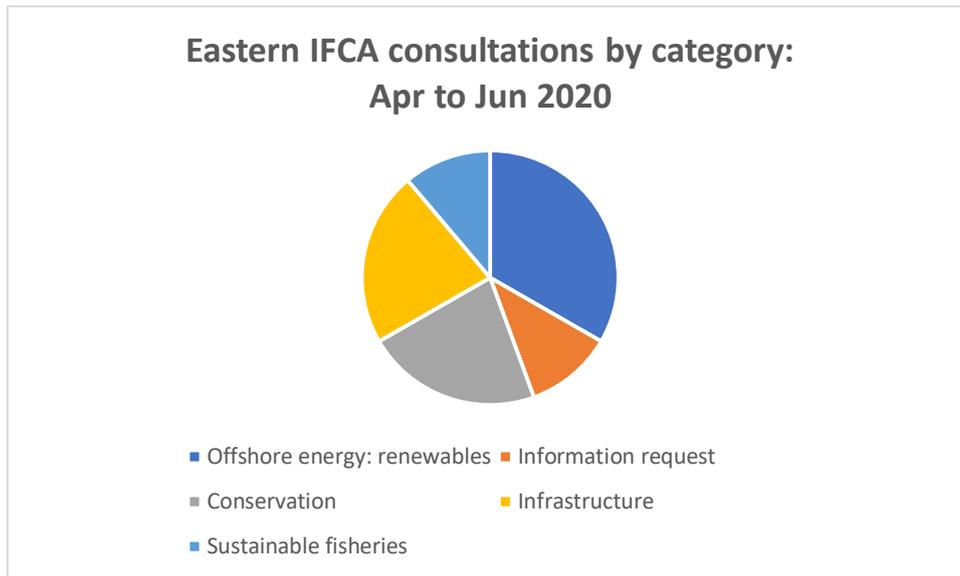
### *Eastern IFCA input to consultations on marine developments*

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

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

In the period April to June 2020, the Eastern IFCA Marine Science team received nine consultation requests. This figure is considerably lower than the usual amount;

it is expected that the number is lower because of COVID-19 delaying progress with external projects. 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.



Two examples of consultations / engagement are set out below:

- Compensatory measures for Norfolk Vanguard offshore wind farm: Eastern IFCA objected to the extension of the Haisborough, Hammond & Winterton SAC as a measure to mitigate potential impacts from the wind farm, on the grounds of likely additional restrictions on fishing opportunities.
- Sail the Wash: project proposing construction of new pontoons at King’s Lynn and Sutton Bridge, to support the sustainable expansion of recreational boating opportunities in the Wash. Officers highlighted the importance of understanding the conservation importance of the area, assessing the potential for the project to result in spread of invasive non-native species, and understanding the navigational hazards associated with the area.

#### *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 1<sup>st</sup> April and 30<sup>th</sup> June 2020, two derogation requests were received. Following assessment, neither one required a derogation from Eastern IFCA byelaws.

### **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.