



42nd EIFCA Statutory Meeting

To be held online video conferencing via Zoom in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (Statutory Instrument 2020 no.392).

**Wednesday
9th September 2020**

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: **42nd Eastern IFCA Meeting**

Date: 9th December 2020

Time: 1030hrs

Venue: Online video conferencing via Zoom in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (Statutory Instrument 2020 no.392).

Agenda

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

Action items

- 4 To receive and approve as a true record, minutes of the 41st Eastern IFCA Meeting, held on 9th September 2020 – *Chair*
- 5 Matters arising (including actions from previous meeting) – *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 3rd November 2020 - *Hd Finance & HR*
- 8 Budget and levies 2020-21 and Budget Forecast to 2025 – *Hd Finance & HR*
- 9 Authority Meeting Dates 2021-22 – *CEO*
- 10 Whelk permit conditions review – *Senior IFCO (Regulation) / MSO*
- 11 Crab and lobster Fisheries Improvement Plan – *MSO*
- 12 Cromer Shoal Chalk Beds MCZ update – *Senior MSO (Environment)*
- 13 Mussel Survey 2020 – *SMSO (Research)*
- 14 Quarterly review of annual priorities and Risk Register - *CEO*

Information items

- 15 CEO update – *CEO*
 - a. Various (verbal)
 - b. Association of IFCA

- 16 Head of Operations update
 - a. Marine Protection Quarterly report
 - b. Marine Science Quarterly report

Any other business

- 17 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
24th November 2020

Vision

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Action Item 3

42nd Eastern Inshore Fisheries and Conservation Authority meeting

9th December 2020

Report by: Luke Godwin, Senior IFCO (Regulation)

Disclosable Pecuniary Interests

Purpose of report

To present proposals for dispensations under s.33 of the Localism Act 2011 (c.20) to enable participation in discussions where members have disclosable pecuniary interests (DPIs).

Recommendations

Members are recommended to:

- **Note** the revised list of Disclosable Pecuniary Interests (DPIs) for MMO appointees (Appendix 1) and the assessment of DPI conflicts with Authority Business (Appendix 2);
- **Agree** to grant dispensations from s.31(4) of the Localism Act 2011 (c.20) to MMO Appointees, as set out in Appendix 2, to allow participation in discussions of matters for which they have a DPI for the period of four years or until their term of service is expired (whichever is first)

Background

Section 31(4) of the Localism Act 2011 (the Act) requires that any members who have a Disclosable Pecuniary Interest (DPI) in a matter at a meeting cannot participate in the associated discussion or vote on the matter. Section 33 of the Act enables the Authority to grant dispensations from this requirement to enable participation in discussions and/or voting on a matter.

Dispensations are granted for a period of up to four years or until their term ends. Where members are reappointed or the dispensation period ends, dispensations are reconsidered. In addition, where existing members DPIs change, these are considered in the context of potentially causing a conflict with matters arising.

Report

Five members were reappointed in October of 2020 and as such their dispensations have expired. In addition, one member has had a change in

circumstances which creates a likely conflict with matters considered by the Authority.

Summary of assessment of DPIs against matters considered at EIFCA meetings

DPIs are considered against the 'types' of matters which are considered at Authority meetings with as much specificity as possible to identify conflicts. Such conflicts include, for example, where a shrimp fisherman is present for the consideration of shrimp management measures. The potential for members to unfairly influence such discussions is mitigated by the Eastern IFCA Standing Orders and Code of Conduct which sets out that members must not seek to favour their own interests and that such instances may be subject to investigation.

This updated assessment is set out at Appendix 2 and takes into account the updated register at Appendix 1.

In summary, the memberships of five appointees were renewed (Shane Bagley, Stephen Bolt, Roy Brewster, Rob Spray and Stephen Worrall). Of these only Stephen Bolt's DPIs have changed since they were reviewed in 2017 and this change did not result in a potential conflict.

In addition, the DPIs of Mike Warner were updated to reflect a change in circumstance. Avocet Media Ltd, in which Mike Warner was a director, now trades under 'A Passion for Seafood Ltd' and which now operates as a fish wholesaler UK wide. This creates a conflict with the category of 'agreeing management measures' generally. Because of the nature of the business, it is not limited to certain species as in the case of fishermen.

As with previous assessments, it is considered beneficial to the Authority for members with such DPIs to partake in discussions. Members with DPIs related to fishing for whelks for example, would be able to provide insight in the effectiveness of proposed whelk management measures. The expertise of these members in their related fields will generally add a robustness to decisions made and help Members consider 'real-world' consequences of decisions.

Voting on matters in which a member has a DPI

It is well-established within the Authority's practices that those with a DPI in a matter do not vote in relation to that matter. The exception is in relation Tania Davey's DPI for voting on matters relating to agreeing management measures. This was on the basis that the sector represented by Ms Davey is limited within the Authority's membership. The same has previously been considered not to be the case in relation to those in the fishing industry, as membership from this sector is greater.

This conclusion is maintained in relation to the reappointed members and considered to extend to the DPI of Mr Warner who is similarly linked to the fishing industry.

Legal implications

Legal risk associated with DPIs is mitigated through the application of due process in accordance with the Localism Act 2011 and the Eastern IFCA Constitution and Standing orders.

Financial implications

None identified

Appendices

- 1. Updated Disclosable Pecuniary Interests for MMO appointees**
- 2. Consideration of granting dispensations for members with Disclosable Pecuniary Interests under section 33 of the Localism Act 2011**

Appendix 1 - Revised Disclosable Pecuniary Interests for MMO appointees (November 2020)

**Eastern IFCA - Register of Pecuniary Interests
Non-elected members (MMO appointees)**

Register of Pecuniary interests. Under section 30 of the Localism Act (2011) the following Disclosable Pecuniary Interests have been declared by non-elected members including those relating to a husband / wife / spouse or civil partner or person with whom the member is living as if they were civil partners.						
Name of non-elected member	1. Employment	2. Sponsorship	3. Contracts	4. Land or licences	5. Corporate tenancies	6. Securities
Mr Keith Shaul	Fisher (specifically Crabs, Lobsters and Whelks) and Market trader / Sala Seafoods	None	None	None	None	Ownership of shares in the following fishing vessels: SARAH NAOMIE (PLN: YH333), SARAH S
Dr Stephen Bolt	Secretary of State appointee to the Broads national park authority / member of the Broads National park planning committee	None	None	None	None	None
Stephen Worrall	None	None	None	None	None	None

Mr Rob Spray	Self Employed (photography, marine monitoring, recording and training)	None	None	None	None	None
Mr Shane Bagley	Fisher (specifically cockles, mussels and brown shrimps)	None	None	Boston Quay	Wash Fishery Order Shellfish Lay	Ownership of shares in the fishing vessel LILI MAE (PLN: BN439) / Boston and Fosdyke Fishing Society Limited
Mr John Davies	Fisher (specifically Crabs, Lobsters, whelk, bass, finfish) / Director and Secretary of JJ and CAS Davies Limited	None	None	None	None	JJ and CAS Davies Limited / ownership of shares in fishing vessel RICHARD WILLIAM (PLN: YH3)
Ms Tania Davey	Lincolnshire Wildlife Trust (conservation), Caistor Grammar School (education)	None	None	None	None	None

Mr Roy Brewster	Fisher (specifically cockles, mussels and brown shrimps) / Director of Tricia B Shellfish Ltd / R A Brewster and Sons	None	None	None	2 Wash Fishery order Lays	Tricia B Shellfish Ltd / R A Brewster and Sons / ownership of shares in three fishing vessels: VICKY ELLEN (PLN: BN86), RUBY DOO (PLN: BN3), PATRICIA B (PLN: 438)
Mr Paul Garnett	R. J Garnett and Sons Limited (Director) / Fisher (specifically cockles, mussels, whelks, brown shrimps, crabs and lobsters)	None	None	None	None	R. J. Garnett and Sons Limited / King's Lynn Fishing Industry Co-Operative Limited / ownership of shares in two fishing vessels: NORTHERN ISLE (PLN: WY28) and ELIZABETH MARY (PLN: LN84)
Mr Mike Warner	A passion for Seafood Ltd (Support activities for crop production, Environmental activities, activities of business and employers membership)	None	None	None	None	A passion for Seafood Ltd

	organisations, fish wholesaler including wet fish, shellfish).					
Mr Steven Williamson	Director of J and J Shellfish Ltd / Director of Lynn Shellfish Ltd / Donaldsons (specifically cockles, mussels, whelks and brown shrimps)	None	None	Lynn Shellfish Ltd (processing factory)	Wash Fishery Order Lays	J and J Shellfish Ltd / Lynn Shellfish Ltd / Donaldsons / ownership of shares in the following vessels: PORTUNUS (LN91), SEAGULL (LN22), SEASWALLOW (LN20), LYNN PRINCESS (LN175), BOY NEIL (LN126), ABBIE JAYNE (LN454), WASH PRINCESS (LN161), JOHN WILLY (LN465), MATTY JAY (LO541), GEORGIE FISHER (LN474), JALETO (MT105), SUNNY MORN (LN475), DOG FISH (LO119), MOLLY P (BN444)

Appendix 2 – Consideration of granting dispensations for members with Disclosable Pecuniary Interests under section 33 of the Localism Act 2011

Consideration of matters which may conflict with DPIs

This assessment considers the following members:

- Shane Bagley;
- Stephen Bolt;
- Roy Brewster;
- Rob Spray;
- Stephen Worrall; and
- Mike Warner.

Authority business is centred around Eastern IFCA's main duties i.e. the management of fishing activity in relation to industry viability, fisheries sustainability and environmental protection. The main 'types' of matters for which a conflict is likely are summarised below.

- Agreeing to management measures – where the Authority considers issuing, varying or revoking management measures there will likely be economic impacts on fishers including Authority members with related DPIs. This includes a range of fisheries (e.g. cockle fisheries, crab and lobsters etc.). In addition, members employed by a conservation body have a DPI in 'conservation';
- Leasing private Rights to fisheries in the Wash – The Wash Fishery Order 1992 enables Eastern IFCA to lease portions of seabed in The Wash to fishers, including some Authority Members, for the purpose of Aquaculture;
- Agreeing to contracts to undertake work on behalf of the Authority - Members have previously agreed to contract out works (specifically research work) to fishers. Where such matters are under consideration and discussed, Members may have related DPIs.

Section 33 of the Localism Act sets out that, in considering whether to issue dispensations, the Authority must consider 'all relevant circumstances.' MMO appointee's DPIs in relation to matters relating to Authority business are set out in Table 1 (below) which also sets out potential conflicts.

Table 1 – circumstances where an MMO Appointee may have a DPI which relates to matters discussed at Authority Meetings. DPIs identified include those relating to the spouse / civil partner of the non-elected member.		
MMO Appointee	DPIs which relate to Authority Business	Matters for which a DPI is relevant
Mr Shane Bagley	<u>Employment</u> – Fishing (specifically cockles, mussels and brown shrimps) <u>Corporate tenancies</u> – leasing of private fishery from Eastern IFCA	Agreeing to management measures for cockles, mussels and brown shrimps, leasing private rights to fisheries in The Wash, Agreeing to contracts to

	<u>Securities</u> – Ownership of shares in fishing vessel LILI MAE (PLN: BN439) and Limited company 'Boston and Fosdyke Fishing Society Ltd'	undertake work on behalf of the Authority
Mr Roy Brewster	<u>Employment</u> – Fishing (specifically cockles, mussels and brown shrimps) / Director of Tricia B Shellfish Ltd / R A Brewster and Sons <u>Corporate tenancies</u> – leasing of private fishery from Eastern IFCA <u>Securities</u> – Tricia B Shellfish Ltd / R A Brewster and Sons / ownership of shares in three fishing vessels: VICKY ELLEN (PLN: BN86), RUBY DOO (PLN: BN3), PATRICIA B (PLN: 438).	Agreeing to management measures for cockles, mussels and brown shrimps, leasing private rights to fisheries in The Wash, Agreeing to contracts to undertake work on behalf of the Authority
Dr Stephen Bolt	<u>No conflicts identified</u>	
Stephen Worrall	<u>No conflicts identified</u>	
Mr Rob Spray	<u>No conflicts identified</u>	
Mr Mike Warner	<u>Employment</u> – Fish wholesaler (A Passion for Seafood)	Agreeing to management measures

Consideration of the benefits of granting dispensations

The MMO appoints Members to IFCAs in accordance with Defra guidance¹ and in particular to ensure that '*members appointed by the MMO are representative of and/or hold knowledge and experience relevant to the economic, social and environmental needs of that IFCA's district and will be selected for the relevant expertise that they will bring to the Committee*'.

In doing so an Authority is able to meet the aim of the Marine and Coastal Access Act 2009 in modernising the management of the entire marine environment by achieving an appropriate balance between commercial exploitation and stock and habitat protection.

MMO appointees are required to impart their local knowledge and expertise to provide insight into the potential outcomes of Authority decisions. Such decisions (and in particular those relating to the implementation of fisheries management) are likely to have much wider ranging effects than only directly

¹ Guidance to the Marine Management Organisation (MMO) on the appointment of committee members to Inshore Fisheries and Conservation Authorities (IFCAs), April 2010 - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/347493/ifca_appointments_guidance.pdf

on fishermen (for example fisheries related jobs such as factory workers, tourism and cultural impacts). Benefits in relation to each identified 'type' of matter are summarised below:

- Agreeing to management measures – Those employed within the fishing industry will have an insight into the potential impacts of recommended management measures and can use their experience and knowledge of the industry to 'sense-check' measures and associated Impact Assessments.
- Leasing private Rights to fisheries in the Wash – The Wash is a dynamic marine environment and fishers with on-the-ground experience provide an insight into the potential impacts of granting private fisheries.
- Agreeing to contracts to undertake work on behalf of the Authority - Members employed within the fishing industry will be able to provide insight into the practicality and logistical issues associated with new research projects where the industry may be asked to participate.

Recommended Dispensations

Dispensations under s.33(2) – participation in discussions for matters in which a member has a DPI

It is recommended that dispensations should be granted in relation to all the conflicts identified in Table 1 with regards to participating in discussions. It is considered in the interest of persons living within the district and to ensure that the Authority has fully considered the potential impacts of decisions. Such benefits fall within the scope of s.33(2) of the Localism Act and as such dispensations are considered appropriate. It is also recommended that the dispensations are granted for the maximum period allowed within the Localism Act (2011) of four years or until their term of service is expired (whichever is first) so as to align MMO appointee full term appraisals with the consideration of granting dispensations.

Dispensations under s.33(2) – voting on matters in which a member has a DPI

It is recommended that, in relation to the DPI conflicts regarding those involved within the fishing industry and specific fisheries, dispensations to vote do not fulfil the requirements of s.33(2) of the Localism Act. This is primarily because there is sufficient representation from various parts of the fishing industry to mitigate the loss of a vote on a specific matter.

Vision

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41st Eastern IFCA Meeting

A meeting of the Eastern IFCA took place on Wednesday 9th September 2020 at 1030 hours via Zoom video conferencing in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (Statutory Instrument 2020 no.392).

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

Eastern IFCA (EIFCA) Officers Present:

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

Minute Taker:

Jodi Hammond

EIFCA20/17 Item 1: Welcome

Cllr Skinner welcomed members to the meeting.

EIFCA20/18 Item 2: Apologies for Absence

Apologies for Absence were received from Mr Shaul (MMO Appointee) and Cllr Chenery of Horsbrugh (NCC). Mr R Spray would be joining the meeting slightly late.

EIFCA20/19 Item 3: Declarations of Members Interest

Some items on the agenda related to interests that had been declared members were reminded that in these instances they would be able to take part in discussions but not vote, unless there was a dispensation to vote.

EIFCA20/20 Item 4: Minutes of the 39th EIFCA Meeting, held on 11th March 2020

ITEM 12: OFFSHORE WINDFARM COMPENSATORY MEASURES: Mr Garnett requested the minute be reworded as it was not all members who were not happy with the position statement, he felt it was more a 50/50 split. It was agreed the minute would be reworded.

Ms Davey advised that the shrimp fishery had not been discussed during the last Working Group meeting and requested it be added to the October meeting. The CEO advised it would depend on the upcoming work streams.

Members Agreed that with the rewording of minute EIFCA20/12 the minutes were a true record of the meeting.

Proposed: Mr Worrall

Seconded: Cllr Goldson

All Agreed

Notes of the Extraordinary meeting of the Finance and HR sub-committee held on 4th August 2020.

Members Agreed the notes were a true record of the meeting.

Proposed: Cllr Skinner

Seconded: Mr Worrall

All Agreed

EIFCA20/21 Item 5: Matters Arising

EIFCA20/07 WFO 1992 REPLACEMENT: The CEO reminded members that previously the decision had been taken to replace the Wash Fishery Order with a Byelaw permit scheme subject to legal advice confirming analysis that a Byelaw could provide the same as a Regulating Order. Legal advice had now confirmed this.

Mr Brewster advised that he did not agree with the Order being replaced by a Byelaw and added that the industry were also not happy. The CEO felt the industry's position was misplaced and was concerned that his reassurances had not been taken onboard.

URGENT MEETING: The CEO advised that the Fish Local bid in the EIFCA district had been unsuccessful.

The Vessel Replacement Project had reached the tendering process which it was envisaged would be out within the next couple of weeks.

EIFCA20/22 Item 6: Health & Safety risks and mitigation

Members were advised 'Working from Home' arrangements due to Covid-19 had proved successful. Vessels were still able to go to sea, and officers were continuing to patrol the district.

Only one incident had been reported in the last quarter which involved overheating of a charger. The charger had subsequently been replaced.

Members Agreed to note the content of the report.

EIFCA20/23 Item 7: Minutes of the Finance & HR Meeting held on 4th August 2020

Members were provided with a brief summary of the meeting. It was noted that a large sum had been moved into the salary account as a contingency measure. Savings on the previous years' accounts had resulted in movement to the asset replacement and vessel replacement reserves.

Members Agreed to note the content of the report.

EIFCA20/24 Item 8: Closed Area Byelaw 2020

Members were referred to the previously circulated papers and SMSO Stoutt provided an overview about the proposed areas to be closed and progression of previous byelaws.

IFCO/Project Officer Brown gave members a summary of the consultation process with stakeholders and the feedback which had been received. Members were also provided with details of the impact these closures were expected to have on industry members in terms of lost revenue or additional costs, and the impact on EIFCA as a result of additional patrols.

When questioned what the practicality of compliance and enforcement would be in these areas the CEO advised that whilst iVMS would be a useful tool, he was currently confident there was not a significant risk to non-compliance in these areas.

It was questioned whether in future if areas of Sabellaria became covered in mussel they would be opened to fishing, SMSO Stoutt advised that if the area was considered to be a core area for Sabellaria then it would most likely remain closed, although there would be discussion with NE.

Cllr Goldson expressed concern that fishers in the district could be losing more available grounds whilst windfarms seemed able to run rough shod across the area. The CEO advised every effort was made to minimise the areas to be closed. He was aware there was a myriad of activity in the marine environment and EIFCA were very active in responding to marine planning and licence applications to ensure all concerns were included in the feedback.

Mr Williamson noted that the chart showing areas of Sabellaria in the Wash should be evidence that the fishing industry was not damaging the beds. He questioned when NE would consider enough areas had been closed for the protection of Sabellaria. The CEO advised this was a question NE would not be able to answer as they followed Government Policy and legislation.

Cllr Vigo Di Gallidoro also expressed concern regarding the impact of windfarms in the area and questioned whether it would be possible to prepare a full and frank report to send to MPs, this was a sentiment Cllr FitzPatrick agreed with.

Mr Davies expressed concern about push net fishing and the fear that a total ban would affect all children on holiday from trying their hand with a small net. The CEO advised that push nets were still being looked into, to assess the potential impacts with a view to exempting them from restrictions.

Ms Davey questioned what the next phase of work would be in terms of gathering data. SMSO Stoutt advised that data used covered several years and was ongoing. Discussion was

continuing with NE regarding core reef areas. The CEO added that this work remained a priority in the Business Plan.

Members Agreed to:

- **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;**

Members Resolved 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.

Proposed: Dr Bolt

Seconded: Mr Davies

All Agreed

Members Resolved to make the Closed Areas Byelaw 2020.

Proposed: Dr Bolt

Seconded: Cllr FitzPatrick

All Agreed

EIFCA20/25 Item 9: Whelk Permit Conditions Review

Members were provided with a short presentation on the Whelk Permit byelaw which was made in 2016. The byelaw required the permit conditions be reviewed every 4 years.

Consultation had taken place which resulted in 18 responses that were discussed at length at the Fisheries and Conservation Management Working Group.

Members discussed the suggestion that over-fishing was taking place in certain areas throughout the district and the knock on effect this may have in other areas if restrictions were put in place. MLS and the effectiveness of escape holes were also considered as was the need for effective enforcement if changes were to be instigated.

Members Resolved to:

- **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**

Proposed: Cllr Goldson

Seconded: Mr Worrall

All Agreed

EIFCA20/26 Item 10: Offshore Windfarm Compensatory Measures

At the previous meeting members had mixed views on the wording of the position statement, it had therefore fallen to the working group to revise the statement which was now put to members for consideration.

Both Ms Davies and Moffatt advised they did not feel it appropriate for them to vote on this item.

Members Resolved to

- **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.

Proposed: Cllr Goldson

Seconded: Mr Worrall

All Agreed - with the exception of those who expressed a wish not to vote

At this point the meeting stopped for a 5 minute break

EIFCA20/27 Item 11: Horseshoe Point Cockle Fishery

Members were referred to the previously circulated papers and Senior IFCO Godwin provided an overview. Due to insufficient cockles to support a fishery this fishery had been closed since 2002. There had been one year when sufficient cockles were available, however, access to the fishery had not been possible by boat. Subsequently a decision had been made by the local council to no longer continue with the water classification.

Whilst members expressed concern about the closure of the fishery if remained there were insufficient stocks and no water classification to enable a fishery. It was felt the cockles in this area did not survive long enough to spawn, unless there was a very cold winter at which times, they were more likely to survive into a second year.

Members Resolved to:

- **Note the contents of the report.**
- **Agreed to maintain the closure of the Humber Estuary cockle fishery until 1st October 2021.**
- **Agree to delegate authority to the CEO to implement further closures as required.**

Proposed: Mr Spray

Seconded: Cllr Vigo Di Gallidoro

All Agreed

EIFCA20/28 Item 12: Shrimp Permit Scheme

Members were referred to the previously circulated papers and Senior IFCO Godwin provided an overview of the results of consultation and proposed amendments to the Byelaw and permit conditions for shrimp fishing in the Wash and North Norfolk Coast SAC.

Whilst it was not anticipated there would be a great influx of shrimp vessels it was proposed there should be similar conditions to those applied to a Wash Fishery Order licence such as experience of fishing in the Wash, weekly landing returns, and the ability to bring in the use of iVMS data at a later date, all of which would be subject to consultation.

The CEO advised the HRA had been agreed with NE, the plan was to put the fishery in a better position for the future. Ms Davey felt there should be some habitat monitoring.

Members Resolved to:

- **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.**

Proposed: Cllr Goldson

Seconded: Dr Bolt

Agreed

Ms Davey requested that a further recommendation be added to allow further discussion on habitat monitoring as she believed some detail was lacking, however the CEO felt this was not appropriate as this paper was covering specific issues about the byelaw but her point was noted. The Chair suggested maybe a future working group was a better place for further discussion.

Mr Davies said he was conscious a lot of decisions were being left to the CEO and was concerned that with some elements of industry being unhappy about some decisions it might expose him to criticism. He felt that the Authority should be seen to support the CEO.

The CEO advised he was aware there was some concern but the decisions he was delegated to make were minor amendments to enable smooth running and on more serious matters such decisions could be taken in discussion with the Chair and Vice Chair. Mr Garnett advised he was happy with the current arrangements but added that his concern was for the future if a

new appointee was expected to make decisions before they had sufficient experience and knowledge.

EIFCA20/29 Item 13: Annual Report

Members were reminded the format of this report followed on from previous years and it was a requirement of Defra that the report be published.

Members Resolved to Approve the report and Direct the CEO to publish the report and distribute to Defra.

Proposed: Cllr Collis

Seconded: Mr Worrall

All Agreed

EIFCA20/30 Item 14: Quarterly review of annual priorities and Risk Register

The CEO advised members some elements of the Business Plan had been affected by Covid-19.

Cromer Shoal MCZ: Formal NE advice had been received, which indicated that management would be required on the rugged chalk, so EIFCA could now assess what needed to be done. An Engagement Plan was being worked on to consult stakeholders.

WFO Replacement: Members were advised some of the industry did not want to replace the WFO with a permitting byelaw and had employed a legal representative who was in discussion with the CEO. It was noted that it was the mechanism that was changing, many elements of the WFO would roll over but some issues such as entitlements would require careful consideration and discussion with the industry.

New Burdens Funding: Members were advised this was the last year there would be New Burden Funding in its current, it was hoped similar funding would be available in an alternative form but this would not be known until after the Spending Review.

Following the CEO's update on the Business Plan members discussed in detail the WFO Review and the views of the industry.

Members Agreed to note the content of the report.

EIFCA20/31 Item 15: WFO Cockle Fishery 2020

Members were referred to the previously circulated papers and were advised that despite the survey difficulties encountered as a result of Covid-19, the SMSO (Research) had managed to develop an alternative methodology to assess the fishery which

had resulted in a cockle fishery being possible with a TAC which was judged to be about what it would have been if it had been possible to do a full survey.

There was further discussion regarding the replacement of the WFO following which the Chair suggested the Fisheries and Conservation Management Working Group would be the way forward for discussing the permit scheme, it was emphasised the industry needed to be aware the replacement should be in place prior to the expiry of the WFO to ensure continuation of fishing.

Members Agreed to note the content of the report.

EIFCA20/32 Item 16 – Wash Restricted Area Byelaw 2019

Members were referred to the previously circulated papers and advised that Officers had been working on a replacement for this temporary byelaw. The Byelaw referenced WFO regulations, which were in the process of being revised so a solution had to be agreed with the MMO on how best to ensure that the WFO regulations could be included in the byelaw.

Members Resolved to ;

- **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 were applied within the Wash Restricted Area.**

**Proposed: Mr Worrall
Seconded: Cllr FitzPatrick
All Agreed**

EIFCA20/33 Item 17: CEO Update

The CEO advised the Association of IFCA Minutes were provided for information. Members were also advised that Dr Bolt had moved on from AIFCA but remained a member of EIFCA.

The CEO gave a general update to members, advising on working arrangements as a result of Covid-19, strengthened working

arrangements with Defra had been established as a result of close monthly liaison.
The review of IFCA's had also been completed although it was still in draft it was thought to be relatively positive.

EIFCA20/34 Item 18: Head of Operations update

This report had been circulated to members in advance of the meeting to allow time for the content to be considered.

Members Agreed to note the content of the report.

There being no other business the meeting closed at 1410 hours.

Vision

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Action Item 6

42nd Eastern Inshore Fisheries and Conservation Authority meeting

9th December 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 occurred in October as an online workshop. As an organisation we have the majority of things in place such as shock mitigation seating, this does not mean officers are not at risk and it is important our skippers and helms operate the vessels in a safe seaman like manner to further mitigate risk.

COVID-19 continues to impact on the way we have work. As an authority we have continued to ensure our assessments, policies and practice are kept up to date to ensure we remain COVID compliant. NHS QR codes are now in place for entry into the Kings Lynn Officer, Unit A and Three Counties. A very dynamic

approach needs to be taken and officers are only deployed if it is felt safe to do so if outbreaks are highlighted it may not be possible for officers to attend certain ports.

Officers continue to work from home and in 'team bubbles' where possible with appropriate PPE. Officers have set up workstations at home using office equipment and a small allowance is available if people require equipment to ensure they can work safely from home. This will require ongoing monitoring and discussion with officers especially around emotional health and wellbeing.

There has been an impact on face to face engagement, but safety of officers and their families is paramount.

There has been two confirmed cases of COVID 19 within the team, both staff members have taken time off work, it is not believed this was contracted through work and neither staff member had any contact with each other or other officers.

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?
16/09/2020	Three Counties	Injury	Cleaned and dressing applied	N	Yes	Simon lee	Yes, helm seat to be lowered during refit

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

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

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

*

Risk Rating
High
Medium
Low

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

Vision

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Action Item 7

42nd Eastern Inshore Fisheries and Conservation Authority meeting

Report by: Andrew Bakewell – Head of Finance & HR

Meeting of the Finance & HR Sub-committee held on 3rd st 2020

Purpose of report

To inform members of the key outputs and decisions from the Finance & HR Sub-Committee meeting held on 3rd November.

Recommendations

Members are asked to:

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

F&HR 20/31 Minutes of the F&HR Meeting

- Signed as a true record

F&HR20/32 Matters Arising

- Members advised that the Annual Statement would be signed and submitted for external verification upon completion of the internal audit.

Finance Matters

Re minute F&HR 20/33 Quarter 2 Payments and Receipts

- Head of Finance reported that payments and receipts included a £300,000 transfer to the salaries account to cover the next quarter's salary and related payments and expenditure on "Operation Blake" which would be reclaimed from the EMFF grant at a subsequent date.
- Training expenditure – explained that certain courses had been pre-booked with some continuing via on-line means. Essential face to face training had in some cases been delayed. Annual contribution to the AIFCA national training post had also been paid.

Members Agreed to:

- **Note** the content of the report

Re minute F&HR 20/34 Quarter 2 Management Accounts

- Continued salary savings due to a delayed start for an IFCO grade 5 (28/9/20)
- Expenditure for Operation Blake would be reclaimed as mentioned above.

Members Agreed to:

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

Re minute F&HR 20/35 Provisional Budget 2021/22 and forecast to 2026

- Budget based on continuing as is basis including modest levy increases, asset replacement funding and “New Burden” at current level. The meeting with the finance representatives of the 3 county councils resulted in them all reassuring us that they were happy with the level of funding, at least for the coming year.
- The projected shortfall of £10k assumed a full complement of staff all year and a return to pre-Covid work patterns.
- In response to the potential issue of “New Burden” funding ending the CEO and HOF indicated that the shortfall would be taken from reserves while longer term options were considered.
- The forecast to 2026 had been prepared on a no change basis but did include a table showing the impact if New Burden or an alternative were not received.

Members **agreed**:

- Draft Budget be presented to the Full Authority see later agenda item.
- Levies for the year 2021/22 to be submitted for approval by the Full Authority
- Forecast to 2026 be presented to the Full Authority

Re minute F&HR 20/36 Working from Home

Following a lengthy debate it was agreed that the Authority (on a temporary basis) would pay the £6 per week allowance to all staff working from home. An allowance was also agreed to compensate for additional equipment that staff required to work from home (Desk £80 and other £50) this would be paid on production of a valid VAT receipt. Cost to the Authority would be met from savings in other areas notably travel and accommodation.

Members Agreed to:

- Payment of the weekly allowance and the contribution to the cost of equipment.

Re minute F&HR 20/37 Exclusion of the Public

Members resolved:

- That members of the public be excluded under Section 100(a)(4) of the Local Government Act 1972 Paragraph 1 of Schedule 12A of the Act.

Re minute F&HR 20/38 Vessel Procurement update

Members were advised:

- that the specification was complete and that NCC had been engaged to manage the tender process. Tenders had been invited which would be evaluate by a panel who would hopefully be able to choose a suitable proposal.
- that the surveyor who had previously overseen the build of authority vessels was stepping back and the CEO indicated that Euro Marine Surveys would oversee the build of the new vessel
- the CEO responded to a query concerning NCC expertise in the field of vessels explaining that NCC were engaged for their Procurement skills.
- In response to a question concerning the build material the CEO confirmed that the tender documents included both aluminium and GRP

Members Agreed to:

- **Note** the content of the report

Members resolved to:

- **Agree:**
 - to delegate the decision to award the contract to the CEO
 - to delegate all decision making and management of the contract throughout the build period and agree variations to budget up to a ceiling of +10%
 - that build oversight would be undertaken by Euro Marine Surveys

It was further agreed that the CEO would update the Chair and Vice Chair regularly and keep members of the sub-committee briefed re progress.

Re minute F&HR 20/39 Wash Fisheries Economic Assessment

Members were reminded that it had been agreed to replace the WFO 1992 with a permitting byelaw. Part of the process was to commission an economic assessment of the fisheries within the Wash.

Quotes had been sought from four providers of whom two had responded with significantly different quotes.

Members were asked to, following detailed evaluation of the tenders, delegate award of the contract to the selected provider.

Members were asked to approve the use of the WFO 1992 reserve to fund the work.

Members Agreed to:

- **Note** the content of the report

Members resolved to:

- **Agree** that the CEO, once proposals had been fully evaluated, determine the consultancy to engage.
- **Agree** to utilise funds from the WFO 1992 reserve to fund the project.

Re minute F&HR 20/40 HR Update

Members were advised of a Working from Home crib sheet circulated to managers to assess the wellbeing of team members in a working from home situation deemed particularly important as the duration extended and the season changes.

The Grade 5 IFCO joined on the 28th September and appeared to be adapting well. Her MMO experience should prove an asset.

A vacancy has arisen in the Marine Science Team as a result of the resignation of an MSO to take up a post with the Marine Stewardship Council. It is anticipated that the structure and workload of the Teams will be revisited before any decision to recruit a replacement.

Members agreed to:

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

Re minute F&HR 20/41 AOB

In response to an enquiry concerning progress with replacement accommodation, the HoF&HR advised that decisions had been put on hold pending resolution of future funding as new accommodation may need to be sacrificed or substantially modified.

Background Documents

Unconfirmed minutes of the Finance and HR sub-committee meeting held on the 3rd November 2020.

Vision

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Action Item 8

42nd Eastern Inshore Fisheries and Conservation Authority meeting

9th December 2020

Report by: Andrew Bakewell – Head of Finance and HR

Budget for the period 1st April 2021 to 31st March 2022 and Forecast to 2025/26

Purpose of report

To present the Budget for the 2021/22 financial year along with the Forecast for the following 4 years to 2026. The estimates detailed below are recommended to the full Authority for approval and adoption.

Recommendations

Members are asked to:

- **Approve** the Budget 2021/22.
- **Approve** the Levies for 2021/22
- **Approve** the Forecast for the following 4 years to 2025/26

Report

At a meeting of the Finance and HR sub-committee held on 3rd November 2020 members agreed the proposed budget and levies for 2021-22 for recommendation to the full Authority for approval.

The Estimates of Expenditure for the financial year 2021/2022 are summarised under the main budget headings shown on Table 1. The details of expenditure are shown in Tables 2 & 3, which are attached.

Table 1 also shows the budget approved for the current financial year (2020/2021) and projected outcome for this year. The format of Table 1 shows the Total Estimates of Expenditure less Income. The New Burden Funding is then deducted from the Total Expenditure less Income to establish the residual cost which after deduction of the contribution from County Councils shows the surplus available for asset replacements or the reserves ear marked for that purpose.

The projected expenditure less income for 2020/2021 shows a saving of £ 84,179 The total saving comprising of expenditure savings £96,060 income shortfall of £ (18,000) on top of the budgeted £6,119 saving.

The calculation of the Budget for 2021/2022 (Table 1).

Notes on Expenditure

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

Variations from 2020/2021 Budget to the 2020/2021 Projection and 2021/2022 Budget are summarised under the main budget headings in the following table:

	2020/2021 Budget £	2020/2021 Projection £	2021/2022 Budget £
Salaries & Wages	1,135,875	1,054,250	1,165,900
General Expenditure	212,395	196,160	207,450
Departmental Op Costs	38,000	37,500	38,500
Vessels	113,000	115,250	114,850
Vehicles	26,700	26,750	27,250
TOTAL	1,525,970	1,429,910	1,553,950

Salaries & Wages

<u>2020/2021 Projection- £81,625 saving</u>	<u>2020/2021 Budget (£30,025)</u>
a) Vacancies and recruitment delay due to pandemic	a) Salaries have been calculated for a full complement b) Salary inflation 2%.

General Expenditure

<u>2020/2021 Projection- £16,235 saving</u>	<u>2021/2022 Budget £4,945</u>
a) Reduced staff travel and expenses and training	Reduced travel and expenses as a result of increased use of on-line technology.

Departmental Operational Costs

<u>2020/2021 Projection- £500</u>	<u>2021/2022 Budget (£500)</u>
a) Minor savings	Inflation 2%

Vessels

The 2020/2021 budget provided for the operating costs of Three Counties, John Allen, Sebastian Terelinck and Seaspray all year.

<u>2019/2020 Projection- (£2,250) saving</u>	<u>2020/2021 Budget (£1,850)</u>
a) Unforeseen maintenance costs	Anticipated increase reflecting age of vessels and inflation.

Vehicles

<u>2020/2021 Projection- (£50)</u>	<u>2021/2022 Budget</u>
Savings on Fuel and maintenance part offset by increased insurance.	Inflation

Inflation Contingency

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

Income

<u>2020/2021 Projection (£18,000)</u>	<u>2021/2022 Budget (£10,000)</u>
One-off WFO licence fee reduction	Delay in WFO increase and reduced interest receipts.

Reserves

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

	£
ICT Fund	10,000
Legal and Enforcement Fund	75,000
Office Improvement Fund	10,000
Operational Fund	150,000
Research Fund	78,169
DEFRA Grant	18,292
Vehicle Renewals Fund	60,000
IVMS (10%)	30,000
Vessel Replacement Fund	<u>1,809,526</u>
	<u>2,240,897</u>

Levies

As discussed with the County Councils' finance representatives, levies have been increased by 2% for 2021/22 (confirmed by finance representatives 10th November). Although reserves are healthy the upcoming replacement of RV Three Counties will expend a substantial proportion. The reduced reserves will continue to be augmented by annual contributions from the County Councils' as agreed as the preferred method of funding asset replacements. The Levies on the constituent County Councils including the 2% increase and asset replacement funding for 2021/2022 follow:

	Norfolk County Council £	Suffolk County Council £	Lincolnshire County Council £
County Council Levies	415,454	311,860	351,789
Asset replacement	61,267	45,991	51,878
New Burden Funding Allocation	151,999	114,420	127,726
Total Levy	<u>628,720</u>	<u>472,271</u>	<u>531,393</u>
	38.5%	28.9%	32.6%
<u>For Information</u> <u>2019/2020</u> Total Levy	618,790	464,816	522,894

Table 1

Estimates of Expenditure 2020/2021

	2020/2021 Budget	2020/2021 Act/Proj	2021/2022 Budget
	£	£	£
Salaries & Wages	1,135,875	1,054,250	1,165,900
General Expenditure	212,395	196,160	207,450
<u>Departmental Operational Costs</u>			
Marine Science	12,000	12,500	12,500
Marine Protection	25,000	24,000	25,000
Media	1,000	1,000	1,000
<u>Vessels</u>			
Moorings & Harbour Dues	5,000	6,500	6,500
Research Vessel - Three Counties	50,000	52,500	50,000
Enforcement Vessels - John Allen/ANO RIB(S)	37,500	35,000	35,500
Insurance	20,500	21,250	22,850
Vehicles	26,700	26,750	27,250
TOTAL EXPENDITURE	£ 1,525,970	£ 1,429,910	£ 1,553,950
INCOME	80,000	62,000	70,000
EXPENDITURE LESS INCOME	£ 1,445,970	£ 1,367,910	£ 1,483,950
<i>LESS New Burden Funding</i>	<i>394,145</i>	<i>394,145</i>	<i>394,145</i>
Net Expenditure	1,051,825	973,765	1,089,805
Levies	1,057,944	1,057,944	1,079,103
Surplus/(Shortfall)	£ 6,119	£ 84,179	£ (10,702)

Table 2**Estimates of Expenditure 2021/2022**

Details of Expenditure - Salaries & Wages and General Expenditure

	2020/2021 Budget	2020/2021 Projection	2021/2022 Budget
<u>SALARIES</u>			
Staff Remuneration	854,033	807,000	887,602
Pension	194,341	164,500	184,915
National Insurance	87,501	82,750	93,383
TOTAL	1,135,875	1,054,250	1,165,900
<u>GENERAL EXPENDITURE</u>			
<i><u>Accommodation</u></i>			
<i>(Rent, Rates, Insurances, Utilities)</i>			
Rent	34,665	35,040	36,250
Business Rates	15,980	15,980	16,300
Water Rates	760	710	750
Service Charges	3,420	3,420	3,500
Insurance - Buildings	1,090	1,090	1,150
Insurance Office & General	8,500	8,500	8,750
Electricity	4,850	4,100	4,500
Cleaning	920	1,000	1,000
Maintenance & Redecoration	4,900	4,520	4,000
TOTAL	75,085	74,360	76,200
<i><u>General Establishment</u></i>			
Advertisements & Subscriptions	19,000	18,000	18,000
Legal & Professional Fees	12,000	14,000	12,000
Telephones (Office & Mobile)	8,000	6,400	7,500
Postage & Stationery	8,500	8,500	8,500
IT Support (including Citrix)	33,200	34,000	34,500
Uniforms & Protective Clothing	8,550	7,500	8,000
Medical Fees	1,000	3,200	1,250
Recruitment	1,200	1,000	1,000
Sundry inc. Meeting Costs	1,360	1,200	1,250
TOTAL	92,810	93,800	92,000
<i><u>Officers' Travel & Subsistence</u></i>			
General Travel - Fares, Taxis etc	6,500	3,000	5,000
Subsistence Payments	1,000	2,000	1,250
Overnight Subsistence	2,500		1,500
Hotel - Accommodation & Meals	7,500	2,000	5,000
TOTAL	17,500	7,000	12,750
<i>Members' Travel</i>	2,000	1,000	1,500
<i>Training</i>	25,000	20,000	25,000
TOTAL GENERAL EXPENDITURE	212,395	196,160	207,450

Operating Dept Costs

<i>Marine Science</i>	12,000	12,500	12,500
<i>Marine Protection</i>	25,000	24,000	25,000
<i>Media</i>	1,000	1,000	1,000

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

Details of Expenditure - Vessels & Vehicles

	2020/21 Budget	2020/21 Projection	2021/22 Budget
<u>MOORINGS & HARBOUR DUES</u>			
Rent - Sutton Bridge Moorings			
Maintenance	500	500	500
Berthing & Harbour Dues	4,500	6,000	6,000
TOTAL	5,000	6,500	6,500
<u>RESEARCH VESSEL</u>			
<u>Three Counties</u>			
Maintenance & Repairs	14,000	20,000	20,000
Refit	26,000	24,000	10,000
Insurance & Certification	14,000	14,000	15,000
Fuel	10,000	8,500	10,000
TOTAL	64,000	66,500	65,000
<u>ENFORCEMENT VESSELS</u>			
<u>John Allen/Sebastian Terelinck</u>			
Maintenance & Repairs	32,500	30,000	30,000
Insurance & Certification	5,500	6,250	6,750
Fuel	5,000	5,000	5,500
TOTAL	43,000	41,250	42,250
<u>Seaspray</u>			
Maintenance & Repairs			
Insurance & Certification	1,000	1,000	1,100
Fuel			
TOTAL	1,000	1,000	1,100
<u>VEHICLES</u>			
Insurance	11,000	10,750	11,250
Fuel & Sundries	10,200	10,000	10,200
Servicing	4,000	4,500	4,500
Vehicle Tracking	1,500	1,500	1,500
TOTAL	26,700	26,750	27,250

Forecast to March 2026

	<u>2021/22</u>	<u>2022/23</u>	<u>2023/24</u>	<u>2024/25</u>	<u>2025/26</u>
Income					
Levies	1,079,103	1,100,685	1,122,699	1,145,143	1,168,056
“New Burden”	394,145				
Other	70,000	80,000	80,000	80,000	80,000
Total Income	1,543,258	1,180,685	1,202,699	1,225,143	1,248,056
Expenditure					
Staff cost	1,165,900	1,200,877	1,236,903	1,274,010	1,312,231
Administration	207,450	180,000	183,600	187,600	191,000
Operations	38,500	39,000	39,500	40,000	40,500
Vessels	114,850	105,000	107,000	110,000	112,500
Vehicles	27,250	27,750	28,250	28,750	29,250
Total	1,553,950	1,552,627	1,595,253	1,640,360	1,685,481
Surplus/Shortfall	(10,702)	(371,942)	(392,554)	(415,217)	(437,425)
New burden alt.		394,145	394,145	394,145	394,145
Adj. Surp/s/fall	(10,702)	22,203	1,591	(21,072)	(43,280)

Movement in reserves

	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Opening	2,240,897	1,829,576	878,010	(370,022)	(633,749)	(915,074)
Revenue	84,179	(10,702)	(371,942)	(392,554)	(415,217)	(437,425)
Utilised	(650,000)	(1,100,000)	(1,040,000)	(40,000)	(40,000)	(740,000)
Balance	1,675,076	718,874	(533,032)	(802,576)	(1,088,966)	(2,092,499)
CC capital	154,500	159,136	163,910	168,827	173,892	179,109
Adjusted	1,829,576	878,010	(370,022)	(633,749)	(915,074)	(1,913,390)
New Burden			394,145	788,290	1,182,435	1,576,580
Final	1,829,576	878,010	24,123	154,541	267,361	(336,810)

Reserves summary to 2026

Opening 30/9/2020	2,240,897
Surplus/(shortfall) 5 years	(1,543,661)
Asset replacement CCs	999,374
Assets replaced	(3,610,000)
Balance	(1,913,390)
“New Burden”/alternative	1,576,580
Adjusted balance	(336,810)

On these projections replacement of Sebastian Terelinck would be delayed by 1 year reserves would then start to build from 2026 onwards.

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

42nd Eastern Inshore Fisheries and Conservation Authority meeting

9th December 2020

Report by: Julian Gregory, CEO

Authority Meeting Dates 2021-22

Purpose of report

The purpose of this report is to propose dates for meetings of the Authority and sub-committees thereof in 2021-22.

Recommendations

It is recommended that members:

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

Background

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

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

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

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

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

Report

Quarterly meeting dates are proposed for the full Authority, Finance and HR sub-committee meetings and the Fisheries and Conservation Management Working Group. The calendar of meetings to March 2022 is attached as Appendix 1.

The current situation with the COVID-19 pandemic mean that all meetings are being held via online video conferencing in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (Statutory Instrument 2020 no.392). It is likely that this situation will persist into 2021 and as such all meetings in the first quarter of the calendar year are scheduled to take place online. All other meetings will take place online or, in the event that the pandemic recedes sufficiently to permit face to face meetings, at the venues indicated.

Appendices

Appendix 1 – Meetings Schedule 2021-22

Appendix 1

Eastern IFCA Meetings Schedule 2021-22

Meeting	Date	Time	Proposed venue
Fisheries and Conservation Management Working Group*	Tuesday 19 th January 2021	10:30	Online
Finance & HR Sub-Committee	Tuesday 2 nd February 2021	10:30	Online
43rd Eastern IFCA	Wednesday 10th March 2021	10.30	Online
Fisheries and Conservation Management Working Group*	Tuesday 20 th April 2021	10:30	Online or Eastern IFCA Offices, King's Lynn
Finance & HR Sub-Committee	Tuesday 4 th May 2021	10:30	Online or Eastern IFCA Offices, King's Lynn
44th Eastern IFCA	Wednesday 9th June 2021	10.30	Online or Boathouse Business Centre Wisbech
Fisheries and Conservation Management Working Group*	Tuesday 20 th July 2021	10:30	Online or Eastern IFCA Offices, King's Lynn
Finance & HR Sub-Committee	Tuesday 3 rd August 2021	10:30	Online or Eastern IFCA Offices, King's Lynn
45th Eastern IFCA	Wednesday 8th September 2021	10.30	Online or Boathouse Business Centre Wisbech
Fisheries and Conservation Management Working Group*	Tuesday 19 th October 2021	10:30	Online or Eastern IFCA Offices, King's Lynn
Finance & HR Sub-Committee	Tuesday 2 nd November 2021	10:30	Online or Eastern IFCA Offices, King's Lynn

46th Eastern IFCA	Wednesday 8th December 2021	10.30	Online or Boathouse Business Centre Wisbech
Fisheries and Conservation Management Working Group*	Tuesday 18 th January 2022	10:30	Online or Eastern IFCA Offices, King's Lynn
Finance & HR Sub- Committee	Tuesday 1 st February 2022	10:30	Online or Eastern IFCA Offices, King's Lynn
47th Eastern IFCA	Wednesday 9th March 2021	10.30	Online or Boathouse Business Centre Wisbech

*Membership of the F&C Working Group comprises all MMO appointed members with all Local Authority appointed members being welcome to attend at their own discretion.

Vision

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



Action Item 10

Eastern Inshore Fisheries and Conservation Authority Meeting

09 December 2020

Whelk permit conditions

Report by: Luke Godwin (Senior IFCO – Regulation)

Purpose of Report

To propose revised whelk permit conditions and eligibility criteria

Recommendations

It is recommended that members:

- **Note** the content of report;
- **Agree** in principle and subject to legal advice to introduce the Whelk Permit Conditions and eligibility criteria at Appendix 1 and 2 respectively;
- **Direct** officers to undertake consultation with whelk permit holders in accordance with Schedule 1 of the Whelk permit Byelaw 2016;
- **Agree** to delegate authority to the CEO, in consultation with the Chair and Vice-Chair to:
 - Make amendments to the proposed permit conditions and eligibility criteria which do not substantially alter their intention;
 - consider finalised permit conditions, eligibility criteria, impact assessment and representations made during consultation; and
 - to make the final decision with regards to introducing the permit conditions.

Background

The Authority manages whelk fisheries within the District under the Whelk Permit Byelaw 2016 through a combination of byelaw provisions and permit conditions. Permit conditions require review at least every four years² and members considered such a review at the 41st Eastern IFCA Meeting.

The review included an assessment of the health of the whelk stocks³ based on catch returns data which indicated that fishing effort in The Wash is likely to be excessive and that fishing effort off the North Norfolk Coast may be at the maximum it can sustain. In addition, a study of the size of maturity of whelks (i.e. the length at

² [Paragraph 2, Schedule 1, Whelk Permit Byelaw 2016](#)

³ <https://www.eastern-ifca.gov.uk/wp-content/uploads/2020/08/Whelk-Technical-Summary-Report-.pdf>

which whelks normally become sexually mature and reproduce) indicated that the minimum landing size in two areas may be too low.

Officers were directed to develop revised permit conditions which addressed risks to the sustainability indicated by the assessment.

Report

Catch return form completion errors

Catch return forms were the basis for the assessment of whelk stocks in the District. Further dialogue with industry has however identified that several whelk permit holders have completed catch return forms incorrectly. The number of pots used inside the district was being reported alongside the landed weight of all catch from inside and outside of the district. This affects the key metric used to determine stock health, Landing Per Unit Effort (LPUE) and reduces confidence in the outcomes of the assessment in its current form.

Engagement with the industry is ongoing to address the issue by providing clarity on the correct procedure for completing returns. Further engagement is needed to understand scale of the issue and to reflect this in the assessment of whelk stocks.

Provisional re-assessment of the data indicates that there is still evidence of over-fishing in The Wash, with the LPUE of vessels having reduced notwithstanding the issue with data recording. In addition, the landed weight of whelk from within The Wash in particular is still thought to have been around the levels seen in 2019 which were potentially too high. As such, there is still potentially a driver for measures which reduce effort and further work will identify to what extent.

Minimum landing sizes

The technical summary identified also that the minimum landing size (MLS) for whelk in 4 of the 12 reporting areas was potentially lower than the size of maturity. The potential impact being that whelk are removed before they get a chance to spawn, reducing recruitment into the fishery and detrimentally impacting whelk stocks.

Further analysis has identified however that the levels of catch and effort in these areas is very small, totalling only 23 tonnes since 2015 (on average, less than 1 tonne per area per year). The benefit therefore for increasing MLS would be minimal. The impact of increasing the MLS, particularly off the coast of Sea Palling where the recommended MLA was 63mm (an increase of 8mm) would be high.

It is therefore recommended that the level of effort and landed catch is monitored in these areas with a view to re-consider amending the MLS if increases are identified.

Non-compliance with pot limitation

The key effort limitation currently in place is a limit of 500 pots per vessel. By limiting effort per vessel, vessels will be unable to respond to low stock levels in an area by increasing effort, protecting areas which have already been fished to the point that 500 pots will not catch enough whelk to make a trip viable.

The recent informal consultation with whelk permit holders identified that there is concern amongst stakeholders that the pot limitation is not being adhered and that

whelk stocks will be impacted as a result. In addition, intelligence to the same effect has been gathered continuously since the implementation of the whelk permit byelaw and IFCOs have opened a number of case files on the matter during the same period.

Enforcing pot limitations is dependant on finding pots at sea which are not tagged and IFCOs have identified several ways in which non-compliant permit holders attempt to avoid detection.

The potential for impacts on whelk stocks are two fold, the first being that additional effort can detrimentally impact the sustainability of stocks as more individuals are taken from the fishery than can be replaced. The second being that increasing effort in this way will mask reduced stock levels as non-compliant fishermen will not report the true number of pots used within the district and so LPUE cannot accurately be identified.

In the context of concerns about the levels of effort identified in the whelk fishery assessment and concerns from stakeholders of non-compliance with the key effort limitation measure, it is recommended that further permit conditions are introduced which increase the level of deterrent and make it more difficult for non-compliance to be hidden from IFCOs. The proposed measures are set out in Appendix 1 and are summarised below.

Prohibition of fishing and ineligibility for a permit when convicted of an offence or if a Financial Administrative Penalty (FAP) has been accepted for non-compliance

The intention of this measure is to increase the deterrent effect of the regulations in place for the protection of whelk stocks. It is recommended that this is justified given the vulnerability of whelk to overfishing, the indications of effort being too high in certain areas and the concerns highlighted by the industry.

The impact of the measures on an individual fisherman would be high in the event that the measure was put into effect, with a potential loss of fishing opportunity of up to two years, depending on the timing of the offence in relation to the 'permit year' (although two years is very unlikely).

Whilst the impact of the measure is potentially high, the Eastern IFCA enforcement policy ensures that enforcement in the first instance is via education and engagement and that prosecution in a court or issuing FAPs are options only considered when necessary.

Requirement to separate catch caught inside the District from that caught outside the District

Some whelk permit holders are known to fish inside and outside of the Eastern IFCA district. This includes where fishermen have 500 pots within the district (the maximum permitted) and additional pots outside of the district.

It is proposed that any catch of whelk from within the district must be clearly labelled and separate from any catch of whelk from outside of the district. This will increase the enforceability of the pot limitation and the minimum landing size (55mm inside the district, 45mm outside the district), particularly when IFCOs are undertaking enforcement at sea.

Whilst it is anticipated that there will be an additional burden on industry, the economic costs are considered to be minimal, associated primarily with the cost of 'labels' used to mark bags. There may be difficulties in complying with the measure on smaller vessels where room for separating catch is limited but it is intended that this is explored further with industry.

Requirement for catch returns to be completed within 24 hours of fishing

It has become apparent that often, catch returns have been filled out incorrectly as a result of individuals completing monthly returns at the end of the month. This reduces the accuracy of the return forms. In addition, compliance with the requirement to complete and return monthly catch returns is low, with returns provided past the regulated timescale regularly. This reduces the Authority's ability to monitor fishing activity in real time and to respond to issues as they occur.

The intention is that logbooks must be completed within this time but not returned to Eastern IFCA until the time prescribed in the byelaw (i.e. the 10th day of the month proceeding fishing activity).

The proposed measure is not considered to have an associated economic impact.

Prohibition on fishing when catch returns are more than a month in arrears

As set out above, compliance of the timely return of whelk permit catch returns is poor generally. So as to increase the deterrent to those who are routinely non-compliant with the measures (to return catch returns by the 10th day of the month proceeding fishing activity), it is recommended that fishermen are prohibited from fishing where said returns are more than 1 month late.

Consideration of other issues raised during the informal consultation

Members were presented with the outputs from the informal consultation with whelk permit holders at the 41st Eastern IFCA meeting.

For the most part, feedback from the consultation related to the implementation of measures seeking to amend management of the effort restrictions and minimum landing size for whelks and which will be taken into account as that work progresses. Other points raised are considered below:

Use of edible crab as bait

Eastern IFCA inherited a byelaw from Eastern Sea Fisheries Joint Committee which prohibits use of any edible crab (*Cancer Pagurus*) as bait in any fishery,

including the whelk fishery. Several other IFCA's have a similar prohibition in place however, Eastern IFCA's is the most restrictive, prohibiting even the use of waste products including cooked offal which would ordinarily be waste material.

The intention of the original byelaw was to reduce the potential for fishermen to use soft or undersize crab caught during crab fishing as bait undetected and to prevent crab removed from the fishery (including sizeable crab) going undetected as use of bait would not be covered by catch return form requirements.

Edible crab is a very effective bait for whelks and, on the face of it, use of a waste product as bait is preferential to it going to landfill and would benefit industry.

However, revision of this prohibition is outside of the scope of the current review of permit conditions as it is implemented through a stand-alone byelaw. In addition, allowing the use of edible crab in some form must be balanced against the increasing reports of crab being caught solely for the use of bait – this anecdotally encourages capture of lower quality crab which could otherwise be left to be caught as marketable crab later.

This measure will be subject to review alongside other crab and lobster measures – a workstream which is ongoing.

Use of low-quality plastic pots

Subsequent to the informal consultation, concerns have also been raised in relation to the use of low-cost, low quality plastic pots to fish for whelk. The concern being that this encourages additional effort (wither in circumvention of the pot limitation or outside of the district) and that the plastic degrades and adds to plastic pollution of the seas.

It is intended that this concern is given more consideration, including via dialogue with industry and can be considered alongside ongoing consideration of the stock assessment in the light of catch return errors.

Financial Implications

None identified

Legal Implications

The key risks associated with the proposals are in relation to the lawfulness of introducing the proposed measures i.e. that they are in keeping with the provisions under the Marine and Coastal Access Act 2009 and the Whelk Permit Byelaw 2016.

Legal advice has been sought with regards to the proposed prohibition on fishing on the issue of a FAP or conviction by a court for a relevant offence in particular. Legal advice and the position of Defra (who are ultimately responsible for confirming byelaws) has recently changed, concluding that doing this is permissible under IFCA byelaws. However, the theory is yet to be tested when introduced as a licence

condition. The key issue identified being whether this condition is covered by the categories for which the Authority can make permit conditions stated in the Whelk Permit Byelaw 2016. The risk being that, on applying the condition, the Authority could be subject to a legal challenge on the basis that the condition was not lawful. The risk of this is mitigated by the provision of legal advice and this legal advice will be taken into account when making a final decision as to whether the condition should be introduced. The use of eligibility criteria to restrict further permits being issued has previously been the subject of legal advice and there is more confidence in this measure.

In general, risks are mitigated by the application of the process set out in the Whelk permit Byelaw 2016 including undertaking consultation, considering an assessment of impacts and additionally seeking legal advice.

Next steps

As per the Whelk Permit Byelaw 2016, consultation with industry and a consideration of impacts identified on them is required. Therefore, it is intended that the measures are put to consultation.

On conclusion of the consultation, representations and impacts identified, it is proposed that the CEO in consultation with the Chair and Vice-Chair, consider the consultation, impacts and legal advice to make a final decision on the wording of the measures and whether to introduce them.

Appendices

Appendix 1 – draft Whelk permit Conditions for consultation

Appendix 2 – draft whelk permit eligibility criteria for consultation

Appendix 1 – proposed new permit conditions (new permit conditions at 7, 8, 9 and 10)



**Eastern
Inshore Fisheries and Conservation Authority**

Whelk Permit Byelaw 2016

Flexible Permit Conditions – Whelks

These flexible permit conditions relate to whelk permits issued under the Whelk Permit Byelaw 2016 and should be read in conjunction with that byelaw.

Permit conditions

1. Pot limitation – The maximum number of tags which will be issued to a Category One permit holder is 500.
2. Pot limitation – The maximum number of tags which will be issued to a Category Two permit holder is 5.
3. Escape holes – All whelk pots must include a minimum of two escape holes that are positioned at least 150mm from the base of the pot or no more than 50mm from the top of the pot. These escape holes must be of a size that a bar, the diameter of which is 24mm, will pass freely through. Escape holes must not be obstructed by any means.
4. Sorting of catch - All whelks must be graded for size immediately after removal from the sea by passing them over or through a riddle constructed of parallel bars with a minimum spacing between bars which a gauge, the size of which is 24mm, will pass through. All whelks rejected by the riddle must be returned immediately to the sea.
5. Minimum length – The minimum length for whelks caught within the District is 55mm, measured as set out in the Appendix.

6. Internal pot volume - A person must not fish for whelks using a whelk pot of an internal volume greater than 30 litres.
7. Prohibition of fishing on acceptance of a Financial Administrative penalty or on conviction by a court – A person must not fish for whelks where a person fails to comply with any provision of the Whelk permit Byelaw 2016 and any enforcement action leads to a conviction by a court or the acceptance of a financial administrative penalty.
8. Requirement to separate and label whelk catch – a person must not retain on board or land whelk catch caught from within the Eastern IFC District unless the whelk catch is:
 - a. separated from any whelks caught from outside of the Eastern IFC District; and
 - b. labelled with whelk permit number of the permit associated with the catch using a label which is affixed to the container or bag containing whelk catch.
9. Requirement to complete catch returns within 24 hours of fishing activity – a person must complete catch returns issued by Eastern IFCA within 24 hours of fishing activity.
10. Prohibition on fishing where catch returns are more than 1 month in arrears – a person must not fish for whelks under the authority of this whelk permit if return forms are more than 1 month in arrears of the requirements to return catch returns under paragraph 7 of the Whelk Permit Byelaw 2016.

Commencement date: xx/xx/xxxx

Latest review date: xx/xx/xxxx

Expiry date: n/a

I hereby certify that the above flexible permit conditions were made by Eastern Inshore Fisheries and Conservation Authority at their meeting on the 9th December 2020.

The above flexible permit conditions come into effect on xx/xx/xxxx

Julian Gregory

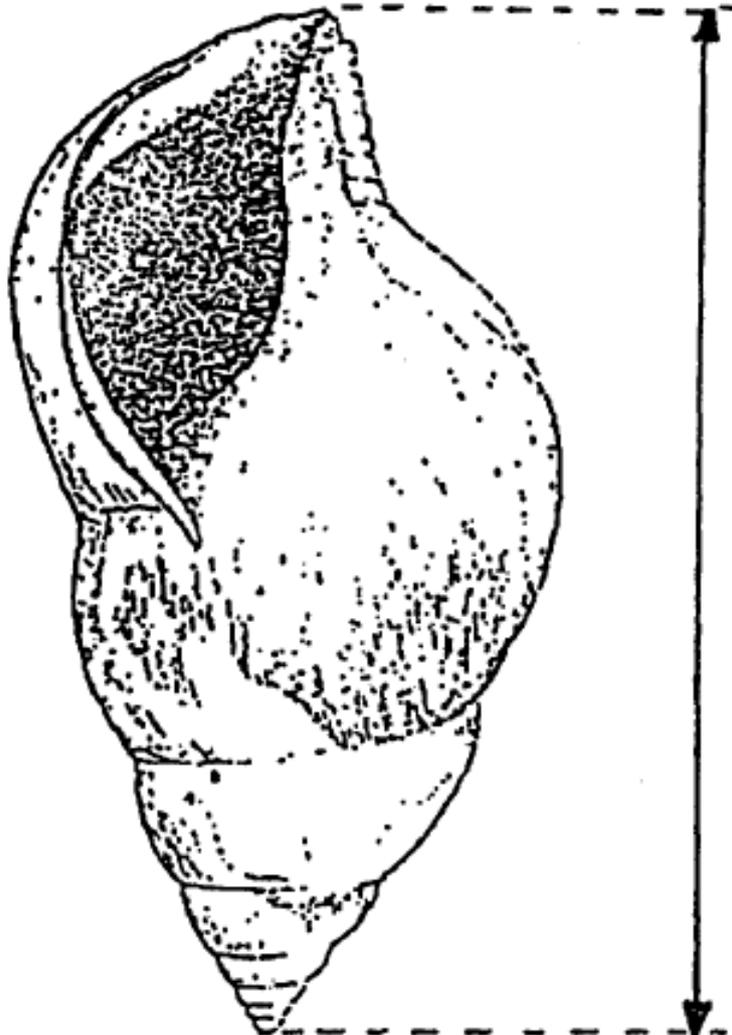
Acting Chief Executive Officer

Eastern Inshore Fisheries and Conservation Authority

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

Appendix

Measurement of the length of a whelk (*Buccinum undatum*) The length of a whelk will be measured as shown below.



1. The length of a whelk is determined as above regardless of any damage which would reduce its length.

Appendix 2 – Eligibility Criteria



Eastern Inshore Fisheries and Conservation Authority

Whelk Permit Byelaw 2013

Eligibility Criteria

These eligibility criteria relate to the issuing of permits under The Whelk permit Byelaw 2016 and should be read in conjunction with that byelaw.

Criteria

1. A person is not eligible to be named on a Whelk Permit if that person has, within 12 months of application for a whelk permit, failed to comply with any provision of the Whelk Permit Byelaw 2016 and any such enforcement action leads to a conviction by a court or the acceptance of a financial administrative penalty.

I hereby certify that the above eligibility criteria were made by Eastern Inshore Fisheries and Conservation Authority at their meeting on the 9th December 2020.

The above eligibility criteria come into effect on the xx/xx/xxxx.

Julian Gregory

Chief Executive Officer

Eastern Inshore Fisheries and Conservation Authority

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

Vision

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



Action Item 11

Eastern Inshore Fisheries and Conservation Authority Meeting

09 December 2020

Southern North Sea Crab and Lobster Fisheries Improvement Project

Report by: Samantha Hormbrey, Marine Science Officer

Purpose of Report

The purpose of this report is to provide an update on the development of an industry led Fishery Improvement Project (FIP) to improve the sustainability of the Southern North Sea crab and lobster fisheries.

Recommendations

It is recommended that members:

- **Note** the content of this paper

Background

At the beginning of the year the Marine Conservation Society's Good Fish Guide rating for Southern North Sea edible crab was downgraded from a *three* to a *four*. A rating of *four* states that the '*stock should not be considered sustainable, and the fish is likely to have significant environmental issues associated with its production*'. This led to significant sustainability concerns amongst industry members, with some buyers no longer sourcing Southern North Sea stock resulting in substantial economic concerns.

Over recent years, officers have been evaluating the sustainability of the crab and lobster fisheries in the district, with a view to developing management measures if needed to ensure sustainable fishing. Since the change in rating, officers have also been liaising closely with the Marine Conservation Society to address how the rating can be improved.

It is important to note at this stage that any future management agreed and implemented by the Authority to address sustainability concerns, will only affect those fisheries within the district boundary. The Southern North Sea edible crab stock boundary is much broader than our district, overlapping with fisheries in both the Kent and Essex and North Eastern IFCA districts, but also beyond the 6nm limit. Thus, to improve the sustainability of the Southern North Sea crab stock unit, management must be broader than just within the Eastern IFCA district boundary.

In February, at a meeting with several fishery stakeholders it was decided the most appropriate way forward, to improve the sustainability of the fishery, was to develop and implement an industry-led Fisheries Improvement Project (FIP) for the Southern North Sea edible crab stock. Officers agreed to research the FIP process, identify what is required to achieve a *credible* FIP and develop a plan to move forward.

Report

Since February, after an initial review of the FIP process, officers completed a scoping exercise to determine the most appropriate scale of the project and completed a needs assessment to identify the sustainability challenges that require addressing to improve fishery performance. Based on the outcome of this assessment officers identified a set of aims and objectives for the FIP and produced a project proposal. This proposal was produced with the view that it would be adopted, developed, and taken forward by industry members. In October, the final needs assessment and proposal were presented and shared with the same fishery stakeholders involved in the discussions that were had in February and the relevant IFCA's. Throughout this process, there has been close liaison with Kent and Essex IFCA and North Eastern IFCA, who are both in full support of the project. Appendix 1 details the final FIP proposal, aims and objectives. Moving forward, officers have agreed a supportive and participatory role in the FIP and have highlighted that it must be led by industry.

The progression of the FIP now lies with industry members and the next steps involve identifying costs, sourcing funding, assigning a project co-ordinator, determining FIP participants and developing a working group to make decisions. Officers will liaise and work closely with the FIP as it develops.

Financial Implications

Whilst some input of resource will likely be required, this will not go beyond that already accounted for within budgets. Funding for the project will be sought externally and led by industry.

Legal Implications

No identified legal implications

Appendices

- Appendix 1: Project Proposal: Southern North Sea Crab and Lobster Fishery Improvement Project

Background Documents

- Needs Assessment: Southern North Sea Crab and Lobster Fishery Improvement Project

Southern North Sea Crab and Lobster Fishery Improvement Project (FIP)

Project Proposal



Samantha Hormbrey

2020



This proposal has been produced by Eastern IFCA with the view that the proposed FIP will be adopted, developed, and taken forward by industry members.

Background

The Marine Conservation Society's (MCS) Good Fish Guide rating for Southern North Sea (SNS) Edible crab (*Cancer pagurus*) has recently been downgraded from a *three* to a *four*. A rating of *four* states that the 'stock should not be considered sustainable, and the fish is likely to have significant environmental issues associated with its production'⁴. The rating has been reached following concerns for fishing pressure, stock status and a lack of management and has resulted in significant market impact on the crab fishery in the Eastern IFCA district.

The need for sustainability measures for the crab and lobster fisheries has been recognised and discussed with industry for some time; the East Anglia lobster (*Homarus gammarus*) stock also has a MCS rating of *four*. Following discussions with several industry members who have been affected by the change in rating it has been determined that the most appropriate way forward is to undertake a Fisheries Improvement Project (FIP) to identify and address sustainability concerns, work towards a more sustainable stock and improve the MCS ratings.

What is a Fishery Improvement Project (FIP)?

The conservation alliance for seafood solutions defines a FIP as a 'multi-stakeholder effort to address environmental challenges in a fishery' which 'harnesses the power of the private sector to incentivise positive changes towards sustainability' (CASS, 2019). FIP's are being widely adopted by seafood supply chains as a constructive approach to engaging fisheries that are not yet sustainably managed and once implemented can allow buyers to continue sourcing while improvements are underway.

To be viewed as a 'credible' FIP there are several minimum requirements that must be met by the project (CASS, 2019; FisheryProgress, 2020):

- Active participation by companies in the supply chain
- Participants must commit to financially invest (directly or in kind) and make improvements to the fishery
- The near-term scope of the project and a specific set of timebound objectives must be specified and based on an initial assessment of the fishery's challenges
- Must develop and implement a workplan designed to address the environmental challenges and achieve the projects objectives and with an associated budget and deadlines

⁴ <https://www.mcsuk.org/goodfishguide/fish/521> [Accessed 24/09/2020]

- Must regularly track and report progress on the Fishery Progress website: <https://fisheryprogress.org/>

FIP's are, therefore, industry led projects which require participation from stakeholders across the supply chain and geographically across the whole stock unit of concern. In this case, encompassing those involved in the crab and lobster fisheries across the whole of the SNS stock.

Successful FIPs can make an important contribution to improving overall fisheries health and in promoting sustainable seafood. To achieve this and ensure maximum benefit for industry the FIP will be transparent and clearly demonstrate improvement in fishery performance and sustainability through a robust assessment and reporting process. Further guidance on FIP's can be found on *fisheryprogress.org*.

Scope

Eastern IFCA proposes that an industry led Basic FIP is undertaken (and posted on *fisheryprogress.org*) for the UK Edible crab and Lobster pot fisheries in the Southern North Sea based on the following stock units:

- Southern North Sea crab fishery assessment unit
- East Anglia lobster fishery assessment unit

Aims and Objectives

The overarching **aim** of the FIP would be to:

Improve the sustainability of the SNS crab and lobster fisheries, and the MCS Good Fish Guide rating, by addressing its environmental challenges and improving performance of the fishery against the Marine Stewardship Council (MSC) Fisheries Standard.

The MSC fisheries standard provides a framework for measuring the performance of fisheries through the evaluation of indicators across the following three principle areas:

- Sustainable fish stocks
- Minimising environmental impact
- Effective fisheries management

Improvement in fishery performance will be evidenced by a positive colour change indicating an improvement in score (i.e. from red to amber or amber to green) in **at least** one of the MSC indicators across any of these three principle areas. This will be achieved by following the four-stage process of a credible and recognised FIP (CASS, 2019) (Appendix 1):

- 1) **Development:** Completion of a needs assessment⁵ to identify environmental and sustainability challenges and identification of, and engagement with, relevant stakeholders
- 2) **Launch:** Confirmation of participants and development of an action plan for improvement
- 3) **Implementation:** Implantation of workplan actions, and tracking and reporting on progress using *fisheryprogress.org*.
- 4) **Improvements:** Document improvements in fishing practices or management and improvements to the environment

A needs assessment (part of Stage 1 of this process) has been completed by Eastern IFCA using the Oceans Seafood and Markets Initiative (OSMI) rapid assessment tool⁶ and identifies which indicators have challenges that require addressing to improve fishery performance (EIFCA, 2020) (Appendix 2). After consideration of the outcome of this assessment and the recommendations made it is proposed that the FIP focuses on addressing the challenges associated with the indicators detailed in Table 1 through the following set of **objectives**:

- 1) Develop and implement Harvest Control Rules at stock level that allow an adaptive management response to stock status, local conditions, and where appropriate, aligned across relevant management authorities.
- 2) Develop and implement mechanisms by which higher resolution fishing activity data can be obtained and is comparable across whole of the Southern North Sea potting fleet
- 3) Map the extent of vulnerable rugged chalk features found within the Cromer Shoal Chalk Beds MCZ.
- 4) Where required, develop appropriate management measures to protect vulnerable rugged chalk features.
- 5) Develop a Fishery Management Plan for the SNS crab and lobster fisheries which sets out specific near and long-term sustainability objectives and a fisheries management system and focuses on a joint approach across management authorities.

⁵ A needs assessment should include recommended strategies for addressing the fishery's challenges to improve its performance against the MSC standard and/or provide rationale for why all indicators were not included (e.g. lack of available data, financial resources, management cooperation). If it does not, then the FIP must also submit a scoping document to provide this information.

⁶ Template and methodology available from: <https://fisheryprogress.org/resources/launching-fip> [Accessed 24/09/2020].

These objectives have the capacity to address some of the challenges identified within the SNS crab and lobster fisheries (Table 1) and will work towards achieving the overarching aim for the FIP outlined above.

The FIP will be a long-term project spanning over a 5-year period. Appendix 1 details a proposed project outline which identifies the key phases of the project and the current progress.

Table 1: Proposed MSC indicators to be addressed by the FIP. Colours indicate needs assessments score (Red: High risk (<60), Amber: Medium risk (60-79)).

MSC Principle area indicators		
1. Sustainable fish stocks	2. Minimising environmental impact	3. Effective fisheries management
1.2.2. Management: Harvest control rules	2.4.3. Habitats: Information	3.1.2. Government & Policy: Consultation, roles and responsibilities
1.2.3. Management: Information and Monitoring	2.4.1. Habitats: Outcome	3.2.1. Fishery specific management system: Fishery-specific objectives
	2.4.2. Habitats: Management	3.2.3. Fishery specific management system: Compliance and Enforcement

Stakeholder Engagement and Participation

Credible FIP's must include active participation⁷ by at least one company in the supply chain. To ensure stakeholder participation across the supply chain, Eastern IFCA propose that a FIP Working Group is developed. This group will comprise of FIP participants and other stakeholders active in the SNS crab and lobster fisheries and/or interested in developing and promoting sustainable commercial fisheries, responsible for decision-making processes and the development of the FIP. Stakeholders should include but are not limited to, fishing industry representatives, supply chain members, retailers, government bodies, fishery managers and fishing associations. Appendix 3 details a list of potential/suggested participants or stakeholders.

Representation from fishing industry can often be found through Producer Organisations (PO's), however, for the SNS crab and lobster fisheries PO's are not appropriate as they do not represent the local potting fleets. Instead, it is proposed that representatives from local working groups or associations will sit on the FIP working group to ensure representation across the large geographical scope of the project. Where such local working groups or associations do not already exist, they will need to be created.

Budget and Funding

⁷ In this context, participation means contributing financial or in-kind support to the project and/or implementing the workplan.

Budgets and funding sources have not been considered at this stage. Costs that need to be considered include:

- Consultancy support
- Travel and expenses
- Working group meetings and workshops
- Project management and staff time
- Production of action plans, annual reviews
- Research costs
- Actions and contingency

Potential funding sources include:

- Seafish
- Maritime and Fisheries Fund (MFF)
- Supply chain funding
- Resources legacy fund

Next steps

- Identify costs and source funding for project
- Identify FIP participants and develop FIP working group
- Identify a co-ordinator to take the project forward
- Development of an action plan

References

CASS, 2019. Guidelines for supporting Fishery Improvement Projects. Conservation Alliance for Seafood Solutions.

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Appendix 1: Proposed project outline

Project tasks	Task outline	Status
Phase 0: FIP Identification		
1	Assess where we already are against the basic FIP requirements and identify broad scope of project.	Complete
2	Meet with industry to discuss leadership of the FIP and conduct a supply chain analysis to understand who else is involved in the fishery and what market leverage exists.	Ongoing
Phase 1: FIP Development		
3	Complete a needs assessment - must cover at least one indicator in all three principle areas of MSC standard to determine environmental challenges and improvements needed in the fishery. If possible, include all MSC indicators and consider conducting an MSC pre-assessment if plan to transition to a comprehensive FIP in the future. This must be made public.	Complete
4	If needed complete a scoping document ⁸ . This must be made public.	NA – all indicators assessed in Needs Assessment
5	Stakeholder engagement and mapping - identify parties most relevant to the FIP and determine who needs to become a participant in the FIP.	Ongoing
Phase 2: FIP launch (recognised as a FIP)		
6	Confirmation of project participants - A memorandum of understanding or list of fishery improvement project participants is posted publicly.	Not started
7	Participant meeting - The fishery improvement project participants meet in person to discuss the assessment and determine a course of action.	

⁸ The needs assessment should include recommended strategies for addressing the fishery's challenges to improve its performance against the MSC standard and/or provide rationale for why all indicators were not included (e.g. lack of available data, financial resources, management cooperation). If it does not, then the FIP must submit a scoping document to provide this information.

8	Development of workplan - based on the assessment, scoping document, and participant input. Details activities/actions that will help correct the deficiencies necessary to achieve its objectives. Must include: objectives, list of actions, responsible parties, timeframes, metrics and key performance indicators and an associated budget.	
Phase 3: FIP implementation		
9	Implement actions/tasks in the workplan and conduct consistent engagement with regulators on activities.	Not started
10	Track and publicly report progress on implementing work plans every 6 months. Update indicator scores and provide supporting evidence for changes every 6 months on <i>Fishery.Progress</i> . If milestones have been missed these should be reflected in the workplan and deadlines adjusted.	
Phase 4: Improvements in fishing practices or fishery management		
11	Document any demonstrated improvements based on implementation of the workplan. These include improvements in policy, management or modifications in fishing practices and increases in scores for MSC performance indicators focused on management or information.	Not started
Phase 5: Improvements on the water		
12	Document any demonstrated improvements on the water. Increases in scores for MSC performance indicators focused on outcomes and verifiable change, such as reduction in fishing mortality, an increase in biomass of the target stock, a reduction in habitat impact.	Not started

Appendix 2: Summary of Needs Assessment scores

Score: Red = High risk (<60); Amber = Medium risk (60-79); Green = Low risk (80+)

Principle	Component	PI #	Performance Indicator	Score
1. Sustainable fish stocks	Outcome	1.1.1	Stock status	Red
		1.1.2	Stock rebuilding	Red
	Management	1.2.1	Harvest Strategy	Red
		1.2.2	Harvest control rules	Red
		1.2.3	Information and monitoring	Amber
		1.2.4	Assessment of stock status	Amber
2. Minimising environmental impact	Other species	2.2.3	Information	Green
		2.2.1	Outcome	Green
		2.2.2	Management	Green
	ETP species	2.3.3	Information	Amber
		2.3.1	Outcome	Amber
		2.3.2	Management	Amber
	Habitats	2.4.3	Information	Amber
		2.4.1	Outcome	Red
		2.4.2	Management	Red
	Ecosystem	2.5.3	Information	Green
		2.5.1	Outcome	Red
		2.5.2	Management	Red
3. Effective fisheries management	Governance & policy	3.1.1	Legal and customary framework	Green
		3.1.2	Consultation, roles and responsibilities	Amber
		3.1.3	Long term objectives	Green
	Fishery specific management system	3.2.1	Fishery-specific objectives	Amber
		3.2.2	Decision-making processes	Amber
		3.2.3	Compliance and enforcement	Amber
		3.2.4	Management performance evaluation	Amber

Appendix 3: Potential participants/ interested stakeholders

- Big Prawn
- CEFAS
- Coles of Kings Lynn
- Defra
- Eastern IFCA
- Jonas Seafoods
- Kent and Essex IFCA
- Local Advisory Groups⁹/working groups/associations
- Marine Conservation Society
- Marrfish
- MMO
- Morrison's
- Natural England
- NUTFA (New Under Ten Fisherman's Association)
- North Eastern IFCA
- Scientific expertise/Universities/Academics
- Seafish
- Shellfish association of Great Britain
- SIAG/Crab management group
- Waitrose

⁹ Fishermen and industry members representing different ports/locations and business models across the district.

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

09 December 2020

Cromer Shoal Chalk Beds Marine Conservation Zone

Report by:

Judith Stoutt, Senior Marine Science Officer (Environment)

Purpose of Report

To inform Members that Natural England have provide advice on the impact of potting on subtidal chalk, and to note the actions taken and planned as a result of this advice.

Recommendations

It is recommended that members:

Note the contents of the report.

Background

IFCAs are required to assess all fisheries in marine protected areas (MPAs) to evaluate their impacts on protected habitats and species, and ultimately on the integrity of MPAs. Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ) is an MPA that was designated in January 2016. Eastern IFCA duly completed a fisheries assessment in 2018, which resulted in recommendation – and agreement – of restrictions on towed demersal fisheries within the MCZ via a new byelaw, the Marine Protected Areas Byelaw 2019.

The 2018 assessment concluded that the potting fishery was compatible with the conservation objectives of the site. However, evidence was subsequently presented to Eastern IFCA and Natural England of damage to chalk features in the site, possibly resulting from interactions with fishing pots. A survey was undertaken by Natural England with University of Essex in 2019 to investigate the condition of chalk features close to fishing pots. The survey results underpinned Natural England's advice to Eastern IFCA in August 2020 that the potting fishery causes damage to complex, outcropped chalk and therefore the fishery needs to be managed.

Report

Formal conservation advice on impacts of potting on subtidal chalk

In August 2020, Natural England provided formal advice to Eastern IFCA on the impacts of potting on subtidal chalk (a designated feature of the MCZ). This advice was underpinned by a report on the 2019 Natural England/University of Essex dive survey (Tibbitt *et al* 2020), which examined physical interactions between chalk reef and crab and lobster fishing pots in an inshore part of the MCZ off Sheringham, East Runton and West Runton.

Natural England's advice stated that:

- Active potting can damage raised chalk structures (described as “rugged chalk”, “chalk reef” or “complex, outcropping chalk”) but does not significantly damage flat chalk;
- Stored pots and lost gear in proximity to rugged chalk can result in damage to that feature;
- The importance of the potting fishery to local fishermen and the local economy is fully appreciated, but urgent management of active potting, storage of pots and lost gear is required;
- An “adaptive risk management” approach (that uses research findings to direct management actions) is proposed, in recognition of uncertainty about the level of potting activity in the fishery and about the scale of impact from the fishery. **Taking this approach means there is no immediate requirement to restrict active potting in the rugged chalk area of the MCZ but does not rule out future restrictions or even closure of this area if the research identifies a need.**
- Close collaboration between fishermen, Eastern IFCA, Natural England and research partners is recommended in order to achieve the best outcome for the MCZ and for the potting fishery.

Engagement with fishermen

Officers presented Natural England's advice to Authority members at the Fisheries & Conservation Management working group (13th October 2020). Since then, officers have undertaken regular face to face engagement (whilst following COVID distancing precautions) with fishermen in the Cromer area, and provided a briefing on the conservation advice in the form of a web-based news article and printed infographic summary. A joint engagement session was held with Natural England, University of Essex and fishermen at Cromer on 4th November (one day before the second COVID lockdown started).

The rugged chalk area of the MCZ is a key fishing ground for inshore potting vessels, in particular those working from Cromer and Sheringham. Fishermen have unsurprisingly expressed a high level of concern about the conservation

advice, fearing severe impacts on their livelihoods. Officers have acknowledged these concerns and although guarantees cannot be made that livelihoods will not be impacted, have assured fishermen that Eastern IFCA will operate with transparency and will endeavour to support the inshore potting fishery as far as possible whilst meeting conservation requirements. Fishermen have been encouraged to co-operate with the research needed to better understand the scale of interaction between the potting fishery and the chalk feature, so that subsequent management will be fit for purpose and have the smallest possible impact on the fishery. However, it is acknowledged that the impact on the inshore potting fishery could be significant if the research shows rugged chalk cannot tolerate a commercial level of potting.

It should be highlighted that without the research, Eastern IFCA should take a precautionary approach and remove the impact from potting on the rugged chalk area – i.e. prohibit potting in this area. The adaptive risk management (research) approach provides an opportunity for the fishery to continue whilst efforts are made to better understand the interaction and to develop appropriate management.

Adaptive risk management approach

Officers will continue close dialogue with Natural England, fishermen and University of Essex to plan and undertake the research needed to inform management. This work is a major priority for the Authority, given the potential implications for the fishery, and the CEO has committed to keeping directly involved with the research and development of management measures. Similarly, this work is a priority for Natural England, who are planning to submit funding bids to support the practical research. The University of Essex has secured a modest amount of funding for collaborative work to improve understanding of the impacts of potting on chalk and to explore the use of alternative fishing gear.

At time of writing (24th November 2020), the following steps have been taken:

- Officers have set out objectives for collaborative research to inform management, namely:
 - Agree definitions of “complex, outcropped chalk” (or “rugged chalk”)
 - Agree sensitivities of different types of chalk (rugged vs flat)
 - Identify extent of sensitive (rugged) chalk feature
 - Identify level of potting (number of pots, frequency of setting/hauling gear, etc.) within the rugged chalk area and wider MCZ area
 - Ascertain the extent of the impact of potting on subtidal chalk

- Identify what is the acceptable level of impact of potting on subtidal chalk.
- It has also been identified that research could be undertaken to investigate whether different types of pot (e.g. using different materials or of a different design), or changing the way pots are strung (e.g. using slip tethers or changing lengths of ropes) could reduce impacts of gear on soft chalk structures. This will be discussed further with research partners.
- A draft framework for management [*please note that no management has been agreed yet and any measures will be discussed with fishermen before implementation*] has been drawn up that sets out:
 - potential voluntary measures to manage lost and stored pots
 - potential use of an emergency byelaw if this is felt necessary
 - steps towards developing a permitting byelaw that will enable the Authority to manage the potting fishery.
- Steps taken towards establishing a steering group (to include EIFCA, Natural England, fishermen, Agents of Change and potentially other stakeholders such as a Local Authority representative) to collaboratively direct the research forward;
- Commitment to engage as closely as possible with fishermen who work within the MCZ and could be affected by new management measures.

Publicity

Following the Fisheries & Conservation Management Working Group, officers issued a press release explaining Natural England's advice to Eastern IFCA. Local television (ITV Anglia) broadcast a news item (21st October 2020) that featured a Cromer fisherman / Authority member and the CEO, expressing concerns for the future of the Cromer Crab fishery. At Natural England's request, Eastern IFCA published a news article on the Eastern IFCA website announcing the publication of the dive survey report (23rd October 2020). The article included links to access the report and to Eastern IFCA's press release. The local MP, Duncan Baker, tweeted about his meeting with Cromer fishermen on 28th October 2020 to discuss the issue.

As well as its importance to the local fishing community and associated trades including food outlets and tourism, the issue is under a national spotlight as the first example of a potting fishery being identified as negatively impacting chalk habitats. It is anticipated there will be ongoing interest in the planned research and management of potting in the MCZ.

Financial Implications

There will be a requirement to commit resources (officer and vessel time) to support this work. In addition it is also possible that some level of financial support may be required to support research activity. These costs are not quantifiable at this time.

Legal Implications

The designation and management of MCZs is covered by various pieces of legislation and the proposed approach of adaptive risk management will be required to be cognisant of this in order to ensure that both Eastern IFCA and Natural England act lawfully.

Appendices

1. Natural England's formal advice to Eastern IFCA on the impacts of potting on subtidal chalk in the Cromer Shoal Chalk Beds MCZ, August 2020.

Background Documents

Tibbitt, F., Love, J., Wright, J., Chamberlain, J. 2020 Human impacts on Cromer Shoal Chalk Beds MCZ: Chalk complexity and population dynamics of commercial crustaceans. Natural England Research Report number 04412.

Appendix 1

Date: 24 August 2020

Eastern IFCA 42nd Authority Meeting
09 December 2020
Agenda Item 12, Appendix 1.



Eastern Inshore Fisheries & Conservation Authority
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BY EMAIL ONLY

Dear Tom

Formal advice on the impact of crab and lobster potting on Cromer Shoal Chalk Beds Marine Conservation Zone

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

In 2012, the Department for Environment, Food and Rural Affairs (Defra) announced a revised approach to the management of commercial fisheries in European Marine Sites (EMS). The revised approach was subsequently extended to ensure fishing activities in Marine Conservation Zones (MCZs) are managed in accordance with the provisions of the Marine and Coastal Access Act 2009.

The following constitutes Natural England's formal statutory advice, with regard to the impact of potting activities on the subtidal chalk feature of Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ).

Background

In November 2018 Natural England were sent a report, which included photos that appeared to show damage to areas of outcropping subtidal chalk within Cromer Shoal Chalk Beds MCZ (Spray, 2018). The damage presented was likely to be anthropogenic in origin, and appeared to be impacting the physical structure of the subtidal chalk feature. Subsequently, Natural England have been made aware of further videos and photos, which show damage to subtidal chalk, that can be conclusively linked to potting activity at the site (Spray, 2019).

It is Natural England's view that if the physical structure of the chalk is being impacted, then this will lead to a degradation of the subtidal chalk feature and a loss of quality, which would be contrary to the Conservation Objectives (COs) of the MCZ. Such physical damage to the structure of the chalk reef will be permanent, with no prospect of recovery. There were limitations to what we could conclude from the third party photos and videos submitted, as they did not give any indication of the scale of the problem within the site. As such, Natural England and Eastern IFCA have been working to collect further independent and scientifically robust evidence to:

- Understand the possible causes of the damage highlighted in the report
- Ascertain the level and significance of damage to subtidal chalk within the site
- Locate the most sensitive areas of subtidal chalk within the site
- Further understand potting practices and intensity within the MCZ

On Natural England's part this has involved:

- Undertaking a review of all other human activities that may impact subtidal chalk within the site
- Organising and undertaking a dive survey, to investigate how active potting activity interacts with the subtidal chalk.
- Estimates of activity levels by undertaking spot counts of potting buoys from the North Norfolk Coast, combined with National Coastwatch Institute data and observations.

The advice that follows is based on the conclusions that we have drawn from this work.

Natural England's advice on the impact of potting activity on subtidal chalk

Potting could lead to impacts on the subtidal chalk through three different means; the impacts of active potting, the impacts of pots being stored on the chalk, and the impacts of lost gear. Each of these will be considered in turn below.

Active Potting Activity

A spot count of pot buoys was undertaken, towards the end of the potting season, on 14 October 2019. We estimated that ~8000 pots were on the seabed, between Sheringham and Overstrand, on that day. This was assuming that there were 10 pots and 2 buoys per shank, and is likely to be an underestimate, as only buoys that could be seen by telescope from the shore were counted. We recognise that this is a crude estimate, at a single point in time. It was Natural England's intention to carry out monthly spot counts from April to October 2020 to help get a more rounded picture of activity throughout the year, but Covid-19 restrictions meant we were unable to. We are still hopeful to do this towards the end of the summer. We are also hopeful that EIFCA's consultation with local fishermen will further refine this estimate, and help build up a true picture of the extent of potting activity within the site.

Natural England and The University of Essex undertook a dive survey in September 2019, in order to further investigate the impacts of potting on subtidal chalk. Data collection was targeted around the more rugged areas of chalk. A shank of pots was randomly chosen to survey, with video footage captured along both sides of the shank. In situ biological and habitat data was recorded from quadrats along the shank transect, and three dimensional photogrammetric models were produced and analysed. The final report accompanies this final advice letter.

The results from the dive survey showed that there were 65 incidents of human attributed damage of different severity across the three subtidal chalk sites investigated. Most of these incidents of damage could be largely tied to human activity, most likely potting, given the much reduced frequency of other types of human activity within the inshore area. Impacts which were categorised as human attributed are those that could only be from a human cause based on expert judgement and those where the cause was present, for example incidents where a pot was observed to be causing an impact. Recent additional evidence of ships anchoring within the MCZ is another likely cause of damage which requires further investigation.

From the study there were eleven types of damage categorised from observation during four dives. There were numerous occurrences of impact on the subtidal chalk sites when compared to the flint/ chalk cobble plain (high/ moderate infralittoral rock features), which had none. West Sheringham and West Runton sites had similar damage types which were abrasion with some shears and strike damage. However East Runton was different as it had a high occurrence of rubble, strikes and unlevel shears, with less abrasions.

Severity categories were different across the sites with West Sheringham site (dived on 11 September 2019 observed to have the most raised chalk features) most impacted by severe types of human attributed damage. Pots, anchors and ropes can cause low to high severity types of damage but natural causes, such as water movement and scour, potentially can too. There are some categories of

damage which are most likely attributed to human activity, while some other categories of damage may be either due to human activity or natural damage. Any damage caused by human activity is additive.

When considering management Natural England believe that it is the areas of more complex, outcropping subtidal chalk that are most at risk of permanent damage from potting activity. We observed that the site with most raised features (West Sheringham dived on 11 September 2019) had the highest occurrence of highly severe impacts, as well as low severity impact (due to the amount of abrasions observed).

Abrasion from pots was seen on flatter areas of chalk, however this abrasion was generally to surface epifauna, which has the ability to recover if left undisturbed. Even if the abrasion resulted in gradual wear to the subtidal chalk bedrock, it is likely that the form and function of flat chalk would remain unaltered.

Damage that could be tied to potting was in categories that could be attributed to both pots / anchors or ropes, with no cause being particularly prevalent over the other. The damage caused was permanent, but small scale, with each individual occurrence showing slight damage to the form of the physical chalk, focused in one area, rather than evenly across the feature (for example the shearing of a small outcropping piece of chalk, or a visible impact site, with slight indentation lines and chalk rubble).

Although each individual incident of damage observed in the dive survey is small-scale, when the number of pots on the seabed at any one time is taken into account, the cumulative impact of these incidents is significant. This is because the additive effect of these small-scale impacts could be altering the structure, and therefore biological function of the chalk, in a more rapid and focused way than natural change would. Given the cumulative impact of the activity, and the permanent nature of the damage caused, Natural England consider active potting as currently undertaken to be hindering the Conservation Objectives of the site. We therefore advise that management of the impacts of active potting on subtidal chalk feature is required within the MCZ .

Storing of Pots on Subtidal Chalk

Many of the small-scale impacts of active potting are likely to be magnified if a shank of pots is left in the vicinity of complex outcropping subtidal chalk for a prolonged period of time. This is particularly true of damage that is caused by the rope rubbing, snagging and sawing into chalk structures. In cases such as this a single shank of pots has the potential to completely alter the structure of a chalk feature, therefore negatively impacting the Conservation Objectives of the site. A video was submitted by a third party, which illustrates the severe impact that this activity has the potential to exert on complex outcropping chalk features (Spray, 2019).

Natural England therefore advise that the practice of storing pots in the vicinity of known areas of complex outcropping chalk within the MCZ is not compatible with the Conservation Objectives of the site, and that alternative options for pot storage are required. These options must be on-shore to prevent lost fishing gear causing damage to protected habitats and endangering wildlife within, or outside of, the designated site and impacting fisher's livelihoods.

Lost Gear

Lost and entangled fishing gear is likely to have a similar, or more severe, impact on subtidal chalk to the practice of storing pots for prolonged periods of time. Natural England understand that EIFCA are already looking into options for reporting and removing ghost fishing gear within the MCZ. Improving this process, and implementing a system that encourages fishermen to report gear that is lost (and potentially holds them to account if it is not reported), is important in ensuring that further severe damage to the structure and function of subtidal chalk within the MCZ does not continue, and that lost gear does not continue to ghost fish or cause an entanglement hazard to wildlife.

The context of Natural Change

Natural England recognises that Cromer Shoal Chalk Beds MCZ is a naturally dynamic site. Subtidal chalk is friable and easily eroded through natural processes, which is the reason for the structural and topographic complexity which makes the chalk at the site so unique and important (Natural England, 2018; Moffat et al., 2019).

Natural England is of the opinion that natural forces are more likely to slowly, and evenly, abrade the surface of the chalk, changing its form over a number of years. A strike from a pot, or sawing from a rope, impacts the chalk unevenly, often toward the top of a structure, where it is most fragile and sensitive. This has the ability to change the form of the structure, sometimes instantaneously, reducing its stability and changing the microhabitats available to associated flora and fauna. This would negatively impact the structure and function of the subtidal chalk.

Without a baseline for natural change at the site, it is not possible to conclusively say how significant the damage caused by potting (includes active and non-active) is, relative to natural change. As stated above, at least 65 of the incidents of damage recorded during the dive survey are linked to anthropogenic activity, most likely potting. All of these cases of damage have caused small, irreversible changes to the structure of the chalk. As these changes are additional to natural impacts the structure, and therefore biological function of the chalk is altered, in a more rapid and focused way than natural change would.

It is Natural England's duty to use the best available evidence to provide advice in a way that will prevent damage to designated sites. Evidence collected has shown that potting activity could impact the structure of the reef, and in the absence of a baseline of natural change to compare to, then we must assume that this impact is significant. Given the cumulative impact of the activity, and the permanent nature of the damage caused, Natural England consider active potting, the storage of pots on the chalk, and lost gear to each be hindering the Conservation Objectives of the site. We therefore advise that management of the impacts of potting, both active and non-active, on subtidal chalk is required within the MCZ .

Adaptive risk management

Further study in partnership would enable us to better understand the scale, frequency and causes of the damage observed, but this would need to be part of an Adaptive Risk Management approach (ARM). An assessment by EIFCA of the fishing activity in relation to the conservation objectives of the site must be completed as soon as possible in conjunction with regular stakeholder engagement e.g. North Norfolk Fisheries Forum, to better understand the levels of activity currently. Further research into how ecology differs in bedrock compared to outcrops and how ecology will differ over time in areas that are subject to potting vs areas that are not would inform an ARM approach. A control site of sufficient size, where relevant anthropogenic impacts are removed, will be required to do this effectively. We hope this proposed study will support a dialogue with the industry and other sea users to achieve sustainable management of the Cromer Shoal Chalk Beds MCZ going forward.

As we have evidence that active and non-active potting is causing a degree of damage on complex outcropping chalk, some of which is irrecoverable, we advise that management of the activity on the complex outcropping chalk is required. We do however understand the limitations of the data and therefore do not think that management necessarily needs to be an outright ban of potting on the subtidal chalk reef feature. We believe that in this circumstance, ARM has the potential to deliver more appropriate and proportionate evidence-based management, that may allow EIFCA to work more effectively with the fishing industry.

This is based on the assumption that EIFCA are able to put some measures in place to limit the impact of existing active and non-active potting on complex outcropping chalk as soon as possible, and are able to work toward gathering further data to more fully understand the scale of the impact of the activity on the feature. A plan for management and the necessary research should be laid out clearly, with set timelines and deadlines to be adhered to. This plan must adhere to the principles laid out in the

paper 'Adaptive Management: With Respect To Fisheries Within Marine Protected Areas' (Defra, 2015), so that risks to the sites conservation objectives are appropriately managed. Longer term management must be genuinely adaptive; if further research shows that the scale of damage inflicted by pots on the subtidal chalk reef feature is such that it is impacting the ecology of the site, then a ban of the activity on subtidal chalk feature will be required.

Natural England believe that if the above approach is taken then we will be on an acceptable trajectory toward improving site condition, and can take some time to better understand the impacts of the activity. If this approach is not possible, then Natural England believe that EIFCA would need to take a precautionary approach and ban any interactions between potting and complex outcropping chalk as soon as possible.

Natural England recognise the historical and cultural importance of the crab and lobster fishery and sensitivity surrounding this advice. We are therefore keen to work in partnership with EIFCA, fishers and others to help find solutions to make the fishery more sustainable in the long-term, and protect the features of the MCZ. We look forward to further discussions on how we can support this work.

We'd like to highlight the recent excellent partnership working with Eastern IFCA. NE and EIFCA have been working closely to address some of the uncertainties related to the fishery and Natural England would like to reiterate their commitment to supporting the EIFCA in this MCZ assessment and further investigation as discussed.

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

Yours sincerely,



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Reference

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Vision

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



Action Item 13

Eastern Inshore Fisheries and Conservation Authority Meeting

09 December 2020

Wash Mussel Fisheries

Report by: Ron Jessop – Senior Marine Science Officer (Research)
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Purpose of Report

The purpose of this report is to present to members the findings of the 2020 inter-tidal mussel survey in The Wash, which conclude the inter-tidal mussel beds cannot support a fishery in 2020/2021 season without having an adverse impact on the site's features. By contrast, the stocks on the Welland Bank are considered discrete to those on the inter-tidal beds, and while neither contributing towards nor being constrained by the SSSI Conservation Objective targets, should remain open to the fishery.

Recommendations

It is recommended that members:

- **Note** the findings of the 2020 Mussel surveys;
- **Note** there is not an opportunity to open the inter-tidal mussel beds to the 2020/2021 fishery without having an adverse impact on the site features
- **Agree** to maintain the Welland Wall mussel fishery as open to relaying and harvestable fisheries;
- **Agree** to issue the licence conditions and adopt the enforcement policy as at Appendices 1 and 2 in relation to the Welland Wall Mussel fishery;
- **Agree** to delegate authority to the CEO to vary and/or revoke management measures for the Welland Wall mussel fishery as may be required.

Background

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

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

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

Report

Mussel stock surveys

The mussel surveys were conducted between September 16th and November 14th, during which 16 inter-tidal beds and the Welland Bank were surveyed. Unfortunately, due to a combination of poor weather and vessel breakdowns, several planned surveys needed to be cancelled this year. Additional dates were added in November in an attempt to complete the survey programme, but the majority of these were also lost, leaving four beds un-surveyed. Earlier prioritisation to complete the larger beds first meant three of these missed beds (Roger, Main End and Pandora) were only small; previously only supporting approximately 200 tonnes of mussels between them. However, the fourth missed bed, Herring Hill, is one of the larger inter-tidal beds, last year supporting over 500 tonnes. Consideration was given to extending the survey programme further to complete these beds. Taking into account the data from the surveys which had been completed, however, it was thought the inclusion of these remaining beds would have little impact on the overall management options for the fishery. As such, extending the surveys was determined to be an unnecessary risk considering the recent rise in local Covid-19 cases. Where required, data from the 2019 surveys will be used for these un-surveyed beds.

The total mussel biomass on the inter-tidal beds that were surveyed in 2020 was found to be 10,986 tonnes, of which 6,248 tonnes had reached the minimum landing size of 45mm. Table 1 shows the results for each bed. These figures do not include the four beds that were not surveyed this year. In 2019 these four beds supported a total of 782 tonnes, which if applied to the results this year would result in an estimated total stock of 11,768 tonnes. This is a good recovery from the 2019 total stock of 7,403 tonnes, but below the 12,000 tonnes SSSI Conservation Objective target threshold required to open a fishery. Most of the increase seems due to the growth of individual mussels rather than new recruitment

Table 1 – Summary of the mussel stocks found on the Wash inter-tidal beds during the 2020 surveys

BED	AREA (ha)	COVERAGE (%)	DENSITY (t/ha)	TOTAL STOCK (tonnes)	STOCK >45MM (tonnes)
Mare Tail North	57.7	35	1.03	2058	1277
Mare Tail Relay	0.5	58	0.86	26	9
Mare Tail South	71.9	26	1.01	1849	646
Mare Tail East	4.4	29	1.15	149	60
Mare Tail West	23.9	25	0.68	410	183
Shellridge	22.2	43	0.68	647	358
Dills	18.6	12	0.7	160	32
Toft	31.4	39	0.75	931	743
Roger	Unsurveyed				
Gat, West	36.9	36	1.03	1350	1110
Gat, Mid	20.8	28	1.12	644	567
Gat, East	17.4	34	0.85	500	451
Main End	Unsurveyed				
Holbeach	11.7	48	1.15	638	188
Herring Hill	Unsurveyed				
Trial bank (high density)	13.9	38	0.78	413	168
Trial bank (low density)	7.9	16	0.66	84	46
Breast, West	2.2	10	1.33	30	6
Breast, East	15.3	8	0.94	113	40
Scotsman's Sled, East	46.8	17	0.93	745	319
Blackshore	9.8	32	0.78	239	45
Pandora	Unsurveyed				
TOTAL	413.3			10986	6248
Welland Bank	2.35	45	2.18	229	192

Since 2010 the inter-tidal mussel beds have suffered high rates of mortality, predominantly among young mussels 2-3 years old. These losses, when coupled with poor recruitment, have resulted in the deterioration of all the beds to an extent in which they have been unable to support several of the recent annual fisheries.

The cause of the die-offs is not currently known but is being studied in a joint project with Cefas. Although the current stock biomass has increased appreciably from last year, this appears more to do with there being fewer of the vulnerable 2-3 year-old mussels in the population this year than an actual recovery. This has resulted in a situation this year in which the weight gained from mussel growth has been able to exceed that lost through mortality. Long-term, however, with few young mussels recruiting into the adult population, further deterioration is likely. Even when the beds do benefit from good settlements, as was last seen in 2016, resulting in high stock levels in 2017, the vulnerability of 2-3 year-old mussels to high mortalities make any apparent recovery only temporary.

Potential for a mussel fishery

In order to open a mussel fishery within The Wash, The Authority must demonstrate that the proposed fishery will not impact on site integrity of the Wash Marine Protected Areas. Among other criteria, this includes meeting the

SSSI Conservation Objective target of a total inter-tidal mussel biomass of 12,000 tonnes. Although the stocks have increased in biomass from the poor levels seen in 2019, they are still below this critical threshold. As such, the inter-tidal beds cannot support a mussel fishery this year without impacting site integrity.

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

To this end, Officers have drafted Licence Conditions for a Welland Wall Mussel Fishery which are at Appendix 1. These Licence conditions are the same as those issued in 2019, which were an amended version of the conditions issued previously to reflect the advice received regarding the use of tenders (i.e. that powered tenders cannot be used to fish within the fishery). It is noteworthy that the issue of using tenders is still subject to Defra consideration and is yet to be resolved. Officers have also included a definition of the area which constitutes the Welland Wall mussel fishery for transparency and the 'Dual Fishing Prohibition' as is added to reflect the Licence conditions of the other Wash Fishery Order 1992 fisheries.

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

Essentially the proposed Licence conditions and enforcement policy maintain the *status quo* and continuation of the fishery as it is currently managed.

Financial Implications

None identified

Legal Implications

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

There is an inherent risk in using enforcement policies (rather than a formal mechanism) however, this is considered very low. Ultimately the issue will only be resolved once the revised regulations have been agreed by Defra (which is likely to be imminently) which include provision for this.

Appendices

Appendix 1 – Licence Conditions for a Welland Wall Mussel Fishery

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

Background Documents

Not applicable

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

WFO Welland Wall mussel fishery – Hand-work Licence conditions

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

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

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

Licence Condition 1: Catch Returns Data

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

Licence condition 2: use of tenders

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

Licence condition 3: Dual Fishing Prohibition

It is prohibited for any person/vessel to fish for, take or remove from the Welland Wall fishery any mussels on the same calendar day as fishing for, taking or removing mussels from within any other fishery regulated under the Wash Fishery Order 2992 or from outside a regulated fishery or from a lay granted under the Wash Fishery Order 1992.

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

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

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

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

Wash Fishery Order (1992) Welland Wall mussel fishery

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

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

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

Policy

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

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

Rationale and mitigation

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

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

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

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

Risks of over-fishing and environmental impacts are mitigated primarily through WFO regulations and licence conditions. There is limited management of this fishery by virtue of its small scale and low risk as set out in the 2020 assessment¹⁰. Eastern IFCA monitors activity through weekly catch returns and monitors stock health through annual stock surveys.

¹⁰ 42nd Eastern IFCA Meeting, 9th December 2020, Action Item 13

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

42nd Eastern Inshore Fisheries and Conservation Authority Meeting

09 December 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 have been working with Defra colleagues to bid for a replacement funding stream in Spending Review 2020. It is now clear that there will be a single year budget settlement for Government departments for 2021-22 and the outcome of this is awaited to see if some element of funding for IFCAs will continue.

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 2

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 & 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>1a. Ongoing. <u>Haisborough, Hammond & Winterton</u>: Marine Protected Areas Byelaw 2019 agreed by Authority provides protection of “red risk” features in this site. Officers are continuing to evaluate the impact of the byelaw on a small group of fishers identified after the formal consultation, before submitting the byelaw to the MMO for formal QA. Evaluation and consultation with Natural England is ongoing.</p> <p><u>Inner Dowsing, Race Bank & North Ridge</u>: Ongoing. Closed Areas Byelaw 2020 agreed by Authority in September 2020 provides protection of “red risk” feature in this site. Ongoing scrutiny of evidence for some additional areas where survey data did not appear to support the conservation advice regarding feature extent.</p> <p>1b. Ongoing. 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 updating assessment following feedback from Natural England. Management of bottom towed fisheries within MCZ agreed under Marine Protected Areas byelaw 2019. Officers are continuing to assess impact of potting fisheries on site and are currently considering Natural England’s formal advice on the impacts of potting on chalk, received August 2020. Collaboration with local fishermen, Natural England and research partners (University of Essex) is ongoing to help inform management in this site. Management measures for storage of gear, lost gear and active potting activity will be developed in close collaboration with affected stakeholders.</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>1c. Ongoing. Officers have drafted a monitoring and control plan for shrimp beam trawling. The plan sets out how the mitigation agreed for this fishery in the Wash and North Norfolk Coast SAC is applied. Work is required to develop monitoring and control plans for other fisheries in the district.</p> <p>1.d. Ongoing. Members agreed in principle to implement two further shrimp permit conditions at the 41st Eastern IFCA meeting. The intention was to put these to consultation with fishery stakeholders after the meeting however, this is now planned for the New Year to avoid running overlapping consultations. In particular, dialogue with industry regards the Wash Fishery order is ongoing, as is engagement regards the Marine Stewardship Council Accreditation.</p> <p>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 MCZ potting assessment.</p>
<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>2a. Ongoing. Engagement continued with the industry led, voluntary management scheme under the Marine Stewardship Council. Development of further sustainability measures has not progressed which reflects the mitigation in place under voluntary management lowering risk of sustainability issues. Monitoring of compliance with the voluntary measures has not started in this quarter as there is little shrimp fishing activity (with the focus instead being on the cockle fishery).</p> <p>2b. Ongoing. Development of regulatory measures has paused as work focusses instead on management of the associated Cromer Shoal Chalk Bed Marine Conservation Zone. A Fisheries Improvement Project (FIP) proposal was developed which included undertaking a 'needs assessment' of the fishery to identify areas</p>

		<p>where the fishery would benefit from management and which will inform the objectives of the FIP. This will ultimately be provided to industry to lead on the delivery of a FIP which will address sustainability risks including potentially via regulatory or voluntary measures or both.</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>2c. Ongoing. 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. Analysis of landings data 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 values appear to have passed a peak and are now declining, suggesting the stocks are now being fished at unsustainable levels. However, an issue with recording of catch caught outside the District has been identified and work is ongoing to fully understand the impact of this. The SoM study indicated the MLS of 55mm is appropriate for The Wash but too small for Lowestoft and Sea Palling. The results from this study suggested whelks from Southwold mature at a smaller size, but there were insufficient samples for this to be conclusive. It was hoped over summer to collect further samples from Southwold to strengthen that data, and also to sample more areas. Obtaining sufficient samples from these areas has been challenging throughout the study, however, and hasn't been possible with this year's Covid-19 restrictions.</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) Ongoing. No progress was made during Q2 whilst development of the Wash Fishery Order was the priority (including planning engagement with industry).</p>
<p>4. To develop management of the fisheries regulated under the WFO (regulated and several fishery):</p> <p>a) Continued development of WFO policies.</p> <p>b) Replacement of WFO 1992</p> <p>c) 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>4a. Ongoing. A review of policies to manage access to the fishery, which is considered to be the key remaining issue to address in the replacement of the WFO, was undertaken. From this review, a proposed Aim and Objectives were developed for what management of access would seek to achieve. This was presented to the Fisheries and Conservation Management Working Group and an engagement plan and material was developed to consult with WFO fishery stakeholders.</p> <p>4b. Ongoing. It is planned that a draft WFO replacement byelaw will be presented to Members at the 43rd Eastern IFCA meeting to address the regulated fishery. Development of a replacement Several Order (to manage the WFO shellfish Lays) did not progress in Q2 with focus instead given to the contentious issue of developing measures to manage access to the fishery.</p> <p>4c. Ongoing. 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.</p> <p>Work has not started on developing a new mussel fishery management plan until the causes of the on-going high mortalities and poor recruitment affecting the beds are better understood and</p>

<p>c) Economic assessment of hand-work cockle fishery viability</p>		<p>scores. FIPs are industry-led and funded, but the Authority has supported the development of the Southern North Sea Crab and Lobster FIP by researching the required steps, developing a “Needs Assessment” and liaising with other IFCA’s responsible for managing the Southern North Sea crab stock unit. These have now been passed back to the industry for further development, but the Authority will continue to support the FIP’s development throughout the process. This issue is covered in more detail at agenda item 11.</p> <p>5c. Ongoing. Project proposals were sought from consultancies with a view to choose a supplier and start work during Q3. Approval of funds will also be put to the F&HR sub-committee during Q3.</p>
<p>6. Obtaining better fisheries data: a) Implementation of I-VMS for all fisheries</p>		<p>Ongoing. The national roll-out of I-VMS is still ongoing but delayed as a result of the COVID-19 pandemic and Brexit preparation.</p>

Key:

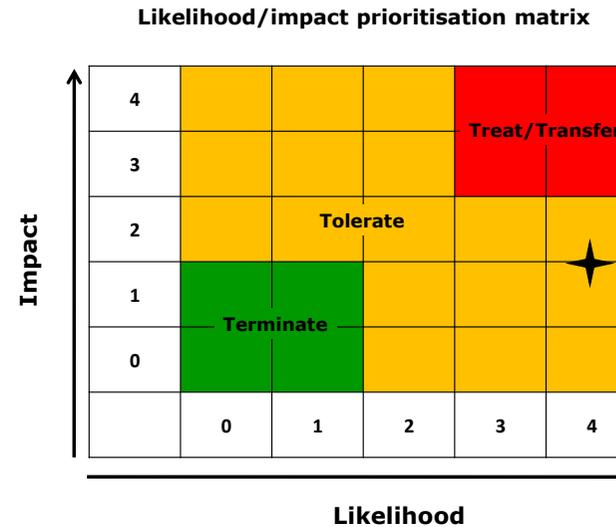
	Complete
	In progress
	Progress stalled

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:

Treat	Take positive action to mitigate risk
Tolerate	Acknowledge and actively monitor risk
Terminate	Risk no longer considered to be material to Eastern IFCA business
Transfer	Risk is out with Eastern IFCA's ability to treat and is transferred to higher level.



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Risk matrix with worked example

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

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Eastern IFCA fails to secure funding to replace assets	CEO/FPSC	Substantial reduction in Eastern IFCA mobility particularly seaborne activities with consequential inability to fulfil full range of duties	4		2 Finance Directors agreed to annual capital contributions from 2019-20 onwards to cater for the cost of asset replacement as an alternative to requests for a lump sum amounts as assets are replaced. No guarantees were given or implied. Eastern IFCA will explore all avenues for funding.		<ul style="list-style-type: none"> • Current level of reserves provides a short-term buffer to cover replacement of <i>RV Three Counties</i> • EMFF funding for a new open RHIB was secured • Seek efficiencies and promote cost effectiveness. • Demonstrate value for money. • Advertise/promote Eastern IFCA output and effectiveness to funding authorities through regular engagement with Council leaders and Financial Directors. • Engage with partner agencies to identify alternative funding sources • Explore asset sharing initiatives • 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. 	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	3		3 EU exit will have an inevitable but currently unpredictable impact. Eastern IFCA responsibilities unchanged in the short term to medium term		<ul style="list-style-type: none"> Monitor EU exit developments – Defra lead on development of the post-EU exit landscape Engage in national fora to help inform and influence developments (e.g. IFCA Chief Officers Group, Association of IFCAs) Continue “business as usual” Prepare for change Ensure Eastern IFCA is “match fit” Maintain communication with partners 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 are also seeking engagement with the REAF initiative. 	Transfer
			Reputation	Financial				
			3	3				
			Eastern IFCA may be affected by developments beyond their control (fisher’s expectations are high and may not be met). Blame for change and or lack of change.	Grant funding from EU not replaced. Market for fishers catch affected. Fee/licence income reduced. Operating costs increased.				

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

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Degradation of MPAs due to fishing activity	CEO/RCSC	Loss or damage of important habitats and species within environmentally designated areas Potential for European infraction nationally resulting in significant financial penalties at the local level.	3.5		Possible - Eastern IFCA's approach to managing sea fisheries resources considers environmental obligations		<ul style="list-style-type: none"> Proposed fishing activities authorised by Eastern IFCA are assessed per Habitats Regulations Eastern IFCA is fully engaged in national fisheries/MPA project, prioritising management of highest risk fisheries in MPAs and implementing new management measures Effective monitoring of fishing activity and enforcement of measures 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 Ongoing, close liaison with Natural England regarding all conservation matters Review agreed Wash Cockle & Mussel Policies Develop the use of iVMS as a management tool by the Authority 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. 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. 	Tolerate
			Reputation	Financial				
			4	3				
			Eastern IFCA is not meeting statutory duties under EU & UK conservation legislation Eastern IFCA not achieving vision as champion of sustainable marine environment	Legal challenge brought against Eastern IFCA for failing to meet obligations under MaCAA and the Habitats Regulations				

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Shellfish and fish stocks collapse	CEO/MPASC		3		3		<ul style="list-style-type: none"> Annual stock assessments of bivalve stocks in Wash Annual review of the level of threat via the Strategic Assessment Ability to allocate sufficient resources to monitoring of landings and effective enforcement Consultation with industry on possible management measures Use Project Inshore Phase 4 output to inform MSC pre-assessment review of fisheries and validate management measures Develop stock conservation measures for crab and lobster fisheries through engagement with Cefas and fishing industry SWEEP research into primary productivity levels within the Wash Regular engagement with the industry to discuss specific matters Continued research into the cockle mortality events Maintain whelk management measures Introduce shrimp management measures Consider bass management measures if necessary in light of EU/UK measures 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. 	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	High	<ul style="list-style-type: none"> All computers are password protected. Individuals only have access to the server through their own computer. Secure wireless internet Remote back up of electronic files Access to electronic files is restricted Up to date virus software installed on all computers Important documents secured in safes ICT equipment and policies provided by public sector provider – including encrypted laptops/secure governmental email system All Eastern IFCA personnel undergo DPA training Electronic backup of all Eastern IFCA documents held by ICT provider offsite Policies and processes developed to ensure compliance with GDPR. 	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	High	<ul style="list-style-type: none"> Association of IFCAs has consistently lobbied for the continuation of funding Association of IFCAs have engaged with Defra review of New Burdens funding during 2018-19 and submitted a paper in support of an increase nationally from £3m to £6m as part of the planned SR2019 (now on hold) Finance Directors representatives briefed and understand that in the event that the funding is discontinued there may be a desire to increase levies 	Tolerate	
			Reputation	Financial					Defra have continued to roll over new Burdens funding in recognition of the value that IFCAs provide in meeting national policy objectives.
			4	4					
			Inability to meet all obligations would have a significant impact upon reputation.	Circa 25% of the annual budget is provided by Defra under the New Burdens doctrine so its loss would have a significant impact.					

Appendix 3 – Risk Register Update Quarter 2

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 that this will continue at the annual meeting with representatives of the Finance Directors on Tuesday 10 th November 2020.
Impact of EU exit on Eastern IFCA duties and the wider economic environment	<p>Engagement with the MMO in terms of operational readiness for a ‘no deal’ scenario continued during Q2. MoA in place for the provision of vessels and joint patrols. Officers supported Cefas (and the Fish Health Inspectorate) in engaging industry regarding export and import of shellfish and worked with North Norfolk District Council to facilitate registration of food ‘premises’ as a result of EU exit related changes to the requirements.</p> <p>Officers engaged in future of inshore fisheries management work with Defra and other stakeholders. Officers are also monitoring development of the REAF initiative.</p>
Eastern IFCA fails to maintain relevance amongst partners	<p>The data sharing agreement between MMO and The Authority was completed during Q2 and is awaiting MMO sign-off, anticipated in Q3. This will aid collaborative work towards both organisations’ objectives. Engagement regards collaborative ‘mobile working’ has continued in Q2 which seeks to establish shared systems between MMO and IFCAs to further facilitate collaborative work.</p> <p>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</p>
Negative media comment	<p>Routine updating of news items on website. Active on social media with demonstrable improvements in ‘reach’. Parliamentary Review (above). Engagement priorities set for IFCOs as part of the TCG process. During Q2 (September) there was national and local media interest in this year’s Wash cockle fishery, apparently instigated by industry members and reporting that the early closure of the cockle fishery and the requirement to maintain cockle stocks for bird food was having a negative impact. Having become aware of the issue the CEO was proactive in engaging with relevant media sources to ensure that the full facts were available. A briefing note on the 2020 cockle fishery was produced and published on the</p>

	<p>Authority's website in order to support this work and can be found at 2020_09_23_Wash_Cockle_Fishery_2020_Briefing_Note.pdf (eastern-ifca.gov.uk)</p>
Degradation of MPAs due to fishing activity	<p>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.</p> <p>Natural England recently provided advice regarding impacts of pot-based fisheries (crab and lobster) on chalk features within the Cromer Shoal Chalk Beds MCZ in Q2 and work was started in relation to delivering our duties under MaCAA to ensure the conservation objectives of the site are furthered. This included collaborative work with Natural England and Agents of Change.</p>
Shellfish and fish stocks collapse	<p>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.</p> <p>The 2020 cockle fishery came to an end during Q2 after the full Total Allowable Catch was taken. The management measures implemented reduce the risk of sustainability issues and delivered a fishery in the context of the COVID-19 pandemic precluding the normal stock assessment.</p> <p>Further consideration was given to whelk permit conditions during Q2 in the context of the recent assessment of the fishery to ensure a sustainable fishery.</p>
Failure to secure data	<p>Policies and processes developed to ensure compliance with GDPR.</p> <p>New policies 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.</p>
New Burdens funding discontinued	<p>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 have been working on the 'co-design' of a replacement for New Burdens, which concluded that any funding would remain static at current levels, with the allocation to each IFCA unchanged. It was due to form part of SR 2020 but as a consequence of</p>

	<p>the Covid-19 pandemic there will be a single year funding settlement for 2021-22. Defra have included IFCA funding in their bid to Treasury and the Spending Review announcement of 25th November 2020 indicated that the overall Defra budget had not been reduced and was instead increased.</p> <p>Budget planning has accounted for the possibility that central funding may not be forthcoming or may be reduced and the three Finance Directors representatives were fully briefed at the meeting of the 10th November 2020.</p>
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Vision

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



Information Item 15b

42nd Eastern Inshore Fisheries and Conservation Authority meeting

09 December 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 1st October 2020.

Recommendations

Members are asked to:

- **Note** the content of the report and the minutes of the AIFCA meeting held on 1st October 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

Dr Rob Clark has taken up his appointment to the role of Chief Officer with effect from 1st September 2020.

A quarterly meeting of the member's forum was held on 1st October 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 1st October 2020

Appendix A

AIFCA Members Forum Meeting

Meeting Notes

Date & Time: 1st October 2020 10:30

Venue: Videoconference

Members Present

Dr Tom Hooper
Cllr John Lamb
Dr Will Wright
Julian Gregory
Dr Stephen Axford
Les Weller (vice Chair)
Dr Stephen Atkins
Cllr Paul Williams
Tony Tomlinson MBE (Chair)
Sam Davis
Prof Mike Williams
Mat Mander
Prof John Humphreys
Ian Jones
Stewart Harper

Officers

Robert Clark

Apologies for absence

Tim Dapling
Mike Hardy
Cllr Andy Guy

1) Election of Chairman

Tony Tomlinson was nominated by Les Weller and following a vote duly elected as Chairman. Les Weller was nominated for vice chairman by Tony Tomlinson and following a vote duly elected. There were no other nominations for either position.

2) Declarations of Interest

None

3) Minutes of Previous Meeting

Proposed by Les Weller and Seconded by John Lamb. The minutes were agreed as a true record. All were in favour. Thanks were recorded to Sam Davis for production of the minutes. The actions from the minutes appear in the item updates in the agenda.

4) Progress Reports

a) Progress against the 3KQ report

Members received a verbal report from the AIFCA Management Group Chairman. The Chairman briefly outlined the process to date noting thanks to the 3KQ consultants. The Chairman welcomed and thanked Devon and Severn for re-joining the AIFCA; noting the

importance AIFCA members placed on their return. Looking forward the AIFCA role and aims will be revisited now the organisation has made changes to the officers. The new Chief Officer has also been asked to bring forward updated and refreshed policies and procedures. Prof. Humphreys was thanked for his work in this regard.

The roles of the Management Group was described and it was highlighted that this would be ratified at the Directors meeting. The action to review the structure of the limited company will commence and seek to conclude in 18 months. The Chairman thanked all the members who had played such an active part in the review. In particular the review group were thanked. Mat Mander, Les Weller, Sam Davis, Julian Gregory and Paul Williams. The work of Paul Williams in the preparation of the accounts was highlighted.

Prof. Humphreys expressed his thanks to the group and to the Chairman on behalf of the Members. He felt that the very positive and optimistic about the work undertaken and the role of the AIFCA. The Members resolved to formally record their thanks to Tony Tomlinson and the review group for the work in reviewing the AIFCA.

Members NOTED the UPDATE

b) Appointment of Chief Officer

Members received a verbal update from the Chairman on the appointment of the AIFCA Chief Officer. Members heard how there had been a strong list of candidates for the role of Chief Officer. Following the interview process Robert Clark had been appointed, from the 1st of September. The Chairman thanked the Chief Officer for his work in the interim period prior to appointment.

Members NOTED the UPDATE

c) IFCA members appointment

Members received a verbal report from the AIFCA Vice-chairman. Les Weller described the process to date, and how very recently, and following a rather delayed process, the MMO had finally written to the IFCA members who were due to expire at the end of their 10 year term advising them of whether an extension to their appointment was to be granted. Julian Gregory enquired as to whether the letters had gone to both the successful and unsuccessful candidates. It was confirmed that in the first instance the letters had been sent to the successful candidates with letters to the other members to be sent shortly. Les Weller further described his discussions with the MMO on behalf of the AIFCA on the proposed national recruitment campaign for new members. The campaign timelines had already slipped. The advertising is likely to commence in November and run til January with a 3-week sifting process with interviews in March.

Prof Williams described how he had had extensive discussions with the MMO regarding the loss of experience as a result of the 10-year expiration policy. he issue of local elections was highlighted by Cllr Lamb whereby local elections have been rolled over to May. The IFCA's faced the issue of losing experience from their Council appointees. Julian Gregory agreed that this supported the case for retention of General Members. Cllr Williams advised that he had written to the MMO requesting a meeting but had received no reply and Dr Atkins advised members that he had submitted requests for extensions for two members, but the correspondence had apparently been lost. Les Weller described how he had minutes and correspondence going back over two years, trying to get action on the matter. Les described his frustration with the entire process.

Stewart Harper described how he had sought and been granted the extension of 5 members; the members appointment will now however all expire in April 2022 and consequently no staggering of appointments has been built into the extension process. The Chairman

described how he had written endlessly to the MMO on the matter and it had been raised with Defra. The MMO Chief Executive had previously promised a root and branch review of the process of members appointments. It was agreed that the process was very unsatisfactory to date and the General Members have not been given the support their hard work and dedication deserves.

Members NOTED the UPDATE

It was further agreed that Les Weller would circulate his letter to the MMO describing the issues with the process and that the Chief Officer should highlight the issues to the Defra and seek to work with the MMO to improve the situation.

d) SR20 IFCA COG response

Members received a report from the Chair of the Chief Officer Group. The Chief Officer provided the background to the report which was circulated previously. The Chief Officer also advised that he had been engaging with the Local Government Special Interest Group on the matter. A marine fisheries and conservation group of the SIG has been established. Cllr Lamb welcomed the engagement with the SIG and advised of the significant pressures on the Local Authorities budgets, asking that Defra be made aware of the severe funding pressures that the Local Authorities and IFCA's will be under for funding.

Dr Axford welcomed the excellent report by the Chief Officers Group and enquired as to whether the indicators could be reported in the individual IFCA's annual reports. The Chief Officer advised that the AIFCA and the COG would be engaging with NIMEG and TAG as to the methodology to gather the metrics under the COG SR20 response.

Prof Williams advised that Plymouth Council had indicated that they are facing a very significant deficit as a consequence of the Covid pandemic and this compounds the more general pressures that their IFCA are under. More generally Devon and Severn IFCA wished to discuss the matter of whether the IFCA's should be funded by central government directly as opposed to the current funding model. Cllr Lamb highlighted that this issue has been raised and debated previously. He highlighted that there is also consideration of the amalgamation of Local Authorities to create combined authorities; this has a potential impact on several IFCA's. David McCandless highlighted the importance of local communities and local / regional delivery because of the IFCA model. The model of both local and central government funding was appropriate in this context, but the failure of the central government funding to increase to reflect not only inflation but also the increased demands on the service was the key issue.

Prof Williams stated that he would support central government funding with local input. Cllr Williams recognised the concerns regarding funding but noted the importance of the local decision making whereby the with local funding comes the ability to define local priorities. Prof Humphreys urged caution because of the vulnerabilities that could result from removing the local authority funding. Adding that the local authorities bring democratic accountability and legitimacy. It is necessary to weigh up the advantages and disadvantages very carefully. In his opinion the model is correct but requires greater central government funding.

Dr Ashworth raised caution over the reliance on central government funding. Adding the oversight that local councillors is very important to the committees, they provide stability and continuity and the ability for the authorities to set their agenda according to their local priorities. Prof Williams highlighted that his experience is because of the issues faced in the D&S Authority whereby several of the local authorities have withheld funds and do not wish to contribute to the IFCA. In his opinion the AIFCA should take a position on the issue on whether IFCA's should be centrally funded. Julian Gregory highlighted that Eastern IFCA were at the other end of the spectrum in comparison to the position outlined by Prof Williams when it

comes to the local authorities; the Eastern IFCA enjoy a very productive relationship with the finance teams in their constituent authorities.

Prof Humphreys supported the points made by Julian Gregory that local fisheries are important to local communities and the local communities should be able to shape the direction of management. The priorities for local communities may be very different from the priorities for central government.

Members NOTED the UPDATE

Tony Tomlinson thanked members for their constructive debate, and it was agreed that that the matter be referred for reports at the next meeting.

AGREED that the IFCA funding model be debated at the next AIFCA meeting and reports be prepared.

ITEMS FOR DECISION

6. AIFCA Accounts 2019/20

Members approved the final accounts for the AIFCA for 2019/20. Cllr Williams provided members with a comprehensive overview of the AIFCAs financial position and the actions taken to prepare the end of year accounts. A detailed explanation of the treatment of the capital equipment grant, MPA project and £9k of earmarked reserves was provided. The legal and professional costs associated with the personnel changes were also noted. It was noted that the fixed assets had been fully written off. The Net Asset situation was described and details of the cash at bank provided.

Looking forward from the out-turn to a review of future costs the review of insurances was noted. The IT and website costs were identified and would be subject to review this year. The phone contract costs were explained and have been reviewed. There will be savings made in the venue and conference hire costs. The proposal is not to recruit an assistant immediately and payroll and assistance will be provided.

Prof Humphreys thanked Cllr Williams for his detailed explanation and was happy to propose that the Accounts be approved, before doing so he requested further details of the Science Direct costs. It was explained that the costs were offset by income from the IFCA's to the same amount, whereby the central procurement enabled savings to be made. Prof Humphreys requested that the service be reviewed because he felt the access provided by the subscription was limited. However, others who used the service, felt that it represented good value for money. Prof Humphreys will enquire with his IFCA.

Les Weller enquired as to the phone contract costs. These were described and the direct debit had now been cancelled. Stewart Harper thanked Cllr Williams for report and the preparation of the accounts. He asked if the title of the accounts could be corrected to remove the capital A from and. This was agreed. The chairman asked that the Accounts be approved. The motion was proposed by Prof Williams and seconded by Prof Humphreys. All present were in favour.

The final accounts of the AIFCA for the financial year 2019 to 2020 were APPROVED

7. Training position

Members received a report from Will Wright on the appointment of a National Training Officer with recommendation(s) of the Chief Officer. Dr Wright provided the background to the report. The Chief Officer provided a breakdown of the costing and benefits of the post. Cllr Lamb

spoke in favour of the continuation of the position and the value of training to the IFCA's. Cllr Lamb thanked Ian Jones for his work to date in the role.

Mat Mander gave his apologies and left the meeting taking no further part in the debate.

The Chief Officer summarised the position with regards to Kent & Essex as the employer and the AIFCA providing management support. Julian Gregory enquired as to the basis for the salary. It was explained that the role had been subject to a job evaluation under the host IFCA's scheme. After a debate it was AGREED that the job specification be reviewed. The position with regards to the individual members providing subscription to the position was clarified as per section 3.1.1. of the officer's report. On the basis of the explanation Prof. Williams could support the recommendations.

Subject to the review of the Job Description, Les Weller proposed and Julian Gregory seconded **that the AIFCA;**

- 1) **AGREE to record thanks to Ian Jones (ex AIFCA NLTO) and Kent and Essex IFCA for the work of the NLTO to date.**
- 2) **NOTE the grant award under the EMFF.**
- 4) **AGREES to commence a recruitment process for an NLTO with a revised job description that links the duties, responsibilities and IFCA training programme that has been developed in the last 18 months**
- 5) **NOTES the budgetary implications of the appointment of a new NLTO and agrees in principal (subject to individual IFCA ratification) to provide ongoing support for the role.**
- 6) **RECOMMENDS that the COG revisit the membership of the national IFCA training group**

All were in favour.

At 13:15 there was a 15-minute break.

BREAK

At 13:30 the meeting reconvened

8. Budget Control

Members received a report from Paul Williams on the AIFCA Budget with the recommendation that the members approve the revised budget.

Cllr Williams described the budget assumptions, noting where variance is expected. He described the cash budget, the contents in the notes to accompany the budget and provided detail on aspects of the notes. He reported that the bottom line is that at the end of Aug. we are £21k ahead, but with anticipated VAT yet to pay of £14k.

Sam Davis thanked Cllr Williams for his detailed explanation of the accounts. Cllr Williams said that he was very happy to support the AIFCA and the new Chief Officer

Prof Williams proposed and Les Weller seconded the recommendation that members **note the budget control statement and approve the AIFCA budget.**

Members thanked Cllr Williams.

9. The Defra IFCA Evaluation Report

Members received a report from the Chief Officer. The Chief Officer gave the background and context to the report. Prof. Williams expressed his frustration that the draft report has not been

circulated to the Chairs and he was minded to complain to the Secretary of State if that were to happen again. Both the Chairman and Cllr Lamb supported such an approach.

There was a debate about the adequacy of the report's methodology and an explanation that certain of the inaccuracies in the drafting were being addressed.

It was **AGREED** that the Chief Officer should draft a response to the report in anticipation of the report's eventual publication and that the draft response be circulated for comment.

10. EU Exit

Members received a report from Will Wright of the Chief Officers Group on preparation for EU Exit and the role of IFCAs. Dr Wright's briefing described the process of coordination with partner organisations, referring to the role of JMOCC, the IFCA./MMO intel system, the Intel Cells into Defra.

Dr Wright detailed the vessel charter agreements with MMO for vessel sharing. He provided an overview of preparations ahead of the end of the transition period and the role of IFCAs.

Members debated the implications for IFCAs and thanked Dr Wright for his update and the officers involved in the preparations.

11. Dates of, and arrangements for the Next Meetings

It was agreed that the meetings of the AIFCA Members Forum, to be followed by a meeting of the AIFCA Directors, shall be held on the following dates:

8th	December	2020
9th	March	2021
8th	June	2021 (AGM)
7th	September	2021
7th	December	2021
11th	March	2022

It was agreed that for the foreseeable future that the meetings shall be held remotely using video-conferencing. Notwithstanding it is desirable to meet in person if possible and the situation will remain under review.

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 16a

Eastern Inshore Fisheries and Conservation Authority Meeting

09 December 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 July, August, September 2020.

Recommendations

It is recommended that members:

- **Note** the content of the report

Report

Enforcement and engagement priorities throughout district – overview

July

The primary enforcement and engagement priority in the district during July was the WFO cockle fishery. Officers engaged on management measures, and education and engagement around licence conditions and completion of returns forms, all of which was altered slightly in light of the current COVID-19 pandemic. In area 3 the enforcement and engagement priority was recreational mackerel landings and in area 4 high visibility patrols were planned with general engagement and enforcement of bass regulations. A general engagement task was communicating to industry that the MPA 2018 byelaw was now in force.

August

In area 1 the enforcement priority was general port visits with high visibility patrols. In area 2, the enforcement priority was the same as July, the WFO cockle fishery. In area 3 the focus was on recreational bass landings and commercial crab and lobster landings. In area 4 the focus was also on recreational bass fishing, as well as investigating reports of netting in Suffolk rivers. The engagement priorities were the Whelk Permit 2016 review, and the Wash fishery Order management measures.

September

In area 1 the enforcement priority was general port visits with high visibility patrols. In area 2, the enforcement and engagement priority was shrimp returns compliance. In area 3 the enforcement priority shifted more towards the whelk fishery, enforcing permit conditions. Area 4 saw general priorities, including a focus on commercial landing inspections. The engagement priority was the Closed Area Byelaw 2020 formal consultation.

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 2018 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		
		July	August	September
<i>Intertidal biogenic reef</i>	1 to 13	2	1	6
<i>Subtidal biogenic reef: Sabellaria spp. (Ross worm), subtidal stony reef, subtidal mixed sediments, subtidal mud.</i>	14 – 29 (The Wash Central and Northern)	2	0	1
Intertidal seagrass beds, subtidal mixed sediments, subtidal mud.	30, 31, 32,33,34, 35 (North Norfolk Coast)	1	0	2
Eelgrass beds (Humber)	36	0	0	1

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

July

No trends reported

August

No trends reported

September

No trends reported

Metrics

Enforcement metric	Number completed		
	July	August	September
Shore Patrols	0	2	2
Port visits	0	1	3
Catch inspections (landings observed)	0	0	0
Catch Inspections (landing not observed)	0	0	0
Vehicle Inspections	0	0	0
Premises inspections	0	0	2
Enforcement actions/Offences	0	0	0
Intelligence reports submitted	0	0	0
Fishers engaged	0	0	2
Vessel Patrols	0	0	0
Boardings	0	0	0
Gear Inspections	0	0	0

Engagement/ key messages received

Anglers in the area reported that the port area has now been locked so they can no longer access this fishing area.

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

July

The whelk fishery started to slow during the month, with fewer fishermen relying on it as the cockle fishery opened, the price remained lower than had been seen for the proceeding years. The Cockle fishery was extremely busy during this period with a high number of vessels participating in this fishery. Some shrimp fishing occurred, but very limited number of vessels partaking in this fishery. Some potting for crab and lobster occurred but this was very limited.

August

The trend from July in relation to whelk fishing persisted, with few boats targeting this fishery from the area, as is the usual trend for the month. The primary fishery in the area during the month was the ongoing Cockle fishery. Various beds were targeted, with most fishers in the area solely working on this fishery.

Some charter boat fishing was reported in the area during the month, with mixed views on the amount of fish being caught. Catches of Mackerel frequently reported just outside Brancaster Harbour.

September

There was a marked change in fishing activity during the month, due to the closure of the WFO cockle fishery. Many vessels immediately changed their fishing activity to fish for shrimp. Some effort continued in the whelk fishery, however only a limited number of vessels participated. Limited RSA fishing was reported during the month.

Metrics

Enforcement metric	Number completed		
	July	August	September
Shore Patrols	25	15	9
Port visits	31	20	9
Catch inspections (landings observed)	327	175	24
Catch Inspections (landing not observed)	40	31	3
Vehicle Inspections	0	0	0
Premises inspections	12	15	1
Enforcement actions/Offences	3	3	0
Intelligence reports submitted	16	6	2
Fishers engaged	339	171	35
Vessel Patrols	6	2	9
Boardings	0	0	0
Gear Inspections	2	3	1

Engagement/ key messages received

As is usual for the time of the year much of the engagement focused on the cockle fishery. Whilst this is reported on elsewhere key themes are as follows:

- Die off reported on the Friskney Sand
- Die off reported on the Roger Sand
- Die off on the Gat Sand.
- Some fishers struggling to get daily quota
- The whole Wash should be open
- More sands on the Kings Lynn side should be open and a higher TAC
- The Inner West Mark Knock should be opened.
- The TAC should be increased.
- The Dills should be opened

- The Inner West Mark Knock was opened too late.
- IFCA consult too much and should just decide and tell the industry.

In August again much of the engagement was around the cockle fishery with a notable change in the overall engagement themes as follows:

- Density of cockles in less than that shown in the survey.
- Inner West Mark Knock cockles are smaller than elsewhere, some spat in there with a likelihood for ridging out.
- General queries regarding amount of TAC and asking this to be increased.

Following the closure of the WFO, the focus of engagement for IFCO's was in relation to shrimp returns. Education was given to all fishers that were fishing for shrimp, helping with compliance of completing forms.

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

July

Activity started to increase during the month, with some fishermen that had been shielding restarting fishing. Commercial fishers reported good catches of Lobster for the time of year, with crabs being poor this switched as the month went on with crabs coming on well. Whelk fishing activity remained stable.

There was a large number of reports in relation to Mackerel (both commercial and recreational), most of those caught were undersize. Some Bass fishing occurred but this was primarily recreational. RSA fishers mainly targeting Mackerel with some targeting Bass. Large amount of RSA unaware of MCRS in relation to Mackerel.

August

Recreational anglers reported good catches of bass in the area. There was also a reported increase in all types of recreational fishing activity. Some Mackerel being caught along the coast, but not in the numbers from previous months, a lot of RSA activity still targeting this fishery.

Commercial fishers reported good catches of lobster for the time of year. Catches of Jack (male) crabs were reported as high with a higher than normal meat yield. Demand was reported as increased as restaurants and puts reopened. The whelk fishery remained stable as it has in previous months.

September

Numbers of crab being caught in the area increased during the month. Lobsters were reported as relatively thin on the ground. There was a steady increase in demand for both crab and lobster. An increased number of velvet crabs were reported than what is usually seen. This was reported as being due to warmer than usual water. RSA and commercial fishers alike reported very low numbers of bass, but an abundance of mackerel.

Metrics

Enforcement metric	Number completed		
	July	August	September
Shore Patrols	13	17	19
Port visits	30	53	54
Catch inspections (landings observed)	26	40	29
Catch Inspections (landing not observed)	17	7	1
Vehicle Inspections	0	0	1
Premises inspections	1	1	3
Enforcement actions/Offences	2	2	0
Intelligence reports submitted	10	5	7
Fishers engaged	240	116	92
Vessel Patrols	3	1	1
Boardings	0	0	0
Gear Inspections	4	3	1

Engagement/ key messages received

Safety concerns were raised by fishers regarding surfers at Cromer, which has been actioned by officers. Concerns raised by the industry in relation to Highly Protected Marine Areas, and their potential impact on the industry.

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

Fishing Trends

July

Good catches of sole and bass were reported throughout the month. Flounder and Dab being caught in low numbers. Low numbers of crab and lobster on the ground reported.

August

Recreational anglers reported good number of bass in the rivers and at sea. Commercial fishers have often been targeting sole, generally speaking catches of finfish were reduced, as is often the trend during August. High catches of Spurdog were reported. Fishing for whelk decreased during the month due to lack of catches thought to be related to the high water temperature.

September

Commercial fishers reported a good month overall, for fin fish landings. The primary target species were sold and skate. Many of the commercial fishing for crab and lobster reduced further this month, with fishers reporting bringing in pots for the winter, following a generally poor year in this area. Whelk landings also reported as reduced compared to this time last year. Recreational anglers reported catches of bass and mullet as well as whiting towards the end of the month.

Metrics

Enforcement metric	Number completed		
	July	August	September
Shore Patrols	9	13	18
Port visits	27	37	44
Catch inspections (landings observed)	1	17	10
Catch Inspections (landing not observed)	5	4	10
Vehicle Inspections	0	0	0
Premises inspections	4	8	17
Enforcement actions/Offences	0	0	0
Intelligence reports submitted	44	21	18
Fishers engaged	36	72	81
Vessel Patrols	6	2	0
Boardings	2	0	0
Gear Inspections	1	0	0

Engagement/ key messages received

Fishers raised concerns regarding the amount of holiday makers around and that this was making it difficult to do their job safely. Fishers praised Eastern IFCA officers in relation to COVID grant funding and general communication.

Financial Implications

None

Legal Implications

None

Appendices

Not Applicable

Background Documents

Not Applicable

Vision

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



Information Item 16b

Eastern Inshore Fisheries and Conservation Authority Meeting

09 December 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 July to September 2020, any issues that have arisen (through internal or external drivers), and an indication of upcoming developments that could require future actions.

Recommendations

It is recommended that members:

Note the contents of the report.

Background

The Marine Science team has further progressed workstreams for the assessment and management of fisheries in marine protected areas (the "revised approach"), and towards the sustainable exploitation of stocks. The programme of field surveys, quayside catch monitoring and measurement and laboratory analysis (set out in the Marine Science Plan) has 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, although there has been a reduction in consultation requests likely as a result of the pandemic. During this quarter, officers received key formal advice from Natural England relating to the impacts of potting on subtidal chalk in the Cromer Shoal Chalk Beds MCZ; this advice will be considered in the development of appropriate management of the potting fishery.

Report

Research

The summer period is usually a busy time for the science team, its longer daylight hours and calmer weather both enabling our own vessels to get to sea more often to conduct surveys and also those of fishers from whom we collect vital fisheries data. Similar to the previous quarter, however, COVID-19 has resulted in appreciable disruption to the planned research programme, preventing the majority of our usual fieldwork from being conducted. Despite these disruptions, the team members have remained busy with a number of fisheries assessments (described below in the Environment section), conducting desk studies, analysing data and writing reports.

WFO Cockle assessments

Because COVID-19 had prevented us from conducting the 2020 spring cockle surveys, the Authority had been forced to take a more precautionary approach to the management of this fishery this year, only opening beds where there was strong evidence cockle survival due to atypical mortality would be poor. This restricted the fishery to specific open areas on the Wrangle, Friskney, Roger/Toft, Gat and Mare Tail beds. In addition to these areas, the stock assessment that had been conducted in place of the surveys had indicated the stocks on the Dills and Inner Westmark Knock beds could be vulnerable to high losses from “ridging out” as the summer progressed. Officers inspected the Dills in June but found the density of cockles on the bed was lower than anticipated, and not at high risk of ridging. A similar assessment was conducted on Inner Westmark Knock in July. There, the cockles were found to be present in high densities with little space for additional growth between them. In some places the weaker cockles were beginning to be pushed out of the ground, indicating widespread ridging was imminent. With the support of Natural England, who enabled a rapid turn-around of the HRA, this bed was opened to the fishery before ridging occurred, allowing the stocks to be thinned out.

As the cockle season progressed, further assessments were conducted on Friskney to monitor the rate of natural mortalities. The industry had reported widespread losses on this bed during the summer, which the trends in past data had predicted. These assessments, however, found losses were not as high as had occurred during some of the previous mortality events when up to 95% of the cockles had died on this bed. With 35% of the cockles still alive at the end of August, there was optimism a reasonable amount would remain to support the over-wintering wader populations and potentially survive the winter to contribute their biomass to next year’s TAC. With the fishery’s annual TAC almost exhausted, a further assessment was conducted on Inner Westmark Knock at the end of August to determine whether the bed was still at risk from ridging and could justify extending the TAC. This assessment found, however, the fishery had done a good job of thinning the stocks to levels that ridging would no longer be problematic. The fishery was closed on the exhaustion of the TAC.

Crab/lobster

Usually crab and lobster biometric data are gathered monthly from the ports and processors to inform various stock population models. COVID-19 has prevented these surveys from being conducted this year, however. Instead, landings data supplied in MSAR forms have been analysed to show annual LPUE trends for the period 2010-

2019. Although there are caveats when using LPUE values as a proxy for indicating stock on the ground, this analysis indicated LPUE values have been slowly rising through most of our district during this ten-year period but may have peaked in 2016 in the more heavily fished North Norfolk Coast Inshore fishery. Although the general trend has seen LPUE values rise through the district, all areas showed a sharp decline in 2018, followed by recovery in 2019. It is possible the “Beast from the East” storm, which resulted in large numbers of crabs and lobsters being washed up on east coast beaches, may have caused this temporary decline. As the LPUE figures indicate the stocks are relatively stable, 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.

Earlier in the year, the MCS Good Fish Guide rating for the Southern North Sea crab stock was reduced from a 3 to a 4. As this could affect sales to some of the larger markets, industry representatives approached the Authority to help develop a ‘Fisheries Improvement Plan’ (FIP) for the crab and lobster fisheries. Members of the team have researched the process by which a FIP needs to be progressed and are developing a needs assessment and a proposal for the project that can be taken forward and led by industry members. As the FIP will need to cover the whole Southern North Sea stock, which extends beyond our district, the Authority is also liaising with K&EIFCA and NEIFCA.

EHO/biotoxin and SWEEP sampling

Despite Covid-19 restrictions, the Authority has managed to continue collecting the EHO and biotoxin samples this quarter on behalf of the local councils. Maintaining social distancing has necessitated us making changes to how we crew the vessels and conduct the sampling during these trips, changing from low water sampling on foot to dredging samples at high water. Usually meat yield samples and sonde readings are collected for the SWEEP project on the same days that EHO samples are collected, but the change of sampling method has resulted in us being unable to collect the SWEEP meat yield samples this quarter.

Mussel surveys

The annual mussel survey programme began in September and will continue into the next quarter. While the 2019 surveys had found there had been significant die-offs on almost all of the beds, resulting in the lowest mussel biomass since the 1990’s, most of the beds surveyed so far this year have increased in stock biomass. This has mainly been due to the growth of the surviving mussels exceeding the lower rates of mortality that have occurred this year rather than settlement of new seed. Despite the increase in biomass seen on the beds surveyed to date, the beds are still in poor condition.

In March, members of the science team had met with scientists from Cefas to develop a project aimed at identifying factors that could be causing the unusually high mortalities. Unfortunately, COVID-19 restrictions meant Cefas have been unable to conduct any non-essential laboratory work over the summer, so this project had to be put on hold. In September, the Cefas team indicated their laboratories were re-opening again and the project still had funding. It is planned, therefore, that the Authority will collect the first batch of samples for this project in October.

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), or agreed pending implementation (shaded amber), for all red risk interactions. A new row has been added to the table for potting / chalk interaction, following new advice from Natural England (see below). For this amber interaction, management is in development (shaded red).

The Marine Science team's work during the quarter has focused on preparation to present the Closed Areas Byelaw 2020 to the Authority at the September 2020 Full Authority meeting. 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 was considered by the Authority and was agreed. Following this, officers created documents to support the required formal consultation on the Byelaw. The documents included a concise summary of the byelaw and its intent, charts and an infographic explaining the evolution of the Marine Protected Areas byelaw into the Closed Areas Byelaw.

Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ) – non-potting fisheries

Officers have assessed the impacts of non-potting fishing activities on this MCZ. It was necessary to update the assessment following receipt of new evidence about an artisanal shrimp fishery in two small areas of the MCZ. Natural England's interim feedback was received in late July 2020; further evidence was requested. Officers have considered the feedback and have further amended the assessment to ensure impacts are fully considered. Receipt of Natural England's formal advice is required in order for Eastern IFCA to consider enabling this small-scale activity by changing the MPA byelaw 2019 before it is submitted to MMO and Defra for final sign-off.

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. Officers did complete an assessment in 2018, concluding that the potting fishery was compatible with the conservation objectives of this site. However, evidence was subsequently presented to Eastern IFCA and Natural England of damage to chalk features in the site, which possibly resulted from interactions with fishing pots.

In August 2020, Natural England provided formal advice to Eastern IFCA on the impacts of potting on chalk (a designated feature of the MCZ). This advice was underpinned by a report on the 2019 Natural England/University of Essex dive survey, which examined physical interactions between chalk reef and fishing pots.

Natural England's advice identified that active potting can damage raised chalk structures (rugged chalk or complex, outcropping chalk) but does not significantly damage flat chalk. Full details are set out in the paper for agenda item 12.

Table 1. Revised approach¹¹: 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"> • Biogenic reef: <i>Sabellaria</i> • Subtidal stony reef • Eelgrass • Intertidal mussel beds 	The Wash & North Norfolk Coast SAC	<ul style="list-style-type: none"> • Protected Areas Byelaw 2014 • Marine Protected Areas Byelaw 2016 	<ul style="list-style-type: none"> • Marine Protected Areas Byelaw 2018 	<ul style="list-style-type: none"> • Marine Protected Areas Byelaw 2019
						<ul style="list-style-type: none"> • Closed Areas Byelaw 2020
Red risk	Towed demersal fishing; bait collection; hand gathering	<ul style="list-style-type: none"> • Eelgrass 	Humber Estuary SAC	<ul style="list-style-type: none"> • Protected Areas Byelaw 2014 • Marine Protected Areas Byelaw 2016 	<ul style="list-style-type: none"> • Marine Protected Areas Byelaw 2018 	<ul style="list-style-type: none"> • Marine Protected Areas Byelaw 2019
						<ul style="list-style-type: none"> • Closed Areas Byelaw 2020

¹¹ 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"> Biogenic reef: <i>Sabellaria</i> 	Haisborough, Hammond & Winterton SAC	n/a	n/a	<ul style="list-style-type: none"> Marine Protected Areas Byelaw 2019
						<ul style="list-style-type: none"> Closed Areas Byelaw 2020
Red risk	Towed demersal fishing	<ul style="list-style-type: none"> Subtidal chalk Peat and clay exposures 	Cromer Shoal Chalk Beds MCZ	n/a	<ul style="list-style-type: none"> Inshore Trawling Restriction (part of site) 	<ul style="list-style-type: none"> Marine Protected Areas Byelaw 2019
						<ul style="list-style-type: none"> Closed Areas Byelaw 2020
Red risk	Towed demersal fishing	<ul style="list-style-type: none"> Biogenic reef: <i>Sabellaria</i> 	Inner Dowsing, Race Bank & North Ridge SAC	n/a	n/a	<ul style="list-style-type: none"> Closed Areas Byelaw 2020

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"> • Circalittoral rock • Intertidal biogenic reef: <i>Sabellaria</i> 	The Wash & North Norfolk Coast SAC	n/a	n/a	<ul style="list-style-type: none"> • Closed Areas Byelaw 2020
Amber / Green risk	Towed demersal fishing	<ul style="list-style-type: none"> • Subtidal mixed sediment • Subtidal mud • Subtidal sand 	The Wash & North Norfolk Coast SAC	n/a	<ul style="list-style-type: none"> • Marine Protected Areas Byelaw 2018 	<ul style="list-style-type: none"> • Marine Protected Areas Byelaw 2019 • Shrimp Permit Byelaw
						<ul style="list-style-type: none"> • Closed Areas Byelaw 2020
Amber risk	Static gear (potting)	<ul style="list-style-type: none"> • Subtidal chalk (rugged chalk) 	Cromer Shoal Chalk Beds MCZ	n/a	n/a	<ul style="list-style-type: none"> • Appropriate measures to be considered

The agreement of the Closed Areas Byelaw 2020 (at 41st Authority meeting) resulted in management being agreed for all the priority MPA interactions set out in the table above. A new priority MPA interaction was added to the table following receipt of conservation advice on the impact of potting on chalk in the Cromer Shoal Chalk Beds MCZ in August 2020.

Marine Protected Areas byelaw 2019

This Byelaw was agreed by the Authority at the 36th Full authority meeting. Formal consultation was completed but before the byelaw can be sent to MMO for quality assurance and Defra sign-off, two issues must be resolved. The first is whether to exclude small-scale artisanal shrimp trawling from the prohibition of bottom-towed gear within the Cromer Shoal Chalk Beds MCZ (decision will be informed by the assessment reported above). The second is whether to exclude shore-based push netting from the same prohibition. Officers have completed an assessment of potential impacts of push netting in all MPAs in the Eastern IFCA district and are currently awaiting Natural England's formal advice.

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:

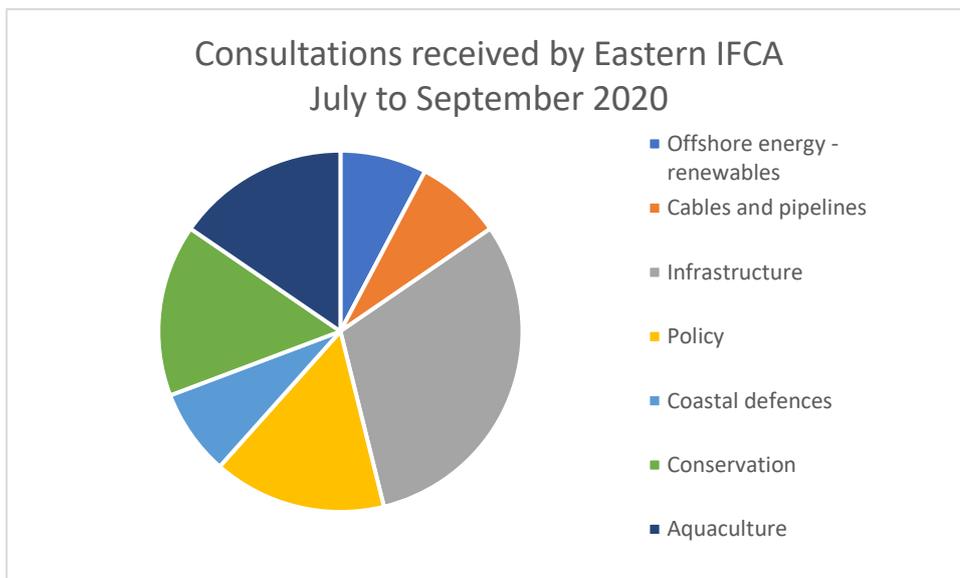
- Remote meetings of the "Agents of Change" project, that promotes the conservation and fisheries value of the Cromer Shoal Chalk Beds Marine Conservation Zone. The work of this Marine Conservation Society-funded project has proven to be a strong link between regulators and stakeholders and the local 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. No Advisory Groups have met since the COVID-19 restrictions were introduced in March 2020, but online meetings have taken place during November 2020.

Eastern IFCA input to consultations on marine developments

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

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

In the period July to September 2020, the Eastern IFCA Marine Science team received 13 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 below shows the categories of development or policy that these consultations fit within. Unusually, consultations relating to offshore renewable energy did not feature heavily, but work relating to the proposed Sizewell C nuclear power station was significant in the “infrastructure” category.



Two examples of consultations / engagement are set out below:

- Sizewell C Development Consent Order: Eastern IFCA was consulted on this order as well as Environment Agency permit applications relating to radioactive discharges, water discharges and combustion activities. A huge amount of documentation accompanied the applications and officers spent considerable resource reviewing these to identify issues relevant to inshore fisheries and conservation. Involvement with the applicant’s “Marine Technical forum” placed the Authority in a good position to identify key issues and compare conclusions with other advisory bodies including Cefas and the Environment Agency. Eastern IFCA’s response highlighted that the assessment of impacts on fish (entrapment or intake with cooling water) was not given at an appropriate scale; officers also queried the rejection of using particular fish screens. Involvement with the applicant’s “Marine Technical forum” placed the Authority in a good position to identify key issues and compare conclusions with other advisory bodies including Cefas and the Environment Agency.
- Lincshore beach management 2022-2031 (Scoping report for Environmental Impact Assessment (EIA)): Officers agreed with the proposed list of topics to be included in the EIA. We requested consideration be given to the value of

shellfish beds in The Wash and potential impacts on these, and also to siltation issues on the Norfolk coast (Blakeney Harbour) given the uncertainty regarding offshore movement of beach nourishment materials.

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 Commonwealth and Development Office (FCDO). As the majority of EIFCA's district (over 96%) has marine protected area designations, the process involves liaison with Natural England, with the requirement to consider the likelihood of impacts occurring on protected habitats and species within these areas.

Between 1st July and 30th Sept 2020, 7 derogation requests were received. Following assessment, 2 required a derogation from Eastern IFCA byelaws.

Both derogations were granted to the Environment Agency. The first relates to an annual survey that forms part of a programme monitoring the effects of the Lincshire Coastal Defence Strategy project on the physical and biological environment. The second is for a survey providing fish samples from the River Orwell for biota contaminant analysis – work which relates to the Environmental Quality Standards Directive (EQSD).

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.