



## **46<sup>th</sup> EIFCA Statutory Meeting**

**To Be Held at:**

Assembly Room, Kings Lynn Town Hall, Saturday Market Place, Kings Lynn,  
Norfolk, PE30 5DQ

Attendance by members of the public will be limited due to the COVID-19 restrictions. Anyone wishing to attend as spectators should contact Eastern IFCA on 07385 769305 or via e-mail: [mail@eastern-ifca.gov.uk](mailto:mail@eastern-ifca.gov.uk).

**Wednesday  
8<sup>th</sup> December 2021**

**1000 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: **46<sup>th</sup> Eastern IFCA Meeting**

Date: 8<sup>th</sup> December 2021

Time: 1000hrs

Venue: Assembly Room, Kings Lynn Town Hall, Saturday Market Place,  
Kings Lynn, Norfolk, PE30 5DQ

Attendance by members of the public will be limited due to COVID-19 safeguards. Anyone wishing to attend as spectators should contact Eastern IFCA on 07385 769305 or via e-mail: [mail@eastern-ifca.gov.uk](mailto:mail@eastern-ifca.gov.uk).

### 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 45<sup>th</sup> Eastern IFCA Meeting, held on 8<sup>th</sup> September 2021 – *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 Wash Cockle and Mussel Byelaw 2021 policies update – Senior IFCO (Regulation)
- 8 Wash Cockle and Mussel Byelaw 2021– Senior IFCO (Regulation)
- 9 To receive a report on the meeting of the Finance and HR sub-committee held on 2<sup>nd</sup> November 2021 - *Hd Finance & HR*
- 10 Budget and levies 2022-23 and Budget Forecast to 2027 – *Hd Finance & HR*
- 11 Closed Areas Byelaw 2021 – *Senior MSO (Environment) / Project Officer*
- 12 Authority Meeting Dates 2022-23 – *CEO*
- 13 Review of annual priorities and Risk Register - *CEO*

**Information items**

- 14 CEO update (verbal) – *CEO*
- 15 Operational update - *Head of Operations*
  - a. Marine Protection report
  - b. Marine Science report

**Any other business**

- 16 Recreational sea angling strategy – *Ian Howell*
- 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  
23<sup>rd</sup> November 2021

### 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



## 45th Eastern IFCA Meeting

A meeting of the Eastern IFCA took place on Wednesday 8<sup>th</sup> September 2021 at 0955 hours in the Assembly Rooms, King's Lynn Town Hall.

### Members Present:

Cllr T FitzPatrick	(Chair)	Norfolk County Council
Cllr T Adams		Norfolk County Council
Ian Bowell		MMO Appointee
Cllr Chenery of Horsbrugh		Norfolk County Council
John Davies		MMO Appointee
Stephen Williamson		MMO Appointee

### Eastern IFCA (EIFCA) Officers Present:

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

### Other Invited Attendees:

Ian Butterfield	Natural England
Tony Goldson	Ex EIFCA Member

### Minute Taker:

Jodi Hammond

The start of the meeting was slightly delayed as a result of waiting for sufficient members to be present for the meeting to be quorate.

### Tony Goldson

Prior to the commencement of the meeting Cllr Fitzpatrick began by welcoming Mr Goldson, a previous Authority member between 2009-2021. During that time he was a very active member taking part in all sub-committees when the Authority was ESFJC as well as taking on the role of Chair several times even extending to a four year run for his last period of office.

Throughout his membership Mr Goldson was always aware of the conservation duties as well as being a strong supporter of the commercial fishing industry.

Mr Goldson was presented with a commemorative compass from EIFCA after which he expressed how much he had enjoyed his time on the Authority and recalled there had been good times as well as conflicts. He recommended to keep communicating as the solution to conflict.

#### **EIFCA21/33 Item 1: Welcome**

The Chair welcomed Mr Butterfield who would be speaking on behalf of Natural England, in the absence of Georgie Roberts.

#### **EIFCA21/33 Item 2: Apologies for Absence**

The chair advised there had been an unprecedented number of apologies tendered, he was concerned this could be as a result of concerns re Covid and moving away from online meetings.

Apologies for Absence were received from Cllrs Back (SCC), Coupland (LCC), Skinner (LCC) and Vigo Di Gallodoro (SCC), Ms Roberts (NE Representative), Dr I Hirst (EA Representative), Mr Rowley (MMO Representative) Ms Davey, Ms Smith and Messrs Bagley. Bolt, Copeland, Garnett, Shaul & Warner (MMO Appointees).

#### **EIFCA21/34 Item 3: Declarations of Members Interest**

In addition to the Declaration of Interests previously circulated Mr Williamson expressed an interest in item 9 on the Agenda.

#### **EIFCA21/35 Item 4: Minutes of the 44<sup>th</sup> EIFCA Meeting, held on 9<sup>th</sup> June 2021**

**Members Resolved these were a true record of the meeting.**  
**Proposed: Cllr Chenery of Horsbrugh**  
**Seconded: Cllr Adams**  
**All Agreed**

#### **EIFCA21/36 Item 5: Matters Arising**

EIFCA21/20 DECLARED PECUNIARY INTERESTS: The CEO advised that further advice from NPLaw confirmed the Localism Act does apply to EIFCA.

Other Matters Arising would be covered by individual items on the Agenda.

#### **EIFCA21/37 Item 6: Membership of the Finance & HR Sub-Committee**

Following the completion of the maximum 10 years service by Mr Worrall there was a vacancy on the Finance & HR Sub-

Committee for an MMO Appointee. Ms Smith had expressed an interest in being considered for the position

**It was Resolved that Ms Smith be elected as a member of the Finance & HR Sub-Committee.**

**Proposed: Mr Davies**

**Seconded: Cllr Adams**

**All Agreed**

**EIFCA21/38 Item 7: Health & Safety Risks and Mitigation**

Members were advised there had been no incidents during the previous quarter. The biggest challenge being faced continued to be Covid-19. Steps were being taken to begin re-populating the front-facing office.

Cllr Chenery queried whether any staff members had refused the vaccine, to the best of the Head of Operations knowledge this had not happened and all staff had agreed to take twice weekly Lateral Flow Test.

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

**EIFCA21/39 Item 8: Report of the Finance & HR Meeting held on 3<sup>rd</sup> August 2021**

Members were advised the draft Annual Accounts had now been completed and were ready for the Chair and CEO to sign.

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

**EIFCA21/40 Item 9: Highly Protected Marine Areas**

Senior MSO Stoutt provided members with a presentation on HPMA's and IFCA involvement in nominating sites as part of a pilot scheme. Initial recommendation would be based on ecological criteria, with social and economic criteria being considered later in the process. The main concern with HPMA sites was that fishing would be prohibited.

The initial deadline for proposed sites had closed on 31<sup>st</sup> August 2021, EIFCA had chosen not to put forward any potential sites as they were processing the ongoing challenge of red risk MPA's within the district.

The next stage for designation pilot sites would involve NE and CEFAS sifting through the nominations, followed by social and economic criteria being considered. There would be a consultation process followed by a period of monitoring before any further work to establish HPMA's was undertaken.

The CEO advised that he was expecting other groups to put forward the Cromer Shoal MCZ site for consideration but there was a long process to be undertaken before decisions were made. To keep it in perspective members were reminded there were only going to be five pilot sites so potentially only 50% of IFCA's would have a site within their district.

Mr Butterfield suggested that rather than taking a negative approach to HPMA's EIFCA should put forward a different model that works on a local level. He advised that HPMA's were not all about conservation, they were designed to improve fishing opportunities and it may be the presence of an HPMA could promote a more productive sustainable fishery. Mr Butterfield felt this was 'an opportunity not a threat' and consideration should be given to what is trying to be achieved rather than what it is perceived they are trying to stop.

Mr Williamson hoped that what Mr Butterfield had stated would come to fruition but felt uncertain there would be benefits for the commercial fisheries, he asked whether an action plan could be put in place for what happened to commercial fishers when more areas become closed to fishing. He felt that having addressed bad practices to reach sustainable fisheries these measures should be looked at and what has already been achieved should be recognised rather than putting more restrictions in place, which he considered to be totally unfair on businesses.

The CEO advised that further ahead in the process there would be an Impact Assessment which would consider the impact on the industry.

Mr Davies was equally wary, he questioned how local 6-8m single crewed vessels would be able to work if large closed areas were put in place, particularly when there was already a sustainable fishery with a healthy seabed.

The Chair acknowledged there would be more information coming forward, and suggested time be taken to look at progress that is being made, for example the Wells lobster hatchery, he believed it was important that EIFCA bring both conservation and fisheries together to benefit the whole of the coast.

Mr Bowell noted the passion of the commercial fishers but also felt the economic benefit of the RSAs should not be overlooked, there were already catch restrictions in place. He recommended proving what steps were already in place to meet the same objective as HPMA's.

Mr Davies acknowledged Mr Butterfield's advice to put forward how alternative methods are in place to achieve the same goal, but he hoped the dialogue already being had with Georgie

Roberts from NE was proof that steps were being taken to work towards agreement for all.

The CEO agreed to keep members informed on any further progress, particularly any indications that proposed sites may fall within the Authority's District.

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

#### **EIFCA21/41 Item 10: Annual Report 2020-21**

Members were advised production of the Annual Report was an annual obligation under the Marine & Coastal Access Act.

**Members Resolved to approve the Annual Report 2020-21 and to Direct the CEO to publish the report and distribute it to Defra.**

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Cllr Adams**

**All Agreed**

#### **EIFCA21/42 Item 11: Closed Area Byelaw 2021 – Area Proposal**

Senior MSO Stoutt gave a presentation highlighting the proposal to include an addition closed area to fishing activity using bottom-towed gear within the Inner Dowsing, Race Bank and North Ridge SAC, for inclusion in the Closed Areas Byelaw 2021, which was scheduled to be formally presented to the Authority in December 2021.

Essentially the proposed closed area was to meet the Authority's requirements under MaCAA to protect an area of Sabellaria Reef. As part of the process a consultation with stakeholders have been undertaken to understand the impact on fishers, a response to the consultation would be presented at the making of the byelaw.

Mr Davies noted drift netting appeared to have been removed from the byelaw and questioned if this had been agreed and whether fixed nets had been banned. Senior MSO Stoutt advised there was further work to be done on the affects of netting so it had not been included at this time. If investigation was completed in time it may be brought in in December.

Mr Butterfield advised NE had not yet received the most up to date raw data and until they had been able to consider it their guidance on closed areas would not change. Senior MSO Stoutt advised there had been a considerable amount of discussion with NE around an outstanding area for consideration. EIFCA were not satisfied with NE's conclusion that is contained sabellaria reef,

consequently more ground truthing research was planned to get a clearer view of the area in question.

The CEO advised that the working relationship with NE was excellent with decisions made based on discussion and agreement, he did however, advise that in the event that EIFCA could not accept guidance from NE then EIFCA would explain why and provide evidence as to why they had reached that decision.

**Members Resolved to:**

- **Note the responses to the informal consultation on the proposed closures as at Appendix 1**
- **Note the rationale and justification for the closure to bottom towed gear, and the provisional impact assessment**
- **Agree to the inclusion of the proposed closures within the Inner Dowsing, Race Bank and North Ridge SAC as part of the Closed Areas Byelaw 2021 to be formally presented to the Authority in December 2021**

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Cllr Adams**

**All Agreed**

*At this point Andrew Bakewell left the meeting.*

**EIFCA21/43 Item 12: Wash Cockle & Mussel Byelaw 2021 update**

Senior IFCO Godwin gave a presentation showing progress made in the development of Wash Cockle and Mussel Byelaw 2021, and to put forward suggestion for next steps in the process.

The CEO advised members that dialogue with the industry had been challenging and he was concerned the views of individual fishers were not being heard, the CEO hoped to pursue this matter further and therefore the presentation of the byelaw had been delayed until the December meeting after a further opportunity had been provided to all stakeholders to attend and take part in small group discussions. This would enable officers to take into account the views of the collective as well as individual voices.

Senior IFCO Godwin advised that draft Policies had been developed it was intended that elements of the Wash Fishery Order 1992 that worked well would be converted into policies within the Byelaw.

It was proposed that only 'beneficial' owners would be eligible to take out permits, this was in an attempt to prevent the practice of 'renting out' licences.

Mr Davies queried who would be responsible for an offence committed at sea, would it be the owner or a skipper? Members were advised that it was common practice across all fisheries legislation that the principle owner was responsible. It was also emphasised that the suggested 12 month suspension of a permit would only occur after a conviction in court, most offences don't go to court but it was vital to get the correct balance of deterrent.

Members were also advised that despite a decision being made at the previous Authority meeting to remove the 'Category Two' permit from the byelaw there had been feedback from the industry which suggested to protect Business Models there should be a second category of permit. It was anticipated that previous objections would be overcome.

**Members Resolved to:**

- **Note the progress made in engagement on the development of access policies for the replacement of the WFO 1992**
- **Agree to defer the final submission of the Wash Cockle and Mussel Byelaw 2021 until December 2021**
- **Agree in principle to re-consider separate categories of permits issuable under the Wash Cockle and Mussel Byelaw 2021**
- **Direct Officers to**
  - **Continue to pursue engagement with industry**
  - **Continue to liaise with respondents and other stakeholders in relation to the objection to the Wash cockle and mussel Byelaw 2021; and**
  - **Report to the Authority at the next full Authority meeting the results of the further dialogue and a final draft of the Wash Cockle and Mussel Byelaw 2021**

**Proposed: Cllr Adams**

**Seconded Mr Howell**

**All Agreed**

### **EIFCA21/44 Item 13: Wash Several Order Application**

Having been provided with comprehensive paperwork prior to the meeting, Members were given a short presentation on the need and process involved in replacing the several fisheries element of the Wash Fishery Order 1992.

Several fisheries, refers to those fisheries which are severed from the public fishery and are effectively areas of seabed, known as lays, which EIFCA lease to individual fishers. When the WFO

1992 expires in January 2023 so will the current Several Order applicable to these lays, consequently it is necessary to put a new Several Order in place to ensure this practice can continue.

Members were advised the replacement Several Order would differ slightly in the allocation of lays but the intention would remain the same that the areas of land would be available in order for fishers to cultivate stock which would hopefully make them less reliant on wild stocks.

Mr Williamson provided a brief summary of the history of lays in the Wash and the unfortunate way the available mussel seed had been depleted by the arrival of windfarms in the Wash. He also advised that currently no live shellfish can be transported to Europe as a result of Brexit, he hoped to alleviate that situation by applying for funding for purification plant that all fisheries could benefit from.

**Members Resolved to:**

- **Note the report including the process for applying for a Several Order**
- **Agree in principle to the draft fisheries Management Plan at Appendix 1**
- **Agree to submit a 'Form of application' to the Minister to include the draft Fisheries Management plan for the Wash Several order 2022**
- **Direct officers to consult with Natural England and stakeholders in relation to the fisheries management plan.**

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Cllr Adams**

**All Agreed**

**EIFCA21/45 Item 14: Quarterly Review of Annual Priorities and Risk Register**

Members were advised priorities were progressing as expected in line with guidance set out in the Business Plan for 2021-26.

The Risk register was continually updated, New Burden Funding remained an ongoing concern for all IFCA's. The CEO advised there would be a three year spending review in November, AIFCA had put forward a funding request which sat with Defra, it was hoped there would be a response to this request in the first quarter of 2022.

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

## **EIFCA21/46 Item 15: CEO Update**

**WASH COCKLE FISHERY 2021:** It had become apparent that this fishery was predominantly small cockles which were thinly distributed, with reports of landing reasonable weights being a challenge. Reports of very small cockle being landed became a concern which prompted discussion around introducing a Minimum Landing Size. As a result of a quick consultation it as evident there was no agreement amongst the industry. The consensus was that in the long term this practice was not sustainable. However, as the fishery was almost two-thirds of the way through it was decided this was not the best time to introduce a MLS but it would be considered for future fisheries.

Areas within the fishery had been closed to fishing, with the intention that they would provide stock for next years fishery. Requests had been received for these areas to be opened as fishers anticipated the stock would be lost. However as the Senior MSO (Research) had examined the closed areas and saw what he had anticipated would happen the decision was made to keep the areas closed. The CEO felt that without trying new approaches the IFCA will never know what can be achieved.

**CROMER SHOAL MCZ:** The CEO reported that with so many Stakeholders wanting to take part in this process the management process had been reviewed, resulting in the development of a Business Planning Board and a Stakeholder Group which would allow a wider range of bodies to contribute.

In order to establish the extent of the chalk beds a new ROV had been bought which was proving to be very effective in mapping the features of the area.

Ten tracking devices had also been purchased which local vessels had agreed to use in order to establish patterns of fishing activity. It was felt these tools would be effective in addressing some of the concerns around fishing in the area.

**FISHERIES MANAGEMENT PLANS:** Members were advised there is a requirement to develop Fisheries Management Plans. All IFCA's were involved in the process with Kent & Essex IFCA taking the lead. EIFCA's involvement will focus on letting Defra know there is something to offer particularly with regard to stocks and making sure management is appropriate.

**IVMS:** This project had rumbled on the several years but the MMO were now pursuing it again. There would be a variety of approved devices with anticipated role out beginning in 2022. Larger vessels would be in the 1<sup>st</sup> tranche with smaller vessels becoming involved later in the year. The CEO emphasised that

use of VMS was very important for EIFCA Management and essential for the brown shrimp fishery in the Wash.

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

#### **EIFCA21/47 Item 16 – Operational Update**

This paperwork was circulated in advance of the meeting to enable members time to read through it and prepare any questions they may have.

Cllr Chenery of Horsbrugh queried what was meant by a berried lobster. He was advised it was an egg bearing female lobster, removal of it from the fishery could potentially mean about 50,000 eggs were prevented from developing.

**Members Agreed to note the report**

#### **EIFCA21/48 Item 15 – Any Other Business**

No urgent items of business had been advised.  
The Chair thanked Mr Butterfield for attending on behalf of Natural England.

There being no other business the meeting closed at 1329 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



## Action Item 6

### 46<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting

8<sup>th</sup> December 2021

#### 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:

**There have been no incidents to report during this period**

#### **Risks/Mitigation**

**COVID-19** continues to impact on the way we work. As an Authority we continue to ensure our assessments, policies and practice are kept up to date to ensure we remain COVID compliant the latest government advice and advice from our health and safety advisors at Norfolk County Council. Officers continue to undertake LFT tests on a twice weekly basis and every time they are deployed on Authority vessels. There has been one incident of COVID however it is not believed this was linked to the workplace.

All staff report having had both initial COVID vaccinations and those eligible are current having boosters when they become available. All staff are encouraged

to have annual flu vaccinations, and these can be accessed through our Occupational Health service.

Our Kings Lynn office has now reopened, and officers are working on a rota basis to support our administration colleagues so as they are not lone working, other officers continue to work and deploy from home as required.

**Appendix 1**

<b>Date</b>	<b>Nature of incident</b>	<b>Injury / damage occurred</b>	<b>Action Taken</b>	<b>RIDDOR MAIB Y/N</b>	<b>Investigation complete Y/N</b>	<b>Name of investigating Officer</b>	<b>Follow-up action required Y/N. If Y then what?</b>
No reports							

## Appendix 2

### Eastern IFCA Health and Safety risks

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

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

	<ul style="list-style-type: none"> <li>Occupational health assessment</li> <li>KLWNBC H&amp;S specialist advice</li> </ul>			
7. Staff stress through exposure to unacceptable behaviour of stakeholders	<ul style="list-style-type: none"> <li>Introduction of Unacceptable Behaviour policy</li> <li>Stakeholder engagement plan and activity delivered in pursuit of corporate communications strategy.</li> <li>Dialogue with Stakeholders to ensure appropriate tone of communications</li> <li>Conflict resolution training for “front line” Officers</li> <li>Introduction of Body worn Camera’s and Sky Guard Alarms.</li> </ul>	<ul style="list-style-type: none"> <li>No change in behaviour of some stakeholders.</li> <li>Long term sickness caused by stakeholder hostility</li> </ul>	<b>Tolerate</b>	<b>Tolerate</b>
8. Damage to vehicles, trailers and/or equipment through inappropriate operation.	<ul style="list-style-type: none"> <li>Formal trailer training for unqualified officers</li> <li>Refreshers for those with previous experience</li> <li>Periodic vehicle maintenance checks training</li> </ul>	<ul style="list-style-type: none"> <li>Failure to adhere to training</li> <li>Mechanical failure of vehicle or trailer</li> </ul>	<b>Tolerate</b>	<b>Treat</b>

	<ul style="list-style-type: none"> <li>In-house assessment for drivers using unfamiliar vehicles (crew transport, 4x4)</li> </ul>			
9. Physical fitness of personnel to undertake arduous duty	<ul style="list-style-type: none"> <li>Staff briefing</li> <li>Management overview to ensure rostered duties are appropriate and achievable</li> <li>Reasonable work adjustments</li> <li>Routine periodic medical assessment (ML5)</li> </ul>	<ul style="list-style-type: none"> <li>Individual health fragilities</li> <li>Individual lifestyle choice</li> </ul>	<b>Tolerate</b>	<b>Tolerate</b>
10. COVID 19	<ul style="list-style-type: none"> <li>Information</li> <li>Guidance</li> <li>Staff Briefing</li> <li>Risk Assessments</li> </ul>	<ul style="list-style-type: none"> <li>Developing understanding of COVID 19 and rapidly changing guidance</li> </ul>	<b>Tolerate</b>	<b>N/A</b>

\*

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

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

### Vision

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



## Action Item 7

### Eastern Inshore Fisheries and Conservation Authority Meeting

08 December 2021

#### Wash Cockle and Mussel Byelaw policies

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

#### **Purpose of Report**

To update members on the progress made in developing the policies to manage access to fisheries under the Wash Cockle and Mussel Byelaw 2021 and to seek feedback on and endorsement of the policies as a basis for continued consultation with stakeholders.

#### **Recommendations**

It is recommended that members:

- **Note** the progress made in developing the Wash Cockle and Mussel Access policy;
- **Note** the consideration of responses to the consultation at Appendices 1 and 2;
- **Direct** Officers to continue consultation and development of the policy with a view to finalising it for consideration by the Authority.

#### **Background**

The Authority is replacing the Wash Fishery Order 1992 (WFO) with a byelaw and will manage access to the fisheries using policies under that byelaw. This decision has generated significant opposition from current WFO licence holders and associated stakeholders, with a 'coalition of interests' appointing a solicitor and fisheries management consultant to represent them. Considerable engagement and consultation has taken place since the 39<sup>th</sup> Meeting (where the decision was made) to address and seek to resolve concerns.

At the 43<sup>rd</sup> Eastern IFCA meeting members noted a report which set out the work undertaken to engage fishing industry members in order to allay concerns about the WFO replacement. Members also agreed that the byelaw should be considered separately to the policies for managing access to the fisheries, which was the main area of concern for industry members, in order to reduce the risk that the byelaw would be delayed in coming into effect. This approach was also intended to ensure sufficient time was given to discussing policies on access to the fisheries with industry members. In addition, members agreed to the development of an Aim and Objectives to guide the development of access policies.

At the 44<sup>th</sup> Eastern IFCA meeting, members agreed to the proposed Aim and Objectives, which was informed by consultation during November and December of 2020. These were used to start developing access policies and key principles for discussion with industry. A consultation exercise during June and July of this year, which sought the views of individuals on proposed policies, had not been successful. There was a reluctance to engage with the Authority except via a single, large, whole-industry meeting, which was considered inappropriate given the remaining risk surrounding Covid-19. Despite best efforts, and initial acceptance of the plan to engage via small groups, there appears to have been a concerted effort to undermine the planned consultation, which resulted in very little engagement.

At the 45<sup>th</sup> Eastern IFCA meeting, members agreed to defer the submission of the byelaw to this meeting on the basis that a key element of the objections from industry related to the uncertainty on how access is managed and to allow further time for that dialogue. Members directed officers to undertake further dialogue to seek to allay these concerns.

## **Report**

### **Consultation**

On the 9<sup>th</sup> September 2021, letters were sent to all WFO licence holders, skippers and those on the waiting list to invite them to engage in a consultation about the draft policy. This was the second such consultation in relation to the policy, reflecting the limited success of the first attempt during June and July of this year. The intention of the consultations was to understand the potential impacts on the different business models and ways of working in relation to the broad principles to inform the development of more detailed policy wording.

A summary of the draft policy was sent along with the letter, which was intended to be the main driver for dialogue during the consultation. This summary was intended to guide and provoke discussion and inform stakeholders of the current status of the draft policy in a way that was easily understandable. Members were provided a copy of the consultation material on the 14<sup>th</sup> September 2021.

In addition to the letter, fishermen were engaged on the quayside during patrols and contacted directly by phone to organise meetings or calls to discuss the proposals.

A total of 25 separate fishermen engaged with the consultation and their views are summarised and set out in Appendix 1, along with our consideration of each point raised. The summary also includes the limited outputs from the consultation held during June and July of this year.

The consultation afforded the opportunity to discuss the draft policy with WFO licence holders and to test their impact against their individual circumstances. This has provided invaluable insight for the development of the policy to the benefit of industry. In addition, a greater range of views and suggested solutions were identified compared to the consensus reported by the 'coalition of interests' represented by a solicitor and a fisheries management consultant.

### **Proposal from the ‘coalition of interests’**

In addition to the general consultation, a proposal for key elements which should be included in the policy was provided by the solicitor representing the group and can be found in Appendix 2. Whilst these will be discussed with them in advance of the Authority meeting, initial consideration of the proposals is also set out in Appendix 2.

There are significant differences between some elements of the proposal provided compared to the policy developed as a result of the consultation, but there are also many areas of common ground.

It is suggested that this represents a significant step towards developing a final policy which seeks to address industry views, but which also reflect the requirements of the Authority and establish a fair and equitable system.

It is intended development of the policy is continued on this basis, including continued wider discussion with industry and with the professional representatives of the ‘coalition of interests.’

### **Development of policies as informed by the consultation**

Overall, the consultation identified that the policy summary aligned generally with industry’s views on managing the fishery. The key feedback from most respondents was that above all, they wished to continue fishing in the cockle and mussel fisheries and wanted policies to enable that continued access. Furthermore, for the most part, feedback was received that the policies did achieve this and there was general support for the principle that, in the first instance, there will be a transition to the new system which considers each WFO licence individually.

There were elements of the policies which generated more debate and discussion and generated some possible alternatives. These are described below.

### **Addressing WFO licences which are currently ‘rented out’**

The practice of ‘renting out’ a licence refers to where a WFO entitlement holder is shown as the majority shareholder on a vessel registration document with the purpose of providing access to the fisheries for the genuine owner of the vessel. This is considered a key issue with the current WFO licencing system by many licence holders.

The initial draft policies provided an opportunity for those renting out a licence from an entitlement holder to obtain a permit in their own right. This was in recognition that they would likely rely on that licence as part of their income and there would be a risk to their business continuity without maintained access.

The consultation identified concern that policies which directly provided those renting out with a permit would be endorsing this practice and the effective circumvention of the WFO rules. It is noteworthy that, in an attempt to address the issue, the Authority implemented interim policies in 2017, but that these were not entirely effective in preventing the practice.

To address the concerns about this issue, an alternative is proposed in the amended draft policy. The revised draft policy does not include the direct translation of a rented licence to a permit held by the person renting it, and instead require that they apply for a permit in a process which is open to everyone. To determine allocation of these permits, a points system would be used which would take account of those who had an established business model. The intent of this is to mitigate significant impact on those with current access to the fishery effectively supporting business continuity as prioritised under the aim and objectives, whilst maintaining an equitable system.

### Permit holders

Under the WFO licencing system, the Authority issues licences to vessel owners, who are also 'entitlement holders' under the WFO. Consultation with industry identified that issuing permits to the person fishing (i.e. the skipper) is a potentially beneficial alternative.

The Wash is a heavily designated Marine Protected Area which is highly sensitive to fishing activity and which also supports one of the most valuable fisheries in the district. The Authority routinely receives reports of poor practice within the annual cockle fisheries and the consultation identified that many industry members think that those who are less invested in the fishery are more likely to exhibit poor practices and to breach regulations. Enhancing a sense of ownership though issuing permits to the person fishing is therefore considered likely to lead to better practice and reduce the risk posed to the conservation objectives of the site as well as the sustainability of the fishery.

In addition, it would effectively prevent any 'renting out' of permits, as the only person who could use the licence would be the person named on it (save for the nominated deputy on a limited basis). Issuing the permit to the person fishing is commonplace in most hand-worked fisheries.

The main drawback to issuing permits to the skipper only is that it does not recognise the investment made by the vessel owner, where this is a different person from the skipper, and it potentially increases the risk to those involved in that business model. Under the WFO, several business models have emerged where a person owns multiple vessels and uses 'share fishermen' (i.e. self-employed fishermen) to skipper the vessels in the fishery. This business model relies on holding the licence so that the vessel can operate within the fishery as a means of guaranteeing a return on the investment on the vessel.

As such, a system which issues permits jointly to the skipper and vessel owner is a potential solution which addresses the concerns of both parties, with neither being eligible to a consecutive permit in their own right. The intention would be that where a permit is issued jointly, those parties must agree on any changes, but which could include retention of the permit by either party so as to allow for normal business practices (e.g. changes of skippers, vessel ownership changes). Such a system could include a mechanism for one party to replace the other in exceptional circumstances (e.g. bankruptcy of vessel owner, skippers fishing in an unsafe manner etc.).

This would represent a significant shift from the current system and would potentially impact on the 'multiple vessel owner' business model as they would lose the autonomy they currently have to change the skipper of a vessel they own as a matter of course, whilst still retaining the associated permit.

This model would however also represent a balance between the different views of industry and could be developed further with a view to seek to accommodate the issues associated with it.

It is noteworthy too that under the WFO, licences issued to vessel owners who are not the skipper of the vessel are regarded as being 'jointly issued'<sup>1</sup> but that over time, this appears to have been diluted and only the vessel owner retains the 'entitlement' to further licences. At the time of writing, it has not been determined whether this was intentional or a result of a more organic evolution of the process which simply didn't consider the wording of the Order. In any case, the proposition that permits would be issued jointly does reflect the wording of the WFO and probably its original intention.

### Category Two / Legacy permits

The policies include a requirement that the permits are used by a certain amount (the 'activity requirement') in order to be eligible for consecutive permits. However, some business models which are established under the WFO do not routinely operate in the cockle and mussel fisheries, but rather rely on it at times when other fisheries are performing poorly.

The initial policies included a separate permit for these circumstances, which did not have to meet the same activity requirements as a standard permit, and these were initially called 'category two permits' and then 'legacy' permits.

Whilst there was general consensus that these business models should be provided access into the future, the use of a separate permit still causes some concern. As an alternative, the current draft has an amended 'activity requirement' to include fishing within the Wash and North Norfolk Coast generally (i.e. not limited to the cockle and mussel fisheries). This would remove the need for a separate category of permit and enable the business model to continue.

### **Policy summary**

A draft set of policies has been developed which consider the feedback from the consultation, the agreed Aim and Objectives of the policies<sup>2</sup> and our duties as a local authority and fisheries regulator.

The policies reflect the following key principles which have emerged from the consultation to be included in the policies:

- A limit on the number of permits which will be issued (which has already been agreed in principle and is referred to in the Aim and Objectives);

---

<sup>1</sup> The Wash Fishery Order 1992 (SI/3038, Article 8(3))

<sup>2</sup> Eastern IFCA Managing Access Policies: Aim and Objectives, accessible at: [https://www.eastern-ifca.gov.uk/wp-content/uploads/2021/09/2021\\_07\\_29\\_aim\\_and\\_objectives\\_FINAL\\_poster.pdf](https://www.eastern-ifca.gov.uk/wp-content/uploads/2021/09/2021_07_29_aim_and_objectives_FINAL_poster.pdf)

- Inclusion of a transition which reviews currently issued WFO licences in the first instance;
- The need to address the issue of WFO licences which are currently being rented out, and to prevent any 'renting out' in the future;
- Provision enabling continued access to the fishery over time which will prevent permit holders retaining access who are not bona fide fishermen but will not encourage activity for the sake of gaining track record;
- A process for enabling permits to be 'transferred' in some way to enable continued access for persons currently engaged in the fishery operating under someone else's permit (e.g. family member who works on the vessel etc.);
- A process for issuing new permits which will prioritise best practice, good compliance, and those who operate in other Wash-based fisheries.

The full wording of draft policy is at Appendix 3 and a summary of the policies and their intended effects is set out below. These are included to show the development of the policies following the consultation but which, for clarity, represent only a further step in their development.

#### Section 1 – 'Wash Cockle and Mussel Permit Access Policy'

This section sets out the purpose and context of the policies. It is intended to provide clarity and transparency.

#### Section 2 – 'Issuing Permits'

This section describes what permits are available and how permits will be issued generally. Key elements include:

- Permits would be issued either to the skipper (the person fishing) or jointly to the skipper and vessel owner. It is noteworthy that this reflects the provisions under the WFO but not how the provisions were used in practice (because the current system provides an 'entitlement' only to the vessel owner even where the licence is jointly issued).
- Permits are issued to natural persons only. This removes the potential for permits to become tradeable commodities.
- A limit on the number of permits which can be associated with a business interest to prevent monopolisation of the fishery.

#### Section 3 – 'Limit to the number of permits'

This section describes what the limit on the number of each permit will be. The limit is to be determined taking into account the economic assessment and feedback from

industry. The permits are intentionally split into separate fisheries to enable different limits to be put into place if required, however, there is no intention to set separate limits at present and the policies explicitly set out that eligibility under the policies includes eligibility for all three permits.

#### Section 4 – ‘Transitional policies’

This section deals with the issuing of permits in year 1. There are two phases to the process.

*Phase 1* – This considers each WFO licence in turn to determine if a permit should be issued in relation to that licence and who it should be issued to.

Phase 1 is in three parts –

- *Is the WFO licence being rented out?* - any WFO licences which are being rented out will not be considered for a permit directly and those interested in retaining access must apply under phase 2.
- *Determining if the permit should be issued jointly* – where the skipper is the owner of the vessel named on a WFO Licence, the permit is issuable to that person alone. Where the skipper is not the owner of the vessel, the permit will be issued jointly to the vessel owner and skipper.
- *In the event that there is more than one applicant in relation to a single WFO licence, determining who the permit holder should be* - where more than one person is eligible to hold a permit as skipper, the Authority decides who the permit should be issued to taking into account the circumstances of each application.

*Phase 2* – This section deals with who will be issued the remaining permits left after phase 1. It is a points-based system which would prioritise active participants of the fishery.

#### Section 5 – Consecutive permits

This section sets out how a person is eligible for consecutive permits each year. In summary, a person is eligible for further permits if:

- They have paid the eligibility fee; and
- The permit was used to fish on at least 5 occasions over the preceding 24 months or, the vessel named on the permit was used in Wash and North Norfolk Coats fisheries on 30 occasions within the last 12 months;
- A substantial proportion of the first sale value of the vessel came from Wash and North Norfolk Coast fisheries.

This is intended to strike a balance between ensuring that permits are used as intended without inadvertently excluding any business model which presently relies

on access to the fishery. The 'activity requirements' will enable those who do not fish in the cockle or mussel fisheries routinely to maintain access which they rely on where other fisheries perform poorly and enable others to do the same.

This section also sets out when a person is not eligible for a permit, even where they meet the conditions above. These include:

- Where a nominated deputy has used the permit on more occasions than the permit holder (skipper) for two consecutive years; and
- Where a permit is cancelled because of a conviction for a relevant offence (for a period of 12 months after conviction); and
- Where the vessel, or ownership of the vessel, named on the permit changes (except where approval is sought under the relevant section)

This is intended to provide a deterrent to attempting to 'rent out' the licence (i.e. make it available for someone else to use and effectively circumventing the Authority's management of access) and to non-compliance with fishery management measures.

The section also sets out that in exceptional circumstances, a consecutive permit may be issued (e.g. if the vessel was not used because it had broken down for a significant portion of the year etc.).

#### Section 6 – 'permits issued jointly to skippers and vessel owners'

This section sets out certain policies applicable to permits which are issued jointly to the skipper and vessel owner. In summary, any applications made in relation to that permit (e.g. change of vessel etc.) must be endorsed by both parties and the Authority will not ordinarily involve itself in disputes between the parties. Where there are exceptional circumstances, the Authority may provide opportunity for one holder to replace the other.

These policies are intended to provide equal 'protection' to each party, to prevent either one from having the more autonomy over then permit and its use.

#### Section 7 – 'New Permits'

This section sets out how permits will be issued where they are available over time. In summary:

- There will be a 'register of interests' to aid administration of the application process but this will not function as a 'waiting list' (i.e. with the applicant first on the list being given the next available permit).
- A points system will be used to determine what applicant will be issued the permit, with the applicant receiving the most points being the person eligible in the first instance. The points system prioritises those who fish within Wash and North Norfolk Coast fisheries and penalises non-compliance.

- Where more applicants are allocated the same number of points than the number of available permits, a sub-committee of the Authority will decide on allocation of the permit, taking into account relevant factors.

#### Section 8 – ‘permit succession’

Under this section, permit holders can apply for someone else to be issued a permit in the place of the one they hold. There are criteria to be eligible to receive a permit under this section which require that person to be closely associated with the permit to be surrendered.

#### Section 9 – ‘change of vessel and ownership’

Under this section, permit holders can apply to change the vessel named on a permit or to retain the vessel on the permit in the case where ownership has changed (which would ordinarily result on the permit being cancelled).

#### Section 10 – ‘fishing and skippering vessels under the authority of a permit’

This section sets out that:

- To fish under a permit you must be named on it in some capacity;
- As a crew member, you must attend an Eastern IFCA training course;
- As a skipper, you must attend the training course, have the relevant qualifications and have experience fishing in the fishery.

#### Section 11 – ‘Nominated deputies’

This section sets out that a person other than the permit holder (skipper) can act as a skipper in their absence. Up to two people can act as nominated deputy and they can do so on a maximum of 12 occasions per year.

#### Section 12 – ‘Application process’

This section sets out the general process for making applications for a permit.

#### Section 13 – ‘policy review’

Sets out that the policy will be reviewed in accordance with the process set out in the Wash Cockle and Mussel byelaw 2021.

#### Next steps

It is intended that this draft set of policies forms the basis for further dialogue with wider industry and which will include further discussion on incorporating the proposal received from the industry’s representative where it is considered appropriate to do so.

A further update on the development of the policies following this will be presented at a subsequent Authority meeting.

#### **Financial Implications**

None identified

#### **Legal Implications**

There has been the suggestion and direct threat of Judicial review in relation to the process of replacing the WFO. The risk of successful challenge is mitigated through

due process which includes consultation with stakeholders and consideration of their views. Consultation work has so far exceeded what would be expected of an IFCA under the relevant Defra guidance.

There remains a strong sense of feeling amongst some within industry that the review of access policy represents a significant threat to the fishery which risks causing it to collapse. Whilst there has been a significant effort to address this perception, this has not been successful and until such time as it is, there remains the potential for legal challenge or a call for a public enquiry by Defra. However, the adherence to process and general due diligence mitigates this risk in so far as it can.

## **Conclusions**

Whilst further dialogue is needed to continue the development of the policies before a formal consultation, key issues have been identified, policies are being developed to seek to address them and an effective means of communication has been established.

A key objection to the Wash Cockle and Mussel Byelaw 2021, which arose from the formal consultation was that there was insufficient clarity on how access would be managed under the byelaw. Given that the Wash Cockle and Mussel Byelaw 2021 is intended only to serve as the mechanism for enabling the Authority to manage access to the fishery (as would be the case for an Order deriving from the Sea Fishing (Shellfish) Act 1967), it is suggested that the progress made on access policies is sufficient to resolve this objection.

## **Appendices**

- Appendix 1 – Summary of responses to Wash cockle and Mussel fisheries access policies consultations
- Appendix 2 – Proposals for access management from the Wash ‘coalition of interests’ and consideration of proposals
- Appendix 3 – Draft Wash Cockle and Mussel fishery access policies

## **Background Documents**

Papers and minutes of the 27<sup>th</sup> Eastern IFCA meeting (15 February 2017), Action Item 14d Wash Fishery Order 1992 Policy Review

Papers and minutes of the 39<sup>th</sup> Eastern IFCA meeting (11 March 2020), Action Item 10, Wash Fishery Order replacement

Papers and minutes of the 43<sup>rd</sup> Eastern IFCA meeting (10 March 2021), Action Item 10, Wash Fishery Order Replacement

Papers and minutes of the 44<sup>th</sup> Eastern IFCA meeting (9 June 2021), Action Item 13, Wash Cockles and Mussels Fisheries Policy Development

Papers and minutes of the 45<sup>th</sup> Eastern IFCA meeting (8 September 2021), Action Item 12, Wash Cockle and Mussel Byelaw 2021 - Update

## Appendix 1

### Wash Cockle and Mussel Byelaw 2021

#### Access Policy: Informal Consultation October 2021: Outcome

This document presents the outcome to the informal consultation on the policies of the Wash Cockle and Mussel Byelaw 2021.

The Wash Cockle and Mussel Byelaw 2021 is currently in development and will replace the Wash Fishery Order 1992 when it expires in January 2023. The byelaw will manage public commercial cockle and mussel fisheries in The Wash.

The policies of the Wash Cockle and Mussel Byelaw 2021 will determine how access to the cockle and mussel fisheries in The Wash will be managed.

The policies have been written using the principles of the Access Policy Aim and Objectives as guidance. [The aim and objectives can be read here.](#)

The consultation was open from 9<sup>th</sup> September to 11<sup>th</sup> October 2021.

#### We asked

The purpose of this consultation was to seek views from fishermen in The Wash about the policies. A summary of the key policies was provided for discussion. [This can be accessed here.](#)

We invited fishermen to small meetings to discuss ideas about policy in more detail. This was an important opportunity for our stakeholders to consider how the policies will impact them and their business model.

With the input from our stakeholders from this consultation we can develop the policies to make sure that they work well for all active cockle and mussel fishermen in The Wash.

#### You said and our response

We spoke to 25 Wash fishermen during this consultation. We successfully held several small meetings in person and online due to the COVID-19 pandemic, and we also had many informative discussions on the phone. Additionally, some stakeholders provided a written response to the policy summary.

Read summaries of what was said by stakeholders in this consultation and our response in the anonymised table below. The table highlights the key points and concerns raised and our responses should how these have been taken into consideration in further decision making.

You Said	Our Response
<p><b>‘Legacy permit’ holders may have difficulty paying the eligibility fee every year as a significant cost in comparison to what they are able to earn from participating in the fishery.</b></p>	<p>The increase in fees was agreed under the WFO in 2017. The implementation of the increase came into effect in April 2021 due to delays, including as a result of agreed delay to reduce impact in face of Covid-19 pandemic.</p> <p>The fee acknowledges that access to the fisheries is not open to everyone. In the case of ‘legacy permits’, previous consideration was given to a reduced fee for reduced access model. This model was not considered acceptable by stakeholders at the time. Those so affected provided feedback that they did not want lesser access to the fishery and were prepared to pay the full fee to maintain the ability to do so. In addition, the byelaw has been amended to remove reference to a separate permit in any case and as such, only one permit fee can apply.</p>
<p><b>What will happen in years where there isn’t an available cockle or mussel fishery to go in to? There hasn’t been a viable mussel fishery in the Wash for several years.</b></p>	<p>The policies do not currently distinguish between the fisheries, with the effect that you can retain eligibility to all mussel and cockle fisheries. This may be subject to change if required and would be informed by consultation and consideration of impacts but would take into account the lack of mussel fisheries in any case.</p> <p>The current policies also seek to address this issue by having a mechanism for taking into account where fisheries are not opened or other exceptional circumstances (for example vessel breakdown).</p>
<p><b>It is very important that the different business models that operate in The Wash are considered, even businesses that seem on the surface very similar can be managed very differently.</b></p>	<p>The policies are designed explicitly to take into account the varying business models in The Wash, as outlined in the agreed <a href="#">aim and objectives</a>.</p>

<p><b>People who are retaining licences but are no longer active fishermen may be put off by the cost of the eligibility fee. This would have a negative impact on the fishery as it would mean an increase in effort where the permit would be reallocated to an active fisherman.</b></p>	<p>It is agreed in our <a href="#">aim and objectives</a> that the policies will prioritise allocation to active fishermen. It is not considered appropriate for an individual to hold on to a permit that they are not using. This denies access to active fishermen. The number of permits will be agreed with consideration that they are all being used to their full capacity. Therefore it is not the case that if all permits are used this would increase effort with a negative impact on the fishery.</p>
<p><b>An ‘activity’ requirement will result in an increase effort for the fishery, it is a positive that individuals can be permit holders without being active fishermen.</b></p>	<p>There may be years where it is unviable for a permit holder to enter the fishery. It is intended that the policies will cater for this, and the draft policies include a wider description of relevant fishing activity to include fishing within the Wash and North Norfolk Coast generally.</p>
<p><b>Fishermen should be given reminders about the requirement to pay the fee every year.</b></p>	<p>A process for reminding permit holders in advance of upcoming payments is likely to be implemented. A start and payment date for permits will also be set to provide consistency for applicants.</p>
<p><b>Natural England should contribute to the cost of the surveys.</b></p>	<p>Natural England provides Eastern IFCA with advice on the conservation and management of the marine environment in the Eastern IFCA district.</p> <p>The Wash is an area with multiple conservation designations. Under the <i>Conservation of Habitats and Species Regulations 2017</i> objectives for these designations are set in law and must be followed. To enable fisheries to operate within areas such as The Wash, Eastern IFCA must ensure that fishing activity will not adversely impact the conservation objectives of the site. To do this we undertake annual surveys of our cockle and mussel fisheries in The Wash.</p> <p>Natural England is a non-governmental public body, funded by Defra. It is not within their remit for the body to fund the costs of surveys undertaken in the interest of a public fishery (which is restricted in</p>

	<p>access). Eastern IFCA is funded by its constituent councils: Lincolnshire, Norfolk and Suffolk, and receives limited direct funding from Defra.</p> <p>The increase in licence fees was agreed in 2017 under the WFO 1992. The new fee structure will be carried over to the Wash Cockle and Mussel Byelaw 2021. More information about the fee increases <a href="#">can be found here at Item 14</a>.</p>
<p><b>The limit to the number of permits should be kept the same as it is currently to maintain the status quo.</b></p>	<p>Eastern IFCA has commissioned an Economic Assessment of The Wash fisheries. This assessment will provide information to inform what the appropriate number of permits should be, and take into account the viability of the different business models active in the fishery and the interdependencies of the cockle and mussel fisheries with other fisheries in The Wash.</p> <p>The number of permits that they recommend will be considered alongside other factors including input from industry, industry viability and security to inform what the limit will be.</p> <p>It is anticipated that the number of permits will be similar to the number of current licences. A significant change in the number of licences is not considered a viable option due to the impact on industry.</p>
<p><b>There should be opportunities for small increases to enable already active cockle fishermen to get permits where wanted.</b></p>	
<p><b>The limit to the number of permits should be reduced, the level of current licences is unsustainable due to a competition for space on the sands.</b></p>	
<p><b>There shouldn't be a limit to the number of permits, this will support new entrants in accessing the fishery; the limit will be restricted as a result of eligibility anyway.</b></p>	<p>The <a href="#">aim and objectives</a> agreed that a limit to the number of permits would be set. This was further agreed by members at the 44<sup>th</sup> Authority meeting (<a href="#">Item 10</a>) subject to further research and consultation.</p> <p>A key concern from many stakeholders is about ensuring their continued access to the fishery. Restricting access to the fisheries reflects that they are relatively easily accessed. Because the fishery is managed by the setting of an annual 'total allowable catch' an open access system would</p>

	<p>likely result in adverse socio-economic impacts on active fishermen.</p> <p>However, consideration will be given to the need to balance viable access for all, including those excluded from access currently.</p>
<p><b>The economic assessment should not be considered as a factor because there is already an existing assessment of the fishery which states the number of licences that the fishery can support.</b></p>	<p>The previous assessment referred to in this comment is a report conducted by MarineX Consultants in 2006. The objective of the report at the time was to provide limited assessment of the 2008 management policies of the WFO which were in development at the time. The report was not an economic assessment, and whilst a recommendation as to the number of licences was made, this was done in the context of environmental rather than economic sustainability.</p> <p>The fishery has changed since 2006 and a new assessment, with different objectives, is required. Additionally the Authority agreed at the <a href="#">37<sup>th</sup> Authority meeting</a> in September 2019 to undertake an economic assessment of the fishery following concerns by some in industry that the handwork only fisher is unviable for businesses.</p> <p>Eastern IFCA is duty-bound to make decisions about management informed by the best available evidence. The economic assessment, as it is informed by our stakeholders' own practices, will be an important addition to this evidence base.</p>
<p><b>Main concern is about continuing access to the fishery for currently active fishermen.</b></p>	<p>This concern is understood and will be taken into account as the policies are developed. The <a href="#">aim and objectives</a> set out that the continuity of active participants will be prioritised in the policies.</p>
<p><b>Decisions about permits should be backdated to prevent changes once the permits are confirmed but before they take effect.</b></p>	<p>When the policies are agreed by the Authority a past date will be used when considering business models and activity to ensure that changes to business models are not made to align with the new system at the expense of active fishermen.</p>

<p><b>MCA renewal times should be considered as a factor if changes in vessel ownership are required (for those who are currently nominated representatives with only beneficial ownership of their vessels)</b></p>	<p>This point will be given further consideration to avoid unnecessary impact on stakeholders. However it is understood that if the vessel is well maintained this should not be a significant issue.</p>
<p><b>Fishermen should be required to prove they are paying tax to be eligible for a permit.</b></p>	<p>Eastern IFCA is required to ensure that the obtainment of evidence is justified. Tax returns may be one method through which a permit holder can evidence that they are the beneficial owner of a vessel.</p>
<p><b>Consideration should be given to vessels whose beneficial ownership is a company rather than an individual.</b></p>	<p>This point will be given further consideration in the development of the policies. It is anticipated that it will be possible for beneficial owners of the vessel in these circumstances to provide evidence of being a key shareholder of the named company and therefore the beneficiary of the vessel.</p>
<p><b>The impact of shifting permit ownership (to the model of the permit holder being on board the vessel) should be considered in detail, including considering business resiliency in the face of such change.</b></p>	<p>The impact of the policies and an assessment of risk is being considered as the policies are developed. Particular attention will be given to policies which mark a substantial shift from the current system, such as with the model of the permit holder being on board. The proposal was suggested with the understanding that this would be a way to remove any issue of persons renting out their permit for use by another individual, as well as creating a sense of stewardship amongst permit holders who are directly responsible for their vessel and are most affected by the policy.</p> <p>It is understood that for most operating in the fishery currently this model would have minimal impact on current practice but could impact future growth opportunity.</p> <p>For those that are multiple permit holders in the fishery this would represent a significant shift, and therefore the proposal was made to protect existing multiple licence holders, acknowledging</p>

	<p>the different business models that currently operate in The Wash. Further consideration will be given to this as the policies develop to ensure an equitable approach to all active fishermen.</p>
<p><b>Nominated representatives who are the beneficial owner should not be given automatic eligibility for a permit.</b></p>	<p>The conflicting perspectives here demonstrate the diversity of perspectives across the fishery. These concerns are understood and will be considered with the objective of achieving balance where possible in the development of the new policies.</p>
<p><b>Making nominated representatives eligible for permits rewards those that have circumvented the rules in gaining access to the fishery under the WFO. Others could have taken this route but decided against it and are now being denied access.</b></p>	<p>In these draft policies Eastern IFCA has taken the approach to support currently active fishermen as set out by the <a href="#">aim and objectives</a>. The consultation has identified conflicting views on this matter.</p> <p>The draft policies have sought to address this issue in two key ways:</p>
<p><b>Nominated representatives should get permits if they are the beneficial owner, they are already operating in this way so it shouldn't have an impact.</b></p>	<ol style="list-style-type: none"> <li>1. In phase 1 of the transitional provisions, where a WFO licence is being rented out, there will be no automatic issuing of a permit in relation to that licence.</li> <li>2. In phase 2 of the transitional provisions, those persons who are currently active within the Wash cockle and mussel fisheries, including because their business model relied on access to the WFO fisheries, will be given priority for the issuing of available permits.</li> </ol> <p>This approach is intended to provide a balanced approach to the issue and further rationale is set out in the report associated with this paper. Further dialogue with stakeholders on the matter is also intended to further refine the approach.</p>
<p><b>After current entitlement holders have been issued permits under the policy, any remaining should all go back into a pot to be allocated according to the 'new permits' policy.</b></p>	<p>The draft policies include transitional provisions which will consider each WFO licence in turn in the first instance. This is intended to provide continuity for active participants.</p>

	<p>Where further permits can be issued, the draft policies also include a points based 'new permit' system which prioritises good compliance and active participation in Wash and North Norfolk Coast fisheries.</p>
<p><b>All WFO licences should go back into a pot and be issued as permits according to a points-based system.</b></p>	<p>This approach, whilst potentially the most transparent, is likely to cause uncertainty and insecurity for currently active fishermen. This would contradict the agreed <a href="#">aim and objectives</a>.</p>
<p><b>Fishermen that are fishing with bad practice should not be eligible for permits.</b></p>	<p>Under the byelaw, permit holders convicted of an offence will have their permit suspended for 12 months. This is intended as a deterrent against non-compliance and will be enforced following Eastern IFCA's proportionate <a href="#">enforcement policy</a>.</p> <p>Applicants for new permits will be allocated points including taking into account previous convictions which may disadvantage them against other applicants.</p> <p>The sensitivity of The Wash as a site of multiple conservation designations necessitates the importance of compliance in ensuring the sustainability of the fishery into the future.</p>
<p><b>Beneficial ownership is not clear enough to legitimately define.</b></p>	<p>Eastern IFCA has sought legal advice on the issue of beneficial ownership and is confident that this can be enforced. It is important to note that the onus of proving beneficial ownership will be on the applicant who must demonstrate such to the satisfaction of the Authority to be eligible for a permit.</p> <p>Requiring proof of beneficial ownership ensures that those active in the fishery are directly responsible for their vessel and their activity.</p>
<p><b>It is not proportionate to suspend a vessel owner from being</b></p>	<p>This matter is considered in relation to objections to the Wash Cockle and Mussel Byelaw as follows:</p>

<p><b>eligible for a permit for 12 months if the skipper of the vessel has committed an offence.</b></p>	<p>Eastern IFCA’s approach to enforcement, as outlined in our Enforcement Policy is focused on education and engagement and is always proportionate to the offence.</p> <p>Currently, under the WFO, licence and entitlement holders can lose their access to the fishery <i>permanently</i> after two offences within 24 months. Permanent loss of access, even following conviction, would have a significant impact on livelihoods and was felt to be disproportionate.</p> <p>Under the byelaw, it is proposed that after one offence where it results in conviction by a court, would result in the loss of the permit for a limited period only (12 months). This is intended to maintain the deterrent effect of the provision under the WFO whilst being more proportionate in its impact than complete future loss of access, which is currently the case.</p> <p>With regards to the accountability of the vessel owner, the Marine and Coastal Access Act 2009 establishes accountability on the part of a vessel owner for any offence committed using that vessel, even where they are not on board. Therefore, it is considered proportionate that a resultant suspension would impact the vessel owner also as this is an established principle in law. It will also ensure that vessel owners make all reasonable efforts to ensure their skippers are fishing in accordance with the law.</p> <p>It is therefore considered proportionate to retain the provision, in the context that the Wash is a sensitive Marine protected Area which justifies a higher deterrent.</p>
<p><b>Any requirement to fish a certain amount within the cockle and mussel fisheries should be low enough that even if people</b></p>	<p>The ‘consecutive permits’ provisions within the draft policies include a requirement to fish a certain amount in order to retain a permit.</p>

<p><b>holding on to a permit are then forced to fish, this will have a minimal impact on the rest of the fishery.</b></p>	<p>The aim of this policy is not to force individuals into fishing, rather to ensure that those holding on to their permits have genuine intent to use them without preventing others from access.</p>
<p><b>Activity should be based on using a permit every three years.</b></p>	<p>The present version of the policies make reference to fishing for any species within the Wash and North Norfolk Coast rather than only in relation to cockle and mussel fisheries in The Wash. This will avoid instances where fishing activity is undertaken only to meet the requirement but still prioritise those activity participating in associated fisheries so as to generate turn-over (and prevent renting out) where the permit holder retires or stops fishing for other reasons.</p>
<p><b>Activity should be 10 tonnes over two years.</b></p>	<p>The metric for measuring fishing activity is proposed as ‘fishing occasions.’ This is preferred to taking into account catch or uptake as a proportion of a Total Allowable Catch as it accounts for the varied productivity of fisheries and fishing methods.</p>
<p><b>Activity should be based on doing 50% of the tides, this would be more equitable across different vessels and business models.</b></p>	<p>The metric for measuring fishing activity is proposed as ‘fishing occasions.’ This is preferred to taking into account catch or uptake as a proportion of a Total Allowable Catch as it accounts for the varied productivity of fisheries and fishing methods.</p>
<p><b>Having a registered vessel should be enough to prove activity given the costs associated with this.</b></p>	<p>Because permit holders may be active in other fisheries using the same vessel, having a registered vessel alone is not deemed sufficient to justify active participation in the fishery.</p> <p>The intent of this policy is not to be unfairly impacting permit holders, but to ensure that permits are allocated to active fishermen. This will ensure a healthy and sustainable fishery into the future, where permits become available as fishermen retire or decide to move on from fishing.</p> <p>Support for new entrants to the fishery consistently emerges as a concern amongst our stakeholders. Enabling some permit turn-over for new entrants is an objective of the <a href="#">aim and objectives</a> and this policy is intended achieve this.</p>
<p><b>Without an activity requirement there would be no need for a</b></p>	<p>The draft policies now include reference to a wider range of fisheries within the Wash and North</p>

<p><b>legacy permit as those in that category would be as eligible as others. The simpler the system the better.</b></p>	<p>Norfolk Coast (i.e. not only the Wash cockle and mussel fisheries) to accommodate those who rely on the cockle and mussel fisheries only in a limited capacity. This has removed the need for a 'legacy permit' as described.</p>
<p><b>It is important for a vessel owner to be able to replace their boat without risk of losing a permit.</b></p>	<p>Permit holders will be able to replace or repair their vessel without losing a permit, subject to the associated policies.</p>
<p><b>Being a member of a fishing society or association should be a consideration in the points system. This would identify them as keen fishermen participating in the fishing community.</b></p>	<p>It is understood that some associations are no longer functional and that not all fishermen are members. It would not be appropriate for Eastern IFCA to require membership of a society or association.</p>
<p><b>New entrants to the fishery are restricted by high upfront costs.</b></p>	<p>The cost of obtaining a vessel is not insignificant, however access for new entrants under the Byelaw is not considered to be greatly different to as it is currently under the WFO other than that there is intended to be greater opportunity for access through permit succession and better permit turnover.</p>
<p><b>The points system should have weighted criteria to assist where there are two applicants with the same number of points. This should not be randomly allocated (such as through a ballot).</b></p>	<p>Responses on this issue are understood and will be considered as the points system is developed to ensure the most equitable approach.</p>
<p><b>Priority should be given to those who have fished in the fishery already.</b></p>	<p>Experience within the cockle and mussel fisheries will be essential to being eligible for a permit as a new permit holder and this is reflected in the current draft policy.</p>
<p><b>Length of time on the list of registered interest should be given consideration in the allocation of a permit, but not as a key factor.</b></p>	<p>Wash fishermen will have further opportunities to comment on the content of the points system as it is developed further.</p>

<p><b>Fishermen that are active year-round and fish in other Wash fisheries should be prioritised in the points system.</b></p>	
<p><b>Practical experience in at least the cockle fishery in The Wash should be an access requirement.</b></p>	
<p><b>After an individual has been selected to be eligible for a permit, they should be given a period of time to acquire a vessel, otherwise it could be risky to acquire a vessel without the certainty of a permit.</b></p>	<p>This issue is understood, and it is intended that fishermen are given a reasonable amount of time to acquire a vessel once a permit is confirmed.</p> <p>Having a vessel ready however may mean that an individual is given priority for a permit in the points system. This element will be addressed further through further dialogue with industry and consideration of the impacts of the criteria.</p>
<p><b>No points should be given for already having a vessel but there should be an expectation to obtain one within a reasonable timeframe.</b></p>	
<p><b>More access opportunities need to be given to younger fishermen to enter the fishery in their own right.</b></p>	<p>The policies seek to provide reasonable opportunity for new entrants to access the fishery, through supporting turnover of permits, having a transparent points system for access, and enabling permit succession. Because the number of permits will be limited however, it may be the case that some may face a long wait for access. It is unlikely however that priority can be given to a person by virtue of their age.</p>
<p><b>A training course would be a better route to eligibility than experience requirements.</b></p>	<p>The training course is proposed alongside other eligibility requirements for new permit holders. The intent is that it is an opportunity for new permit holders to enhance their knowledge of the fisheries in the context of Eastern IFCA's duties and the conservation objectives of The Wash.</p>
<p><b>The exception for multiple vessel owners to not be onboard the vessel to enable their operation</b></p>	<p>The policy exempting multiple permit holders from being onboard and enabling them to have a nominated representative to fish on their behalf</p>

<p><b>to continue is unfair and preventing the growth of smaller businesses.</b></p>	<p>recognises the importance of the different business models that currently operate in The Wash across different scales of activity.</p>
<p><b>It is important to be equitable to the different business models in The Wash without being preferential or creating a distinct class for historic activity (through exempting multiple vessel owners).</b></p>	<p>Further consideration will be given to this issue to better accommodate the different business models in The Wash and ensure stewardship of the fishery.</p> <p>The current draft policy seeks to address this by adopting a different approach which would enable any person to be named on multiple permits as a vessel owner, up to a limit of 10. This is considered to represent a balanced approach to addressing this issue but will be informed by further dialogue. The matter is discussed in more detail in his paper.</p>
<p><b>Preventing single permit owners from having a nominated representative is unfair where it is still allowed for multiple vessel owners.</b></p>	<p>The policy aims to accommodate the varying business models in The Wash, which include multiple vessel owners who do not fish themselves and those who own and operate a single vessel.</p>
<p><b>Permit holders should be restricted in the number of permits that they can hold. A person should not be able to hold more than one permit.</b></p>	<p>It is recognised that a business model exists here the active participant is not the vessel owner, and the current draft of policy accommodate for this by enabling permits to be held jointly by the fishermen and the vessel owner.</p>
<p><b>Being a nominated representative (i.e. a person named to fish under a licence who does not own a vessel) is a legitimate way for many to access the fishery.</b></p>	<p>This proposal is being further considered as an alternative approach and is included in the current draft policy. This would represent a significant change for the fishery will be fully assessed prior to making a final recommendation.</p> <p>Additional discussion on this point is set out in this paper.</p>
<p><b>The permit holder should be the skipper of the vessel. This would encourage better stewardship of the fisheries and responsibility in the fishery and be more equitable for skippers. It would also remove the necessity to be a vessel owner and remove the capacity for one individual to hold more than one permit.</b></p>	<p>Additional discussion on this point is set out in this paper.</p>

<p><b>A permit holder should be able to have multiple nominated representatives.</b></p> <p><b>If the skipper were to hold a permit, they should be allowed a nominated deputy who could stand in for a limited number of days per year.</b></p>	<p>The intent of the policy preventing this is to limit opportunities for a permit to be rented out to another individual. It is recognised that in some cases, a permit holder may share the role of skipper with more than one other person.</p> <p>The current draft of the policy accommodates this with a system of ‘nominated deputies’ which can fish under the permit in a limited capacity which is intended to provide the flexibility needed but limit the opportunity to ‘rent out’ the permit.</p>
<p><b>Something needs to be done about nominated representatives and bad compliance. The code of conduct is not observed by some fishermen, and it is difficult to advise other fishermen on their behaviour.</b></p>	<p>The current draft policy seek to address this through making the permit holder the person who fishes so as to invoke a stronger sense of ownership and stewardship.</p>
<p><b>In order to be granted a permit under ‘permit succession’ criteria, the applicant should have cockle and mussel experience between 3-5 years in the fishery.</b></p>	<p>It is recognised that permit succession is an important part of the permitting system to enable business continuity but that the general principles of prioritising active participants should also be included in this provision.</p> <p>The current draft policies include a reference period for having played an active role in the fisheries to be eligible to obtain a permit under the permit succession provisions.</p>

## **Appendix 2 - Proposals for access and management from the Wash ‘coalition of interests’ and initial response**

### Proposal

*The following was received as an attachment to an email from the representatives of the ‘coalition of interests’ of Wash representatives on 10 November 2021*

#### WASH FISHERY ORDER REPLACEMENT

The following proposals have been prepared by the representatives of the Wash Fishery Order licensees. These provisions, in the view of the industry, need to be incorporated in the legal documents replacing the order, whatever form it takes, in order to provide the industry with the necessary confidence of security to continue and to invest for the future.

1 There should be only one class of permit to fish for all bivalve molluscs in the fishery.

2 A permit shall be granted as of right on the application of each person who holds a licence under the Wash Fishery Order, if that person qualifies under the next paragraph.

3 The permit granted as of right shall be granted to the person who holds the licence in respect of the vessel named in the licence provided that he or she is the registered owner of the majority of shares in the fishing vessel to which the licence relates and, in relation to the fishing business carried on using that vessel is either:-

(1) a sole trader

(2) a partner

(3) a substantial shareholder in a company

carrying on that business (“the qualifying condition”)

4 If the person holding the licence does not qualify to have the permit granted to him, he or she may nominate a person to hold the licence who complies with the qualifying condition, and the permit shall following such nomination be granted to that person as of right.

5 No person shall be entitled to more than one permit except where they form part of a holding of more than one licence which was held under the Wash Fishery Order. Persons holding multiple licences under the order shall be entitled to the grant of a permit in respect of each vessel for which they held a licence.

6 Permit-holders shall be entitled to renew their permits annually save that any person convicted on two occasions of an offence in connection with the fishery (other than an offence committed by a skipper or other crew member in contravention of instructions given by the permit holder) shall not be entitled to renew as of right.

7 In relation to any sanction under the byelaw proposed by the IFCA against a permit holder the permit holder shall be entitled, before the sanction is applied to a hearing before a committee of the IFCA following quasi-judicial principles, which shall have power to reduce or set aside that sanction.

8 Transfer of permits (or multiple permits where they are held by the same individual) shall be permitted only:-

(1) between close family members.

(2) Between the permit holder and a person who has been actively engaged in fishing from the relevant vessel for the greater part of the three previous seasons

provided always that, after the transfer of the permit, the transferee complies with the qualifying condition.

### Consideration of proposal

#### Peter Scott Solicitor Proposal

This document sets out initial considerations to the proposals provided by Peter Scott on behalf of the ‘coalition of interests’ which comprises of representatives of Wash Fishery Order licence holders.

Proposal	Eastern IFCA Response
<p>These provisions, in the view of the industry, need to be incorporated in the legal documents replacing the order, whatever form it takes, in order to provide the industry with the necessary confidence of security to continue and to invest for the future.</p>	<p>Prioritising the continuity and security of active fishermen in The Wash is key to the longevity of the byelaw, the policies under the byelaw will be the method to ensure this. Irrespective of whether the proposed replacement is a byelaw or a regulating order, the issues surrounding access to the fisheries will be managed by policy and eligibility criteria. This approach is in keeping with the Wash Fishery Order 1992 except for the entitlement provisions which are written into the legislation. Whilst the entitlement provisions are written into the legislation, they are also subject to provisions that enable the Authority to manage the number of licences as required.</p> <p>Due to the intended longevity of a byelaw it is not considered appropriate to contain the policies and eligibility criteria in the byelaw itself. This is because it is important for the Authority to retain the ability to adapt the policy, in consultation with industry, as required in response to changing circumstances within the fishery. This is a key part of ensuring that the byelaw is sustainable and robust to support the fishery into the future.</p>
<p>1) There should be only one class of permit to fish for all</p>	<p>The original draft of the byelaw contained provision for the Authority to issue a separate category (‘class’) of permit to enable innovative means of allowing different forms of access. This was later refined to refer to a ‘legacy permit’</p>

bivalve molluscs in the fishery.

with the intention of enabling continued access to the fishery by those who would otherwise not qualify because the associated WFO licences were not routinely used.

The business model that the 'legacy permit' primarily relates to is fishermen based on the North Norfolk Coast who, in the absence of a productive mussel fishery in the Wash, rely on access to the fishery only very occasionally. There is a general consensus that the byelaw should cater for these businesses, to enable important options for diversification to fishermen, but a concern remains about the use of a separate permit to do so.

An alternative solution has been identified through use of the policies, rather than using a separate permit, and as such, it is recommended that the reference to a separate category of permit is removed.

The proposed byelaw makes provision for issuing separate permits in relation to different fisheries. This follows on from the provisions of the WFO which also allows for separate licences to be issued for different fisheries (for example, the 'hand-work' vs 'dredge' licence etc.). It is considered crucial to the management of the separate fisheries to be able to establish separate management measures and potentially separate limits on the number of permits which may be issued under each in order to future proof the byelaw. For example, if in the future there was a need to implement a limit on the number of permits which enable access to a mussel dredge fishery, it is important that the Authority retains the ability to limit those without impacting the number of hand-work cockle licences issued. The access policies currently make a person eligible for all three and there are at present no plans to have separate and different limits on each fishery.

The byelaw also only relates to the cockle and mussel fisheries in The Wash, whereas the WFO also refers to clams, oysters, scallops, and queens. At present, the only viable fisheries are in relation to cockles, and to a limited extent, mussel. To recognise the importance of these fisheries, this byelaw relates only to these species. It is intended that management of any other future fishery within The Wash would be managed under a separate byelaw

	<p>which would cater for all bivalve molluscs. Additionally, it could be argued that, because there are no other fisheries in The Wash at present, implementing regulation on them would be inappropriate and it would also require additional consideration of them, and potentially distract from the economically important cockle and mussel fisheries.</p> <p>As such, a resolution to this objection is not proposed, and it is recommended that the byelaw retains its reference only to cockle and mussel fisheries.</p>
<p>2) A permit shall be granted as of right on the application of each person who holds a licence under the Wash Fishery Order, if that person qualifies under the next paragraph (3).</p>	<p>A 'right' to a permit (through an entitlement provision) is not included in the byelaw. It is understood that eligibility criteria can be used to replicate the effect of an entitlement provision, however this does not offer the same security as a 'right' to a permit. This is intentional. It is the intent of the proposed byelaw that the eligibility policy provides an equitable approach to the management of access without preventing flexibility or change if and when required to the betterment of the fishery.</p> <p>A key concern that has emerged throughout all engagement on the byelaw and replacement of the WFO is for access to the fishery to be confirmed. The points in this proposal will be considered further in the development of the policy about how the transition from the WFO to the new legislation will be managed.</p>
<p>3) The permit granted as of right shall be granted to the person who holds the licence in respect of the vessel named in the licence provided that he or she is the registered owner of the majority of shares in the fishing vessel to which the licence relates and, in relation to the</p>	<p>The holder of the permit is not set out in the proposed byelaw, but instead, under the eligibility policies. The current draft of the policies provides that the permit holder is the skipper of the vessel (i.e. the person using the permit). In circumstances where the skipper and the owner of the vessel are different, the permit will be issued jointly to both skipper and owner, to enable protection for both the permit holder as the skipper reliant on the vessel, and the vessel owner reliant on the skipper. It is intended that this enables the continuation of the current model of multiple licence holders in The Wash who have contracted skippers on their vessels. Joint issue affords that skippers cannot move on from the vessel and keep their permit, but also maintains</p>

<p>fishing business carried on using that vessel is either:</p> <ul style="list-style-type: none"> <li>(1) a sole trader</li> <li>(2) a partner</li> <li>(3) a substantial shareholder in a company</li> </ul> <p>carrying on that business (“the qualifying condition”)</p>	<p>the intent of skippers being the permit holder (greater responsibility, greater investment, etc).</p> <p>Under the policies in the transitional year, our current thoughts that have developed through the recent consultation with industry, are that the criteria required for a permit will be registered AND beneficial ownership of the vessel named on the WFO licence, and fishing activity using the licence or from the same vessel within WNNC fisheries for set period. These points, that extend beyond those suggested by this proposal, are considered important to address concerns raised in the consultation including to a) prevent renting out and b) to prevent issuing permits to current licence holders that are just holding on to their WFO licence with no intent to use it. These points are seen as an important step to ensuring turnover and new opportunity within the fishery. The criteria proposed in the transition will be met by most current licence holders in the fishery. In circumstances where the licence holder and owner of the vessel is less clear, these licences will not be reissued, but affected persons can apply for a permit subject to the number of permits available.</p>
<p>4) If the person holding the licence does not qualify to have the permit granted to him, he or she may nominate a person to hold the licence who complies with the qualifying condition, and the permit shall following such nomination be granted to that person as of right.</p>	<p>This proposal will be considered as the transitional policies for phase one are developed. The effect of this proposal, that a person may nominate a successor, is replicated through the policy proposed for ‘permit succession’. Permit succession policies are seeking to enable permit holders to apply to transfer their permit to a named and qualified individual, either a close family member, or a long-standing partner on the vessel.</p> <p>This application will be granted at the discretion of the Authority. It is not considered appropriate for any party other than the Authority to allocate fishing opportunity. This is to ensure that an equitable approach to the allocation of permits is taken in all cases. Similarly, permits in the transition year will be issued at the discretion of the Authority, there is no ‘entitlement’ or ‘right’ to a permit as discussed above.</p>
<p>5) No person shall be entitled to more</p>	<p>In the proposed policies, permits will be issued in respect of WFO entitlements to the skipper of the vessel and can only</p>

<p>than one permit except where they form part of a holding of more than one licence which was held under the Wash Fishery Order. Persons holding multiple licences under the order shall be entitled to the grant of a permit in respect of each vessel for which they held a licence.</p>	<p>be used by that person (except for a nominated deputy on a limited basis). This will mean that a person is only able to hold one permit. Acknowledging the impact of this on multiple vessel owners, it is proposed to jointly issue permits to vessel owners and skippers where these are distinct individuals. Such joint issue affords limited protections to both parties in retaining their current business model.</p> <p>As is proposed here in proposal 5, our initial proposals for policy (see policy summary from consultation) similarly intended for multiple permit holders to be exempt from being onboard, thereby enabling multiple permit holders to continue. However, in consultation many respondents felt that this was providing unfair advantage to those with multiple permits; preserving the multiple permit holders in perpetuity and preventing the growth of others to compete. For this reason we have considered the permit-skipper model to address these issues more equitably whilst providing similar protective effect for current multiple permit holders to prevent significant impact on business models.</p> <p>As above, there will be no entitlement provision in the byelaw.</p>
<p>6) Permit-holders shall be entitled to renew their permits annually save that any person convicted on two occasions of an offence in connection with the fishery (other than an offence committed by a skipper or other crew member in contravention of instructions given by the permit holder)</p>	<p>As discussed above, there is no entitlement provision in the byelaw. The effect of this proposal 6 is replicated in the policies for consecutive permits. The consecutive permits have the effect that persons are eligible for a permit in consecutive years if the eligibility fee is paid, if they continue to fish, and that significant value from the first sale value of catch from the vessel comes from within the WNNC. These policies are proposed to ensure that the permit holder remains active to an extent within the fishery, otherwise generating permit turnover.</p> <p>There is no reference in this proposal to the length of time that a person would lose their right to a permit. If the proposal is intended to continue the effect in the WFO, this would mean the permanent loss of eligibility to a permit.</p> <p>Suspension of permits for 12 months following conviction of a relevant offence</p>

shall not be entitled to renew as of right.

The byelaw includes a provision that where a permit is used in the commission of a relevant offence which results in a conviction at a court, that permit is cancelled. In addition, it was intended that access policies would set the length of time the suspension would be in effect, which was suggested as 12 months from the date of conviction.

The key objection to this is that to be suspended after one conviction is disproportionate and would have a significant impact on industry.

The rationale for the inclusion of a suspension is based on the sensitivity of the site as a Marine Protected Area. It is fundamental that fishing is compliant with the management measures to enable continued fisheries into the future and to prevent impacts on the site. The WFO contains a similar provision which would remove a person's 'entitlement' to further licences, effectively removing them from the fishery forever, where that person is convicted on two occasions within 24 months.

By comparison, the byelaw provision is therefore more likely to have effect, as only a single conviction is required, but would have a lesser impact, as access would resume after the suspension. On balance, it is felt that this is proportionate to the risk associated with non-compliance within the fishery and would lead to better practice and less non-compliance, without permanent jeopardy of access. It is also noteworthy that a common theme of feedback from the consultation was that bad practice is regularly observed by other fishermen, which jeopardises the sustainability of the fishery and that this should be addressed in policies going forward. This also addresses this concern.

Responses also suggested that the process for suspension should include opportunity for the person so affected by the suspension to appeal the process and that the appeal should be heard by a sub-committee of the Authority. However, such a mechanism is likely to lead to additional legal risk on the Authority having to exercise its discretion in this regard and reduces the deterrent effect of the measure given that the suspension could be overturned.

The Authority's enforcement policies set out that a proportionate approach is taken to enforcement of fisheries

	<p>regulations and in effect, only serious breaches would result in recommendation for prosecution, it is felt that there is sufficient opportunity for the circumstances of non-compliance to be taken into account before prosecution (including a 'public interest test' for example) and that where this occurs, it will warrant that action.</p> <p>Furthermore, there has been feedback that it is disproportionate to suspend a permit where the offence was committed by a skipper who is not the owner of the vessel used and that the owner should have the opportunity to continue fishing under that permit during the suspension (by naming a different skipper). The Marine and Coastal Access Act 2009 establishes accountability on the part of a vessel owner for any offence committed using that vessel, even where they are not on board. Therefore, it is considered proportionate that a resultant suspension would impact the vessel owner also as this is an established principle in law. It will also ensure that vessel owners make all reasonable efforts to ensure their skippers are fishing in accordance with the law.</p> <p>There is a general objection to the flexibility of using policies to determine management measures compared to them being referred to within the byelaw. It is therefore also recommended that the length of suspension is written into the byelaw itself rather than the policies to address that concern.</p>
<p>7) In relation to any sanction under the byelaw proposed by the IFCA against a permit holder the permit holder shall be entitled, before the sanction is applied, to a hearing before a committee of the IFCA following quasi-judicial principles, which shall have</p>	<p>This proposal is not considered to be appropriate under the byelaw – if an offence reaches stage of conviction this outcome is justified, and in any case the penalty is suspension for 12 months rather than entire loss of future access as is the case under the WFO.</p>

<p>power to reduce or set aside that sanction.</p>	
<p>8) Transfer of permits (or multiple permits where they are held by the same individual) shall be permitted only:</p> <ul style="list-style-type: none"> <li>(1) between close family members.</li> <li>(2) Between the permit holder and a person who has been actively engaged in fishing from the relevant vessel for the greater part of the three previous seasons</li> </ul> <p>provided always that, after the transfer of the permit, the transferee complies with the qualifying condition.</p>	<p>The capacity to pass on a permit has been a key concern mentioned by industry throughout engagement on the replacement of the WFO. In recognition of the importance of this, this proposal is replicated through the policy on permit succession, as discussed above.</p> <p>As above, there is no right or entitlement to a permit. Under the policies for the byelaw the permit holder may apply to succeed their permit to a qualified successor. It will be at the discretion of the Authority whether to grant this succession. The succession also cancels the original permit. This policy is necessary to provide assurance of business continuity, and whilst it is not anticipated that where the successor meets the criteria such an application would not be unduly withheld, it is important for the Authority to retain flexibility, and ultimately sole responsibility for the allocation of fishing opportunity.</p>

**Appendix 3 - Draft Wash Cockle and Mussel fishery access policies**



**Wash Cockle and Mussel Byelaw 2021**

Eligibility Policy

Last Updated: November 2021

V.30

## **1. Wash Cockle and Mussel Permit Access Policy**

- 1.1.** The following policy shall act as guidance for the administration of permits for the Wash Cockle and Mussel Byelaw 2021 ('the Byelaw'), subject to the ultimate discretion of the Authority, and should be regarded as the eligibility policy referenced in paragraphs 11 and 20 of the Byelaw, respectively.
- 1.2.** This policy was adopted by the Authority at their meeting on X X XXXX
- 1.3.** The purpose of this policy is to enable the Authority to fulfil its obligations under s.153(2) of the Marine and Coastal Access Act 2009 to:
  - i. Seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way
  - ii. Seek to balance the social and economic benefits of exploiting the sea fisheries resources of the district with the need to protect the marine environment from, or promote its recovery from, the effects of such exploitation
  - iii. Seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.
- 1.4.** The Authority will fulfil these obligations by:
  - i. Limiting the number of permits to a level that is viable, sustainable and equitable
  - ii. Stating with clarity its procedure and criteria for the annual consideration of applicants for permits
  - iii. Setting out its procedure for changing the eligibility policy in future years should it become necessary to do so
- 1.5.** The policy is written to meet the overall policy objective as follows:
  - i. To replace the Wash Fishery Order 1992 with a contemporary management regime to manage cockle and mussel fisheries in The Wash that:
    - a) Facilitates the conservation objectives of The Wash and stock sustainability
    - b) Enables access to the fishery that is equitable
    - c) Supports the viability of varying business models
    - d) Provides appropriate safeguards for fishing industry members, including business continuity
    - e) Provides flexibility and agility for the Authority in effectively discharging its duties
    - f) Provides an appropriate degree of consistency with other fisheries management throughout the District

**1.6.** The policy is also written to meet the aim and objectives for managing access to the fisheries, agreed in consultation with industry, these are as follows:

i. Aim: To achieve a level of access to the fishery that is equitable, and which supports the viability of varying business models, the conservation objectives of The Wash and stock sustainability.

ii. Objectives:

- a) To limit access to the fishery to a number of persons which will meet the aim
- b) To support effective business planning and continuity
- c) To enable a range of business models to operate within the fishery
- d) To prioritise the continuity of active participants
- e) To enable appropriate turnover to create opportunity for suitably qualified new permit holders
- f) To prevent the permit from having its own value or becoming a tradable commodity

## **2. Issuing permits**

**2.1.** Permits are created and issued at the discretion of Eastern IFCA under the byelaw and can be similarly withdrawn and cancelled subject to this byelaw. Accordingly no legal title is created or implied by the issue of a permit.

**2.2.** There are three permits issuable under the Wash Cockle and Mussel Byelaw 2021:

2.2.1. A hand-work cockle permit

2.2.2. A hand-work mussel permit

2.2.3. A dredge mussel permit

**2.3.** Eligibility described under these policies includes eligibility for any or all of the permits in 2.2. This may be subject to change as required, and only in accordance with the process set out in the Byelaw which includes consultation and consideration of the impacts of such.

**2.4.** Permits will be issued to natural persons only.

**2.5.** In the first instance, permits will be issued to the person who fishes under the permit, which will be the skipper of the vessel named on the permit.

**2.6.** Where a person other than the skipper is the 'majority owner' of a vessel, then the permit will be issued jointly to the person using the permit to fish (skipper) and the 'majority owner' of the vessel, who shall be designated as the 'vessel owner' on the permit.

- 2.7.** A person can hold no more than one permit issued solely to them or issued jointly where they are designated as the 'skipper'.
- 2.8.** A person can jointly hold no more than ten permits as the 'vessel owner'.
- 2.9.** For the purposes of this policy, the 'majority owner' is:
- 2.9.1. The person who owns the majority of the shares of a vessel, as evidenced by the certificate of Registry;
  - 2.9.2. Where the majority owner of a vessel is not a natural person, the person considered the majority owner of the vessel is the natural person who owns the majority of the company or business which is the majority owner of the vessel;
  - 2.9.3. Where there is no single natural person who is the 'majority owner' of the vessel, (including because shares in the vessel or company are split evenly), then the shareholders with the most control of the vessel or company must nominate a single natural person who is to be treated as the 'majority owner' of the vessel who must be one of the shareholders with most control of the company or vessel.
- 2.10.** No person can have any interest in more than ten vessels named on any permit. For the purpose of this policy, an interest in a vessel is any registered or beneficial interest in a vessel and includes any shareholding of any company or business which ultimately has any registered or beneficial interest in a vessel.
- 2.11.** Only the person designated as the skipper is permitted to fish under the authority of the permit, with the exception of a nominated deputy in accordance with the associated policies.
- 2.12.** A permit will only be issued once the applicant has demonstrated to the satisfaction of the Authority that the relevant conditions and criteria under these policies have been met and the relevant fee(s) has been received by Eastern IFCA.
- 2.13.** A permit will be cancelled under the following circumstances:
- 2.13.1. Subject to section x (vessel changes and ownership), any change in shareholding of the vessel named on the permit; or
  - 2.13.2. The death of any holder.
- 2.14.** Where a permit holder (skipper) does not intend to continue fishing themselves under the authority of a permit or is unable to fish themselves under the authority of a permit, that permit will be surrendered to the Authority.

### **3. Limit to the number of permits**

**3.1.** The number of each permit issued under the byelaw will be limited as follows from the first year that the byelaw has effect:

3.1.1. Hand-work cockle permit: [x]

3.1.2. Hand-work mussel permit: [x]

3.1.3. Dredge mussel permit: [x]

**3.2.** The limit on the number of permits issued thereafter may vary in accordance with the procedure set out in Schedule 5 of the Wash Cockle and Mussel Byelaw 2021.

### **4. Transitional policies**

Under the byelaw, permits will be issued to the person who fishes within the fishery. These policies will deal with the transition from WFO licenses, on which the vessel owner is named, to the permits, on which the fishermen (skipper) are named in the first instance, or the permit is issued jointly to the fisherman and the vessel owner.

#### *Summary*

- *Permits under the byelaw will be issued to the person fishing, rather than the owner of the vessel*
- *In order to transition to this system, the transition will take place in two phases*
- *In phase 1, each WFO License will be considered in turn to determine if a permit can be issued with respect to that licence and who the permit holder should be in each case*
- *Where ownership of the vessel associated with the permit is unclear, because the registered and beneficial owners are two separate people, no permit will be issued with respect to that licence. This is intended to deal with the issue of licences being 'rented out'<sup>3</sup>*
- *Where the fisherman (skipper) is not the owner of the vessel used to fish, the permit will be issued jointly to the skipper and the owner*
- *If there are permits still available to be issued after the initial phase, the second phase will determine who else may be eligible for a permit*
- *It will prioritise persons who have been active within the WFO fisheries previously*

#### **4.1. Applications**

---

<sup>3</sup> 'renting out' is where the person entitled to a licence under the WFO purchases the majority of shares of a vessel, often for a 'peppercorn' price, so as to name it on the licence and enable access to the fishery for the 'genuine' owner of the vessel. This issue was identified as one of major concern within industry as it effectively circumvented the waiting list which was in place to deal with re-issuing licences which were no longer being used.

4.1.1. A person wishing to be considered for a permit under the transitional policies must make an application to the Authority:

- a) using the forms provided by the Authority;
- b) by 1 Jan 2023.

## 4.2. Phase 1 – permits issuable with respect to a WFO Licence

4.2.1. Permits will be issued under phase 1 up to the maximum number which can be issued under section 3.

4.2.2. A maximum of one permit will be issued in respect of each WFO licence.

4.2.3. There are three criteria which for phase one of the transition. To be eligible for a permit under this section, the application must provide evidence to demonstrate to the satisfaction of the Authority that criteria has been met to satisfy all three criteria.

### 4.2.4. Criteria 1 - Vessel ownership with respect to the WFO licence

4.2.4.1. A person will meet this criterion if they demonstrate that they hold the majority registered and majority beneficial ownership of the vessel named on the WFO licence.

4.2.4.2. WFO licences which do not meet this criterion will not be considered any further under phase one transitional provisions.

### 4.2.5. Criteria 2 - Person's named on the WFO licence

4.2.5.1. *Skipper owners* - A person will meet this criterion if they are the person who fishes as skipper under the WFO licence or from the vessel named on the licence within the Wash and North Norfolk Coast SAC and is the majority registered and beneficial owner of the vessel named on the licence.

4.2.5.2. *Separate skipper / vessel owners* - Where the person who fishes under the licence is not the majority registered and beneficial owner of the vessel named on the licence, the person who meets this criterion is the person who can provide evidence that:

- a) They are the nominated representative of the WFO Licence

- b) they have fished under the Authority of the WFO Licence or from the vessel named on the licence within the Wash and North Norfolk Coast SAC.

4.2.6. Criteria 3 – fishing activity

4.2.6.1. A person will meet this criterion if:

- a) They have fished under the authority of a WFO licence for at least 16 days per year for at least two separate years between 1 Jan 2015 and 1 Jan 2022; or
- b) They have fished from the vessel named on the application within Wash and North Norfolk Coast fisheries for at least 30 days per year for at least three years between 1 Jan 2010 and 1 Jan 2022.

4.2.7. Where there is more than one person who applies for a permit with respect to a single WFO Licence, the person who meets this criterion will be determined by the Authority considering the following:

- a) Which applicant undertook the most fishing activity
- b) When and where fishing activity took place
- c) The views of the majority registered and beneficial owner of the vessel associated with the WFO Licence.

4.2.8. Where a person meets criterion 4.2.5.1 (skipper owners) and all other criteria under this section, a permit will be issuable in their name.

4.2.9. Where a person meets criterion 4.2.5.2 (separate skipper / vessel owners) and all other criterion under this section, a permit will be issuable jointly to them and the person who is the majority registered and beneficial owner of the vessel named on the associated WFO Licence.

4.2.10. A person eligible for a permit under Phase 1 will be notified of such and must be eligible to hold the permit under section 2 (issuing permits) within 12 months of the date of notification.

**4.3. Phase 2 – additional permits issuable in Year 1**

- 4.3.1. Where the number of permits issued under phase 1 is less than the maximum number set out in section 3, further permits will be issued up to this number in accordance with this policy.
- 4.3.2. A person can only apply for one permit as skipper and will not be eligible if they are named on a permit as skipper under phase 1.
- 4.3.3. Where there are more applications for permits than there are permits available for issuing, permits will be issued to persons who achieve the most points in accordance with table 1 below.
- 4.3.4. In all cases, points will only be awarded where the applicant can demonstrate to the satisfaction of the Authority that the criteria has been met.
- 4.3.5. Where more than one person is eligible for a permit by virtue of the number of points they accrued, the Authority will make the final decision on who the permit shall be issued to taking into account the circumstances of each application.
- 4.3.6. The application must also meet the conditions of section 2 (issuing of permits).

<b>Table 1 – criteria and points awarded under Phase 2 transitional provisions</b>	
<b>Criteria</b>	<b>Points</b>
Participation in Wash and North Norfolk Coast based fisheries from 2010 onwards (except cockle and mussel fisheries)	+ 2 points for each year participation up to 20 points
Participation in cockle or mussel fisheries within the Wash from 2015	+ 2 point for each year of participation up to 10 points
Participation in WFO fisheries as a Nominated Representative or Deputy from 2015	+ 2 point for each year of participation up to 10 points
Applicant (skipper) is a registered or beneficial owner of a vessel named on a WFO License	+ 10 points
Conviction of an offence under the WFO within 12 months of application	-10 points for each offence

Conviction of a fisheries offence (other than under the WFO) within 12 months of application	-5 points for each offence
--	----------------------------

## 5. Consecutive permits

This policy is intended to enable continued access to the fisheries where a person meets certain requirements.

**5.1.** A person is eligible to apply for a permit under this section if they held a permit and paid the eligibility fee before the 31<sup>st</sup> March in the previous year.

**5.2.** A person or persons will be eligible for a 'consecutive permit' issued under this section if:

5.2.1. An application is received by 1 February of any given year; and

5.2.2. In the case of a permit issued jointly to the skipper and vessel owner, the application is endorsed by both parties; and

5.2.3. The 'eligibility fee' for the permit has been paid; and

5.2.4. The applicant can demonstrate to the satisfaction of the Authority either:

a) That the permit holder (skipper) has used the permit to fish for mussels or cockles on at least five separate occasions within the last 24 months; or

b) That the vessel named on the permit has been used to fish for other species within The Wash and North Norfolk Coast on at least 30 separate occasions within the last 12 months; and;

5.2.5. The applicant can demonstrate to the satisfaction of the Authority that a substantial proportion of the first sale value of catch which derives from the vessel comes from within Wash and North Norfolk Coast fisheries.

**5.3.** A person will not be eligible for a permit under this section if:

5.3.1. The nominated deputy has acted as skipper on more occasions than, and in the absence of, the permit holder (skipper) for two consecutive years.

5.3.2. The permit was cancelled under 2.10; or

- 5.3.3. The Permit was surrendered under section X (Permit succession);  
or
  - 5.3.4. The permit was cancelled under paragraph 22 of the Byelaw, for a period of 12 months after the permit was cancelled; or
  - 5.3.5. Subject to section 8 (change of vessels and ownership), the vessel named on the application to be named on the permit differs from the vessel named on the last permit issued; or
  - 5.3.6. Subject to section 8 (change of vessels and ownership) The ownership of the vessel differs from that as was the case when the last permit issued was first issued.
- 5.4.** At the discretion of the Authority, and to the extent that the Authority considers it appropriate, consecutive permits may be issued where the applicant would otherwise not have met the criteria in 5.2 or not be eligible under 5.3 in exceptional circumstances and considering the particulars of the case made by the applicant, which may include, but are not limited to the following circumstances.
- 5.4.1. Medical condition of the permit holder; or
  - 5.4.2. Total loss of vessel;
  - 5.4.3. Reasonable need for repair of a vessel;
  - 5.4.4. Poor fishery performance including a low Total Allowable Catch or where no fisheries have been opened under the Byelaw.
- 5.5.** Where a permit is held jointly by a skipper and a vessel owner, neither party is eligible to a consecutive permit in their own right.
- 6. Permits issued jointly to skippers and vessel owners**
- 6.1.** Where a permit is held jointly by a skipper and a vessel owner, it is the responsibility of the holders to jointly agree to any application made under these policies including, consecutive permits (5) permit succession (8), changes to vessels and owners (9), nominated deputies (11) and the use of the permit generally or cancelling the permit.
  - 6.2.** Subject to 6.3, where there is no such agreement, the Authority will not make decisions in lieu of such agreement and it is the expectation of the Authority

that the parties would ordinarily cancel the permit and apply for a new permit in their own right under section 7 (new permits).

**6.3.** The skipper or vessel owner may appeal to the Authority for the opportunity to replace the other party only in exceptional circumstances on the following grounds:

6.3.1. A permit had been issued jointly to the parties involved under section 5 for at least 12 months; and

6.3.2. Where the applicant can demonstrate to the satisfaction of the Authority that there is likely to be substantive economic impacts on the party so affected; and

6.3.3. Where the applicant can demonstrate that all reasonable attempts have been made to seek agreement between both parties in making any such application.

**6.4.** Where the grounds for appeal are met, the Authority will decide whether either party should be given the opportunity to replace the other and will consider the circumstances of the case including, but not limited to, the following in relation to both parties:

6.4.1. The likely economic impacts of a decision; and

6.4.2. The extent to which either party could reasonably and realistically replace the other party within 12 months of the decision being made.

**6.5.** Where both parties can demonstrate to the satisfaction of the Authority that they could reasonably and realistically replace the other party within 12 months of a decision, the Authority would ordinarily decide that no opportunity can be given to either party to replace the other and that, if the parties still decide to cancel the permit (including unilaterally) both would have to apply for a new permit under section 7 (new permits).

**6.6.** For an appeal under 6.3 to successfully result in a new permit being issued, the application must also meet the relevant requirements of these policies.

## **7. New Permits**

**7.1.** Where the number of permits issued under section 5 (consecutive permits) is less than the number specified in section 3 (number of permits), new permits will be issued under this section (new permits) up to the number so specified.

- 7.2.** The Authority will hold a ‘register of interests’ on which, persons will be recorded as wanting to be considered for a new permit if they become available.
- 7.3.** New permits will be available for allocation between the last day of February and 31 March in each year, but only in the event that 7.1 applies.
- 7.4.** A person will not be eligible to apply for a new permit if:
- 7.4.1. That person is not listed on the register of interests at the time the ‘new permit’ is available for allocation; and
  - 7.4.2. That person is the holder (skipper) of a permit or eligible to hold a permit (as the skipper) by virtue of section 5; and
  - 7.4.3. That person has been convicted of an offence under the Byelaw or under section 292 of the Marine and Coastal Access Act 2009, within 12 months of the date of that conviction.
- 7.5.** Where more applicants are received than there are permits available for allocation, permits will be allocated to applicants who have accrued the most points in accordance with table 2.
- 7.6.** In all cases, points will only be awarded where the applicant can demonstrate to the satisfaction of the Authority that the criteria has been met.
- 7.7.** Where more than one person is eligible for a permit by virtue of the number of points they accrued, the Authority will make the final decision on who the permit shall be issued to considering the circumstances of each application which may include the length of time a person has been registered on the ‘register of interests’. The Authority may use a ballot to decide who to issue a permit to in circumstances where there is no clear case for the permit being issued to a particular applicant.

**Table 1 – criteria and points awarded under Phase 2 transitional provisions**

<b>Criteria</b>	<b>Points</b>
Participation in Wash and North Norfolk Coast based fisheries from 2010	+ 2 points for each year participation up to 20 points

onwards (except cockle and mussel fisheries)	
Participation in cockle or mussel fisheries within the Wash from 2010	+ 1 point for each year of participation up to 10 points
Applicant has or is in the process of acquiring, a vessel which will be able to operate within the cockle or mussel fisheries within 12 months of application	+ 10 points
Participation in WFO fisheries as a Nominated Deputy	+ 2 points for each year participation up to 20 points
Applicant is the registered and beneficial owner of the vessel to be named on the permit	+ 5 points
Conviction of a fisheries offence (other than under the WFO) within 12 months of application	-5 points for each offence
Business interests in vessels named on other permits already issued.	-10 points per permit where any person with an interest in the vessel (as per 2.10) has an interest in a vessel already named on a permit.

## **8. Permit succession**

- 8.1.** A permit is not transferable from the permit holder to another person.
- 8.2.** The permit holder(s) may make application for a new permit to be issued to a person (the successor) to succeed the permit they hold provided that:
- 8.2.1. In the case of a permit which is jointly held by the skipper and the vessel owner, both parties endorse the application; and
  - 8.2.2. Permit holder(s) formally surrender, in writing, the permit they hold (or are eligible to hold under section 5 – Consecutive permits) for that purpose; and
  - 8.2.3. They are not under investigation for an offence under the Byelaw or in relation to section 292 of the Marine and Coastal Access Act 2009.

- 8.3.** At the ultimate discretion of the Authority a successor (skipper) may be eligible for a permit to be issued under this section if that person can demonstrate to the satisfaction of the Authority that:
- 8.3.1. The application meets the requirements of section 2 (issuing of permits); and
  - 8.3.2. the applicant meets the requirements of section 10; and
  - 8.3.3. They are either;
    - a) A close relative of the holder of the permit, or , in the case of a permit jointly issued to a skipper and the vessel owner, a close relative of the skipper of the permit; or
    - b) Been named as a nominated deputy on the permit for at least three years preceding the application.
- 8.4.** At the ultimate discretion of the Authority, a permit may be issued to a successor where the application does not meet the requirements of this section having taken into account the particulars of the application and in exceptional circumstances which would be likely to substantially jeopardise the continuity of an associated business or livelihood, and which may include:
- 8.4.1. Death of the permit holder(s);
  - 8.4.2. Medical condition of the Permit holder(s);
- 8.5.** Where an application under this section includes changing the vessel named on the original permit or a change in the ownership of the vessel named on the original permit, section 9 (change of vessel and ownership) applies.
- 8.6.** Issuing of a permit under this section will be at the absolute discretion of the Authority and reserves the right to not issue a permit under this section having regards to the duties of the Authority.
- 9. Change of vessel and ownership**
- 9.1.** A permit holder (or permit holders where a permit is issued jointly) may apply to change the vessel named on a permit or to change the ownership of the vessel named on a permit.
- 9.2.** Where a permit is issued jointly to a skipper and vessel owner, application must include endorsement from both parties.

**9.3.** A vessel is eligible to be named on a permit under this section if the applicant can demonstrate to the satisfaction of the Authority that the specifications of the vessel meet any requirements under the bylaw or associated permit conditions.

## **10. Skippering vessels under the authority of a permit**

**10.1.** . The person skippering a vessel fishing under the authority of a permit must either be the permit holder (skipper) or a nominated deputy.

**10.2.** A person is eligible to act as the skipper if they can demonstrate to the satisfaction of the Authority that;

10.2.1. They have completed the Eastern IFCA Wash Training Course as demonstrated by certification; and

10.2.2. They have fished within The Wash on at least 16 separate occasions within a year and within three separate years;

10.2.3. They are qualified to act as skipper of a licensed fishing vessel and that they hold all relevant safety certifications in line with the requirements under the Merchant Shipping Act 1995 and the Regulations made thereunder.

## **11. Nominated deputies**

**11.1.** The holder(s) of a permit may apply to nominate a person as the nominated deputy and who may skipper a vessel under the authority of that permit.

**11.2.** Where a permit is issued jointly to a skipper and the vessel owner, both parties must endorse the application.

**11.3.** A person is eligible to be named as a nominated deputy if they meet the requirements of 10.3.

**11.4.** Nominated deputies are eligible to act as skipper in the absence of the permit holder (skipper) on no more than 12 occasions per year, except in exceptional circumstances.

**11.5.** Up to two persons may act as nominated deputy in any given year, and any fishing activity undertaken by them is considered cumulatively for the purpose of 11.4.

## **12. Application process**

**12.1.** Applications should be made using the [Wash Cockle and Mussel Byelaw Hand-Work Cockle Permit Application Form]

**12.2.** Completed applications should be sent to:

By Mail: Eastern Inshore Fisheries and Conservation Authority  
Unit 6 North Lynn Business Village  
King's Lynn  
Norfolk  
PE30 2JG

By email: [mail@eastern-ifca.gov.uk](mailto:mail@eastern-ifca.gov.uk)

**12.3.** Only completed application forms will be considered and must include any documentation required relevant to the application.

**12.4.** Applications must also include copies of proof of address and photo ID.

**12.5.** Completed application forms should be received by Eastern IFCA no later than:

12.5.1. In the case of a consecutive permit application (under section 5), 1 February in any given year; or

12.5.2. In the case of a new permit application (under section 7) the last day of February in each year with respect to permits issuable from the following 1<sup>st</sup> April.

Any applications submitted thereafter will not be considered.

**12.6.** The 'eligibility fee' must be paid prior to the 1<sup>st</sup> April with respect to a permit issuable from that date.

**12.7.** Where permits are issued, this will be from the 1<sup>st</sup> April, in each year, expiring after no more than 12 months or as otherwise stated on the permit.

**12.8.** With the exception of permits issued under phase 1 of the transitional provisions (section 4.2), a successful applicant must:

12.8.1. Pay the eligibility fee within 1 month of the date the application was approved,

12.8.2. name a vessel which is eligible under these policies on the permit within two years of the date the application was approved.

**13. Policy review**

**13.1.** These policies will be reviewed only in accordance with the schedule 4 and 5 of the Byelaw.

### Vision

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



## Action Item 8

### Eastern Inshore Fisheries and Conservation Authority Meeting

08 December 2021

#### Wash Cockle and Mussel Byelaw 2021 Update

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

#### **Purpose of Report**

To advise members of the further consideration given to the wording of the byelaw and to seek approval on a final draft for submission to the MMO for formal QA and delegated authority to the CEO in consultation with the Chair or Vice-Chair to make minor amendments.

#### **Recommendations**

It is recommended that members:

- **Note** the development and amendments to the byelaw.
- **Agree** that objections to the byelaw have been given due consideration and that where objections remain unresolved, the explanation as to why is sufficient.
- **Agree** to submit the byelaw to the MMO for formal QA.
- **Agree** to delegate authority to the CEO in consultation with the Chair or Vice-Chair to make minor amendments to the byelaw which do not significantly alter the intended effects of the byelaw.

#### **Background**

Members agreed to make the Wash Cockle and Mussel Byelaw 2021 at the 43<sup>rd</sup> Eastern IFCA meeting (10 March 2021) and directed Officers to undertake formal consultation on the wording of the byelaw.

The Authority considered the responses to the formal consultation at the 44<sup>th</sup> Eastern IFCA meeting (9 June 2021), and agreed to endorse the consideration at that time, which included proposed amendments to the byelaw, and directed officers to continue dialogue to address the objections raised.

At the 45<sup>th</sup> Eastern IFCA Meeting, members agreed to delay the submission of the Wash Cockle and Mussel Byelaw (hereafter, 'the byelaw') to the MMO for formal QA and directed officers to continue to address the objections which came from the formal consultation for the byelaw. These primarily related to concerns about how

the Authority would manage access to the fishery under policies (rather than the byelaw itself).

## **Report**

### **Development of the byelaw**

The byelaw has been developed following further consideration of the feedback from the formal consultation, including feedback subsequently received during the recent consultation on policy development.

The summary of responses included in Action Item 12 of the 44<sup>th</sup> Eastern IFCA Meeting (9 June 2021), has been updated to reflect further stakeholder feedback, consideration, and developments since the formal consultation, and this is at Appendix 1.

By way of update to the report in Action Item 12 of the 45<sup>th</sup> Eastern IFCA Meeting (8<sup>th</sup> September 2021), the key developments made as a result of further consideration and dialogue are set out below.

### **Access to the fishery**

A key objection was to the effect that the byelaw did not provide an explanation of how permits will be issued under the byelaw. As members will be aware, the intention is to manage access to the fishery using policies under the byelaw, which are the subject of a separate and parallel consultation that is reported on at agenda item 7 of this meeting.

The policies have been further developed following additional consultation, the key remaining issues have been identified and a means of effective dialogue with the industry has been established. On the basis that it is the intention of the byelaw to enable the development and implementation of flexible policy to manage access, it is suggested that the management of access under the byelaw is sufficiently matured to resolve this concern.

### **Separate category of permits**

The original draft of the byelaw contained provision for the Authority to issue a separate category of permit to enable innovative means of allowing different forms of access. This was later refined to refer to a 'legacy permit' with the intention of enabling continued access to the fishery by those who would otherwise not qualify because the associated WFO licences were not routinely used.

The business model that the 'legacy permit' primarily relates to is fishermen based on the North Norfolk Coast who, in the absence of a productive mussel fishery in the Wash, rely on access to the fishery only very occasionally. There is a general consensus that the byelaw should cater for these businesses, to enable important options for diversification to fishermen, but a concern remains about the use of a separate permit to do so.

An alternative solution has been identified through use of the policies, rather than using a separate permit, and as such, it is recommended that the reference to a separate category of permit is removed. As such, this objection has been resolved.

*A single permit should enable access to all Wash based bivalve mollusc fisheries*

The proposed byelaw makes provision for issuing separate permits in relation to different fisheries. This follows on from the provisions of the WFO which also allows for separate licences to be issued for different fisheries (for example, the 'hand-work' vs 'dredge' licence etc.). It is considered crucial to the management of the separate fisheries to be able to establish separate management measures and potentially separate limits on the number of permits which may be issued under each in order to future proof the byelaw. For example, if in the future there was a need to implement a limit on the number of permits which enable access to a mussel dredge fishery, it is important that the Authority retains the ability to limit those without impacting the number of hand-work cockle licences issued. The access policies currently make a person eligible for all three and there are at present no plans to have separate and different limits on each fishery.

The byelaw also only relates to the cockle and mussel fisheries in The Wash, whereas the WFO also refers to clams, oysters, scallops, and queens. At present, the only viable fisheries are in relation to cockles, and to a limited extent, mussel. To recognise the importance of these fisheries, this byelaw relates only to these species. It is intended that management of any other future fishery within The Wash would be managed under a separate byelaw which would cater for all bivalve molluscs. Additionally, it could be argued that, because there are no other fisheries in The Wash at present, implementing regulation on them would be inappropriate and it would also require additional consideration of them, and potentially distract from the economically important cockle and mussel fisheries.

As such, a resolution to this objection is not proposed, and it is recommended that the byelaw retains its reference only to cockle and mussel fisheries.

*Suspension of permits for 12 months following conviction of a relevant offence*

The byelaw includes a provision that where a permit is used in the commission of a relevant offence which results in a conviction at a court, that permit is cancelled. In addition, it was intended that access policies would set the length of time the suspension would be in effect, which was suggested as 12 months from the date of conviction.

The key objection to this is that to be suspended after one conviction is disproportionate and would have a significant impact on industry.

The rationale for the inclusion of a suspension is based on the sensitivity of the site as a Marine Protected Area. It is fundamental that fishing is compliant with the management measures to enable continued fisheries into the future and to prevent impacts on the site. The WFO contains a similar provision which would remove a person's 'entitlement' to further licences, effectively removing them from the fishery forever, where that person is convicted on two occasions within 24 months.

By comparison, the byelaw provision is therefore more likely to have effect, as only a single conviction is required, but would have a lesser impact, as access would resume after the suspension. On balance, it is felt that this is proportionate to the

risk associated with non-compliance within the fishery and would lead to better practice and less non-compliance, without permanent jeopardy of access. It is also noteworthy that a common theme of feedback from the consultation was that bad practice is regularly observed by other fishermen, which jeopardises the sustainability of the fishery and that this should be addressed in policies going forward. This also addresses this concern.

Responses also suggested that the process for suspension should include opportunity for the person so affected by the suspension to appeal the process and that the appeal should be heard by a sub-committee of the Authority. However, such a mechanism is likely to lead to additional legal risk on the Authority having to exercise its discretion in this regard and reduces the deterrent effect of the measure given that the suspension could be overturned.

The Authority's enforcement policies set out that a proportionate approach is taken to enforcement of fisheries regulations and in effect, only serious breaches would result in recommendation for prosecution. It is felt that there is sufficient opportunity for the circumstances of non-compliance to be taken into account before prosecution (including a 'public interest test' for example) and that where this occurs, it will warrant that action.

Furthermore, there has been feedback that it is disproportionate to suspend a permit where the offence was committed by a skipper who is not the owner of the vessel used and that the owner should have the opportunity to continue fishing under that permit during the suspension (by naming a different skipper). The Marine and Coastal Access Act 2009 establishes accountability on the part of a vessel owner for any offence committed using that vessel, even where they are not on board. Therefore, it is considered proportionate that a resultant suspension would impact the vessel owner also as this is an established principle in law. It will also ensure that vessel owners make all reasonable efforts to ensure their skippers are fishing in accordance with the law.

There is a general objection to the flexibility of using policies to determine management measures compared to them being referred to within the byelaw. It is therefore also recommended that the length of suspension is written into the byelaw itself rather than the policies to address that concern.

Therefore, it is recommended that the cancellation and suspension for 12 months of a permit is retained within the byelaw.

#### Other amendments

An amended version of the byelaw which reflects the various amendments as a result of the formal consultation is at Appendix 2. In addition to the key changes above, other less significant changes to improve clarity and understanding are also included. All the amendments are set out in Appendix 3 including rationale for the change. Explanation of notable amendments are set out below:

- Changed 'nominated representative' to 'nominated deputy' – This is the term used to refer to a person who will skipper a vessel other than the permit holder. The term 'nominated representative' was carried over from the WFO

and holds meaning to WFO licence holders already. It was felt that this could lead to confusion if, under the permit scheme, the role of this person was to differ from what is currently the case under the WFO.

- Removed the reference to the ‘transfer’ of permits being enabled under eligibility criteria – the original provision had the effect of prohibiting the transfer of permits, except where that was permitted under the eligibility criteria. This has been amended so that permits cannot be ‘transferred’ but instead, can be succeeded to a nominated person who qualifies under the eligibility criteria. There will be no change to the effect of the provision, inasmuch as there will be provision for a family member or business partner to obtain a permit if they meet the criteria, but the term but instead of the same permit being ‘transferred’, a new permit would be issued in its own right.
- Added further explanation as to the issue of a permit – at paragraph 9, the following wording is added to clarify the Authority’s powers in relation to issuing permits – *Permits are... created and issued at the discretion of the Authority under this byelaw and can be similarly withdrawn or cancelled subject to this byelaw and accordingly no legal title is created or implied by the issue of a permit.*

All of the amendments are in keeping with the overall policy objective agreed at the 43<sup>rd</sup> Eastern IFCA meeting (10 March 2021) and the intended effects described in the Regulatory Impact Assessment (provided at the same meeting), with the exception that, as previously agreed, the acceptance of a Financial Administrative Penalty will not result in the cancellation of a permit.

#### Update on informal dialogue with MMO

Members will recall that the MMO legal agreed to review the byelaw informally with a view to identify any issues prior to formal submission. This was however on the basis that the byelaw had been independently reviewed prior to them receiving it. Legal advice was received on 19 November 2021, and as such, the informal QA has not begun at the time of writing. The review concluded that the drafting of the byelaw was acceptable and provided only minor amendments.

#### Submission of the byelaw to the MMO for formal QA

It is recommended that the consideration of objections to the byelaw is concluded and that the byelaw can be submitted for formal QA with the MMO. Whilst the development of the policy to manage access to the fisheries is ongoing, progress has been made with regards to key elements of the policies which address the concerns raised as an objection to the byelaw, i.e. that there is no clarity on how access will be managed. Having agreed to the Aim and Objectives of access policies and made demonstrable progress on the policies (including a draft of the policies and established key elements as presented in item 7 of this meeting) it is recommended that sufficient clarity is now provided.

Having delayed the submission to allow for additional dialogue, further delay in submitting the byelaw will greatly enhance the risk that it cannot be implemented in time to replace the WFO on its expiry.

### Next steps

If agreed, the byelaw, associated impact assessment and consultation responses will be submitted to the MMO for formal QA.

Amendments to byelaws as a result of the formal QA are commonplace during formal QA of a byelaw with the MMO. These typically include wording changes which do not alter the intended effect of the byelaw, which can include inclusion of additional procedural elements or wording to ensure the byelaw is consistent with byelaw making powers under the Marine and Coastal Access Act 2009. It is therefore recommended that the CEO is delegated authority, in consultation with the Chair, to make amendments to the byelaw which do not significantly alter the intended effects of the byelaw. This will enable the formal QA process to be undertaken without the need for it to return to the Authority except where there are significant changes and will mitigate further the risk of the byelaw not coming into effect in time for the expiry of the WFO.

In addition, respondents will be provided with an update on the progress of the byelaw including how we have addressed objections raised with amendments, or the rationale for not having done so.

### **Financial Implications**

None identified

### **Legal Implications**

There is an inherent risk associated with the implementation of regulatory measures. These are mitigated through adoption of due process, primarily in accordance with Defra guidance to IFCA and our general duties as a public authority.

### **Appendices**

Appendix 1 – Summary of objections and their consideration

Appendix 2 – Final Draft of Wash Cockle and Mussel Byelaw 2021

Appendix 3 – Summary of changes to the Wash Cockle and Mussel Byelaw 2021

### **Background Documents**

Papers and minutes of the 43<sup>rd</sup> Eastern IFCA meeting held on 10 March 2021

Papers and minutes of the 44<sup>th</sup> Eastern IFCA meeting held on 9 June 2021

Papers and minutes of the 45<sup>th</sup> Eastern UFCA Meeting held on 8 September 2021

## Appendix 1 - summary of objections and their consideration

### Wash Cockle and Mussel Byelaw 2021

#### Formal Consultation November 2021: Outcome

---

This document presents the outcome to the formal consultation on the Wash Cockle and Mussel Byelaw 2021. This consultation ran from 25<sup>th</sup> March to 3<sup>rd</sup> May 2021. The responses table below was approved by the Authority in June 2021 to be shared with respondents to the consultation. Work to develop policies for access to the fisheries is ongoing and notes have been added to the original table in blue to reflect the updated position as of 18 November 2021.

Version	Date	Changes
V1	09/06/2021	Response table approved by the Authority
V2	06/09/2021	Response updated to take into account additional dialogue and consideration.
V3	18/11/2021	Text in blue reflect version 2 updates following further dialogue with respondents

#### We asked

We formally consulted on the Wash Cockle and Mussel Byelaw 2021 which will replace the management of the Wash Fishery Order 1992 when it expires in January 2023. The Wash Cockle and Mussel Byelaw will manage public cockle and mussel fisheries in The Wash.

The purpose of the consultation was to seek the views of our stakeholders on the byelaw to inform its development. Eastern IFCA is required to formally consult with stakeholders as part of the process of making a new byelaw.

#### You said and our response

117 individuals responded to the consultation, mostly in objection to the byelaw. Many of those who responded did so in multiple ways. These included, two different group letters of objection, independent written responses, questionnaire responses, and responses via a solicitor.

During the consultation, fisheries stakeholders were engaged through the arrangement of five separate meetings via fishing associations in The Wash. These were held in person, or online due to the COVID-19 pandemic.

The Authority is required to respond to and seek to resolve objections, where appropriate. Objections that cannot be resolved do not prevent the formal consent of the Byelaw where adequate explanation is provided. We are committed to involving

the views of our stakeholders at every reasonable opportunity in the development of the new Byelaw.

Read summaries of what was said by stakeholders in this consultation and our response in the anonymised table below. The table highlights the key concerns and shows how these have been sought to be resolved or have been taken into consideration in further decision making.

<b>You Said</b>	<b>Our Response</b>
<p><b>The new byelaw will not provide fishermen with any long-term security, it will be too easily changed.</b></p> <p><b>An order can guarantee a 30-year future in fishing if the fisherman follows best practice.</b></p> <p><b>Until the byelaw assures fishermen of stability, flexibility in the byelaw represent a threat to investment and financial planning.</b></p>	<p>A byelaw can provide the same level of security as an order. Under the WFO much of the security was afforded by the ‘policies’ rather than written into the Order itself. It is particularly noteworthy that the WFO already enables the Authority, subject to any directions given by the Minister, to determine the number of licences issued and also, following consultation, to reduce the number of licences issued in any given year where it is desirable to limit exploitation of the fishery. What this means is that, in reality, the WFO has never provided the degree of security that is perceived. Perhaps more importantly, the Authority has not sought to do anything that threatens continuity of businesses and reductions in entitlements to licences have been achieved when ‘entitlements’ have no longer been required (e.g. as a consequence of fishermen retiring).</p> <p>In the case of an ‘entitlement’ to further licences under the WFO, which <i>is</i> included in the Order itself, this provision can be replicated in the policies under a byelaw.</p> <p><a href="#">Draft eligibility policies include provisions for permit holders to retain access in consecutive years, so that a fisherman can secure future access to the fishery – which is understandably critical to assist in the sustainable management of individual business models.</a></p> <p>The byelaw will be reviewed every 6 years, as is required by Defra. Review does not mean that substantial changes will be made and importantly, the byelaw does not expire. It is an opportunity to adjust the byelaw, if necessary, to make sure that it continues to meet the</p>

	<p>needs of the fishery. This review also enables management to evolve with a consistently changing fisheries environment. The review will involve input from industry, including consultation on any changes, and IF changes are required these will be authorised by the full Authority to go into a new byelaw and whilst this happens the existing byelaw would remain in place.</p> <p>Flexibility provided within the byelaw provides a future-proofed tool for the Authority to effectively manage the fishery which can better incorporate changes in the environment and fishery practices to the benefit of the industry. It is not intended to reduce stability in the industry. Safeguards, including a robust consultation process are written into the byelaw to ensure that flexibility and discretion is exercised whilst taking into account the impacts on businesses.</p> <p>It is intended that stability is provided through the adoption of policy and eligibility criteria, a model which has been successfully implemented in Poole Harbour by Southern IFCA.</p> <p>It is noteworthy that the same model of byelaw is in place to manage the whelk fishery i.e. that the byelaw enables the Authority to limit the number of permits issued and introduce, vary and revoke eligibility criteria and that new vessels have been built during this time in order to operate within this fishery.</p> <p>The flexibility provided within the byelaw is not considered to provide a threat to investment on that basis and the development of policies, in consultation with industry will further reduce the perceived threat of instability.</p>
<p><b>Fishermen should not have to take a permit out every year to maintain their access to the fishery.</b></p>	<p>The byelaw does not set out requirements for maintaining access to the fishery, this is set out in the access policies and this concern is dealt with there.</p> <p>The development of the access policies has matured to a point where an appropriate level of certainty can be provided, noting that key principles have been</p>

	<p>established (e.g. issuing of consecutive permits, transition from WFO licences to permits etc.).</p>
<p><b>The cancellation of a permit and 12-month suspension is not proportionate and risks the livelihood of individual fishermen.</b></p> <p><b>Suspensions should only impact the skipper who committed the offence and not the vessel owner, who should be able to name a different skipper on the permit and continue using it.</b></p>	<p>Eastern IFCA’s approach to enforcement, as outlined in our Enforcement Policy is focused on education and engagement and is always proportionate to the offence.</p> <p>Currently, under the WFO, licence and entitlement holders can lose their access to the fishery <i>permanently</i> after two offences within 24 months. Permanent loss of access, even following conviction, would have a significant impact on livelihoods and was felt to be disproportionate.</p> <p>Under the byelaw, it is proposed that after one offence where it results in conviction by a court, would result in the loss of the permit for a limited period only (12 months). This is intended to maintain the deterrent effect of the provision under the WFO whilst being more proportionate in its impact than complete future loss of access, which is currently the case.</p> <p>With regards to the accountability of the vessel owner, the Marine and Coastal Access Act 2009 establishes accountability on the part of a vessel owner for any offence committed using that vessel, even where they are not on board. Therefore, it is considered proportionate that a resultant suspension would impact the vessel owner also as this is an established principle in law. It will also ensure that vessel owners make all reasonable efforts to ensure their skippers are fishing in accordance with the law.</p> <p>It is therefore considered proportionate to retain the provision, in the context that the Wash is a sensitive Marine protected Area which justifies a higher deterrent.</p>
<p><b>The byelaw will not allow me to hand down my licence to my children or close family, as is currently the case.</b></p>	<p>We acknowledge the importance of supporting the generational fishing activity that is so fundamental to The Wash and our whole district. The aim and objectives for managing access to the fishery reflect this prioritisation.</p>

<p><b>The Wash fishery is an important part of the local history and diversity of the area and should be celebrated for its societal and economic benefits and be protected.</b></p> <p><b>Transfer of licences between family and close relatives should be extended to include other active fishermen.</b></p>	<p>It is also important that new ways are considered which do not negatively impact active fishermen who may not have generational fishing heritage, or children or close relatives to whom their activity can be passed on to.</p> <p>Draft policies have addressed this issue by inclusion of a 'permit succession' provision which would enable a permit holder to apply for a permit to be issued to a family member, business partner or nominated deputy where they meet certain criteria.</p>
<p><b>Fishermen will no longer be able to form a partnership, so when they retire, they cannot sell their share of the partnership.</b></p>	<p>Permits, or licences, are intended to be solely for access to and prosecution of a fishery.</p> <p>However, it is understood that partnerships between active fishermen can be a sustainable way of enabling access to a fishery where there are high overheads and upfront costs to enter.</p> <p>Draft policies include the establishing of a business partnership but not for the permit to be used in any other way than to have active participation in the fisheries. They will seek to prevent permits from being 'rented out' or retained when the holder is no longer fishing so as to prioritise the active participants of the fishery. This is considered proportionate given that 'turn over' of permits is a key issue identified by industry and that there is a preference to enable new entrants who hold a permit in their own right.</p>
<p><b>A Category 2 permit would allow access to everyone to the detriment of fisheries sustainability and industry viability. There is no need for them.</b></p> <p><b>The lack of certainty around how a permit will be used is worrying for fishermen.</b></p>	<p>Category Two permits have been removed from the byelaw.</p>

<p><b>Category 2 permits could open the fishery to challenge enabling more vessels to enter. More information about how two permits could be used is required.</b></p>	
<p><b>The consultation about the management of access, through policy and eligibility criteria, should be part of this consultation.</b></p> <p><b>There is not enough information about the management of access to provide industry with the assurance and security of the continuation of the fishery.</b></p> <p><b>Not enough information has been provided to understand the intent of the byelaw due to the approach to separate the management of access from the byelaw consultation.</b></p> <p><b>The eligibility criteria must be formulated in parallel with the byelaw to be approved jointly with the byelaw by the minister.</b></p>	<p>The intention of the byelaw is set out in the 'policy objective' within the associated Impact Assessment. In summary, the intention is to provide a tool to manage the cockle and mussel fisheries within The Wash over time through a flexible permit scheme.</p> <p>It is recognised that the separation of the byelaw from consideration of the allocation of permits has created a level of uncertainty and as a consequence it is proposed that the two elements are brought closer together to provide more clarity.</p> <p>The Authority agreed the approach to the replacement of the WFO 1992, to separate the byelaw itself from the policies, because the development of the policies will require significant consultation with industry.</p> <p>If the two were not separated, this would result in significant delays to the process of the byelaw, which is the mechanism, which can take up to two years to be reviewed and approved by the MMO and Defra. In an attempt to avoid a situation where the fishery is left without replacement management, resulting in there being no fishery in 2023, these processes have been separated.</p> <p>It is recognised however that matter of access to the fishery (the focus of the policies and eligibility criteria) are the key concern of the stakeholders involved and that many of the objections to the byelaw are in fact in relation to these, rather than the byelaw itself.</p>

	<p>Submission of the byelaw was delayed specifically to address concerns about how access will be managed and develop draft policies to that end. Whilst further dialogue is needed with regards to the policies, further delay in submitting the byelaw for formal QA would represent a significant risk that it would not be implemented in time to replace the WFO on its expiry. It is therefore recommended that the access policies have matured to the extent that they provide assurance on key matters.</p>
<p><b>The byelaw will deter new entrants to the fishery.</b></p>	<p>The fishery currently under the WFO is a ‘closed shop’. There are very few access opportunities to enter the fishery for new entrants. Even some fishermen who have been active in the cockle and mussel fisheries in the Wash do not have independent access to the fishery. Therefore it is not considered that the byelaw itself will be the deterrent to new entrants.</p> <p>The aim for the management of access to the fishery under the byelaw seeks to be sustainable and equitable into the future. This will involve ensuring that opportunities for new entrants, that are currently only available in specific circumstances, are more accessible for all.</p> <p>It is also the case that access to the fishery will be limited, as must be the case to meet the socio-economic requirements of the fishery and environmental requirements of the Wash. Therefore a balance between ensuring access to the fishery for active fishermen and supporting opportunities for new entrants must be found.</p> <p>The matter of access to the fishery is considered within the eligibility policies separately to the byelaw.</p>
<p><b>Regulating orders have a longer history of success than byelaw provisions (Whiteley 2016<sup>4</sup>)</b></p>	<p>The Whiteley (2016) report produced for Seafish on the contribution and value of several, regulating and hybrid orders in UK fisheries was considered in the</p>

<sup>4</sup> Whiteley, R. 2016, UK Shellfish Production and Several, Regulating and Hybrid Orders: The Contribution and Value of Orders in Relation to the Sector’s Past Development and Future Growth, Seafish Report, pp.1-71

	<p>development of the comparative document presented to the Authority at the 39th Meeting.</p> <p>The report has also proved very useful in the development of the aim and objectives for the fishery. The report emphasises the capabilities of Orders in enabling a 'security of tenure' (Whiteley 2016, 5) as a provision of security for fishermen, creating a sense of ownership and buy-in to management (2016, 30). As Whiteley discovers, the success of this provision is context dependent. We reflected the importance of security through referencing the continuity of business models directly in the objectives and intend to continue to do so in the development of policy, permit conditions and eligibility criteria.</p>
<p><b>Industry have been 'effectively disenfranchised' from decision making, which is contrary to the government directive on partnership working in the fisheries white paper.</b></p> <p><b>Eastern IFCA is not following the government's agenda of co-management as outlined in the fisheries white paper.</b></p> <p><b>The Fishing into the Future project is focused on the involvement of stakeholders in fisheries management.</b></p>	<p>It is incumbent upon Eastern IFCA that representations from industry are taken into account in decision making.</p> <p>Outcome reports produced by officers detailing how decisions are made incorporating input from our stakeholders are reported to the Authority, shared on our website, and often sent to respondents directly.</p> <p>Our approach to involving stakeholders in our work, through targeted letters, consultations, frequent and flexible meetings (currently online due to the ongoing Covid-19 pandemic), onshore quayside engagement and through social media is reflective of this.</p> <p>In response to the involvement of industry and concerns raised in this consultation, amendments have been made to the byelaw, notably the removal of the option for two categories of permits, and the process of work to allow more discussion on the policies before the byelaw itself is progressed.</p> <p>We are continually reflecting upon our engagement strategies towards the management of different fisheries and welcome suggestions from our stakeholders as to how greater involvement can be achieved.</p>

	<p>Consultation with industry is intended to result in collaborative development of management measures. The process for developing the management of access to the fishery has included stakeholder involvement by way of consultation from the inception of an aim and objectives to guide the development of the measures.</p> <p>In certain circumstances, shorter consultations to enable more reactive changes in management are required to manage the fishery effectively, as has been the case under the WFO since its implementation. Examples include the opening of beds rapidly due to potential 'die-off' of cockles.</p>
<p><b>Fishermen can be more involved with the development of an order than a byelaw.</b></p>	<p>Eastern IFCA recognises and prioritises involvement from our stakeholders in decision making. It is also the case that there is often a balance of requirements across the diverse perspectives among our stakeholders, alongside the task of managing a successful, sustainable, and equitable fishery in a heavily designated area for marine conservation.</p> <p>We encourage all our stakeholders who work in the fishery in all roles and scales to include themselves and their knowledge in the development of management. As an Authority of combined expertise, we currently have five commercial fishermen as members of the Authority.</p> <p>There are no less powers and rights for stakeholders under a byelaw than an Order. The guidance on IFCA byelaws provided by Defra specifies a requirement to consult with stakeholders and take into account the impacts of any the associated measures.</p> <p>Feedback from our stakeholders has already been essential in the development of the byelaw, notably the removal of the suggested new system of two permit categories, and the removal of the acceptance of a Financial Administrative Penalty as cause for the permit to be withdrawn. Additionally, consultation towards the end of 2020, on the aim and objectives for managing access to the fisheries, afforded essential feedback from</p>

	<p>our stakeholders, which significantly shaped the final version of these.</p> <p>In addition, the submission of the byelaw was delayed specifically to provide additional opportunity for dialogue which has resulted in further changes to the byelaw and informed the development of draft policies.</p>
<p><b>A regulating order would have more accountability due to the involvement of the Secretary of State.</b></p>	<p>IFCAs were established with statutory powers that enable them to manage fisheries and exercising these powers to manage the Wash cockle and mussel fisheries is in accordance with the Authority’s statutory duties. There is no apparent rationale that would support any degree of enhanced accountability for the Authority’s management of the cockle and mussel fisheries over and above other fisheries managed by the Authority.</p> <p>Under the proposed Byelaw, the provisions which enable restricting access to the fishery, by setting a limit on the number of permits and via eligibility criteria, also require due process to be undertaken, which includes consultation and an impact assessment, and subsequent authorisation from the Authority.</p> <p>In addition, regardless of the powers provided under a byelaw, the Authority has duties to make reasonable and justifiable decisions in that regard and would be held accountable, for example, by way of Public Inquiry under the powers provided to the Secretary of State.</p>
<p><b>The current order should be the basis for a new order.</b></p>	<p>The WFO 1992 has been the basis for the development of the Wash Cockle and Mussel Byelaw 2021. Many aspects of the order have been carried across directly, such as the licence fees and regulations but other elements are considered to be outdated and require revision.</p>
<p><b>Eastern IFCA sought a loophole using legal advice to avoid talking to industry about the decision of a byelaw or an order.</b></p>	<p>Legal advice has been sought on several occasions with regards to issues raised by industry. Such legal advice has been sought to ensure that these issues were properly considered and that the use of a byelaw would not jeopardise the fishery. All of the advice received in</p>

	<p>relation to these issues has confirmed the use of a byelaw is appropriate.</p>
<p><b>Eastern IFCA have misled the committee about the decision of a byelaw or an order.</b></p> <p><b>Fishermen were told that the WFO would be renewed but with changes made.</b></p> <p><b>Eastern IFCA are unwilling to evaluate the option of a regulating order against the wishes of industry.</b></p>	<p>The Wash Fishery Order 1992 expires after its 30-year term in January 2023 and therefore must be replaced. Any replacement, be it another Order or a Byelaw, would involve a review because much has changed in fisheries activity and management since 1992. This does not necessarily imply that there will be wholesale change, but some degree of change is likely, and it is appropriate that the management of the fishery is reviewed.</p> <p>Within Action Item 10, (39<sup>th</sup> Eastern IFCA meeting, 11 March 2020), it was reported that Defra had advised that Regulating Orders were not being extended; this was on the basis of personal correspondence with the Defra department responsible for Several and Regulating Orders. The same department later clarified that, although this was based on a recent rejection of an extension to an Order, this was not a general Defra policy but that, whilst Orders may be extended, it was unlikely that this would be the case without amendment to the wording because fisheries management has changed since the Orders had been in place. Therefore, it is likely that the wording would have to be reviewed and changed as in the case of proposing a new Order in any case.</p> <p>The Defra department further advised that the process for extending an Order was the same as for replacing it with a new Order and crucially, because an Order grants access to the fishery at the exclusion of others, consultation is required. Therefore, whilst the position of Defra has been revised, this revision would not have changed the recommendation of officers as, the extension of the WFO would have been regarded as having the same benefits and drawbacks of replacing it with a new Order.</p> <p>It is important to note that this issue was not a key factor in the Authority’s decision, which was primarily based upon a detailed analysis of what could be achieved under a byelaw versus and order.</p>

	<p>Options for the direction of replacement have been considered by the Authority, including the potential for extending the current order, replacing the Order with a new Order, or replacing the Order with a byelaw. Assessment and subsequent legal advice have concluded that a byelaw will be the best mechanism for managing the fishery, continuing to ensure a successful and sustainable fishery into the future.</p> <p>Aspects of the current Order will be carried over to the new byelaw, such as the fees and regulations. While adjustments are required, it is not necessary to change all aspects of the current management regime under the new byelaw. We also recognise the challenges in making changes to fisheries management and we will seek to avoid introducing new problems.</p>
<p><b>More permits to the fishery should not be given out on good years, the benefits of the fishery should be for the fishermen who are there in all years. Fishermen themselves are invested in protecting future stocks.</b></p> <p><b>There should be a limit to the number of permits to enter the fishery which should not be varied each year.</b></p>	<p>We understand the importance of maintaining consistent access to the fishery for fishermen that weather the good years and the bad. We also understand the security that can come from having overall limited access available for the fishery that is transparent and consistent.</p> <p>At the 43<sup>rd</sup> Authority meeting in March 2021 members agreed that, subject to further research by officers and consultation with industry, access to the cockle and mussel fisheries in the Wash will be restricted to a finite number of primary permit holders. This was in response to the ongoing concerns represented by industry about increasing access to the cockle and mussel fisheries in the Wash.</p> <p>The agreement also reflects the first policy objective for managing access which is 'to limit access to the fishery to a number of persons which meets the aim'. Therefore permits to the fishery will be issued in accordance with the objectives, providing security to the individuals that are consistently active within the fishery.</p> <p>We also recognise the importance of designing policy that can account for when unexpected circumstances arise, or where an individual may not purchase a permit</p>

	<p>for a particular year, to make sure fishermen are not beholden to prosecuting the fishery to maintain access where it may put themselves or their business model at risk.</p>
<p><b>There has not been enough detail provided about what the amendments and revocations to existing byelaws will mean.</b></p>	<p>The revocations and amendments are specifically in reference to where the wording in existing legislation would require amending to refer to the new byelaw, rather than to the WFO 1992.</p> <p>A list of all the byelaws that are currently in place in our district is available on our website or from the office on request, including information about byelaws that are still in progress such as the Shrimp Permit Byelaw 2018, and the Marine Protected Areas Byelaw 2019.</p>
<p><b>The permit will be too expensive.</b></p>	<p>Fee increases under the WFO 1992 were agreed by the Authority in 2017 and are based upon cost recovery but capped at a maximum of 50%. The fee structure for the new byelaw will be carried over from the WFO.</p>
<p><b>The prevention of the use of tenders is a safety issue and should be down to the fisherman to decide their use.</b></p>	<p>There is national legislation on the use of tenders (following from the Sea Fish Licencing Regulations 2019), therefore this is regulation carried over from the WFO 1992.</p> <p>We recognise that the use of tenders for some activity is important for safety while the activity follows the national legislation on this issue.</p>
<p><b>There should be a 10% allowance on weight to allow for waste shell and mud and the weight of the bag. This should be responsive to the different beds when can have different levels of shell.</b></p> <p><b>Standard bags for the fishery should be used to measure the cockles by</b></p>	<p>The technical measures discussed here are carried over from the WFO as they were recently reviewed as part of the fisheries management plan in 2019.</p> <p>The issues surrounding this are understood and further consideration will be given as to whether changes to the byelaw and fisheries management plan are required. <a href="#">The wording of the byelaw will enable a flexible approach in this regard so that it can be changed if judged appropriate following a proper review.</a></p>

<p><b>volume, as is practiced in the Thames Cockle Fishery.</b></p>	
<p><b>The requirement to land cockles (regulations carried over from WFO) would prevent any future relaying of cockles.</b></p>	<p>The requirement to land cockles was introduced to deter the practice of hiding bags of cockles in rivers with the intention to land them after officers have left the quay. The provision makes it an offence in itself so as to reduce the potential for breaching the daily catch restriction in the cockle fishery.</p> <p>The relaying of cockles is thought to be very limited. However, this provision is not intended to preclude this activity. Proposed amendments to the wording of the provision will enable the 'relaying' on written authority from the Authority.</p>
<p><b>The flexibility of a byelaw would give IFCA too much power and rash decisions could be made that wouldn't be under an Order.</b></p> <p><b>That substantial changes can be made at any time with only a four-week consultation is a threat to business security.</b></p>	<p>The flexibility provided by a byelaw is in accordance with the statutory duties of all IFCAs, which were established to manage inshore fisheries.</p> <p>The Secretary of State (SoS) for Defra, and the MMO, are still crucially involved in the development of the byelaw, as part of the quality assurance process, and any changes to the byelaw itself that are considered in the future will require consultation with industry and sign off from the SoS. However the byelaw, unlike an Order, will not go before parliament.</p> <p>It is important to note that the capacity for policy changes to be made to the byelaw without involvement of the SoS, would still require due process to be followed, involving consultation and engagement with industry and consideration of any subsequent impacts.</p> <p>A four-week consultation period is analogous with the 28 days recommended within Defra guidance for making byelaws. This is considered sufficient to gather views of industry to inform decisions on eligibility policy. Additional criteria have been added to the process for introducing, varying or revoking eligibility criteria to formalise the Authority taking into account the impacts of any such decisions.</p>

<p><b>Fishermen cannot work securely under a temporary permit.</b></p>	<p>It has been recommended to the Authority that the byelaw is amended to only provide one category of permit, as a continuation of the current licence system under the WFO. This would also prevent any temporary access to the fishery which had been under consideration.</p>
<p><b>The consultation documents do not provide an accurate statement of the status of the byelaw and do not clearly indicate that this is the opportunity for respondents to comment on, support, or object to the byelaw.</b></p>	<p>In accordance with Defra guidance to IFCA's on byelaw making, a public notice was placed in the Fishing News which set out our intention to submit a byelaw to the Secretary of State and that stakeholders could object to such.</p> <p>In addition, with the intention to ensure we reached all stakeholders who are known to us to be impacted by the byelaw, we sent out additional material via letter and published the same on the Eastern IFCA website. The wording of the material (the 'consultation documents') refer to stakeholders providing 'feedback' rather than using the formal term of 'objection'. The intention being to use less formal language to encourage genuine dialogue to inform the continued development of the byelaw, rather than to seek simple objections only.</p> <p>These documents correctly portray the status of the byelaw in that we are seeking views of industry in order to inform further development of the byelaw on that basis before we submit it to the Secretary of State.</p>
<p><b>Eastern IFCA should agree to a process of mediation which respects Defra policy about co-management. If this offer of mediation is rejected industry would have no alternative but to apply to the SoS to direct an inquiry to the IFCA's proposals.</b></p>	<p>The efforts of the legal and fisheries management representatives appointed by industry members to engage in dialogue and represent the industry are well received and have been taken as offered.</p> <p>There is an indication, however, that the industry is not completely represented by the appointed representatives, with the views of industry varying more than is evident from the proforma objections received.</p> <p>It is noted that Defra are considering the issue of co-management, but no firm proposals have yet been produced and it appears that the term 'co-management' has yet to be clearly defined and it may mean different</p>

	<p>things to different people. The IFCA construct, with the inclusion of industry members on the Authority and substantial efforts put into engagement and consultation, could be said to be a version of co-management and given the Authority's constructive approach to engagement with industry, including taking account of their views and making amendments to the byelaw, it is not clear what mediation would achieve.</p>
<p><b>The schedules for the byelaw do not create clear mechanisms for there being differences in policies and eligibility criteria for the different categories of permit.</b></p>	<p>As above, category two permits have subsequently been removed from the byelaw following representation from industry.</p>
<p><b>There has been no policy framework to guide the development of the policies. That they are to be developed over the next two years is worrying and a clear indication that EIFCA do not have any concrete proposals. This will create a cliff-edge for management that is avoidable.</b></p>	<p>An aim and objectives were drafted which are intended to guide the development of policies and eligibility policies. These were consulted on with industry with the intention that they would capture the key issues at the highest level with regards to managing access in the fishery.</p> <p>These were finalised following feedback from industry, discussed at the Fisheries and Conservation Management Group and are presented to the Authority at this meeting for consideration.</p> <p>In addition, recognising the concerns expressed by industry an overall policy objective for the replacement of the WFO was agreed by the Authority.</p>
<p><b>It is irrational and unworkable to not include the other fisheries for bivalve molluscs in the Wash from this byelaw.</b></p>	<p>The cockle fishery and, to a lesser extent, the mussel fishery, are the two key bivalve mollusc fisheries in The Wash. No other bivalve fisheries are viable at present. It is intended that a separate and more generic bivalve mollusc byelaw will be introduced to enable management of these throughout the district. The intention is to recognise the importance of these two fisheries by having a standalone mechanism for their management. For these reasons, it is not considered irrational.</p>

	<p>Given that no other fisheries are presently active within The Wash, is not considered 'unworkable'.</p> <p>If other fisheries do emerge, they will require the development of fisheries management plans and habitat regulation assessments which are separate to those for cockle and mussels which are already well established. It is therefore possible, or even likely, that management for such would be very different to that established under the WFO for cockles and mussels and these should be considered as and when they occur. That said, a generic mechanism to enable this management is intended to be implemented via a separate byelaw as set out above.</p>
<p><b>It is impossible to prevent the permit from having 'value'.</b></p>	<p>This matter is not relevant to the byelaw. Eligibility policy which deal with access to the fishery will have an impact on this. It is the case that a permit allocation scheme can be developed whereby a permit has no value (as a tradeable commodity), for example, if there was no limit on the number of permits or if a permit allocated to the person actively fishing, rather than the owner of a vessel associated with the fishing. Management of the transfer of licences will also impact on this.</p>
<p><b>It has been overlooked that fishermen in the Wash exercise their right to a public fishery.</b></p>	<p>The matter of access to the fishery is being considered within the development of policies. The intention of the byelaw is to provide a mechanism to manage access to the fishery as part of a wider fisheries management plan. The right of those who currently fish in The Wash for cockles and mussels is no greater than the right enjoyed by any person at the point the WFO expires. It is recognised that the fishery may not be viable if access is not limited to a finite number and so a process is required to determine fair access to the fishery.</p>
<p><b>EIFCA don't want fishermen to earn pensions from licences.</b></p> <p><b>Retired fishermen should be able to benefit from the profits of the fishery</b></p>	<p>The access policies will determine the allocation of permits rather than the byelaw. Nothing in the byelaw will affect the matter raised but this will be taken into consideration when considering access policies.</p>

<p><b>EIFCA is acting beyond its powers in the imposition of economic models operating within the fishery.</b></p>	<p>Nothing in the byelaw will act as an imposition of economic models operating in the fishery.</p>
<p><b>It is not clear why the byelaw should require financial information unless it is intended to attack economic models.</b></p>	<p>The byelaw includes a provision which would enable the Authority to ask for financial information to inform decisions on permit allocation. The intention is to enable evidence gathering to inform the fairest allocation of licences, which will meet the needs of all persons engaged in the fishery and it is anticipated that financial information will be useful in achieving this.</p>
<p><b>'Legacy permit' holders may have difficulty paying the eligibility fee every year as a significant cost in comparison to what they are able to earn from participating in the fishery.</b></p>	<p>The increase in fees was agreed under the WFO in 2017. The implementation of the increase came into effect in April 2021 due to delays, including as a result of agreed delay to reduce impact in face of Covid-19 pandemic.</p> <p>The fee acknowledges that access to the fisheries are not open to everyone. In the case of 'legacy permits', previous consideration was given to a reduced fee for reduced access model. This model was not considered acceptable by stakeholders at the time. Those so affected provided feedback that they did not want lesser access to the fishery and were prepared to pay the full fee to maintain the ability to do so. In addition, the byelaw has been amended to remove reference to a separate permit in any case and as such, only one permit fee can apply.</p>
<p><b>The Wash is not protected from being designated as a Highly Protected Marine Area unless the fisheries are managed under a Regulating Order.</b></p>	<p>Highly Protected Marine Areas (HPMAs) refer to areas under consideration for the highest level of protection (effectively 'no-take' zones) having been recommended as a result of 'the Benyon Review'. More information on the government's response to that review can be found here:  <a href="https://www.gov.uk/government/publications/government-response-to-the-highly-protected-marine-areas-hpmas-review/government-response-to-the-highly-protected-marine-areas-hpmas-review">https://www.gov.uk/government/publications/government-response-to-the-highly-protected-marine-areas-hpmas-review/government-response-to-the-highly-protected-marine-areas-hpmas-review</a></p> <p>There are presently plans to identify pilot sites. Suitability will be determined taking into account</p>

	<p>ecological and economic criteria, with a view to have them in place by the end of 2022.</p> <p>The criteria for site consideration does not include consideration of management measures in place or whether a Regulating Order (or other Order) is presently in place.</p> <p>It is understood that HPMA's will be designated under the Marine and Coastal Access Act 2009 and as such, Eastern IFCA will have duties to protect the site irrespective of an Order being in place. In addition, there appears to be a perception within industry that a licence to fish under an Order affords more 'rights' to the holder than a permit would, which could override the designation as an HPMA. Legal advice has confirmed that no greater 'right' is afforded to a licence holder under an Order compared to a permit holder under a byelaw.</p> <p>As such, there is not considered to be any 'benefit' in this regard to the fishing industry in relation to using an Order compared to a Byelaw.</p>
--	---

## References

Whiteley, R. 2016, UK Shellfish Production and Several, Regulating and Hybrid Orders: The Contribution and Value of Orders in Relation to the Sector's Past Development and Future Growth, Seafish Report, pp.1-71

## Appendix 2 – Final draft wording of Wash Cockle and Mussel Byelaw 2021



**Eastern  
Inshore Fisheries and Conservation Authority**

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

**Wash Cockle and Mussel Byelaw 2021**

The Authority for the Eastern Inshore Fisheries and Conservation District in exercise of its powers under section 155 (1) of the Marine and Coastal Access Act 2009 makes the following byelaw for the District.

### **Interpretation**

1. In this byelaw:
  - a) “the Authority” means the Eastern Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Eastern Inshore Fisheries and Conservation Order 2010 (SI 2010/2189);
  - b) “bottom towed gear” means any trawls, seines, dredges and similar gear which are actively moved in the water by one or more fishing vessels or by any other mechanised system and which are designed and rigged to operate on or near the seabed;
  - c) “catch return form” means a form issued by the Authority pursuant of paragraphs 33 to 35 of this byelaw;
  - d) “certificate of gear approval” means the document issued under paragraph 6 of this byelaw;

- e) “cockle” means any bivalve mollusc belonging to the genus *Cerastoderma*;
- f) “the District” means the Eastern Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of the Eastern Inshore Fisheries and Conservation Order 2010;
- g) “eligibility policy” means the documents which describes how the Authority will issue permits and manage access to the fisheries under this byelaw;
- h) “fishery” means the description of a targeted set of cockles or mussels which includes reference to at least the species targeted, the fishing method used and a spatial description of the area targeted;
- i) “fishing” includes prop-washing, digging for bait; the shooting, setting, towing and hauling of fishing gear; gathering sea fisheries resources by hand or using a hand operated implement; or catching, taking, transporting or removing sea fisheries resources;
- j) “fishing gear” means any nets, pots, ropes, anchors, surface markers, lines, dredges, grabs, rakes or other implements used for the purposes of, or facilitating, fishing;
- k) “flexible permit conditions” means any of the conditions attached to permits in accordance with paragraph 21 of this byelaw;
- l) “harvestable mussel fishery” means a mussel fishery, the flexible permit conditions for which allow for mussels fished for, taken or removed from the fishery to be sold directly to a market;
- m) “marine protected area” means any of the sites specified in section 158(6) of the Marine and Coastal Access Act 2009;
- n) “mussel” means any of the species belonging to the genus *Mytilus*;
- o) “nominated deputy” means a person who has been granted permission to fish under the authority of a permit issued under this byelaw;

p) “operating times” mean the time periods that a fishery is open to fishing activities as determined by the Authority under paragraphs 30 and 31 of this byelaw;

q) “permit” means a:

i. hand-work cockle permit;

ii. hand-work mussel permit; or

iii. a mussel dredge permit;

issued under paragraph 8 of this byelaw.

r) “prop-washing” means the practice of turning a vessel in tight circles to aid the fishing of cockles;

s) “recreational purposes” means fishing which is not for sale or reward;

t) “relaying mussel fishery” means a mussel fishery, the flexible permit conditions for which do not allow mussels to be sold directly to market but instead, must be relayed for the purpose of aquaculture;

u) “the le Strange Estate” means the area as defined in the judgement of Mr David Halpern QC sitting as a deputy High Court judge and handed down by the High Court on 27 July 2018 with the reference John Henry Loose -v- Lynn Shellfish and others: Neutral Citation Number: {2018} EWHC 1959(Ch);

v) “The Wash” means the area set out in Schedule 3;

w) “total allowable catch” means the quantity of cockles or mussels that the Authority has determined can be removed from a fishery;

x) “vessel” means a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submerged in water (whether permanently or temporarily) and a hover craft or any other amphibious vehicle,

used or capable or being used as a means of transportation on water;

2. Co-ordinates used in this byelaw are measured from WGS 84 datum. WGS 84 means the World Geodetic System as revised in 1984 and 2004.

### **Commencement**

3. This byelaw comes into force on 4 January 2023.

### **Prohibitions**

4. A person must not fish for, take, remove or carry on board any cockles or mussels caught from within The Wash unless:
  - a) under the authority of a permit upon which that person is named and to the extent to which they are eligible under eligibility policy issued under paragraph 18 of this byelaw; and
  - b) if using a vessel, that vessel and the skipper are both named on the permit; and
  - c) in accordance with any restrictions in Schedule 2 of this byelaw; and
  - d) using fishing gear:
    - i. for which a certificate of gear approval has been issued and;
    - ii. which has a tag affixed which is issued by the Authority and relates to the certificate of gear approval for that gear.
5. A person must not fish for, take or remove cockles or mussels from a fishery, or parts thereof, which is closed under paragraphs 28 and 30 of this byelaw or outside of the operating times issued under paragraph 31 and 32 of this byelaw.

### **Certificate of gear approval**

6. A certificate of gear approval is not required in relation to any fishing gear for which there are no restrictions, specifications or requirements under this byelaw or under permit conditions issued under this byelaw and will:
  - a) only be issued if the fishing gear has been inspected by an Officer of the Authority that determines the fishing gear meets the restrictions, specifications or requirements under this byelaw or under permit conditions issued under this byelaw;
  - b) be invalid if the fishing gear is modified in any way after the certificate of gear approval has been issued; and

- c) be valid for the period for which the associated permit is valid.
7. A person must not fish under the authority of a permit except in accordance with any conditions attaching to a permit.

### **Permits**

8. The Authority may issue a permit to authorise fishing:
- a) within a hand-work cockle fishery; or
  - b) within a hand-work mussel fishery; or
  - c) within a dredged mussel fishery.
9. Permits are:
- a) created and issued at the discretion of the Authority under this byelaw and can be similarly withdrawn or cancelled subject to this byelaw and accordingly no legal title is created or implied by the issue of a permit; and
  - b) issued to a named person or persons, who shall be a natural persons only and the permit holder; and
  - c) valid for a period specified on the permit and for a maximum of 12 months after the date of issue; and
  - d) not transferable between persons or vessels.
10. The Authority may restrict the number of permits issued under this byelaw in accordance with the procedure set out in Schedule 4.
11. A maximum of one permit under each sub-paragraph (fishery) of paragraph 8 may be issued in respect of:
- a) each vessel which is named on a permit; or
  - b) to each person issued a permit without a vessel.
12. A person cannot hold a permit on which a vessel is named and a permit on which no vessel is named.

13. A permit holder may name persons to skipper a vessel used to fish under the authority of a permit, who shall be the nominated deputies.

### **Permit fees**

14. Fees will be charged for each permit which must be paid prior to the issuing of that permit as follows:

- a) the eligibility fee must be paid by the 31<sup>st</sup> March of each year to be eligible for a permit within 12 months from the following 1<sup>st</sup> April;
- b) the fishery specific fee must be paid in relation to the permit applied for before that permit is issued within the time the person is eligible to be issued a permit in accordance with sub-paragraph a (above);

15. A person is not deemed to have been issued a permit until such time as both the initial fee and fishery specific fee has been paid with respect to each permit.

16. The amount payable with respect to each fee will be determined in accordance with Schedule 1.

### **Eligibility for a permit and eligibility policies**

17. An application for a permit must be made by completing forms available from the Authority's office or website which may require information and evidence in relation to:

- a) applicant details;
- b) details of any nominated deputy;
- c) vessel details, documentation and certification; and
- d) relevant business or financial information.

18. The Authority may issue, vary or revoke eligibility policy separately in relation to each of the permits issuable under paragraph 8 in order to restrict:

- a) eligibility to hold a permit;
- b) eligibility to be a nominated deputy on a permit;

- c) the maximum number of persons who may fish under the authority of a permit;
- d) eligibility to fish under the authority of a permit;
- e) eligibility to skipper a vessel named on a permit for the purposes of fishing under the authority of that permit;
- f) eligibility to name a vessel on a permit;

in accordance with the procedure set out in Schedule 5.

19. For the purposes of paragraph 18, 'the Authority' means either the full Authority, at a statutory meeting or members of an appropriately delegated sub-committee of the Authority only.

20. Where a person fails to comply with:

- a) this byelaw; or
- b) section 292 of the Marine and Coastal Access Act 2009 where Inshore Fisheries and Conservation Officers, or persons authorised on their behalf, are carrying out relevant functions in relation to this byelaw;

and any enforcement action leads to a conviction by a court, the permit associated with the failure to comply will be withdrawn and no further permit will be issued with respect to the permit so cancelled for a period of 12 months after the date of conviction.

### **Flexible permit conditions**

21. The Authority may attach separately in relation to each of the permits issuable under paragraph 8, flexible conditions which fall within one or more of the following categories:

- a) vessel design restrictions;
- b) catch restrictions;
- c) fishing gear restrictions;
- d) fishing effort restrictions;

- e) spatial restrictions;
- f) time restrictions;
- g) vessel monitoring device restrictions;
- h) experience requirements;
- i) catch returns; and
- j) permitted number of persons who can fish under the authority of a permit as a named representative.

22. The Authority may issue, vary or revoke flexible permit conditions following a review conducted in accordance with the procedure set out in Schedule 4.

23. The Authority may, with no less than 12 hours' notice, issue, vary or revoke flexible permit conditions if:

- a) there is a risk to stocks;
- b) there is a risk to site integrity in relation to any marine protected areas that a fishery is situated within;
- c) the Authority determines that there are other urgent and compelling reasons of which such action should be taken prior to a review under paragraph 23.

24. If the action taken by the Authority under paragraph 23 is intended to have effect for more than three months, it will be reviewed in accordance with Schedule 4 within three months of the date of such action being taken.

25. Any failure to comply with a flexible permit condition constitutes a contravention of this byelaw.

### **Opening and closing fisheries**

26. The Authority may open a fishery, and in doing so will specify in accordance with Schedule 4:

- a) the species which can be fished within the fishery;
- b) the areas open or closed within that fishery;

- c) the fishing gears which can be used within that fishery and;
- d) the periods of time the fishery is open for.

27. The Authority may, with no less than 12 hours' notice, open or close a fishery or parts thereof if:

- a) there is a risk to stocks;
- b) there is a risk to site integrity in relation to any marine protected areas that a fishery is situated within; or
- c) the Authority determines that there are other urgent and compelling reasons of which such action should be taken prior to a review under paragraph 27.26.

28. Where any closure under paragraph 27 is intended to have effect for more than three months, it will be reviewed in accordance with Schedule 4 within three months after the date of such closure unless the closure is rescinded.

29. The Authority may close a fishery or parts thereof if:

- a) the total allowable catch has been exhausted;
- b) to enable a stock survey in relation to the associated fishery; or
- c) as a result of a review undertaken under paragraph 28.

### **Operating times**

30. The Authority may issue, vary or revoke operating times following a review conducted in accordance with the procedure set out in Schedule 4.

31. The Authority may, with no less than 12 hours' notice, issue, vary or revoke operating times if:

- a) there is a risk to stocks;
- b) there is a risk to site integrity in relation to any marine protected areas that a fishery is situated within; or
- c) the Authority determines that there are other urgent and compelling reasons of which such action should be taken prior to a review under paragraph 30.

32. Where any action by the Authority under paragraph 31 is intended to have effect for more than three months, it will be reviewed in accordance with Schedule 4, within three months after the date of such action being taken.

### **Catch returns**

33. Catch return forms must be completed with such information as is required by the Authority within 24 hours of fishing for, taking or removing from the fishery any cockles or mussels.

34. Catch return forms relating to the previous weeks fishing must be submitted to the Authority by the Wednesday of the week following fishing activity unless otherwise specified in the flexible permit conditions for that fishery.

35. Where catch returns are more than fourteen days in arrears, all the named persons on the associated permit will be notified of such in writing.

36. Seven days after notification under paragraph 36, the associated permit will be suspended unless or until such time as;

- a) The Authority has received all of the notified catch return forms; and
- b) The Authority has issued confirmation that such have been received.

37. The information referred to in paragraphs 33 and 35 may include:

- a) spatial information;
- b) information on fishing effort;
- c) catch data;
- d) by-catch information;
- e) gear information;
- f) date and time information; and
- g) vessel information.

### **Exemptions**

38. This byelaw does not apply in relation to fishing for, taking or removing from the fishery, for recreational purposes, less than five kilograms of cockles or mussels per person per calendar day.
39. This byelaw does not apply to the area of the le Strange Estate
40. Paragraph 4(b) does not apply where a person is fishing under the written agreement of the Authority and in accordance with any conditions of that agreement. Such agreement may be given in circumstances where the permit holder, nominated representative or the named vessel, are unable to put to sea.

### **Revocations**

41. The byelaw with the title 'Byelaw 4: mussels (*Mytilus edulis*) – minimum size' which was made by the Eastern Sea Fisheries Joint Committee on 31 January 1996 and confirmed by the Secretary of State on 10 April 1997 is revoked.
42. The byelaw with the title 'Wash Restricted Area Byelaw 2019' which was made by the Authority on 15 May 2021 is revoked.

### **Amendments**

43. The Minimum Sizes Byelaw 2019 which was made by the Authority on 11 December 2019 and confirmed by the Secretary of State on 26 February 2021 is amended as follows:
- a) after paragraph 1(e), insert: '(f) "The Wash" means the area set out in Schedule 2";
  - b) within paragraph 6(b), after 'Queen scallop (*Chlamys spp.*)', insert:  
"mussels (*Mytilus edulis*) caught within The Wash 45 millimetres" and,  
"mussels (*Mytilus edulis*) caught outside of The Wash 50 millimetres";  
and
  - c) after the Schedule 1, insert with the title "Schedule 2 – The Wash Area", schedule 3 of this byelaw.
44. The Closed Area Byelaw 2020 is amended as follows:
- a) in paragraph 5, omit: "licence issued under Article 8 of the Wash Fishery Order 1992 in Restricted areas 1 to 13" and insert: "permit

issued under the Wash Cockle and Mussel Byelaw 2021 in Restricted areas 1 to 13”.

45. The byelaw with the title ‘Byelaw 3: Molluscan Shellfish Methods of Fishing’ made by the Eastern Sea Fisheries Joint Committee is amended as follows:

- a) omit “within that part of the District contained within the boundaries of the Wash Fishery Order 1992, under the provisions of a licence issued under the said byelaw” and insert “under the authority of a permit issued under the Wash Cockle and Mussel Byelaw 2021”.

I hereby certify that the Wash Cockle and Mussel Byelaw 2021 was made by Eastern Inshore Fisheries and Conservation Authority at their meeting on 10 March 2021.

Chief Executive Officer

Eastern Inshore Fisheries and Conservation Authority

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

*The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 155 (3) and (4) of the Marine and Coastal Access Act 2009 confirms the Wash Cockle and Mussel Byelaw 2021 made by the Eastern Inshore Fisheries and Conservation Authority on 10 March 2021.*

Date:

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs.

## Schedule 1

### Fees

1. The fees referred to in paragraphs 14 of this byelaw are as follows:
  - a) The eligibility fee is £757.75:
  - b) the fisheries specific fees are as follows:
    - i. for a hand-work cockle permit, £339.57;
    - ii. for a hand-work mussel fishery, £101.39;
    - iii. for a mussel dredge fishery, £162.48.  
subject to paragraphs 2 and 3 of this schedule.
2. The fees set out in paragraph 1 of this schedule will vary on 1 April each year in accordance with latest release available of the Consumer Prices Index including occupiers' housing costs 12-month inflation rate issued by the Office of National Statistics.
3. The Authority may vary fees otherwise than in accordance with paragraph 2 of this schedule, in accordance with the following conditions and procedures:
  - a) the Authority will consult in writing with commercial permit holders;
  - b) the fee will not be changed for any permit already issued;
  - c) the fee will not be increased more than the equivalent value of 50 per cent; and
  - d) the Authority will make a decision whether to vary the permit fee taking into account:
    - i. the responses from the consultation under paragraph 3 (a);
    - ii. expenditure arising from the administration of permits and processing permit holder data required by the Authority;
    - iii. any regulatory impact assessments associated with this byelaw;
    - iv. Authority expenditure to conduct any survey activities that support the implementation of permits;

- v. Authority costs associated with arranging and attending meetings with permit holders; and
- vi. any relevant Authority expenditure incurred by implementation of this byelaw.

## **Schedule 2**

### **Restrictions in The Wash**

The following restrictions apply in relation to fishing for, taking or removing from the fishery, cockles or mussels from within The Wash in accordance with paragraph **Error! Reference source not found.** of this byelaw.

#### **Vessel length restrictions**

1. Subject to paragraph 2 of this schedule, a person must not fish for, take or remove from the fishery cockles or mussels using a vessel which is more than 14 metres in overall length.
2. Paragraph 1 of this schedule does not apply to the effect that an exemption existed immediately preceding this byelaw under Regulation 7 (vessel length restrictions) of the Wash Fishery Order (SI 1992/3038) and only to the effect that that exemption applied.
3. Any change in beneficial or legal ownership of a vessel exempt under paragraph 2 of this schedule shall cause the exemption to end unless ownership is transferred within the same business and with the agreement of the Authority.

#### **Daily catch restrictions (cockles)**

4. A person must not, in any one calendar day, fish for, take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with paragraph 12) or remove from the fishery more than 2000 kilograms or the maximum weight or volume of cockles specified in the permit conditions by hand.
5. For the purpose of determining the weight of catch, no allowance will be given for the weight of any containers or sand or other material.

#### **Daily catch restrictions (mussels)**

6. A person must not, in any one calendar day, fish for, take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with paragraph 12) or remove from the fishery:
  - a) More than 4000 kilograms of mussels during a harvestable mussel fishery;  
or
  - b) More than 8000 kilograms of mussels during a relaying mussel fishery.

unless otherwise specified in permit conditions.

7. For the purpose of determining the weight of catch no allowance will be given for the weight of any containers or sand or other material.
8. A person must not fish for, take or remove any mussels from a harvestable mussel fishery if, during the same calendar day, that person has fished for, taken or removed mussels from a relaying mussel fishery.
9. A person must not fish for, take or remove any mussels from a relaying mussel fishery if, during the same calendar day, that person has fished for, taken or removed mussels from a harvestable mussel fishery.

### **Mussel dredge restrictions**

10. A person must not fish for, take or remove from a fishery mussels using a mussel dredge with an inside opening of more than one metre unless otherwise specified in permit conditions.
11. A person must not fish for, take or remove from a fishery mussels using more than two mussel dredges at any one time unless otherwise specified in permit conditions.

### **Sorting of catch**

12. Any material rejected through the sorting of catch of any bivalve mollusc must be returned immediately to the sea or seabed, as near as possible to the place from which it was taken and spread thinly and evenly over that area.

### **Transshipping prohibition**

13. A person must not tranship or otherwise relocate any of the cockles or mussels, or containers of any description containing any of the prescribed species, fished from the fishery from one vessel to another.

### **Requirement to land (cockles)**

14. Subject to paragraph 15, a person fishing for cockles must:
  - a) take any cockles fished for straight to port;
  - b) land such cockles immediately; and
  - c) not leave cockles on the sand or deposited in the water in bags or any other container for later collection.

15. Paragraph 14 does not apply where a person has written authority from the Authority to relay cockles onto private shellfish aquaculture areas prior to them being landed.

16. A person must not land cockles on more than one occasion during one calendar day.

### **Dual fishing prohibition**

17. A person must not fish for, take or remove from a fishery any cockles or mussels under the authority of a permit if, on the same calendar day that person fishes for, takes or removes cockles or mussels;

- a) from within The Wash under the authority of a separate permit issued under this byelaw; or
- b) from within the Wash other than under the authority of a permit issued under this byelaw.

18. A person must not have on board any bottom towed gear which could be used to fish for, take or remove from the fishery any cockles or mussels when fishing for, taking or removing from the fishery any cockles or mussels from a hand-work fishery.

### **Standard bags**

19. A person must not land mussels or cockles unless such are contained in a bag which must:

- a) be of the following dimensions:
  - i. 120 centimetres or 60 centimetres in height;
  - ii. 97 centimetres in depth;
  - iii. 97 centimetres in width: and
- b) have the words 'Wash Fishery' written on at least two sides with lettering which is at least ten centimetres tall.

### **Prop-washing**

20. A person fishing for cockles must not use an anchor which affixes the vessel to the bottom of the seabed during the practice of prop-washing;

21. A person must spread any cockles dislodged from prop-washing thinly and evenly over the ground, as nearly as possible to the area from which they were dislodged before leaving the area fished.

### **Tenders**

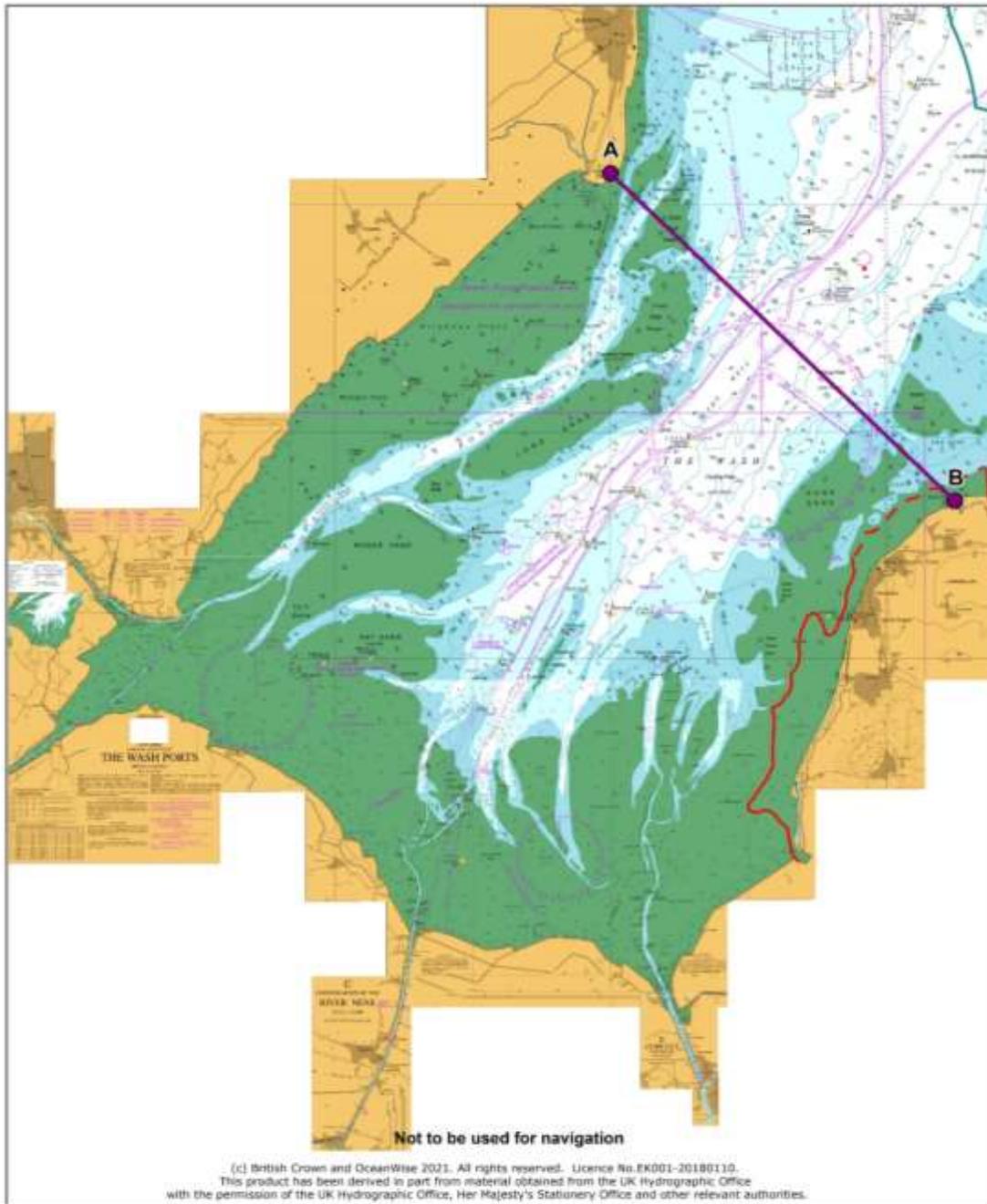
22. A vessel must not carry or tow a tender which is greater than six metres in overall length.

### **Schedule 3**

#### **The Wash**

The Wash is defined as the area of the District landward of a line drawn connecting the two points listed in the table below and as set out in figure 1 for illustrative purposes.

<b>Point</b>	<b>Latitude</b>	<b>Longitude</b>
1	53° 05.70' N	00° 19.89' E
2	52° 58.55' N	00° 32.27' E



 <p>Eastern <b>IFCA</b> Inshore Fisheries and Conservation Authority</p>	<h3>The Wash Cockle and Mussel Byelaw</h3> <ul style="list-style-type: none"> <li><span style="color: purple;">—</span> The Wash Severn Order boundary</li> <li><span style="color: red;">—</span> Le Strange boundary</li> <li><span style="color: green;">—</span> Eastern IFCA district boundary</li> </ul>	<p>Date: 15/11/21 Drawn by: SC          Projection: Lat Long WSG84          Source data - EIFCA:          Eastern IFCA boundary          The Wash Severn Order          High Court Ref. HC07C02289:          Le Strange boundary          2021_11_15_The_Wash_Cockle&amp;Mussel_Byelaw.nor</p>
---	--	--

## Schedule 4

### **Procedure for flexible management measures: limiting the number of permits issued, permit conditions, opening and closing fisheries and operating times**

1. The procedure referred to in paragraphs 10, 22, 24, 26, 28, 30 and 32 (in this Schedule, 'the proposed changes') must include the following steps:
  - a) acquisition of relevant available evidence including:
    - i. scientific and survey data, and scientific advice provided by the Authority, the Centre for Environment, Fisheries and Aquaculture Sciences or such other persons as the Authority thinks fit;
    - ii. advice given by Natural England or other external authorities, organisations, persons or bodies as the Authority thinks fit; and
    - iii. information from any other relevant source including that which is relevant to effective enforcement;
  - b) consultation by such methods as the Authority considers appropriate with such stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed changes; and
  - c) undertaking an impact assessment relating to the proposed changes.
2. The Authority shall review flexible permit conditions and restrictions on the issuing of permits no less frequently than every six years after the date that a flexible permit condition or restriction on the issuing of permits has taken effect.
3. The review of flexible permit conditions or restrictions on the issuing of permits will be in accordance with a formal operational procedure agreed by the Authority and will include the steps set out in paragraph 1 of this schedule.
4. Where restrictions on the issuing of permits or flexible permit conditions are issued, maintained, varied or revoked permit holders must be notified in writing.

## Schedule 5

### **Procedure for flexible management measures: setting eligibility criteria**

1. The procedure referred to in paragraph 18 (in this Schedule, ‘the proposed changes’) must include the following steps:
  - a) consultation as follows:
    - i. inviting comment on proposals for no less than four weeks; and
    - ii. advertisement by such means as the Authority considers appropriate and through written means (either letter or email) to existing permit holders.
  - b) undertaking an impact assessment relating to the proposed changes having particular regard to the following:
    - i. the stability, continuity and succession of businesses of the permit holders; and
    - ii. the continuing ability of permit holders to finance their businesses;
2. The Authority shall review eligibility criteria every six years after the date that an eligibility criterion has taken effect or more frequently where the Authority determines that there are urgent and compelling reasons to do so which would include a risk to the sustainability of a fishery, the protection of a marine protected area within which a fishery operates or the viability of fishery stakeholders.
3. The review of eligibility criteria will be in accordance with a formal operational procedure agreed by the Authority and will include the steps set out in paragraph 1 of this schedule.
4. Where eligibility criteria are maintained, varied or revoked, permit holders must be notified in writing.

### Appendix 3 – summary of changes to the Wash Cockle and Mussel Byelaw 2021

Appendix 3 – changes to the wording of the Wash Cockle and Mussel Byelaw compared to the version presented at the 44 <sup>th</sup> Eastern IFCA Meeting. Only changes in wording are provided, changes to formatting and paragraph numbering are not included for ease of reading. Paragraph numbers referred to in the table relate to the version of the byelaw presented at this meeting at Appendix 2.			
Paragraph	As drafted at 44 <sup>th</sup> Eastern IFCA meeting	As amended	Explanation and Rationale
Whole byelaw	References to ‘Category One’ and Category Two’ permits	Removed	Removed separation of the permit into two ‘categories’ throughout the byelaw to accommodate feedback from formal consultation (further rationale in this paper).
Whole byelaw	References to ‘nominated representative’ or ‘named representative’	Replaced with reference to ‘nominated deputy’	Amended these references to reduce potential confusion given that the term was used in the WFO licence system routinely. Further rationale in this paper.
1 (whole paragraph)	n/a	Revised order of definitions in interpretation section into alphabetical order and revised paragraph numbers as required correctly to other parts of the byelaw as intended.	Based on MMO informal QA advice.
1	“person” means a natural person only;	Removed	Not required in general interpretations section but the distinction is retained in

			relevant sections (see other amendments below)
1 (b)	“bottom-towed-gear” means any fishing gear designed to be towed, dragged or pushed through the water whilst in contact with the seabed;	“bottom towed gear” means any trawls, seines, dredges and similar gear which are actively moved in the water by one or more fishing vessels or by any other mechanised system and which are designed and rigged to operate on or near the seabed”	Revised wording to reflect MMO informal QA feedback. Definition is consistent with MMO byelaws.
1 (g)	n/a	“eligibility policy” means the documents which describes how the Authority will issue permits and manage access to the fisheries under this byelaw;	Added definition to provide clarity
1(o)	“named representative” means a person who has been granted permission to fish under the authority of a permit issued under this byelaw, on behalf of the permit holder;	“nominated deputy” means a person who has been granted permission to fish under the authority of a permit issued under this byelaw;	Rationale reflected in this paper.  Removed reference to the ‘permit holder’ being able to fish under the authority of a permit to enable other potential models to be used (e.g. where a vessel owner cannot fish from the permit but is recognised as a permit holder).

2	n/a	Co-ordinates used in this byelaw are measured from WGS 84 datum. WGS 84 means the World Geodetic System as revised in 1984 and 2004.	Added as per advice from informal QA
4	<p>46. A person must not fish for, take or remove any cockles or mussels unless that person is:</p> <ul style="list-style-type: none"> <li>a) the holder of a valid permit relevant to that fishery; or</li> <li>b) a named representative of the holder of a valid permit relevant to that fishery.</li> </ul> <p>47. Subject to paragraph 4, a person must not fish for, take or remove cockles or mussels using a vessel, or to carry on board any cockles or mussels caught from within the Wash unless:</p>	<p>A person must not fish for, take, remove or carry on board any cockles or mussels caught from within The Wash unless:</p> <ul style="list-style-type: none"> <li>a) under the authority of a permit upon which that person is named and to the extent to which they are eligible under eligibility policy issued under paragraph 18 of this byelaw; and</li> <li>b) if using a vessel, that vessel and the skipper are both named on the permit; and</li> <li>c) in accordance with any restrictions in Schedule 2 of this byelaw; and</li> <li>d) using fishing gear: <ul style="list-style-type: none"> <li>i. for which a certificate of gear approval has been issued and;</li> </ul> </li> </ul>	Consolidated what was separated into four paragraphs for ease of reading.

	<p>a) that vessel is named on a permit; and</p> <p>b) either the permit holder or named representative is the skipper of that vessel.</p> <p>48. Paragraph 3 does not apply where a person is fishing under the written agreement of the Authority and in accordance with any conditions of that agreement. Such agreement may be given in circumstances where the permit holder, nominated representative or the named vessel, are unable to put to sea.</p>	<p>ii. which has a tag affixed which is issued by the Authority and relates to the certificate of gear approval for that gear.</p>	
6	<p>9) Subject to paragraph 8 (below), a person must not fish for, take or remove from the fishery cockles or mussels under the authority of a permit using fishing gear unless:</p> <p>a. a certificate of gear approval has been</p>	<p>A certificate of gear approval is not required in relation to any fishing gear for which there are no restrictions, specifications or requirements under this byelaw or under permit conditions issued under this byelaw and will:</p>	<p>Consolidated and simplified for ease of reading.</p>

	<p>issued by the Authority for that fishing gear; and</p> <p>b. a tag provided by the Authority is affixed to the gear with a reference number which is associated with the certificate of gear approval.</p> <p>10) Paragraph 7 (above) does not apply in relation to any fishing gear for which there are no restrictions, specification or requirements under this byelaw or under permit conditions issued under this byelaw.</p> <p>11) For the purpose of paragraph 7 above, a certificate of gear approval will;</p> <p>a. only be issued if the fishing gear has been inspected by an Officer of the Authority that</p>	<p>a) only be issued if the fishing gear has been inspected by an Officer of the Authority that determines the fishing gear meets the restrictions, specifications or requirements under this byelaw or under permit conditions issued under this byelaw;</p> <p>b) be invalid if the fishing gear is modified in any way after the certificate of gear approval has been issued; and</p> <p>c) be valid for the period for which the associated permit is valid.</p>	
--	---	---	--

	<p>determines the fishing gear meets the restrictions, specifications or requirements under this byelaw or under permit conditions issued under this byelaw;</p> <p>b. be invalid if the fishing gear is modified in any way after the certificate of gear approval has been issued;</p> <p>c. be valid for the period the associated permit is valid.</p>		
9 (a)	n/a	[permits are]... created and issued at the discretion of the Authority under this byelaw and can be similarly withdrawn or cancelled subject to this byelaw and accordingly no legal title is created or implied by the issue of a permit; and	Added to clarify status of a permit once issued

9 (b)	n/a	[permits are]... issued to a named person or persons, who shall be a natural persons only and the permit holder; and	Added to cater for issuing of permits jointly. The reference to 'natural persons' is here in place of the interpretations section.
1 (d)	[permits are] subject to paragraph 13 (below), not transferable between persons or vessels	[permits are]... not transferable between persons or vessels	Exception in relation to the transfer of permits not required as 'permit succession' is dealt with under eligibility policies – further rational in this paper.
n/a	Paragraph 12(b) [ <i>which was the provision relating to the transfer of permits</i> ] does not apply where such is permitted by eligibility criteria.	Removed from byelaw	Exception in relation to the transfer of permits not required as 'permit succession' is dealt with under eligibility policies – further rational in this paper.
11, 12, 13	Only one permit under each sub-paragraph of paragraph 11 may be issued in respect of each vessel which is named on a permit or to each person issued a permit without a vessel and a person cannot hold a permit on which a vessel is named and a permit on which no vessel is named.	11. A maximum of one permit under each sub-paragraph (fishery) of paragraph 8 may be issued in respect of:  a) each vessel which is named on a permit; or  b) to each person issued a permit without a vessel. 12. A person cannot hold a permit on which a vessel is named and a	Reworded (and re-formatted) to provide additional clarity.

		<p>permit on which no vessel is named.</p> <p>13. A permit holder may name persons to skipper a vessel used to fish under the authority of a permit, who shall be the nominated deputies.</p>	
14, 15, 16	<p>A fee will be charged for each permit which must be paid prior to the issuing of that permit.</p> <p>The fee payable for a permit will be determined in accordance with Schedule 1.</p>	<p>14. Fees will be charged for each permit which must be paid prior to the issuing of that permit as follows:</p> <ol style="list-style-type: none"> <li>2. the eligibility fee must be paid by the 31<sup>st</sup> March of each year to be eligible for a permit within 12 months from the following 1<sup>st</sup> April;</li> <li>3. the fishery specific fee must be paid in relation to the permit applied for before that permit is issued within the time</li> </ol>	<p>Reworded to provide additional clarity.</p> <p>Eligibility fee element included to reduce fee payable where the fishery is not prosecuted in any given year (rationale set out in Action Item 12, 45<sup>th</sup> Eastern IFCA meeting).</p>

		<p>the person is eligible to be issued a permit in accordance with subparagraph a (above);</p> <p>15. A person is not deemed to have been issued a permit until such time as both the initial fee and fishery specific fee has been paid with respect to each permit.</p> <p>16. The amount payable with respect to each fee will be determined in accordance with Schedule 1</p>	
n/a	The Authority may issue, vary or revoke eligibility policy separately in relation to each of the permits issuable under paragraph 8 in order to restrict... eligibility to transfer a permit from one person to another.	Removed from byelaw	Removed to cater for a system where permits are issued in the applicants own right, rather than being transferred to them, where they meet the relevant eligibility policies.
20	Where a person fails to comply with:  a) this byelaw; or	Where a person fails to comply with:  a) this byelaw; or	Included the reference to the length of time the permit will be eligible to be reissued within face of byelaw rather than the 'eligibility policy' to reflect concerns raised in formal consultation. Further rationale in this paper.

	<p>b) section 292 of the Marine and Coastal Access Act 2009 where Inshore Fisheries and Conservation Officers, or persons authorised on their behalf, are carrying out relevant functions in relation to this byelaw;</p> <p>and any enforcement action leads to a conviction by a court the permit associated with the failure to comply will be withdrawn.</p>	<p>b) section 292 of the Marine and Coastal Access Act 2009 where Inshore Fisheries and Conservation Officers, or persons authorised on their behalf, are carrying out relevant functions in relation to this byelaw;</p> <p>and any enforcement action leads to a conviction by a court, the permit associated with the failure to comply will be withdrawn and no further permit will be issued with respect to the permit so cancelled for a period of 12 months after the date of conviction.</p>	
26	<p>The Authority may open a fishery, within specified areas, for specified species, using specified fishing gears and for a specified time in accordance with Schedule 4.</p>	<p>The Authority may open a fishery, and in doing so will specify in accordance with Schedule 4:</p> <p>a) the species which can be fished within the fishery;</p>	<p>Reworded for ease of understanding</p>

		<p>b) the areas open or closed within that fishery;</p> <p>c) the fishing gears which can be used within that fishery and;</p> <p>d) the periods of time the fishery is open for.</p>	
39	This byelaw does not apply to the area of the le Strange Estate or in relation to any area which is the subject of an Aquaculture Production Business Certificate	is byelaw does not apply to the area of the le Strange Estate	Removed generic reference to the exemption applying where the area is subject to an Aquaculture Production Business Certificate. This was intended to exempt from the byelaw the areas designated as 'lays' under a replacement for the Wash Several Fishery (private aquaculture managed by Eastern IFCA). However, the exemption (or the ability to exempt) already exists within Eastern IFCA's 'Application and Exemptions Byelaw'. In addition, as worded, the exemption would have potentially excluded more of The Wash than intended, given that the whole area is

			designated as such to enable the WFO lays, which was not intended.
42	n/a	The byelaw with the title 'Wash Restricted Area Byelaw 2019' which was made by the Authority on 15 May 2021 is revoked.	Added revocation of the 'Wash Restricted Areas Byelaw 2019'. Although the byelaw is not yet in effect, it will be at the time the Wash Cockle and Mussel Byelaw 2021 comes into effect, and as such will need to be referenced. The provision will need to be amended to reflect the date it came into effect once it has.
Schedule 1 (permit fees)	<p>1. The fee referred to in paragraph in paragraph 19 of this byelaw is determined as follows:</p> <p>a) for the first permit issued between the 1<sup>st</sup> April and 31<sup>st</sup> March in any year, the fee is the sum of £757.75 and,</p> <p>i. for a hand-work cockle permit, £339.57;</p> <p>ii. for a hand-work mussel fishery, £101.39;</p>	<p>1. The fees referred to in paragraphs 14 of this byelaw are as follows:</p> <p>a. The eligibility fee is £757.75:</p> <p>b. the fisheries specific fees are as follows:</p> <p>i. for a hand-work cockle permit, £339.57;</p> <p>ii. for a hand-work mussel</p>	Amended to split the permit fee into an 'eligibility fee' and a 'fishery specific fee' to reduce costs where a permit holder wants to retain eligibility but does not wish to prosecute any fishery in any given year.

	<ul style="list-style-type: none"> <li>iii. for a mussel dredge fishery, £162.48</li> </ul> <p>b) for any subsequent permit issued during the same period;</p> <ul style="list-style-type: none"> <li>i. for a hand-work cockle permit, £339.57;</li> <li>ii. for a hand-work mussel fishery, £101.39;</li> <li>iii. for a mussel dredge fishery, £162.48</li> </ul> <p>subject to paragraphs 2 and 3 of this schedule.</p>	<p>fishery, £101.39;</p> <ul style="list-style-type: none"> <li>iii. for a mussel dredge fishery, £162.48.</li> </ul> <p>subject to paragraphs 2 and 3 of this schedule.</p>	
Schedule 2 (3)	Any change in beneficial or legal ownership of a vessel exempt under paragraph 2 shall cause the exemption to end unless ownership is transferred within existing business arrangements and with the agreement of the Authority	Any change in beneficial or legal ownership of a vessel exempt under paragraph 2 of this schedule shall cause the exemption to end unless ownership is transferred within the same business and with the agreement of the Authority	Revised wording in relation to 'existing business arrangements' for clarity, as advised by MMO.

Schedule 2 (13)	A person must not tranship or otherwise relocate any of the cockles or mussels, or containers of any description containing any of the prescribed species, fished from the Regulated Fishery from one vessel to another	A person must not tranship or otherwise relocate any of the cockles or mussels, or containers of any description containing any of the prescribed species, fished from the fishery from one vessel to another	Removed reference to the 'regulated fishery' which was inadvertently carried over from the WFO regulations.
Schedule 3	Chart	Chart replaced with formal version	Formal chart produced to describe the are of The Wash

### 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

## 46<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting

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

### Meeting of the Finance & HR Sub-committee held on 2<sup>nd</sup> November 2021

#### **Purpose of report**

To inform members of the key outputs and decisions from the Finance & HR Sub-Committee meeting held on 2<sup>nd</sup> November.

#### **Recommendations**

Members are asked to:

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

#### **F&HR 21/41 Minutes of the F&HR Meeting**

- Signed as a true record

#### **F&HR21/42 Matters Arising**

- Members were advised of an ill-health retirement on the 30<sup>th</sup> September.
- Disability Discrimination Claim response had been sent by NP Law. Further action would be some months away.
- Disposal of John Allen would be via brokers at an initial valuation of £144,000.

#### **Finance Matters**

##### **Re minute F&HR 21/43 Quarter 2 Payments and Receipts**

- Members were advised that the payments in Qtr 2 included two similar payments to Cefas for the PSP Project that would be reclaimed from the EMFF fund.
- An ROV had been purchased for deployment from Authority vessels to perform surveys.

Members Agreed to:

- **Note** the content of the report

##### **Re minute F&HR 21/44 Quarter 2 Management Accounts**

- The Head of Finance & HR advised of:
  - Salary savings from unfilled vacancies
  - Unbudgeted cost of a contribution to a Bird Food Study
  - Reduction in WFO Licence fees maintained at pre-increase level

- Vessel costs increased due to TC engine issues

Members Agreed to:

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

#### **Re minute F&HR 21/45 External Audit of the Annual Statement**

- Members were advised the Statement of Accounts had been submitted to the external auditors.

Members Agreed to:

- **Note** the content of the report

#### **Re minute F&HR 21/46 Provisional Budget for the period 1<sup>st</sup> April 2022 – 31<sup>st</sup> March 2023 and Forecast 2024 to 2027**

Members Resolved to:

- **Approve and recommend** the Draft Budget 2022/23 to the full Authority at their next meeting on 8<sup>th</sup> December 2021.
- **Approve and recommend** the Levies for 2022/23 to the full Authority at their next meeting on 8<sup>th</sup> December 2021.
- **Approve** the Forecast for the following 4 years to 2026/27 for presentation to the full Authority at their next meeting on 8<sup>th</sup> December 2021.

#### **Re minute F&HR 21/47 IFCO Working Model Review**

- Members were advised of:
  - the history of the working arrangements for Inshore Fisheries and Conservation Officers (IFCOs) and the current situation
  - the difficulty of recruitment and retention
  - the benefits experienced from deploying home based officers
  - the improved coverage of the Authority area
  - the potential downsides
  - the balance of an IFCO workload being majority District focused
  - this would not apply to all staff

Members Resolved to:

- **Agree** to a review of working arrangements for IFCOs in the Marine Protection Team.
- **Agree** to delegate the ability to determine the appropriate working model for IFCOs to the CEO in conjunction with the Chair and Vice Chair.

#### **Re minute F&HR 21/48 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 21/49 HR Update**

Head of Finance and HR reported:

- Confirmed the resignation of a Marine Science Officer
- The ill-health retirement of an Officer effective 30 September
- Recruitment of one Grade 5 IFCO
- A second IFCO had accepted an offer but later withdrew to join Natural England
- Long term sickness of an officer
- Progress on office repopulation
- The latest situation regarding Discrimination Claim
- Retirement of the Head of Finance and HR

Members Agreed to:

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

**Re minute F&HR21/50 RV Three Counties replacement vessel update**

Head of Operations reported:

- Contract signed
- Engine choice issue and cost implication
- Specification modifications
- 30-year life with refits to embrace new technology
- Carbon footprint minimization

Members Agreed to

- **Note** the content of the report

**Background Documents**

Unconfirmed minutes of the Finance and HR sub-committee meeting held on the 2<sup>nd</sup> November 2021

## 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

### 46<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting

8<sup>th</sup> December 2021

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

### **Draft Budget for the period 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023 and Forecast to 2026/27**

#### **Purpose of report**

To present the Draft Budget for the 2022/23 financial year along with the Forecast for the following 4 years to 2027. Propose the levies for the 2022/23 financial year.

#### **Recommendations**

Members are asked to:

- **Approve** the Draft Budget 2022/23.
- **Approve** the Levies for 2022/23.
- **Approve** the Forecast for the following 4 years to 2026/27.

#### **Background**

The Draft Estimates of Expenditure for the financial year 2022/2023 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 (2021/2022) and projected outcome for this year. The format of Table 1 shows the Total Estimates of Expenditure less Income including 'New Burden' costs. 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 2021/2022

The calculation of the Provisional Budget for 2022/2023 (Table 1).

#### **Assumptions**

For some time now there has been doubt over the continuation of new burdens funding and in recent years Defra have approved continuation on a year by year basis. Discussions this year have considered linking funding with deliverables. Against this backdrop the AIFCA and the IFCA's were invited, by Defra, to make a representation to Defra on the IFCA spending needs for the period 2021 to 2024, ahead of an

anticipated spending review for that period to be announced in the Autumn. Accordingly, the AIFCA and the IFCAs, through their Chief Officers, considered the activities emerging from government policy where IFCAs would be expected or could reasonably be expected to helpfully contribute to policy implementation consistent with wider duties placed on the IFCAs. As well as the emerging policy areas, the adequacy of the capital expenditure arrangement and the effect of inflation on the grant received were also considered.

This work led to the submission of a bid to Defra, which was approved at the Association of IFCAs Members Forum on 7<sup>th</sup> September 2021, which was attended by the Chair and the CEO. The submission makes bids for specific posts/workstreams and during its development the CEO pointed out that one size was unlikely to fit all and that there would need to be some flexibility permitted in the utilisation of funding.

Defra have yet to respond to the submission and to advise what will be included in their bid to Treasury for 2022, so the estimates in this paper include the current level of New Burdens funding. In the event that such funding is reduced or not provided at all it is proposed that the shortfall is met from reserves for 2022-23 whilst plans are made to address the shortfall from 2023-24 onwards.

#### Notes on Expenditure

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

Variations from 2021/2022 Budget to the 2021/2022 Projection and 2022/2023 Draft Budget are summarised under the main budget headings in the following table:

	2021/2022 Budget £	2021/2022 Projection £	2022/2023 Draft Budget £
Salaries & Wages	1,110,000	1,072,600	1,207,000
General Expenditure	205,045	195,760	207,450
Departmental Op Costs	38,000	44,000	38,500
Vessels	115,640	119,660	126,850
Vehicles	27,800	32,500	31,250
TOTAL	1,496,485	1,464,520	1,572,550

#### **Salaries & Wages**

2021/2022 Projection- £ 37,400	2022/2023 Draft Budget (£97,000)
a) Vacancies and recruitment delays due to pandemic.	Vacancies all filled, annual increments and 2% est. inflation. Increased NI

#### **General Expenditure**

2021/2022 Projection- £ 9,285	2022/2023 Draft Budget £(2,405)
a) Savings on travel, expenses and training.	Travel resumed, inflation

### Departmental Operational Costs

<u>2021/2022 Projection- £(6,000)</u>	<u>2022/2023 Draft Budget £(500)</u>
Purchase of ROV £9k	Inflation no one off costs anticipated

### Vessels

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

<u>2021/2022 Projection- £ (4,020)</u>	<u>2022/2023 Draft Budget £(11,210)</u>
TC age related maintenance. Fuel price	Final? TC refit fuel & inflation

### Vehicles

<u>2021/2022 Projection- £(4,700)</u>	<u>2022/2023 Draft Budget £(3,450)</u>
Fuel repair bills extra vehicles pt. year	Inflation increased activity

### Inflation Contingency

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

### Income

<u>2021/2022 Projection £(29,050)</u>	<u>2022/2023 Draft Budget £(9,050)</u>
WFO licence fees delayed increase	Reduced interest less to invest

### Reserves

The amounts held in EIFCA's ear-marked reserves estimated at 30.09.2021 are set out below:

	£
ICT Fund	10,000
Legal and Enforcement Fund	75,000
Office Improvement Fund	10,000
Research Fund	78,169
DEFRA Grant	18,292
Vehicle Renewals Fund	60,000
IVMS (10%)	30,000
Vessel Replacement Fund	<u>2,009,016</u>
	<u>2,290,477</u>

### Levies

The Executive Team met with representatives from the County Council's Finance Teams on the 19<sup>th</sup> November 2021. They all agreed the proposed levies for the coming year and appreciated the cautious and consistent approach adopted by the Authority in its budget process. Although reserves are healthy the order for a replacement of RV Three Counties is valued at c.£1.6million. The reduced reserves will be further augmented by annual asset replacement contributions which started in 2020/21. The

Levies on the constituent County Councils including the 2% increase and asset replacement funding for 2022/2023 follow:

	Norfolk County Council £	Suffolk County Council £	Lincolnshire County Council £
County Council Levies	423,763	318,097	358,825
Asset replacement	63,105	47,371	53,434
New Burden Funding Allocation	151,999	114,420	127,726
Total Levy	<u>638,867</u>	<u>479,888</u>	<u>539,985</u>
	38.5%	28.9%	32.6%
<u>For Information</u>			
<u>2021/2022</u> Total CC contributions	628,720	472,271	531,393

**Table 1**

**Estimates of Expenditure 2021/2022**

	2021/2022 Budget	2021/2022 Act/Proj	2022/2023 Draft Budget
	£	£	£
Salaries & Wages	1,110,000	1,072,600	1,207,000
General Expenditure	205,045	195,760	207,450
<b><u>Departmental Operational Costs</u></b>			
Marine Science	12,000	22,500	12,500
Marine Protection	25,000	20,000	25,000
Media	1,000	1,500	1,000
<b><u>Vessels</u></b>			
Moorings & Harbour Dues	6,000	6,000	6,500
Research Vessel – T C	50,000	61,000	62,000
Enforcement Vessels - Ribs	37,500	30,500	35,500
Vessel insurance	22,140	22,160	22,850
Vehicles	27,800	32,500	31,250
<b>TOTAL EXPENDITURE £</b>	<b>1,496,485</b>	<b>1,464,520</b>	<b>1,572,550</b>
INCOME	79,050	50,000	70,000
<b>EXPENDITURE LESS INCOME £</b>	<b>1,417,435</b>	<b>1,414,520</b>	<b>1,502,550</b>
<i>LESS New Burden Funding</i>	394,145	394,145	394,145
Net Expenditure	1,023,290	1,020,375	1,108,405
Levies	1,079,103	1,079,103	1,100,685
<b>Surplus/(Shortfall)</b>	<b>£ 55,813</b>	<b>58,728</b>	<b>(7,720)</b>

**Table 2****Estimates of Expenditure 2022/2023**

Details of Expenditure - Salaries &amp; Wages and General Expenditure

	2021/2022	2021/2022	2022/2023
	Budget	Projection	Draft Budget
<b><u>SALARIES</u></b>			
Staff Remuneration	849,500	808,000	897,000
Pension	175,000	181,600	210,000
National Insurance	85,500	83,000	100,000
<b>TOTAL</b>	<b>1,110,000</b>	<b>1,072,600</b>	<b>1,207,000</b>
<b><u>GENERAL EXPENDITURE</u></b>			
<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	8,600	8,500	8,750
Electricity	4,100	4,100	4,500
Cleaning	770	1,000	1,000
Maintenance & Redecoration	2,600	4,520	4,000
<b>TOTAL</b>	<b>71,985</b>	<b>74,360</b>	<b>76,200</b>
<i><u>General Establishment</u></i>			
Advertisements & Subscriptions	19,600	18,000	18,000
Legal & Professional Fees	10,500	14,000	12,000
Telephones (Office & Mobile)	7,100	6,400	7,500
Postage & Stationery	8,850	8,500	8,500
IT Support (including Citrix)	35,560	34,000	34,500
Uniforms & Protective Clothing	9,500	7,500	8,000
Medical Fees	850	3,200	1,250
Recruitment	500	1,000	1,000
Sundry inc. Meeting Costs	3,600	1,200	1,250
<b>TOTAL</b>	<b>96,060</b>	<b>93,800</b>	<b>92,000</b>
<i><u>Officers' Travel &amp; Subsistence</u></i>			
General Travel - Fares, Taxis etc	4,000	3,000	5,000
Subsistence Payments	1,000	2,000	1,250
Overnight Subsistence	2,000		1,500
Hotel - Accommodation & Meals	8,000	2,000	5,000
<b>TOTAL</b>	<b>15,000</b>	<b>7,000</b>	<b>12,750</b>
<i>Members' Travel</i>	2,000	1,000	1,500
<i>Training</i>	20,000	20,000	25,000

**Table 3**

**Estimates of Expenditure 2022/2023**

Details of Expenditure - Vessels & Vehicles

	2021/22 Budget	2021/22 Projection	2022/23 Draft Budget
<b><u>MOORINGS &amp; HARBOUR DUES</u></b>			
Rent - Sutton Bridge Moorings			
Maintenance	500	500	500
Berthing & Harbour Dues	5,500	6,000	6,000
<b>TOTAL</b>	<b>6,000</b>	<b>6,500</b>	<b>6,500</b>
<b><u>RESEARCH VESSEL</u></b>			
<b><u>Three Counties/</u></b>			
Maintenance & Repairs	15,000	20,000	20,000
Refit	25,000	24,000	30,000
Insurance & Certification	16,740	14,000	15,000
Fuel	10,000	8,500	12,000
<b>TOTAL</b>	<b>64,000</b>	<b>66,500</b>	<b>77,000</b>
<b><u>ENFORCEMENT VESSELS</u></b>			
<b><u>John Allen/Sebastian Terelinck</u></b>			
Maintenance & Repairs	25,000	30,000	30,000
Insurance & Certification	3,780	6,250	6,750
Fuel	12,500	5,000	5,500
<b>TOTAL</b>	<b>41,280</b>	<b>41,250</b>	<b>42,250</b>
<b><u>Seaspray</u></b>			
Maintenance & Repairs			
Insurance & Certification	1,620	1,000	1,100
Fuel			
<b>TOTAL</b>	<b>1,620</b>	<b>1,000</b>	<b>1,100</b>
<b><u>VEHICLES</u></b>			
Insurance	12,100	10,750	11,250
Fuel & Sundries	10,500	10,000	14,000
Servicing	3,750	4,500	4,500
Vehicle Tracking	1,450	1,500	1,500
<b>TOTAL</b>	<b>27,800</b>	<b>26,750</b>	<b>31,250</b>

## **Forecast to March 2027**

	<u>2022/23</u>	<u>2023/24</u>	<u>2024/25</u>	<u>2025/26</u>	<u>2026/27</u>
<b><u>Income</u></b>					
Levies	1,100,685	1,122,699	1,145,143	1,168,056	1,191,417
“New Burden”	394,145				
Other	70,000	80,000	80,000	80,000	80,000
<b>Total Income</b>	<b>1,564,830</b>	<b>1,202,699</b>	<b>1,225,143</b>	<b>1,248,056</b>	<b>1,271,417</b>
<b><u>Expenditure</u></b>					
Staff cost	1,207,000	1,231,140	1,250,000	1,270,000	1,305,000
Administration	207,450	211,500	212,500	215,000	217,500
Operations	38,500	39,000	39,500	40,000	40,500
Vessels	126,850	105,000	107,000	110,000	112,500
Vehicles	31,250	32,500	34,500	35,500	36,500
<b>Total</b>	<b>1,572,550</b>	<b>1,619,140</b>	<b>1,643,500</b>	<b>1,670,500</b>	<b>1,712,000</b>
Surplus/Shortfall	(7,720)	(416,441)	(418,357)	(422,444)	(440,583)
New burden alt.		394,145	394,145	394,145	394,145
Adj. Surp/s/fall	(7,720)	(22,296)	(24,212)	(28,299)	(46,438)

## **Movement in reserves**

	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Opening	2,281,341	2,439,205	995,399	547,785	263,320	(20,015)
Revenue	58,728	(7,720)	(416,441)	(418,357)	(422,444)	(440,583)
Asset rep	159,136	163,910	168,827	173,892	179,109	184,482
Utilised	(60,000)	(1,600,000)	(200,000)	(40,000)	(40,000)	(740,000)
Balance	2,439,205	995,399	547,785	263,320	(20,015)	(1,016,116)
New Burden			394,145	788,290	1,182,435	1,576,580
Final	2,439,205	1,095,399	941,930	1,051,610	1,162,420	560,464

## **Reserves over Forecast period**

Opening 30/9/2021	2,281,341
Surplus/(shortfall) 6 years	(1,646,817)
Asset replacement CC contrib.	1,029,356
Asset purchases	(2,580,000)
Balance	(916,920)
New Burden/Alternative	1,576,580
Adjusted balance	660,460

## **Asset Purchases**

TC replacement	1,600,000	2020/21 to 2023/24
JA replacement	200,000	2022/23
ST replace	700,000	2025/26
Vehicles	180,000	2022/2026

Figures exclude proceeds from asset sales.

## **Background Papers**

AIFCA Spending Review submission September 2021

### 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

### 46<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting

08 December 2021

#### Closed Areas Byelaw 2021

**Report by:** Judith Stoutt, Senior Marine Science Officer  
Imogen Cessford, Project Officer

#### **Purpose of Report**

To present to members the proposal to make the Closed Areas Byelaw 2021. This paper sets out the rationale for the measures in the Closed Areas Byelaw 2021, the Impact Assessment for the Byelaw, and the draft Byelaw itself.

#### **Recommendations**

It is recommended that members:

- **Note** the rationale for the measures in the Closed Areas Byelaw 2021, which include previously agreed closed areas and two new exemptions,
- **Note** the impact assessment of the measures in the Closed Areas Byelaw 2021,
- **Agree** to make the Closed Areas Byelaw 2021,
- **Direct** officers to undertake formal consultation on the byelaw, and
- **Agree** to delegate authority to the CEO and Chair or Vice-chair to make changes to the byelaw which do not substantially alter the intended effects of the byelaw, taking into account responses from the formal consultation and the formal QA process.

#### **Background**

Inshore Fisheries and Conservation Authorities are required to ensure that the fisheries they manage do not prevent conservation targets for protected areas being met (MaCAA 2009<sup>5</sup>, Habitats Regulations 2017<sup>6</sup>).

From 2012, through the Revised Approach<sup>7</sup>, Eastern IFCA has assessed what fisheries management is required for marine protected areas throughout its district.

<sup>5</sup> <https://www.legislation.gov.uk/ukpga/2009/23/contents>

<sup>6</sup> <https://www.legislation.gov.uk/uksi/2017/1012/contents/made>

<sup>7</sup> <https://www.gov.uk/government/publications/revised-approach-to-the-management-of-commercial-fisheries-in-european-marine-sites-overarching-policy-and-delivery>

This has resulted in the Authority agreeing byelaws to implement a series of closed areas, within which certain types of fishing are prohibited. These byelaws are listed in Table 1.

*Table 1. Eastern IFCA closed areas byelaws 2013 to 2020*

<b>Byelaw title</b>	<b>Date Byelaw made by Authority</b>	<b>Date of implementation</b>
Protected Areas Byelaw 2013	December 2013	May 2014
Marine Protected Areas Byelaw 2016	April 2016	February 2018
Marine Protected Areas Byelaw 2018	July 2018	May 2020
Marine Protected Areas Byelaw 2019	May 2019	Consolidated into CAB 2021
Closed Areas Byelaw 2020	September 2020	Consolidated into CAB 2021

Initially, in 2013, the Authority made a flexible byelaw, within which closed areas could be added or removed, using regulatory notices. In 2015, Defra advised against this type of byelaw, which meant that whenever new closed areas were identified as being required, the Authority would need to make a new byelaw. The Authority has followed this updated byelaw approach since 2016.

Each new byelaw has incorporated the closed areas from the previous byelaw and added new closed areas (or in two cases, amended an existing closed area). The Marine Protected Areas Byelaw 2019 made by the Authority in May 2019 and the Closed Areas Byelaw 2020 made in September 2020 have not been submitted to MMO/Defra for formal QA and sign-off. This delay in submitting the byelaws resulted from new evidence on low-effort shrimp activity that was received from industry after formal consultation on the Marine Protected Areas Byelaw 2019. It was necessary to assess the activity; officers undertook this work and concluded the activity is compatible with conservation objectives if restricted to current levels. Natural England agreed that the activity can continue within a spatially defined area, in accordance with management policy for the activity. New exemptions to address this small-scale shrimp fishery from one of the closed areas in the current byelaw are outlined in the report below.

Whilst addressing the above issue in order to progress the 2019 and 2020 byelaws, officers have continued to consider management requirements in other marine protected areas and have developed additional closed areas to be included in the Closed Areas Byelaw 2021, under consideration at this meeting. The Authority now has three separate byelaws (including the Closed Areas Byelaw 2021), each replacing the previous, due to be submitted to MMO/Defra for QA and sign-off. In recognition of the principles of Better Regulation, it is proposed that a single byelaw will be taken forward, which will consolidate the closures that have been agreed by the Authority since 2018. This will be the Closed Areas Byelaw 2021. This approach will ensure the proposed closures are implemented together, improving transparency and understanding, and ultimately making the byelaw clearer to all stakeholders and regulators.

Appendix 1, Table A1 summarises the closed areas that are already in place under the Marine Protected Areas Byelaw 2018, and which will be continued under the Closed Areas Byelaw 2021.

Appendix 1, Table A2 summarises the proposed closed areas that have been agreed by the Authority since 2018 – including those in the 2019 and 2020 byelaws that have been agreed but not yet implemented, and new measures agreed to be taken forward in 2021 – these are all proposed under the Closed Areas Byelaw 2021.

Charts showing the closed areas are presented within the Byelaw at Appendix 3.

## Report

It is recommended that the Authority makes the Closed Areas Byelaw 2021, set out at Appendix 3. This byelaw will maintain and, in some cases, amend the measures already in place under the Marine Protected Areas Byelaw 2018 (MPA 2018), and will include agreed measures (under the formerly proposed Marine Protected Areas Byelaw 2019 and Closed Areas Byelaw 2020) that are not yet in place.

As presented in Appendix 1 Table A2, the Authority has previously agreed to all the closures that are consolidated under the Closed Areas Byelaw 2021, **except for closure 19**.

Closure 19 is in place under the Marine Protected Areas Byelaw 2018 covering an extent of 264.7ha within the Wash and North Norfolk Coast SAC. It is closed to bottom towed gear to protect biogenic reef feature: *Sabellaria*, a protected feature of the SAC. *Sabellaria* reef is vulnerable to damage from towed demersal fishing activities. Following detailed scrutiny of feature extent data supplied by Natural England, a proposed extension to closure 19 of 23ha, into the adjacent Inner Dowsing, Race Bank and North Ridge SAC, was included as part of a suite of closures for the Closed Areas Byelaw 2020. Rationale specifically referencing the extension of this closure was omitted from the 41<sup>st</sup> Meeting paper where the 2020 byelaw was made, therefore it is recommended that this rationale is considered in including the extension in this byelaw.

The rationale for these closed areas has been considered by the Authority over several meetings when making the previous iterations of the byelaws that are now being consolidated. The meetings where rationale was considered, and closures were agreed is set out in Appendix 1 Table A2. This rationale can be further referred to in the background documents of this paper.

This report will not repeat the rationale in detail, but a summary is set out at Appendix 2.

In summary, in its replacement of the Marine Protected Areas Byelaw 2018, the Closed Areas Byelaw 2021 will:

- Implement 26 additional closed areas to towed demersal fishing (demersal trawling and dredging) and in some closure areas, crab tiling and handwork. This will result in a total of 58 distinct closures. Two additional closures are proposed within an existing closure area as part of the artisanal shrimp fishery

management. The additional closures include the closures named 32 – 35 under MPA 2018 which are being subsumed in to one larger closure (closure 32);

- Reduce the size of closure 39 in the Humber Estuary;
- Minimally extend the size of closure 19 in the Wash and North Norfolk Coast SAC into the Inner Dowsing Race Bank and North Ridge SAC, by 23ha.
- Amend the shape of closure 16, that overlaps the Wash and North Norfolk Coast SAC and the Inner Dowsing Race Bank and North Ridge SAC (size remains unchanged)

Officers recommend that two additional exemptions **not previously agreed by the Authority** are now considered for inclusion in the Closed Areas Byelaw 2021:

- To exempt push-netting from the byelaw across the district;
- To exempt specified activity within a closed area to allow a local, artisanal shrimp fishery to continue.

Both these exemptions have been assessed under the relevant conservation regulations and are recommended in line with Natural England advice. Rationale for these exemptions is set out in Appendix 2. The policy for management of the artisanal shrimp fishery is set out in Appendix 5.

The CEO was given delegated Authority at the 36<sup>th</sup> Meeting as part of making the Marine Protected Areas 2019 byelaw. Under this delegation, assessment has been undertaken and management developed to address the concerns that emerged during the formal consultation. Additionally, MMO informally advise that a byelaw is submitted for formal QA to the MMO/Defra within 12 months of the formal consultation. To mitigate any risk from the above concerns, Eastern IFCA will formally consult on all the proposed closures in the Closed Areas Byelaw 2021, which will include all those agreed by the Authority since 2019.

### **Impact Assessment summary**

A consideration of the impact of the Closed Areas Byelaw 2021, including economic estimates, is addressed in the Impact Assessment at Appendix 4.

The impact assessment considers the best available evidence and stakeholder consultation to assess the total impact of the closures cumulatively across the district including those already in place, as well as the impact of the additional closures proposed in the replacement of the MPA 2018 byelaw.

In summary, the impact of the closures proposed in the Closed Areas Byelaw 2021 is assessed to be low. The primary fishery impacted will be the brown shrimp fishery, however data suggests that the closures are not covering important shrimp ground. Additional low-scale impact is identified in the loss of potential future fishing opportunities (seed mussel) in relation to some closures. Some possible wider impacts

are anticipated such as displacement of activity, however this is not considered to be very likely in relation to current patterns of activity.

Consultation responses to informal consultations held between 2019 – 2021 have been considered by the Authority when making the Marine Protected Areas Byelaw 2019, the Closed Areas Byelaw 2020, and agreeing the closures to be included in the Closed Areas Byelaw 2021. Detail of the responses, and how they have been considered, can be accessed in the background documents in this paper.

## **Financial Implications**

Financial implications on industry and the Authority have been considered in the impact assessment discussed above and found at Appendix 4.

## **Legal Implications**

### Due diligence

There is an inherent risk of challenge in making byelaws and this is mitigated through the implementation of due process as per Defra guidance, and through well informed, justifiable and reasonable decisions. As the nature of these proposed closures, which are required to maintain the integrity of the marine protected areas that are vulnerable to the specified fishing activities, the risk element lies with the failure to implement these closures as adequate protection.

### Risk mitigation

Risk of challenge is mitigated through the consideration and management of discrete closed areas informed by thorough assessment and evidence to provide the necessary protective effect for the site feature whilst minimising impact on fishing activities.

## **Conclusion**

Officers consider that the Closed Areas Byelaw 2021 proposed in this paper is required to meet the Authority's duties to protect designated marine habitats. The closures would result in small-scale additional restrictions on certain fishing activities that are already affected by multiple conservation closures as well as other spatial constraints. The proposed closure areas have been designed to provide the required protective effect with the least possible impact on fishing opportunity. The two proposed exemptions in the Byelaw would allow small scale fishing activities that do not threaten the achievement of conservation objectives to continue.

## **Appendices**

Appendix 1 – Implemented and agreed closed areas

Appendix 2 – Summary of rationale for the implemented and proposed closed areas and two exemptions

Appendix 3 – Draft Closed Areas Byelaw 2021

Appendix 4 – Closed Areas Byelaw 2021 Impact Assessment

Appendix 5 – Policy for management of artisanal shrimp fishery

### **Background Documents**

1. Papers and minutes of the 35<sup>th</sup> Eastern IFCA Meeting held on 30<sup>th</sup> January 2019
2. Papers and minutes of the 36<sup>th</sup> Eastern IFCA Meeting held on 15<sup>th</sup> May 2019
3. The Marine Protected Areas Byelaw 2019 made at the 36<sup>th</sup> Eastern IFCA Meeting held on 15<sup>th</sup> May 2019
4. Papers and minutes of the 38<sup>th</sup> Eastern IFCA Meeting held on 12<sup>th</sup> December 2019
5. Papers and minutes of the 41<sup>st</sup> Eastern IFCA Meeting held on 9<sup>th</sup> September 2020
6. The Closed Areas Byelaw 2020 made at the 41<sup>st</sup> Eastern IFCA Meeting held on 9<sup>th</sup> September 2020
7. Papers and minutes of the 45<sup>th</sup> Eastern IFCA Meeting held on 8<sup>th</sup> September 2021
8. Eastern IFCA Habitats Regulations Assessment of the Brown Shrimp Fishery in the Wash and North Norfolk Coast Special Area of Conservation. Eastern IFCA, 2018.
9. Natural England's formal advice on Eastern IFCA's Habitats Regulations Assessment of the Brown Shrimp Fishery in the Wash and North Norfolk Coast Special Area of Conservation. Natural England, 2018.
10. Eastern IFCA Assessment of commercial fisheries in the Cromer Shoal Chalk Beds Marine Conservation Zone. Eastern IFCA, 2018.
11. Natural England's informal advice on Eastern IFCA Assessment of commercial fisheries in the Cromer Shoal Chalk Beds Marine Conservation Zone. Natural England, 2018.
12. Eastern IFCA Habitats Regulations Assessment of Push-Netting in the Eastern IFCA district. Eastern IFCA, 2020.
13. Natural England's formal advice on Eastern IFCA's Habitats Regulations Assessment of Push-Netting in the Eastern IFCA district. Natural England, 2020.
14. Eastern IFCA Assessment of Artisanal Shrimp Fishing Activity in the Cromer Shoal Chalk Beds Marine Conservation Zone. Eastern IFCA, 2021.
15. Natural England's formal advice on Eastern IFCA Assessment of Artisanal Shrimp Fishing Activity in the Cromer Shoal Chalk Beds Marine Conservation Zone. Natural England, 2021.

## Appendix 1: Implemented and Proposed Closed Areas

**Table A1: Closed areas in place under Marine Protected Areas Byelaw 2018 and to be continued under Closed Areas Byelaw 2021**

Closed area(s)	Byelaw chart no.	Area (ha)	Site name	Feature	Prohibited gear
1-13	1	1,035.9	The Wash & North Norfolk Coast SAC	Intertidal mussel bed	Towed demersal gear
14-28	2	655.1	The Wash & North Norfolk Coast SAC	<i>Sabellaria</i> reef	Towed demersal gear
29	2	3,446	The Wash & North Norfolk Coast SAC	Boulder & cobble reef	Towed demersal gear
30	3	51.69	The Wash & North Norfolk Coast SAC	Eelgrass	Towed demersal gear
31	3	5,922	The Wash & North Norfolk Coast SAC	Subtidal mixed sediment and subtidal mud	Towed demersal gear
39 (previously 36)	6	170.8 <sup>8</sup>	Humber Estuary SAC	Eelgrass	Towed demersal gear, handwork, crab tiling

<sup>8</sup> This closed area was reviewed and reduced in size under the Closed Areas Byelaw 2020. See Table A2.

**Table A2: Closed areas agreed since 2018 to be included in proposed Closed Areas Byelaw 2021**

Closed area(s)	Byelaw chart no.	Area (ha)	Site name	Feature	Prohibited gear	Date Agreed by the Authority
19 (extension to previous closure)	2	Extended by 23ha, total size: 287.7	The Wash and North Norfolk Coast SAC and Inner Dowsing Race Bank and North Ridge SAC	<i>Sabellaria</i> reef	Towed demersal gear	41 <sup>st</sup> Authority Meeting  09/09/2020
32, 33 (Extension to previous closures)	3	3,406	The Wash & North Norfolk Coast SAC	( <i>Intertidal eelgrass areas already closed</i> ) subtidal mud, subtidal mixed sediment	Towed demersal gear	35 <sup>th</sup> Authority Meeting  30/01/2019
34	3	3,836	The Wash & North Norfolk Coast SAC	Subtidal mixed sediment, subtidal mud	Towed demersal gear	36 <sup>th</sup> Authority Meeting  15/05/2019
35	4	29,930	Cromer Shoal Chalk Beds MCZ	Subtidal chalk	Towed demersal gear	36 <sup>th</sup> Authority Meeting  15/05/2019
36-38	5	3,827	Haisborough, Hammond & Winterton SAC	<i>Sabellaria</i> reef	Towed demersal gear	36 <sup>th</sup> Authority Meeting  15/05/2019

39 (reduction in size of existing closure)	6	9.2	Humber Estuary	Eelgrass	Towed demersal gear, handwork, crab tiling	41 <sup>st</sup> Authority Meeting  09/09/2020
40	7	71.75	Inner Dowsing, Race Bank & North Ridge SAC	<i>Sabellaria</i> reef	Towed demersal gear	45 <sup>th</sup> Authority Meeting  08/09/2021
41-50	7	88.03	Inner Dowsing, Race Bank & North Ridge SAC	<i>Sabellaria</i> reef	Towed demersal gear	41 <sup>st</sup> Authority Meeting  09/09/2020
51	7	107.1	Inner Dowsing, Race Bank & North Ridge SAC	<i>Sabellaria</i> reef	Towed demersal gear	45 <sup>th</sup> Authority Meeting  08/09/2021
52	2	86.18	The Wash & North Norfolk Coast SAC	Circolittoral rock	Towed demersal gear	38 <sup>th</sup> Authority Meeting  11/12/2019
53	1	5.7	The Wash & North Norfolk Coast SAC	Intertidal <i>Sabellaria</i> reef	Towed demersal gear, crab tiling and handwork	41 <sup>st</sup> Authority Meeting  09/09/2020
54 - 58	7	170.87	Inner Dowsing, Race Bank & North Ridge SAC	<i>Sabellaria</i> reef	Towed demersal gear	45 <sup>th</sup> Authority Meeting  08/09/2021

59	4	Within existing closed area 35	Cromer Shoal Chalk Beds MCZ	Subtidal chalk	Towed demersal gear	Recommended at 46 <sup>th</sup> Authority Meeting
60	4		Cromer Shoal Chalk Beds MCZ	Subtidal chalk	Towed demersal gear	Recommended at 46 <sup>th</sup> Authority Meeting

**Appendix 2: Summary of rationale for the implemented and proposed closed areas and two proposed exemptions**

Measures	Purpose of measures	Feature Evidence	Fishing Activity Evidence	Statutory Conservation Advice
<p>Continuation of closed areas listed in Table A1, i.e. those currently implemented under Marine Protected Areas Byelaw 2018:</p> <p>Closed areas 1 to 31 and 39</p>	<p>Prevention of damage to various designated habitats identified as vulnerable to damage from the listed fishing activities, at various marine protected areas in the Eastern IFCA district.</p> <p>The habitats include:</p> <ul style="list-style-type: none"> <li>• biogenic reef: <i>Sabellaria spinulosa</i>,</li> <li>• eelgrass beds,</li> <li>• intertidal mussel beds,</li> <li>• boulder and cobble reef,</li> <li>• subtidal mixed sediments and subtidal mud.</li> </ul> <p>The protected areas include:</p> <ul style="list-style-type: none"> <li>• The Wash &amp; North Norfolk Coast Special Area of Conservation,</li> <li>• Humber Estuary Special Area of Conservation.</li> </ul>	<p>Feature evidence is monitored using Natural England’s 6-monthly feature data update and the Authority’s own survey work, where applicable. Current feature evidence is considered sufficient to support maintaining these closed areas.</p>	<p>Fishing activity data and observations are routinely monitored. No significant changes recorded in fishing activity evidence since previous byelaws were made. Previous fishing activity evidence is considered sufficient to support maintaining these closed areas.</p>	<p>There has been no change in Statutory Nature Conservation advice that these closures are required to meet statutory conservation duties. Officers routinely liaise closely with Natural England in relation to the requirements of the Revised Approach for the management of fisheries in marine protected areas.</p>
<p>Introduction of closed areas set out in Table A2, i.e. those agreed by</p>	<p>Prevention of damage to various designated habitats identified as vulnerable to damage from the listed fishing activities, at various marine</p>	<p>Feature evidence is monitored using Natural England’s 6-monthly feature data update and the</p>	<p>Information has been gathered through analysis of records and engagement with</p>	<p>Natural England have agreed (e.g. formal advice on Eastern IFCA shrimp Habitats Regulations</p>

Measures	Purpose of measures	Feature Evidence	Fishing Activity Evidence	Statutory Conservation Advice
<p>Authority since 2018:</p> <p>Closed areas 32 to 60.</p>	<p>protected areas in the Eastern IFCA district.</p> <p>The habitats include:</p> <ul style="list-style-type: none"> <li>• biogenic reef: <i>Sabellaria spinulosa</i>,</li> <li>• eelgrass beds,</li> <li>• circalittoral rock.</li> <li>• Intertidal <i>Sabellaria</i> reef,</li> <li>• subtidal mixed sediments and subtidal mud,</li> <li>• subtidal chalk.</li> </ul> <p>The protected areas include:</p> <ul style="list-style-type: none"> <li>• The Wash &amp; North Norfolk Coast Special Area of Conservation,</li> <li>• Humber Estuary Special Area of Conservation,</li> <li>• Haisborough, Hammond &amp; Winterton Special Area of Conservation,</li> <li>• Inner Dowsing, Race Bank &amp; North Ridge Special Area of Conservation,</li> <li>• Cromer Shoal Chalk Beds Marine Conservation Zone.</li> </ul>	<p>Authority's own survey work, where applicable.</p> <p>Current feature evidence is considered sufficient to proceed with these agreed closed areas. Extensive analysis of existing data and additional survey work undertaken by the Authority in summer 2021 support the most recently-agreed closed areas 54-58 (<i>Sabellaria</i> reef in Inner Dowsing). There remain some areas outside these closed areas that are recommended by Natural England "to be managed as <i>Sabellaria</i> reef", but for which Eastern IFCA officers consider there is evidence showing the feature is not present.</p>	<p>fishery stakeholders on the level of fishing in and around the closed areas. Results are summarised in the Impact Assessment (Appendix 4).</p>	<p>Assessment 2018 and on MCZ fisheries assessment 2018) that these closed areas are required to ensure fishing does not hinder the achievement of conservation objectives for the listed marine protected areas. Natural England also advise that closures should be introduced in the areas of Inner Dowsing "to be managed as <i>Sabellaria</i> reef" outside of the closed areas but officers have scrutinised feature evidence for those locations and consider there is sufficient evidence to show the feature is not present in those areas.</p>

Measures	Purpose of measures	Feature Evidence	Fishing Activity Evidence	Statutory Conservation Advice
Exemption from Closed Areas Byelaw 2021 for push netting	To enable push-netting, a low-impact and typically recreational form of “towed demersal fishing” to be allowed to continue throughout the district, having assessed that the nature and scale of the activity mean that it will not prevent conservation objectives being achieved (Eastern IFCA push-netting assessment, 2020).	The latest available Natural England habitat data was used to inform Eastern IFCA’s assessment of the impacts of this activity on the designated sites across the whole Authority district.	Evidence on the level of push netting across the Authority’s district was gathered through IFCO observations and engagement with fishery stakeholders. Very low levels of push netting have been identified. Details are set out in the Impact Assessment (Appendix 4). There is no need to exempt the activity from the subtidal closed areas set out in the proposed byelaw, since the activity can only be carried out from the shore.	Natural England advised (Natural England, 2020) that the activity as described in the assessment would not have an adverse effect on the integrity of designated sites
Exemption from a part of closed area 35 (in the Cromer Shoal Chalk Beds	To allow small scale, low impact, artisanal shrimp fishing activity to continue in a small, defined area of the Cromer Shoal Chalk Beds Marine Conservation Zone (CSCB MCZ). The	The latest available Natural England habitat data was used to inform Eastern IFCA’s assessment of	Information on the nature and scale of activity was gathered through stakeholder	Natural England agreed with Authority officers’ conclusion that, as currently practised, the artisanal shrimp fishery

Measures	Purpose of measures	Feature Evidence	Fishing Activity Evidence	Statutory Conservation Advice
<p>Marine Conservation Zone) for artisanal shrimp fishing</p> <p>Two small areas within the proposed specified artisanal shrimp fishing area (closures 59 and 60) to remain closed to towed demersal fishing</p>	<p>Artisanal Shrimp Fishing Area is 1,032 ha in size (approx. 3% of the MCZ). The activity would otherwise be prohibited by the closure to towed demersal gear agreed by the Authority in the MPA Byelaw 2019, which was designed to protect subtidal chalk from potential damage from towed demersal fishing gear.</p> <p>Within the defined area for artisanal shrimp fishing, which is a mixed of subtidal sand, coarse and mixed sediments, there are two small areas of subtidal chalk. The artisanal shrimp fishing activity will not be allowed to take place in these two areas (closed areas 59 and 60, 12ha and 114ha respectively), to prevent impacts on the chalk.</p>	<p>the impacts of this fishery on the MCZ</p>	<p>engagement. It was found that up to 10 vessels operated this fishery at a precautionary combined maximum of 42 trips per year. The small size of the beam trawls used, and the low level of activity, meant the overall effect of the activity was very small. It was concluded (based on level of impact and recoverability of habitats) that the fishery will not hinder the conservation objectives of the MCZ.</p>	<p>will not hinder the conservation objectives of the Marine Conservation Zone. They advised that the Authority should set out how the activity will be monitored and controlled to prevent an increase in activity, which could result in adverse effects. Officers produced an artisanal shrimp fishery management policy that sets out how the activity will be controlled.</p>

## Appendix 3: Draft Closed Areas Byelaw 2021



**EASTERN INSHORE FISHERIES AND CONSERVATION AUTHORITY**  
**MARINE AND COASTAL ACCESS ACT 2009 (c. 23)**  
**Closed Areas Byelaw 2021**

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

### **Interpretation**

1. In this byelaw:

- a) “the 1983 baseline” means the baselines for the measurement of the breadth of the territorial sea as they existed at 25th January 1983 in accordance with the Territorial Waters Order in Council 1964.
- b) “angling” means fishing using a rod and line or a hook and line;
- c) “artisanal shrimp fishery catch forms” means forms provided by the Authority which may require the information in relation to:
  - (i) Vessel information;
  - (ii) Gear information;
  - (iii) Spatial information;
  - (iv) Catch data;
  - (v) date and time information;
  - (vi) fishing effort information.
- d) “Artisanal Shrimp Management Area” means the area defined as such in the schedule of this byelaw;
- e) “Artisanal Shrimp Management Policy” means the document agreed by the Authority and published on the Eastern IFCA website which

describes the management of fishing activity within the Artisanal Shrimp Management Area and describes the definition of 'risk' in relation to paragraph 10 of this byelaw.

- f) "the Authority" means the Eastern Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Eastern Inshore Fisheries and Conservation Order 2010 (SI 2010/2189);
- g) "beam trawl" means a trawl net where the mouth or opening of the net is kept open by a beam, which is mounted at each end on guides, shoes or skids which travel along the seabed;
- h) "bottom towed gear" means any fishing gear designed to be towed, dragged or pushed through the water whilst in contact with the seabed;
- i) co-ordinates are based on WGS 84 datum, where "WGS 84" means the World Geodetic System, revised in 1984;
- j) "crab tiling" means laying artificial items or structures in intertidal areas to gather crabs for the purpose of fishing;
- k) the "Cromer Shoal Chalk Beds Marine Conservation Zone" means the area as designated in MO 2016/4;
- l) "the District" means the Eastern Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of SI 2010/2189;
- m) "fishing" includes:
  - (i) digging for bait;
  - (ii) shooting, setting, towing and hauling of fishing gear;
  - (iii) gathering sea fisheries resources by hand or by using a hand operated implement;
  - (iv) catching, taking or removing sea fisheries resources;
- n) "fishing gear" includes any nets, pots, ropes, anchors, surface markers, lines, dredges, grabs, rakes or other implements used during fishing;
- o) "Push netting" means fishing using a net that is pushed or pulled through the water by hand and from the shore without means of a vessel or other vehicle.
- p) "handwork" means the collection of sea fisheries resources, including bait, using the hands or handheld 'fishing gear';
- q) "Restricted Area" means the areas numbered 1 to 58 as set out in the schedule of this byelaw;

- r) “Right of Common” means registered rights held by “commoners” in respect of registered “common land”;
- s) “secured and stowed” means that fishing gear is stored in such a way that use cannot readily be made of it for any fishing activity;

## **Prohibitions**

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

## **Exemptions**

- 5. Paragraph 2 does not apply to fishing under the authority of a licence issued under Article 8 of the Wash Fishery Order 1992 in Restricted areas 1 to 13.
- 6. Paragraph 2 does not apply to fishing within Restricted Area 33 (Seasonal Restricted Area) between 1<sup>st</sup> April and 15<sup>th</sup> October in any year.
- 7. The prohibitions in paragraph 3 do not apply to angling.
- 8. Paragraph 4 does not apply in relation to Restricted Areas 1 to 30, 36 to 38, and 40 to 60 if the following apply:
  - a) a vessel had been fishing using a beam trawl up to the boundary of the Restricted Area or it will be fishing using a beam trawl immediately upon leaving the Restricted Area; and
  - b) any beam is hoisted so that it is clearly visible above the sea and that no part of the fishing gear is in contact with any part of the seabed whilst the vessel is within the Restricted Area.
- 9. Subject to paragraph 10, paragraph 2 does not apply to fishing within the Artisanal Shrimp Management Area if:
  - a) the fishing gear used to fish is:
    - i. used to fish for shrimp using a beam trawl; and
    - ii. being operated hand only; and

- b) the beam width of fishing gear is 10ft (3.048m) or less; and
- c) the beam is operated from a vessel of no more than 7.9 metres in overall length; and
- d) the fishing gear does not include a chain foot rope; and
- e) the Authority have received:
  - i. notification of fishing within the Artisanal Shrimp Management Area within 24 hours of the fishing activity; and
  - ii. an artisanal shrimp fishery catch return form is completed with such information as is required and received by the Authority within 7-days of the fishing activity.

10. Paragraph 9 does not apply where the Authority has made notification using the Authority’s website that there is a risk to the conservation objectives of the Cromer Shoal Chalk Beds Marine Conservation Zone in accordance with the Artisanal Shrimp Management Policy, and notification.

11. This byelaw does not apply to any person performing an act which would otherwise constitute an offence against this byelaw, if that act was carried out in exercise of any right of common held by that person.

12. Paragraph 2 does not apply to those ‘push netting’ in the Restricted Areas.

**Revocations**

13. The byelaw titled “Marine Protected Areas Byelaw 2018” which was made by the Eastern Inshore Fisheries and Conservation Authority on 18<sup>th</sup> July 2018 and in force immediately before the making of this byelaw, is revoked.

I hereby certify that the above byelaw was made by Eastern Inshore Fisheries and Conservation Authority at their meeting on 8<sup>th</sup> December 2021.

**Julian Gregory**

*Chief Executive Officer*

*Eastern Inshore Fisheries and Conservation Authority*

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

*The Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by section 155(3) and (4) of the Marine and Coastal Access Act 2009, confirms the Closed Areas Byelaw 2021 made by the Eastern IFCA on 8<sup>th</sup> December 2021.*

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

## SCHEDULE 1

### Restricted Areas

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

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

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

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

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

**Restricted Area 4**

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

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

**Restricted Area 5**

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

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

### Restricted Area 6

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

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

### Restricted Area 7

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

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

### Restricted Area 8

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

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

### Restricted Area 9

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

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

### Restricted Area 10

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

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

### Restricted Area 11

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

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

### Restricted Area 12

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

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

### Restricted Area 13

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

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

### Restricted Area 14

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

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

**Restricted Area 15**

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

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

**Restricted Area 16**

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

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

**Restricted Area 17**

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

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

**Restricted Area 18**

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

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

**Restricted Area 19**

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

<b>Point</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Area (hectares)</b>
A.	53° 05.06' N	00° 25.57' E	287.7
B.	53° 04.96' N	00° 26.19' E	
C.	53° 03.28' N	00° 25.55' E	
D.	53° 03.37' N	00° 24.86' E	
E.	53° 04.80' N	00° 25.19' E	

**Restricted Area 20**

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

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

### Restricted Area 21

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

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

### Restricted Area 22

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

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

### Restricted Area 23

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

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

### Restricted Area 24

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

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

### Restricted Area 25

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

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

### Restricted Area 26

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

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

### Restricted Area 27

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

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

### Restricted Area 28

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

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

**Restricted Area 29**

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

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

**Restricted Area 30**

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

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

### Restricted Area 31

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

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

### Restricted Area 32

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

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

**Restricted Area 33 (Seasonal Restricted Area)**

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

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

**Restricted Area 34**

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

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

### Restricted Area 35

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

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

### Restricted Area 36

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

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

### Restricted Area 37

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

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

### Restricted Area 38

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

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

### Area 39

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

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

### Restricted Area 40

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

Point	Latitude	Longitude	Area (hectares)
A.	53° 05.93' N	00° 25.67' E	71.75
B.	53° 05.93' N	00° 25.87' E	
C.	53° 05.82' N	00° 26.10' E	
D.	53° 05.65' N	00° 26.19' E	
E.	53° 05.47' N	00° 26.09' E	
F.	53° 05.38' N	00° 25.64' E	
G.	53° 05.41' N	00° 25.41' E	
H.	53° 05.45' N	00° 25.30' E	
I.	53° 05.66' N	00° 25.45' E	
J.	53° 05.68' N	00° 25.29' E	
K.	53° 05.76' N	00° 25.32' E	
L.	53° 05.76' N	00° 25.48' E	

### Restricted Area 41

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

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

**Restricted Area 42**

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

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

**Restricted Area 43**

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

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

**Restricted Area 44**

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

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

**Restricted Area 45**

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

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

**Restricted Area 46**

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

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

**Restricted Area 47**

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

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

**Restricted Area 48**

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

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

**Restricted Area 49**

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

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

**Restricted Area 50**

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

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

**Restricted Area 51**

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

<b>Point</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Area (hectares)</b>
A.	53° 08.98' N	00° 24.79' E	107.1
B.	53° 08.92' N	00° 25.13' E	
C.	53° 08.77' N	00° 25.33' E	
D.	53° 08.63' N	00° 25.40' E	
E.	53° 08.40' N	00° 25.29' E	
F.	53° 08.30' N	00° 25.11' E	
G.	53° 08.26' N	00° 24.87' E	
H.	53° 08.30' N	00° 24.64' E	
I.	53° 08.40' N	00° 24.46' E	
J.	53° 08.55' N	00° 24.39' E	
K.	53° 08.77' N	00° 24.50' E	

**Restricted Area 52**

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

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

### Restricted Area 53

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

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

### Restricted Area 54

Restricted Area 54 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 09.28' N	00° 27.61' E	21.86
B.	53° 09.33' N	00° 27.89' E	
C.	53° 09.07' N	00° 27.77' E	
D.	53° 09.08' N	00° 27.19' E	
E.	53° 09.13' N	00° 27.21' E	

### Restricted Area 55

Restricted Area 55 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 10.00' N	00° 26.20' E	36.46
B.	53° 10.00' N	00° 26.79' E	
C.	53° 09.94' N	00° 26.82' E	
D.	53° 09.64' N	00° 26.58' E	
E.	53° 09.64' N	00° 26.29' E	
F.	53° 09.76' N	00° 26.23' E	

### Restricted Area 56

Restricted Area 56 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 09.65' N	00° 25.19' E	76.41
B.	53° 09.61' N	00° 25.43' E	
C.	53° 09.51' N	00° 25.60' E	
D.	53° 09.37' N	00° 25.66' E	
E.	53° 09.22' N	00° 25.60' E	
F.	53° 09.12' N	00° 25.42' E	
G.	53° 09.08' N	00° 25.19' E	
H.	53° 09.12' N	00° 24.96' E	
I.	53° 09.18' N	00° 24.85' E	
J.	53° 09.40' N	00° 24.79' E	
K.	53° 09.55' N	00° 24.92' E	
L.	53° 09.63' N	00° 25.09' E	
M.	53° 09.33' N	00° 25.23' E	

### Restricted Area 57

Restricted Area 57 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 06.09' N	00° 25.08' E	26.98
B.	53° 06.09' N	00° 25.24' E	
C.	53° 06.02' N	00° 25.28' E	
D.	53° 05.84' N	00° 25.35' E	
E.	53° 05.75' N	00° 25.01' E	
F.	53° 05.76' N	00° 24.81' E	
G.	53° 05.89' N	00° 24.79' E	

### Restricted Area 58

Restricted Area 58 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 7 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	53° 05.69' N	00° 25.11' E	9.167
B.	53° 05.53' N	00° 25.27' E	
C.	53° 05.45' N	00° 25.20' E	
D.	53° 05.57' N	00° 24.89' E	

### Restricted Area 59

Restricted Area 59 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 4 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 51.90' N	01° 28.38' E	12
B.	52° 51.91' N	01° 28.49' E	
C.	52° 52.18' N	01° 28.31' E	
D.	52° 52.16' N	01° 28.23' E	
E.	52° 52.01' N	01° 28.11' E	

### Restricted Area 60

Restricted Area 60 is defined by a boundary drawn by the series of straight lines connecting each point listed in this table to the next point in sequence and finally returning to Point A, as set out in chart 4 for illustrative purposes.

Point	Latitude	Longitude	Area (hectares)
A.	52° 51.18' N	01° 30.69' E	114
B.	52° 50.72' N	01° 31.59' E	
C.	52° 50.47' N	01° 31.49' E	
D.	52° 50.22' N	01° 31.37' E	
E.	52° 50.35' N	01° 31.07' E	
F.	52° 50.62' N	01° 30.65' E	

### **Artisanal Shrimp Management Area**

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

<b>Point</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Area (hectares)</b>
A.	52° 52.84' N	01° 27.45' E	1032
B.	52° 50.08' N	01° 32.84' E	
C.	52° 49.36' N	01° 32.45' E	
D.	52° 52.52' N	01° 26.47' E	

### **Explanatory Note**

(This note does not form part of the byelaw)

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

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

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

#### **Wash and North Norfolk Coast SAC**

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

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

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

### Humber Estuary SAC

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

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

### Cromer Shoal Chalk Beds MCZ

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

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

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

### The Artisanal Shrimp Management Area

A spatially restricted area 'the Artisanal Shrimp Management Area' within Area 35 is exempt from the closure only to activity specified within the Artisanal Shrimp Management Policy. This exemption applies to enable historic, low intensity, small scale activity. Assessment of this activity has determined that its continuation will not impact on the conservation objectives for the Cromer Shoal Chalk Beds MCZ.

Activity within the area will be closely monitored and restricted in accordance with the Artisanal Shrimp Management Policy.

### Haisborough, Hammond and Winterton SAC

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

Some or part of the above features as they occur within the Haisborough, Hammond and Winterton SAC are closed to fishing by use of bottom towed gear with the effect of ensuring site integrity. Closures may include habitats and sub-features other than

those set out above to ensure that the size, shape and orientation of the restricted area is clear and effective at providing a protective effect.

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

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

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

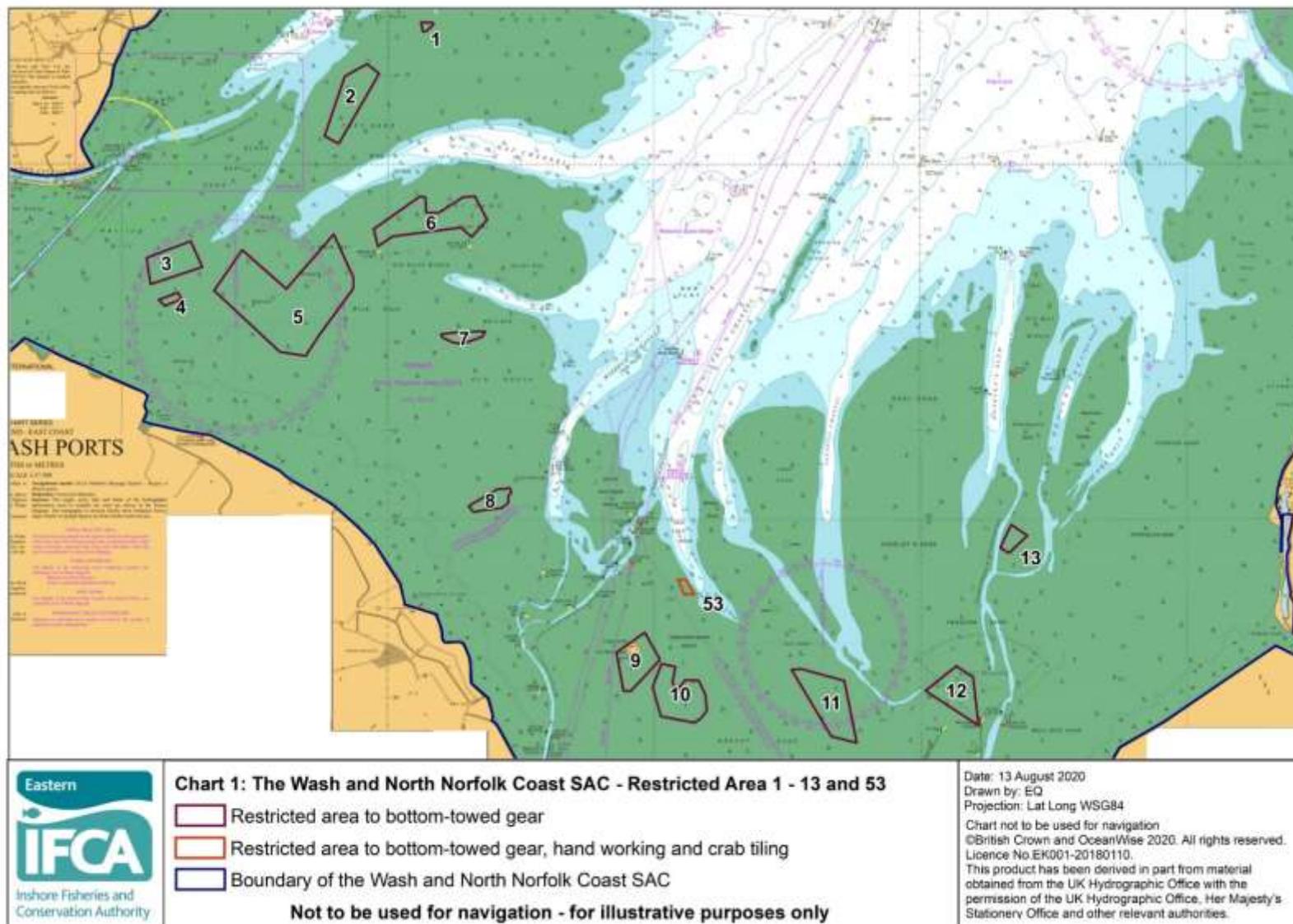
### Holders of Rights of Common

Paragraph 6 of this Byelaw specifically preserves personal "rights of common". These are particular, specialised and defined rights held by "commoners" in respect of registered "common land". "Rights of Common" relate only to registered common land and this Byelaw retains full force and effect against all other persons, including those exercising their common law right of fishery and any person exercising a private or several right of fishery. If you have any doubts about the applicability of this Byelaw to you, you should seek guidance from the Authority before fishing for or taking any sea fisheries resources.

### Secured and Stowed Exemption

Restrictions include a requirement to have bottom towed gear secured and stowed when a fishing vessel is inside the Restricted Areas. Fishers are exempt from the requirement to secure and stow bottom towed gear if the vessel is fishing using a beam trawl up to the boundary of a Restricted Area or it will be fishing immediately upon leaving the Restricted Area. However, the gear must be suspended clear of the water. The exemption does not apply in the Humber Estuary Restricted Area (Restricted Area 39) or in Areas 31 to 35 which are considered to be of size significant enough to not require the exemption.

## Appendix 1 – Charts 1 – 7 of the closed areas: Closed Areas Byelaw 2021



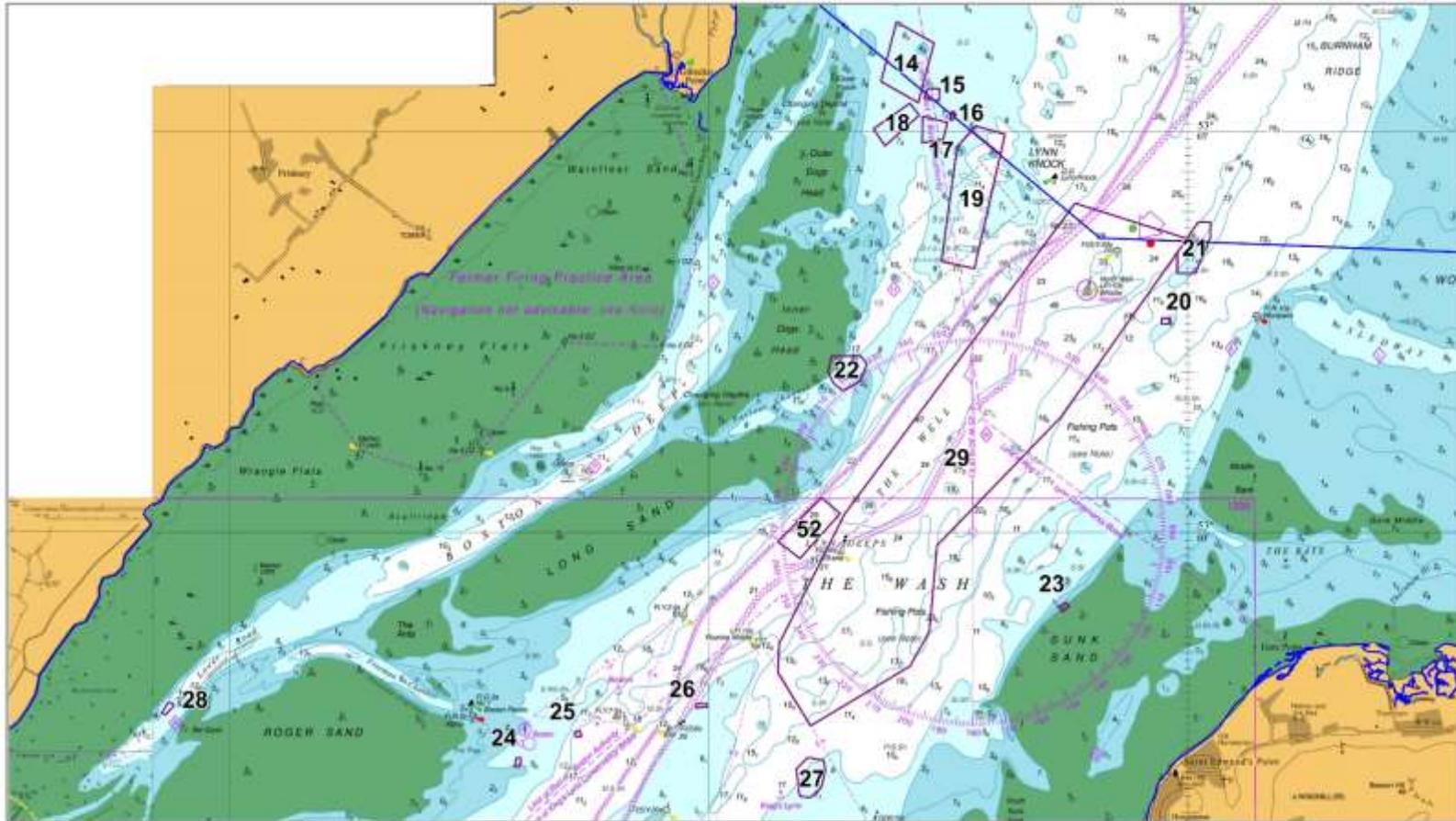


Chart 2: The Wash and North Norfolk Coast SAC – Restricted Areas 14 to 29 and 52

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

**Not to be used for navigation – for illustrative purposes only**

Contains public sector information licensed under the Open Government Licence v1.0 (c) British Crown and OceanWise 2020. All rights reserved. Licence No.00001-00100110. This product has been derived in part from material obtained from the UK Hydrographic Office with the permission of the UK Hydrographic Office, Her Majesty's Stationery Office and other relevant authorities.

Date: 12/08/2020  
 Drawn by: SC  
 Projection: Lat Long WSG84  
 EMS boundary: JNCC download -  
 UK\_SACs\_withMarineComponents\_2103821

2020\_WNRC\_Byelaw\_Chart\_2\_WOR

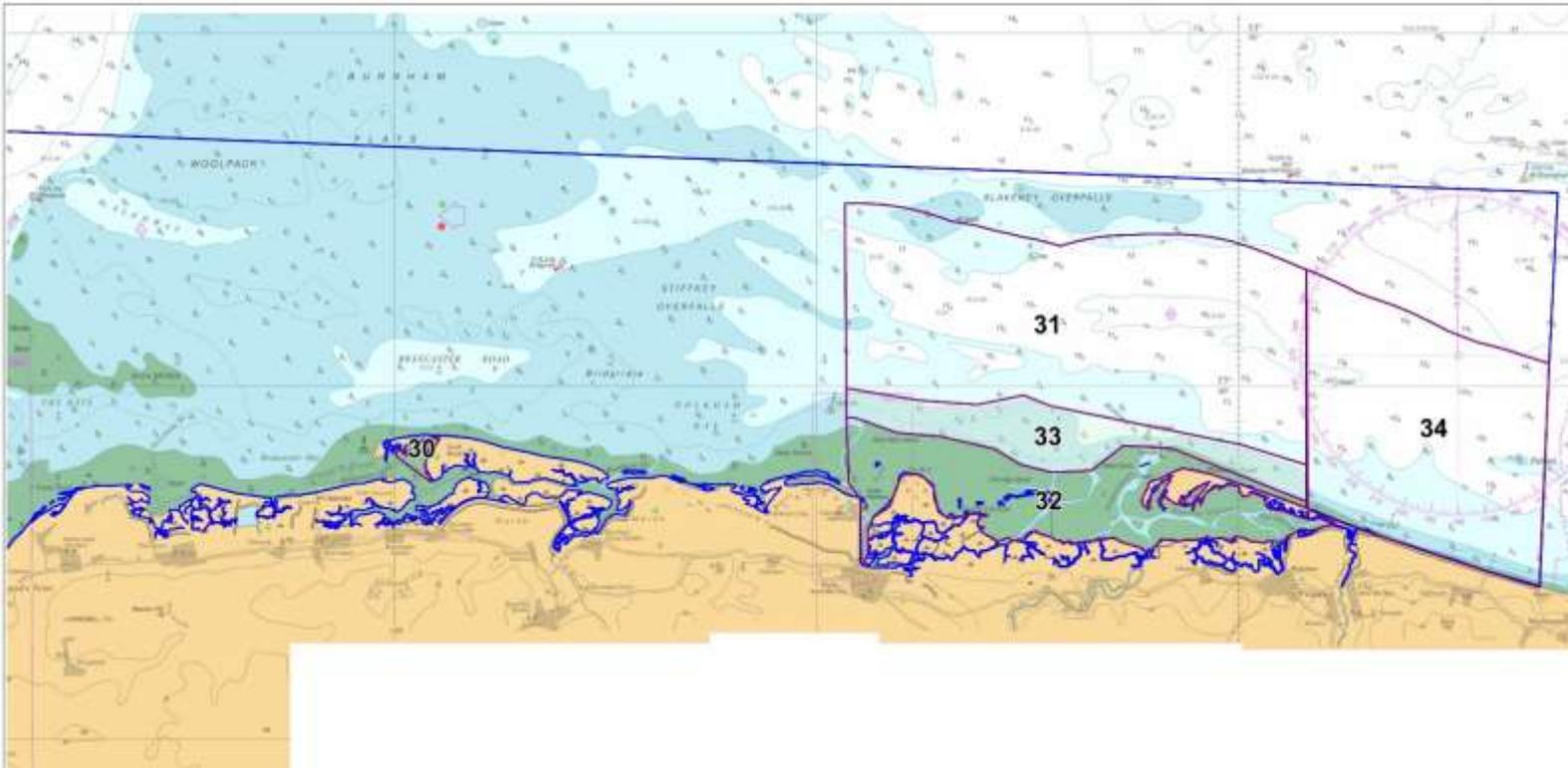


Chart 3: The Wash and North Norfolk Coast SAC – Restricted Areas 30 to 34

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

**Not to be used for navigation – for illustrative purposes only**

Contains public sector information licensed under the Open Government Licence v1.0 (c) British Crown and CrownWise 2019. All rights reserved. Licence No.00501-20190110. This product has been derived in part from material obtained from the UK Hydrographic Office with the permission of the UK Hydrographic Office, Her Majesty's Stationery Office and other relevant authorities.

Date: 01/05/2019  
 Drawn by: SC  
 Projection: Lat Long WSG84  
 EMS boundary: JNCC download -  
 UK SACs with Marine Components 2103821

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



Chart 4: Cromer Shoal Chalk Beds MCZ - Restricted Areas 35,59 and 60 and the Artisanal Shrimp Management Area

- Cromer Shoal Chalk Beds MCZ boundary
- Restricted area to bottom towed gear
- Artisanal shrimp management area

Date: 01/10/2021  
 Drawn by: TB  
 Projection: Lat Long WGS1984  
 EMS\_boundary:  
 JNCC\_download\_SAC's\_  
 withmarinecomponents\_21038

NOT TO BE USED FOR NAVIGATION - FOR ILLUSTRATIVE PURPOSES ONLY

(c) British Crown and Oceanwise 2021. All rights reserved. Licence No.EK001-20180110. This product has been derived in part from material obtained from the Hydrographic Office with the permission of the UK Hydrographic office, Her Majesty's Stationery office and other relevant authorities.



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

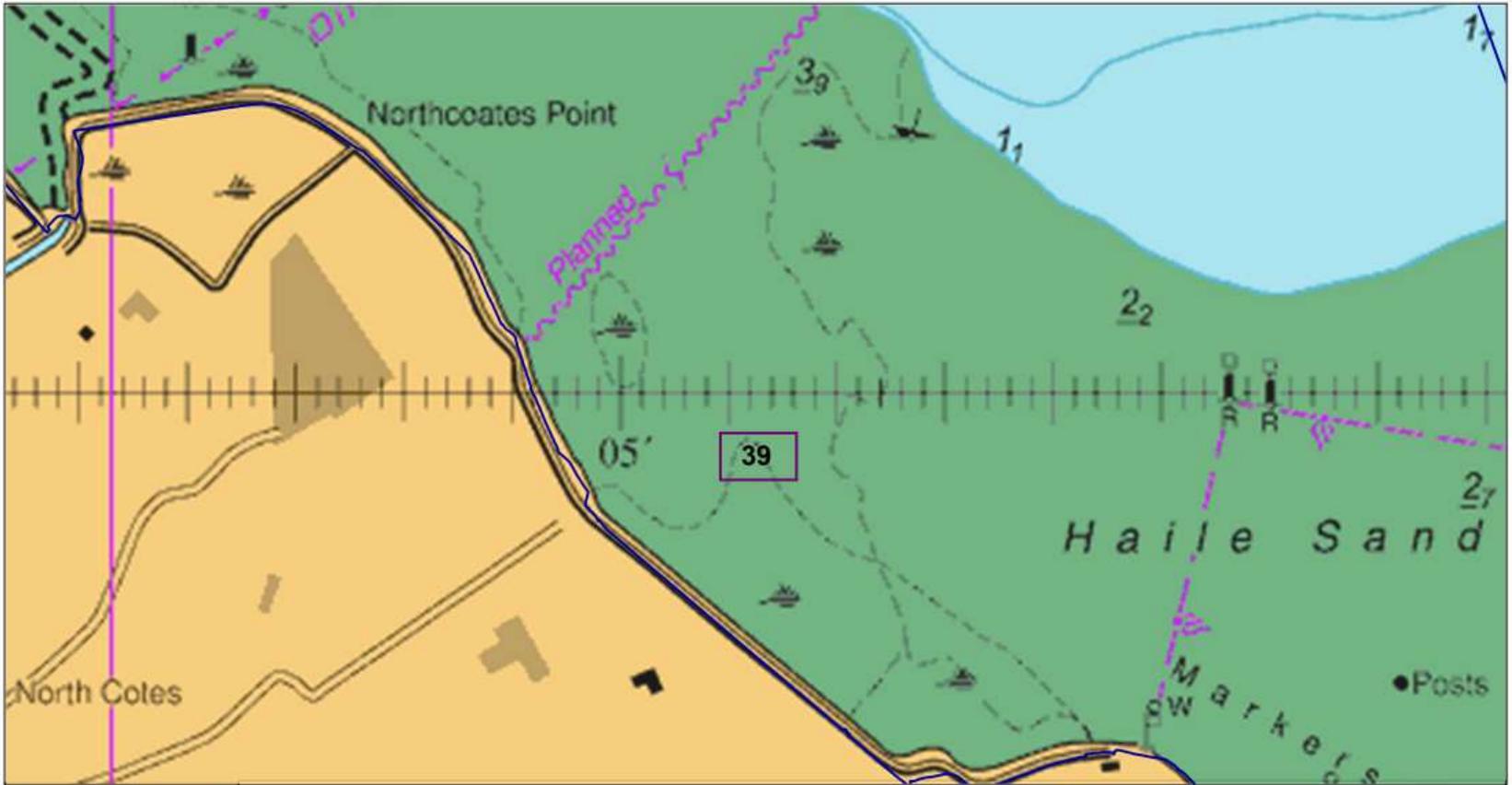
- Restricted area to bottom-towed gear
- Eastern IFCA district boundary
- Haisborough, Hammond and Winterton SAC boundary

**Not to be used for Navigation – for illustrative purposes only**

Contains public sector information licensed under the Open Government Licence v1.0 (c) British Crown and CrownWise 2019. All rights reserved. Licence No.01001-20100110. This product has been derived in part from material obtained from the UK Hydrographic Office with the permission of the UK Hydrographic Office, Her Majesty's Stationery Office and other relevant authorities.

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

2019\_06\_PHW\_Byelaw\_Chart\_5\_WOR



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

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

**Not to be used for navigation - For illustrative purposes only**

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

(c) British Crown and OceanWise 2020  
 All rights reserved. Licence  
 No. EK001-20180110.  
 This product has been derived in part from  
 material obtained from the UK Hydrographic  
 Office with the permission of the UK  
 Hydrographic Office, Her Majesty's  
 Stationery Office and other relevant  
 authorities.



Chart 7: Inner Dowsing, Race Bank and North Ridge SAC - Restricted Areas 40 - 51 and 54 - 58

- Restricted area to bottom-towed gear
- EIFCA boundary
- IDRBNR SAC boundary

**Not to be used for Navigation – for illustrative purposes only**

Contains public sector information licensed under the Open Government Licence v1.0 (c) British Crown and DeccaWise 2021. All rights reserved. Licence No. 64001-20180110. This product has been derived in part from material obtained from the UK Hydrographic Office with the permission of the UK Hydrographic Office, Her Majesty's Stationary Office and other relevant authorities.

Date: 04/10/2021

Drawn by: SC

Projection: Lat Long WSG84

EMS boundary: JNCC download -

UK\_SACs\_withMarineComponents\_2103821

2021\_10\_IDRBNR\_MI\_closures\_layout.WOR

## Appendix 4: Impact Assessment for Closed Areas Byelaw 2021

<b>Title:</b> Closed Areas Byelaw 2021  <b>IA No:</b>  <b>RPC Reference No:</b>  <b>Lead department or agency:</b> Eastern Inshore Fisheries and Conservation Authority (Eastern IFCA)  <b>Other departments or agencies:</b> Marine Management Organisation, Defra	<b>Impact Assessment (IA)</b>			
	<b>Date:</b> 08/12/2021			
	<b>Stage:</b> Draft 1			
	<b>Source of intervention:</b> Domestic			
	<b>Type of measure:</b> Other			
	<b>Contact for enquiries:</b> Julian Gregory (CEO) Eastern IFCA, 6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk, PE30 2JG tel:01553775321 email: <a href="mailto:mail@eastern-ifca.gov.uk">mail@eastern-ifca.gov.uk</a>			
<b>Summary: Intervention and Options</b>			<b>RPC Opinion:</b> Not applicable	

Cost of Preferred (or more likely) Option			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
-£145,044.3	-£87,639.3	£10,181.5	Qualifying provision

### What is the problem under consideration? Why is government action or intervention necessary?

Eastern IFCA is required to ensure that fishing activity does not have an adverse impact on the site integrity of Marine Protected Areas (MPAs) within the Eastern IFC district. To achieve this, intervention is required to introduce spatially restricted areas that are closed to bottom towed gear, and in some cases, hand working and crab tiling, within the following MPAs: the Wash and North Norfolk Coast Special Area of Conservation (SAC); the Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ); the Inner Dowsing, Race Bank and North Ridge SAC; the Haisborough, Hammond and Winterton SAC; and the Humber Estuary SAC.

### What are the policy objectives of the action or intervention and the intended effects?

To remove fishing pressures which will hinder the conservation objectives of the MPAs and protect site integrity whilst minimising the socioeconomic impact on fisheries livelihoods.

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

Option 0 – Do nothing

Option 1 – Closed Areas Byelaw 2021: Implement a byelaw under the Marine and Coastal Access Act 2009 (c.23) to close discrete areas to fishing activity using bottom towed gear, and in some cases crab tiling and hand working, to prevent impact on the site integrity of the MPAs within the Eastern IFC district.

Option 2 – Implement total closure to bottom towed gear activity (and in some closures hand working and crab tiling) across the Marine Protected Areas within the Eastern IFC district.

Option 3 – As per Option 1 through using voluntary measures.

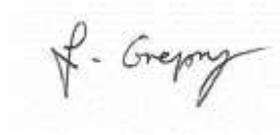
**Option 1** (Closed Areas Byelaw 2021) is preferred because it will ensure that fishing activity will not adversely impact the conservation objectives of the site, whilst mitigating socio-economic impact on fishing activity through spatially discrete closed areas. A regulatory approach is required to address the level of risk associated with the fisheries in relation to the conservation objectives of the MPAs.

Is this measure likely to impact on international trade and investment?	No			
Are any of these organisations in scope?	<b>Micro</b> Yes	<b>Small</b> Yes	<b>Medium</b> Yes	<b>Large</b> Yes

What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)	<b>Traded:</b> n/a	<b>Non-traded:</b> n/a
---	-----------------------	---------------------------

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

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



Signed by the responsible Chief Executive:

Julian Gregory

Date:

22/11/2021

# Summary: Analysis & Evidence

# Policy Option 1

Description: FULL ECONOMIC ASSESSMENT

Price Base Year 2021	PV Base Year	Time Period Years 10	Net Benefit (Present Value (PV)) (£)		
			Low: -£22,509,187.8	High: 0	Best Estimate: -£158,836.7

COSTS (£)	Total Transition (Constant Price) Years		Average (excl. Transition) (Constant Price)	Annual (Constant Price)	Total (Present Value)	Cost
	Low	Optional		0		
High	Optional	£2,615,010.2			£22,509,187.8	
Best Estimate		£18,452.9			£15,836.7	

### Description and scale of key monetised costs by 'main affected groups'

The key monetised cost is the loss of fishing ground for those who use bottom towed gear. The primary fishery impacted will be the brown shrimp particularly within the Wash and North Norfolk Coast SAC and the Inner Dowsing Race Bank and North Ridge SAC, where brown shrimp is the main fishery prosecuted using bottom towed gear. However the impact of the closures in these areas is assessed to be at a low scale, data suggests the closures are not covering important brown shrimp ground within the sites. Additional low-scale impact is identified in the loss of potential future fishing opportunities (seed mussel) in relation to some closures. Costs to Eastern IFCA relate to the monitoring and enforcement of the areas however this is not anticipated to be significant in relation to regular operation.

### Other key non-monetised costs by 'main affected groups'

The cumulative impact of closures and restrictions on fishing areas (including from external forces such as windfarms etc.) alongside the limited availability of species in the district limits fishing opportunity within the Eastern IFC district. The proposed option (the Byelaw) attempts to mitigate the necessity for closures with this impact by only closing discrete areas following consultation with affected stakeholders. Potential for low-level displacement to other areas because of closures, however the likelihood of displacement is further limited noting the limited species available and remaining available areas to fish inshore.

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

### Description and scale of key monetised benefits by 'main affected groups'

None identified.

### Other key non-monetised benefits by 'main affected groups'

The key non-monetised benefits of the proposed management are:

- To protect the Wash and North Norfolk Coast Special Area of Conservation (SAC); the Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ); the Inner Dowsing, Race Bank and North Ridge SAC; the Haisborough, Hammond and Winterton SAC; and the Humber Estuary SAC from the impacts of bottom towed fishing and crab tiling and hand working in some closures.
- To support the long-term sustainable health of the fisheries in these areas

Key assumptions/sensitivities/risks	Discount rate (%)	3.5
-------------------------------------	-------------------	-----

Average cost estimates for the fishing industry are based on MMO landings values, estimated within the management areas and the International Council for the Exploration of the Sea (ICES) statistical rectangles 34FO, 34F1, 35FO and 35F1 (Appendix 1, Chart A). Eastern IFCA catch returns data for shrimp is also used alongside VMS data that monitors location, speed and heading of vessels over 12m, however this does exclude a minority of affected vessels under this length. Actual landings derived directly from the proposed management areas are not known.

As the more important areas of activity closer inshore are easily accessible, estimated costs to the fishing industry are likely to be an overestimate, because those likely to be impacted are more likely to be fishing in the other more important areas. The total costs are derived as a proportion (the percentage coverage) of the total value of the ICES rectangles. Because activity is not equally distributed across the areas and is known to vary, accurate figures specific to each closure are not known. In addition, costs are estimated as lost revenue rather than a loss in profits to the fishing industry, and therefore overestimate the economic loss to the fishing sector as they do not account for the costs of fishing.

**BUSINESS ASSESSMENT (Option 1)**

<b>Direct impact on business (Equivalent Annual) £:</b>			<b>Score for Business Impact Target (qualifying provisions only) £:</b>
<b>Costs: £11,149.7</b>	<b>Benefits: 0</b>	<b>Net: £11,149.7</b>	

# Evidence Base

1. Introduction
2. Problem under consideration
3. Rationale for intervention
4. Policy objectives and intended effects
5. Rationale and evidence used to justify the level of analysis used in the IA (proportionality approach)
6. Options and the preferred option
7. Cost and benefits
8. Risks and assumptions
9. Impact on small and micro businesses
10. Wider impacts
11. Monitoring and evaluation
12. Conclusion summarising recommended option
13. Appendices
14. References

## 1. Introduction

1.1. The preferred option, The Closed Areas Byelaw 2021, proposes closed areas to specific types of fishing activity within five Marine Protected Areas (MPAs):

1.1.1. **The Wash and North Norfolk Coast Special Area of Conservation (WNNC)** which lies in International Council for the Exploration of the Sea (ICES) statistical rectangles 34F0, 34F1, 35F0, 35F1 (Appendix 1, Chart A). The site is located in the North Sea, along the Lincolnshire and East Anglian coastline.

- 5 distinct closures to bottom towed gear are proposed in this MPA
- 1 distinct closure to bottom towed gear, crab tiling and handwork is also proposed.

1.1.2. **The Inner Dowsing, Race Bank and North Ridge MPA (IDRBNR)** lies in ICES statistical rectangle 35F0 (Appendix 1, Chart A). The site is located in the North Sea along the Lincolnshire coast.

- 17 distinct closures to bottom towed gear are proposed in this MPA.

1.1.3. **The Humber Estuary Special Area of Conservation (HE)** lies in ICES statistical rectangle 35F0 (Appendix 1, Chart A). The site is located in the North Sea along the northern Lincolnshire coastline.

- The existing closure in this MPA restricts activity using bottom towed gear, and hand working and crab tiling, to prevent an adverse impact on the integrity of the site.
- Assessment and review of the closure as part of monitoring processes has concluded that the size of the restricted area is in excess of what is required to provide a protective effect. Eastern IFCA is required to ensure that management is proportionate and evidenced based, therefore the Byelaw proposes a reduction to the size of the closure.

1.1.4. **The Haisborough, Hammond and Winterton Special Area of Conservation (HHW)** lies in ICES statistical rectangle 34F1 (Appendix 1, Chart A). The site is located in the North Sea off the northeast coast of Norfolk.

- 3 distinct closures to bottom towed gear are proposed in this MPA.

1.1.5. **The Cromer Shoal Chalk Beds Marine Conservation Zone (CSCB)** lies in ICES rectangles 34F1 and 35F1 (Appendix 1, Chart A). The site is located in the North Sea along the North Norfolk coast, 200m offshore from between Weybourne and Happisburgh.

- Assessment of commercial fishing activities within the MCZ identified that bottom towed gear would be likely to cause irreversible damage to the chalk or peat and clay features of the site.
- Eastern IFCA is required to prevent this interaction through the implementation of a site-wide closure to bottom towed gear.
- Previous consultation in 2019 identified low lever activity using bottom towed gear at a low impact within a close inshore section of the MCZ. Assessment of the activity (approved by Natural England) has concluded that the activity can continue within the spatially defined Artisanal Shrimp Management Area with measures in place to prevent adverse impact on the site.

1.2. Bottom towed fishing means fishing using gear which is towed, dragged or pushed through the water whilst in contact with the seabed. This includes use of demersal otter and beam trawls, shellfish dredges and demersal seines.

1.3. Crab tiling means laying artificial items or structures in intertidal areas to gather crabs for the purpose of fishing

1.4. Handwork means the collection of sea fisheries resources including bait, using the hands or handheld fishing gear.

1.5. Inshore of 6nm, Eastern IFCA is the lead regulator for fishing and has the power to introduce byelaws to manage activity within the Eastern IFC district.

1.6. The byelaw includes a generic exemption from the closed areas in relation to activities undertaken in exercising a 'Right of Common', this replicates the effect of the existing MPA 2018 byelaw which concluded that such activities did not pose a risk to site integrity.

1.7. The byelaw requires that bottom towed gear is secured and stowed when transiting through Closed Areas except for when transiting smaller areas where it is possible to lift

the gear from the water, to enable fishing between the smaller areas effectively and safely.

- 1.8. This Impact Assessment (IA) has been prepared to outline the costs and benefits of the proposed Eastern IFCA byelaw to prohibit bottom towed fishing, and within limited areas, crab tiling and handwork, within discrete closed areas across the Eastern IFC district. The IA also indicates why the option being recommended is the preferred option for management.

## 2. Problem under consideration

- 2.1. Eastern IFCA is required to ensure that the fisheries within MPAs do not adversely impact the conservation objectives of the sites (*The Conservation of Habitats and Species Regulations 2017*, no.12). The CSCB Marine Conservation Zone is the only such protected area within the Eastern IFC district. Eastern IFCA has additional duties (*Marine and Coastal Access Act 2009*, c23 s.154) for Marine Conservation Zones: to seek to further the conservation objectives of the site.
- 2.2. Defra’s Revised Approach (Defra, 2013) to fisheries management outlines fishing activities in a Matrix according to the potential or actual impact of fishing gear types on the feature(s) for which the MPA has been designated. For ‘red risk’ interactions, identified within the Matrix, management is required to protect the MPA feature(s) from fishing activity. ‘Amber risk’ interactions between site features and gear as identified in the Matrix require site-specific assessment to inform any required management of fishing activity.
- 2.3. The closures proposed under this byelaw are required in addition to those already in place under the Marine Protected Areas Byelaw 2018 to prevent red risk and amber risk interactions. The closed areas already in place are outlined in Table 1. The proposed closed areas to be implemented under this byelaw are outlined in Table 2, including the interactions (protected feature(s) and impacted gear types), the relevant MPA, ICES rectangle and chart number.
- 2.4. The byelaw also proposes amendments to closures already in place under the Marine Protected Areas Byelaw 2018:
- 2.4.1. A reduction in the size of closure 39 (previously named closure 36 in the MPA 2018 byelaw) in the Humber Estuary;
- 2.4.2. Closures previously named 32 – 35 (in MPA 2018) in the Wash and North Norfolk Coast are extended to form one larger closure, closure 32.

Table 1. List of existing closures in place under the Marine Protected Areas Byelaw 2018

Closure(s)	Chart	ICES Rec.	MPA	Existing measure	Protected Feature(s)	Risk
1 - 13	1	34F0	WNNC	Closed to bottom towed gear	Biogenic reef: Intertidal mussel beds	Red
14 - 22	2	35F0	WNNC	Closed to bottom towed gear	Biogenic reef: <i>Sabellaria</i>	Red
23 - 28	2	34F0	WNNC	Closed to bottom towed gear	Biogenic reef: <i>Sabellaria</i>	Red

29	2	35F0, 34F0	WNNC	Closed to bottom towed gear	Subtidal stony reef	Red
30	3	34F0	WNNC	Closed to bottom towed gear	Intertidal eelgrass beds	Red
31	3	34F0, 34F1	WNNC	Closed to bottom towed gear	Subtidal mixed sediment	Red
Previously (32, 33, 34, 35)	3	34F0, 34F1	WNNC	Closed to bottom towed gear	Intertidal eelgrass beds, subtidal mixed sediment subtidal mud  (extension proposed below)	Red
Previously 36	6	35F0	HE	Closed to bottom towed gear, crab tiling and handwork	Eelgrass (reduction in size of closure proposed below)	Red

Table 2. List of proposed closures to be implemented under the Closed Areas Byelaw 2021

Closure	Chart	ICES Rec.	MPA	Proposed measure	Protected Feature(s)	Risk
32 (previously 32 - 35)	3	34F0, 34F1	WNNC	Closed to bottom towed gear – <i>EXTENSION</i>	(Intertidal eelgrass areas already closed) subtidal mud, subtidal mixed sediment	Red /Amber
33	3	34F0, 34F1	WNNC	Closed to bottom towed gear	Subtidal sand, subtidal mixed sediment, subtidal mud; juvenile fish, harbour seals	Amber /Red
34	3	34F0, 35F1	WNNC	Closed to bottom towed gear	Subtidal mixed sediment, subtidal mud	Amber
35	4	34F0, 35F1	CSCB	Closed to bottom towed gear	Subtidal chalk, infralittoral rock, circalittoral rock, peat and clay exposures, subtidal coarse sediment, subtidal sand, subtidal mixed sediment	Amber
36 - 38	5	34F1	HHW	Closed to bottom towed gear	Biogenic reef: <i>Sabellaria</i>	Red
39 (previously 36)	6	35F0	HE	Closed to bottom towed gear, crab tiling and handwork – <i>REDUCTION</i>	Eelgrass	Red
40 - 51	7	35F0	IDRBNR	Closed to bottom towed gear	Biogenic reef: <i>Sabellaria</i>	Red
52	2	35F0, 34F0	WNNC	Closed to bottom towed gear	Circalittoral rock	Red
53	1	34F0	WNNC	Closed to bottom towed gear, crab tiling and handwork	Biogenic reef: <i>Sabellaria</i>	Red
54 - 58	7	35F0	IDRBNR	Closed to bottom towed gear	Biogenic reef: <i>Sabellaria</i>	Red
59, 60 (specific closures within closure 35)	4	34F1	CSCS	Closed to bottom towed gear	Subtidal chalk	Amber

### 3. Rationale for intervention

- 3.1. Eastern IFCA has a duty under the Marine and Coastal Access Act (*MaCAA* 2009) to ensure the sustainable exploitation of sea fisheries resources within the Eastern IFC district.
- 3.2. In discharging its duties Eastern IFCA is required to ensure good environmental status of fish and shellfish stocks through responsive and flexible management, taking into account scientific and technological developments over time as per the Marine Strategy Framework Directive (2008/56/EC).
- 3.3. Fishing activities can potentially cause negative outcomes in the marine environment as a result of market failures. These failures can be described as:
  - 3.3.1. *Public goods and services*: A number of goods and services provided by the marine environment such as biological diversity are 'public goods' (no-one can be excluded from benefiting from them but use of the goods does not diminish the goods being available to others). The characteristics of public goods, being available to all but belonging to no-one, mean that individuals do not necessarily have an incentive to voluntarily ensure the continued existence of these goods which can lead to under-protection/provision.
  - 3.3.2. *Negative externalities*: Negative externalities occur when the cost of damage to the marine environment is not fully borne by the users causing the damage. In many cases no monetary value is attached to the goods and services provided by the marine environment, and this can lead to more damage occurring than would occur if the users had to pay the price of damage. Even for those marine harvestable goods that are traded (such as wild fish), market prices often do not reflect the full economic cost of the exploitation or of any damage caused to the environment by that exploitation.
  - 3.3.3. *Common goods*: A number of goods and services provided by the marine environment such as populations of wild fish are 'common goods' (no-one can be excluded from benefiting from those goods however consumption of the goods does diminish that available to others). The characteristics of common goods (being available but belonging to no-one, and of a diminishing quantity), mean that individuals do not necessarily have an individual economic incentive to ensure the long-term existence of these goods which can lead, in fisheries terms, to potential overfishing. Furthermore, it is in the interest of each individual to catch as much as possible as quickly as possible so that competitors do not take all the benefits. This can lead to an inefficient amount of effort and unsustainable exploitation.
- 3.4. This byelaw aims to redress these sources of market failure in the marine environment in the following ways:
  - 3.4.1. Management measures to conserve the designated features of MPAs which will ensure negative externalities are reduced or suitably mitigated.
  - 3.4.2. Management measures will support the continued existence of public goods in the marine environment by conserving the range of biodiversity in the Eastern IFC District.

- 3.4.3. Management measures will also support the continued existence of common goods in the marine environment by ensuring the long-term sustainability of shrimp stocks in the Eastern IFCA district.

#### **4. Policy objectives and intended effects**

- 4.1. The Marine and Coastal Access Act (*MaCAA* 2009) established IFCAs to 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.
- 4.2. The byelaw seeks to prevent adverse impact on the conservation objectives of the MPAs that have been identified as at risk to impact from bottom towed gear and, in some cases crab tiling and handwork. This will be achieved by prohibiting fishing using bottom towed gear, and in some cases crab tiling and handwork, in discrete closed areas across the MPAs specified.
- 4.3. The social and economic impacts of management intervention will be minimised where possible.
- 4.4. The closures will be clear and enforceable.

#### **5. Rationale and evidence used to justify the level of analysis used in the IA (proportionality approach)**

- 5.1. This IA has used the following information:
  - 5.1.1. MMO landings data (2010 to 2020 inclusive, 2021 not included due to the dataset being incomplete)
  - 5.1.2. VMS data (2005 to 2019 inclusive)
  - 5.1.3. Eastern IFCA recorded catch returns data
  - 5.1.4. Eastern IFCA assessment data
  - 5.1.5. Anecdotal information provided by fisheries stakeholders (during informal engagement)
- 5.2. The IA has considered the best available evidence to estimate monetised costs where the data will allow.
- 5.3. To estimate economic impact of the proposed management, fishing patterns of vessels using bottom towed gear within and around the proposed management areas from 2010 to 2020 were analysed using an annual average. Fisheries landings are reported at ICES statistical rectangle level. The proposed management areas fall within the ICES rectangles 34F0, 34F1, 35F0 and 35F1.
- 5.4. Assessment of the landings data shows that the the primary fisheries that are targeted using bottom towed gear in these areas include, brown shrimp, cockles, scallops, mussels, pink shrimp, sole, whiting, bass and cod. Of these fisheries brown shrimp is the most significant and therefore the most likely to be impacted by the closures.

- 5.5. Data is not held to be able to estimate any monetary impact from prohibiting crab tiling and handwork as in closures 39 and 53. However there is not known to be any such activity in the areas anecdotally.
- 5.6. Ongoing development of the byelaw has resulted in several informal consultations being held between 2019 - 2021 with stakeholders who are likely to be impacted.
- 5.7. The boundaries of the proposed management areas were determined taking into account the best available evidence of the extent and sensitivity of the feature as well as the need for a 'buffer zone' between the features and the byelaw boundary. Ease of enforcement and the need to have a clear demarcation to promote compliance was also taken into account when considering the shape of the closed areas.

## **6. Options and the preferred option**

### **6.1. Option 0. Do nothing**

Doing nothing would not reduce the impact from bottom towed gear (and in some cases crab tiling and handwork) on the features of the specified MPAs. This would be contrary to the duties of the IFCA and is therefore insufficient. To do nothing in relation to the reduction of closure 39, would mean to leave the larger closure in place to no additional benefit.

### **6.2. Option 1. Closed Areas Byelaw 2021: Eastern IFCA byelaw to prohibit bottom towed fishing, and in some cases crab tiling and handwork, within the specified closed areas (the preferred option)**

This option would remove the impact of bottom towed fishing on the features identified as 'red risk' and the 'amber risk' features that have so far been assessed, preventing adverse impact on the conservation objectives of the MPAs. This option will allow low-impact activity using bottom towed gear within the Artisanal Shrimp Management Area (chart 4) in accordance with policy that has been formally agreed with Natural England. This option will also reduce the size of closure 39 to ensure that the closure is limited to the sufficient protected effect to meet the conservation objectives of the site. This option best meets the duties of Eastern IFCA to achieve balance in fisheries and conservation objectives.

### **6.3. Option 2. Total closure of all MPAs to bottom towed gear.**

This option would go beyond the minimum requirement to achieve the conservation objectives of the MPAs and have a disproportionate impact on the inshore fishing industry in the Eastern IFC District. This approach would not be evidence based in relation to the Artisanal Shrimp Management Area, within which low impact activity has been assessed to be able to continue, and the closure 39 in the Humber Estuary where the current closure size is disproportionate to the level of benefit.

### **6.4. Option 3. Management of activity through a voluntary agreement**

The principles of Better Regulation require that statutory regulation is introduced only as a last resort. However, the Revised Approach to fisheries management necessitates that 'red risk' interactions are prevented, additionally where 'amber risk' interactions are assessed, and potential harmful impact is proven the interaction must also be prevented. Due to the need to mitigate impact on fishing industry closures have been drawn that are spatially discrete and only close the minimum required to protect the feature and meet the conservation objectives of the site. This requires that fishers have a clear understanding of the location and necessity of the closures. The risk proposed by potential damage to the site through continued activity using bottom towed gear (and in

some cases crab tiling and handwork) necessitates that regulation is required to ensure adequate protection and monitoring of the features.

## **7. Monetised and non-monetised costs and benefits of each option (including administrative burden)**

### **7.1. Option 0. Do nothing**

*Monetised costs:* None identified.

*Non-monetised costs:* Environmental costs due to impact being allowed to proceed in areas where adverse impact has been identified. Possibility of legal challenge as a result of Eastern IFCA being in contravention of legislative requirements.

### **7.2. Option 1. Closed Areas Byelaw 2021: Eastern IFCA byelaw to prohibit bottom towed fishing, and in some cases crab tiling and handwork, within the specified closed areas (the preferred option)**

*Monetised costs:*

7.2.1. Due to the distribution of the closed areas across 5 MPAs the monetised costs are considered for each MPA below.

#### **7.2.2. The Wash and North Norfolk Coast Special Area of Conservation (WNNC)**

- Best estimate (£9,087.02) is estimated from the percentage coverage of the closures in these areas (0.49%) in relation to the total size of the ICES rectangles 34F0, 34F1, 35F0 and 35F1, and an average of the total sum value of the fisheries using bottom towed gear across these is determined. It is difficult to determine impact upon the most economically valuable fishery, brown shrimp, in closures 31 - 34 in this MPA due to the low level of returns data. Shrimp effort is primarily focused on the central areas in The Wash where closures are already implemented under the Marine Protected Areas byelaw 2018.
- High estimate (£1,854,495.32) is estimated from the average total sum value of 34F0, 34F1, 35F0 and 35F1. This approach assumes that all activity from these areas is concentrated within the closed areas which is known not to be the case. Landings data for ICES statistical rectangles 34F0, 35F0, 34F1 and 35F1 were used to estimate monetary values which will have the effect of an even greater overestimation than for those estimated from one ICES area.
- Low estimate (£0) estimated in the understanding that fishing activity is mobile and frequently changing, due to the spatial accuracy of determining the exact amount of activity within the closed area from landings data available.

#### **7.2.3. The Haisborough, Hammond and Winterton Special Area of Conservation (HHW) The Inner Dowsing, Race Bank and North Ridge MPA (IDRBNR)**

- Best estimate (£207.94) is estimated from the percentage coverage of the closures in these areas (1.02%) in relation to the total size of the ICES rectangle 34F1, and an average of the total sum value of the fisheries using bottom towed gear across these is determined. This is likely to be an

overestimate as consultation has suggested there is a low level of activity with bottom towed gear in these areas.

- High estimate (£20,336.948) is estimated from the average total sum value of 34F1. This approach assumes that all activity from this area is concentrated within the closed areas which is known not to be the case.
- Low estimate (£0) estimated in the understanding that fishing activity is mobile and frequently changing, due to the spatial accuracy of determining the exact amount of activity within the closed area from landings data available.

#### **7.2.4. The Humber Estuary Special Area of Conservation (HE) and The Inner Dowsing, Race Bank and North Ridge MPA (IDRBNR)**

- The monetised costs of these MPAs are considered together as they are both located within ICES rectangle 35F0, and the Humber Estuary closure is of such a scale (0.002%) that impact is impossible to accurately determine. Additionally, the Humber Estuary closure is proposed to reduce in size therefore existing possible monetary impacts in this area are likely to be reduced.
- Best estimate (£844.80) is estimated from the percentage coverage of the closures in these areas (0.12%) in relation to the total size of the ICES rectangle 35F0, and an average of the total sum value of the fisheries using bottom towed gear in 35F0. This is likely an overestimate because VMS data for the primary fishery in this area (brown shrimp) suggests that activity is very low in the closed areas. Consultation has not highlighted these areas as uniquely important areas in comparison to the entire area.
- High estimate (£703,987.75) is estimated from the average total sum value of 35F0. This approach assumes that all activity from 35F0 is concentrated within the closed areas which is known not to be the case.
- Low estimate (£0) estimated in the understanding that fishing activity is mobile and frequently changing, due to the spatial accuracy of determining the exact amount of activity within the closed area from landings data available, it is possible that no activity occurs within the areas. The VMS data supports low evidence of activity.

#### **7.2.5. The Cromer Shoal Chalk Beds Marine Conservation Zone (CSCB)**

- Best estimate (£1,009.93) is estimated from the percentage coverage of the closures in these areas (4.01%) in relation to the total size of the ICES rectangles 34F1 and 35F1 and an average of the total sum value of the fisheries using bottom towed gear across these is determined. This is likely to be an overestimate as consultation has suggested there is a low level of activity with bottom towed gear in these areas.
- High estimate (£25,185.36) is estimated from the average total sum value of 34F1. This approach assumes that all activity from this area is concentrated within the closed areas which is known not to be the case.

- Low estimate (£0) estimated in the understanding that fishing activity is mobile and frequently changing, due to the spatial accuracy of determining the exact amount of activity within the closed area from landings data available. Additionally, the MCZ is known for its potting fisheries which are incompatible with bottom towed fishing due to the nature of the gear which suggests that activity within the site is already low.

*Non-monetised costs:*

- 7.2.6. The impacts are likely to be distinct for each closure due to the variability of the grounds and the specificity of grounds for certain types of fishing which means that it is not always possible for the same activity to continue in another area. However, some risk from displacement is possible from activity into surrounding areas given the amount of closures across the MPAs. The total closures for all areas including those already implemented will be 58 (with distinct closures 59 and 60 within the Artisanal Shrimp Management Area that is within closure 35). However, catch returns data, VMS, and consultation suggests that most activity with bottom towed gear is already external to the proposed areas.
- 7.2.7. Closure 32 in the WNNC includes a seasonal corridor to enable activity during periods where the area is not sensitive to impacts from the removal of juvenile fish.
- 7.2.8. Impact on future mussel seed fisheries is not known. Whilst there have not been any viable mussel seed fisheries for relaying for a number of years, consultation responses in 2020 and 2021 suggested that closed areas proposed within IDRBNR were historic seed areas. Historic survey data suggests that seed areas were mostly located outside the closed areas. Closures would prevent prospecting for seed mussel. However, should seed mussel be identified within the area, either via non-intrusive survey or by prospecting in the areas adjacent, the potential for a seed mussel fishery remains, subject to the Authority's authorisation, via an exemption to the byelaw (under the Applications and Exemptions Byelaw 2016). Additionally, because the areas are discrete seed-mussel beds may be identified by protrusions of the bed outside the closures.
- 7.2.9. Loss of fishing activity may have impact on onshore tertiary employment and other related fields.
- 7.2.10. Direct costs to business could occur due to non-compliance with the regulation. It is difficult to estimate costs, but they would only be placed on business following non-compliance, and ultimately in line with Eastern IFCA's regulation and Compliance Strategy where there is a proportionate approach to enforcement with education, engagement and endorsement of compliance being at the forefront of the strategy.

Costs for Eastern IFCA:

7.2.11. *Monetised*: Additional compliance activities will be required in addition to education and engagement. The cost of such is anticipated to be at low level, with between 4-6 additional sea patrols a year:

- Best estimate (£7,303.2) is estimated from 4 sea patrols a year.
- High estimate (£10,954.8) is estimated from 6 sea patrols a year
- Further evidence of cost is illustrated in Table 3 below.

Table 3. Costs of sea and shore patrols for Eastern IFCA in 2021

2021 totals				
Costs associated with 1 sea patrol				
		employment		cost per 7.4-hour day
Crew: -	Number required	cost including on costs	working days	
Senior IFCO	1	55,585	225	247.04
Grade 5 IFCO	3	125,217	227	551.62
<b>Total cost</b>				<b>798.66</b>
		annual cost	days at sea	
<u>Operation cost of vessel</u>			70	
Maintenance/refit		16,000.00		228.57
Insurance		3,400.00		48.57
Fuel etc.				750
<b>Total Cost</b>		<b>19,250</b>		<b>1,027.14</b>
<b>Total operation cost per day/trip</b>				<b>1,825.80</b>
Costs associated with 1 shore patrol				
		employment		cost per 7.4-hour day
Crew: -		cost inc. on costs	working days	
Grade 5 IFCO	2	83,478	227	367.74
<b>Total cost</b>				<b>367.74</b>
Operation Cost of Patrol vehicle				
	Per day	£20		£20
<b>Total operational cost of shore patrol per day</b>				<b>387.74</b>

7.2.12. *Non-monetised*: Eastern IFCA's approach to enforcement is intelligence led, therefore there is the possibility that in event of non-compliance that the costs of monitoring and enforcement are well in excess of those illustrated above for 4-6 patrols.

### 7.3. Option 2. Total closure of all MPAs to bottom towed gear.

*Monetised costs*:

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

*Non-monetised costs*:

7.3.2. The potential impact of this option is likely to be underestimated by the landed value of catch. The factories which process the shrimp caught (both of which are based in King's Lynn) rely to a large degree on the shrimp market. The market price for the processed shrimp is likely to be much higher than the landed value and which includes a significant amount of export to foreign markets (primarily Netherlands). There are a significant number of tertiary jobs associated with this fishery and these processing factories (i.e. engineers, factory workers, delivery drivers).

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

### 7.4. Option 3. Management of activity through a voluntary agreement

*Monetised costs*: If the voluntary measures are adhered to it is possible that the costs will be the same as for Option 1 (the preferred option). However, it is anticipated that voluntary measures will likely be less strictly adhered to and therefore the costs will be reduced. Costs for Eastern IFCA are potentially likely to be less significant due to greater uncertainty surrounding the monitoring and enforcement of voluntary areas.

*Non-monetised costs*: If the voluntary agreements are not adhered to, there would be the same non-monetised costs as Option 0, as if nothing was done.

## 8. Risks and assumptions

8.1. Cost estimates are based on estimates of UK landings values derived from within the management area. Landings information is reported at ICES rectangle level and it is therefore not possible to ascertain what proportion of the total landings value was actually derived from the proposed management area.

8.2. Eastern IFCA is reliant on stakeholders to provide essential information about activity that will be impacted by the proposed closures. Such input is sought in consultation; however it is acknowledged that often that provided may not be to an accurate level and it is extremely unlikely that there would be an emergent active fishery unbeknownst to the Authority.

8.3. The absence of VMS 'pings' in an area means that we are confident that this represents the fishing pattern (no fishing in the area). However, given that VMS only 'pings' once every

2 hours it is plausible, although unlikely, that some vessels have fished in the area without the VMS 'pinging'.

8.4. The importance of areas closed to fishing are likely to change over time, in accordance with the ephemeral nature of some of the protected features. If the habitat is evidenced to have changed it is likely that the closure may be reviewed, as has been the case in the proposed reduction to the Humber Estuary closure 39.

8.5. Potential displacement to the grounds external to the closure areas is unlikely to the variation of the ground and the vessel capacity for the inshore fleet to change location, however an impact of this is difficult to quantify and impossible to predict where exactly activities will be displaced to.

8.6. The increase in closed areas reduced the overall availability of grounds to fish, even where previous activity may have been minimal, therefore increasing pressure on open grounds with potential environmental and welfare impact as competition for reduced grounds increases.

## **9. Impact on small and micro businesses**

9.1. Whilst exact data is not available, it is not unreasonable to anticipate a disproportionate impact on smaller businesses with smaller inshore vessels that lack capacity to fish further offshore to find different fishing areas. However, most vessels that operate with bottom towed gear have greater capacity for this work, and VMS data suggests that for brown shrimp in particular, key areas remain open in the close inshore areas within The Wash and along the Lincolnshire Coast.

## **10. Wider impacts**

10.1. Wider impacts possible as loss of general fishing opportunity decreases along with opportunities to diversify, for example loss of social heritage and economy should a fishery no longer be viable.

10.2. Potential impact of displacement on habitats that remain open as less sensitive as intensity increases.

10.3. Loss of tertiary employment through loss of fishing opportunity, including fisheries processors, suppliers etc.

## **11. A summary of the potential trade implications of measure**

11.1. None anticipated.

## **12. Monitoring and evaluation**

12.1. Eastern IFCA will be responsible for monitoring and enforcing the Byelaw. In line with guidance the Byelaw will be reviewed every four years to ensure that it remains effective.

12.2. The Byelaw will be reviewed every 4 years. Monitoring the effectiveness of closures in terms of habitat recovery would require an ongoing programme of vessel-based survey work, although at this stage it is not established whether this cost would fall to Eastern IFCA. Future surveys of the closed areas are estimated to require a minimum of ten survey days per year.

### **13. Summary of preferred option and description of implementation**

13.1. The preferred option, Option 1: the Closed Areas Byelaw 2021, will revoke the existing Marine Protected Areas Byelaw 2018 as the closures are proposed in addition to those already implemented under that byelaw.

13.2. The Artisanal Shrimp Management Area will be managed in accordance with the Artisanal Shrimp Management Policy to effectively limit the activity within the area to a low level with low impact as is currently the case. The policy will also set out the parameters for establishing risk to the integrity of the site necessitating immediate closure of the area on an annual basis where required.

13.3. The closures will come into effect immediately following the implementation of the byelaw. Impacted stakeholders will be notified of the byelaw coming into effect, coordinates and charts will be provided.

### **14. Appendices**

14.1. Appendix 1. Chart A: ICES Rectangles and MPA Boundaries

14.2. Appendix 2. Charts 1 – 7 of proposed closed areas: Closed Areas Byelaw 2021

### **15. References**

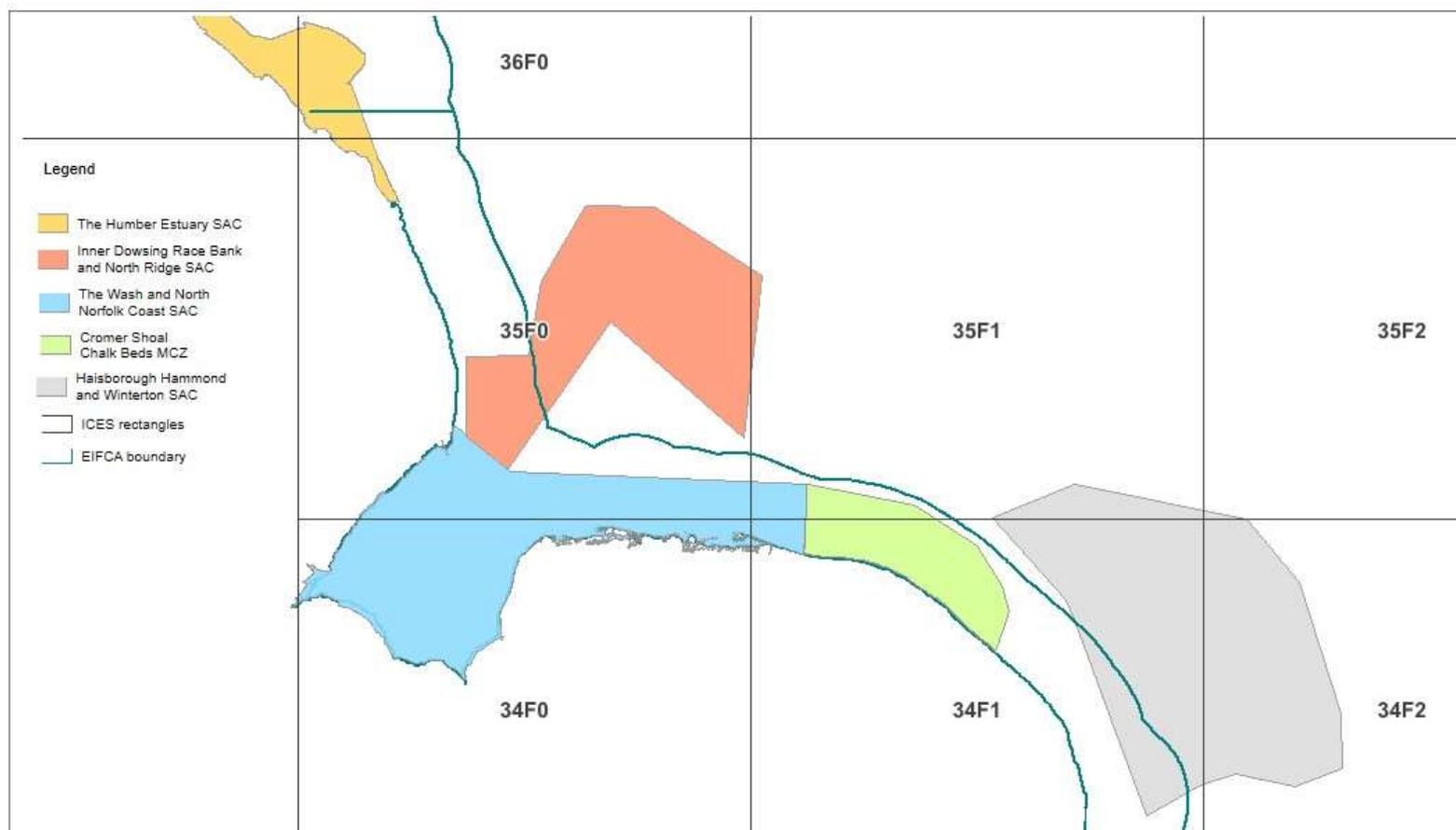
*The Conservation of Habitats and Species Regulations 2017*, SI/1012 available at: <https://www.legislation.gov.uk/ukxi/2017/1012/contents/made>

Defra, 2013, *The Revised Approach to the Management of Commercial Fisheries in European Marine Sites – Overarching Policy and Deliver Document*, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/345970/REVISED\\_APPROACH\\_Policy\\_and\\_Delivery.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/345970/REVISED_APPROACH_Policy_and_Delivery.pdf)

Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (*Marine Strategy Framework Directive*) available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02008L0056-20170607>

*The Marine and Coastal Access Act 2009*, c.23 available at: <https://www.legislation.gov.uk/ukpga/2009/23/contents>

# Impact Assessment Appendix 1. Chart A: ICES Rectangles and MPA Boundaries



### Chart A:

#### Explanatory text:-

- (i) these are the full extents of the marine protected areas within which the CAB will bring in closed areas
- (ii) other than the MCZ closure, the closed areas are significantly smaller than the full extents of the MPAs
- (iii) the closed areas are shown in the charts in the byelaw itself and
- (iv) there are other MPAs in our district not shown on this chart because this byelaw does not set up closures in them.

**Not to be used for Navigation – for illustrative purposes only**

Contains public sector information licensed under the Open Government Licence v1.0

Date: 19/11/2021

Drawn by: SC

Projection: Lat Long WSG84

EMS boundary: JNCC download -

UK\_SACs\_withMarineComponents\_2103821

2021\_11\_Econ0mImpAss EIFCA ICES MPA.WDR

Impact Assessment Appendix 2. Charts of proposed closures: Closed Areas Byelaw 2021. *(Removed for the purposes of the paper – refer to the charts of the closed areas in Appendix 1 of the draft Closed Areas Byelaw (Appendix 3 of this paper).*

## Appendix 5: Policy for Management of Artisanal Shrimp Fishery



### Cromer Shoal Chalk Beds Marine Conservation Zone:

#### Artisanal Shrimp Management Policy

*This policy comes into effect on:*

This document sets out how Eastern IFCA will manage small-scale, hand-hauled shrimp fishing activity within a marine protected area under the Closed Areas Byelaw 2021. It also sets out what Eastern IFCA would consider constitutes a 'risk' in accordance with paragraph 10 of the Closed Areas Byelaw 2021.

#### Introduction

The Cromer Shoal Chalk Beds Marine Conservation Zone (the MCZ) is a marine protected area off the North Norfolk Coast. Eastern IFCA must ensure that the conservation objectives of the MCZ are furthered (*Marine and Coastal Access Act 2009, s.153 and 154*).

Eastern IFCA assessed fishing activity within this area and identified that use of bottom towed gear will hinder the conservation objectives of the site when this is undertaken over certain habitats.

As such, Eastern IFCA created the Closed Areas Byelaw 2021, which prohibits fishing with bottom-towed gear within the MCZ except in a small section in the north-east of the site (which does not include habitats or species sensitive to bottom towed gear. In addition, there is a specific exemption in relation to a small area in the south-east of the site defined as the 'artisanal shrimp management area' (Chart 4).

Artisanal shrimp fishing at the current level of activity is not hindering the MCZ conservation objectives. This fishing activity must be monitored and managed to ensure it does not change in such a way that the conservation objectives would be hindered.

#### What is meant by artisanal shrimp fishing?

This describes the small-scale shrimp fishery located within part of the MCZ with the following characteristics:

- Small vessels using bottom-towed gear that is hauled by hand only;
- Beam widths of 10ft (3.048m) or less;
- Very low levels of activity.

The total impact of shrimp fishing within the site is measured as a maximum area of seabed over which fishing takes place. This is called the 'swept area'. This is calculated using the known beam width, the estimated tow duration and speed, and the number of tows per year.

The assessment estimated a current precautionary maximum swept area of 1.03 km<sup>2</sup> per year. Fishing beyond the maximum swept area is considered a risk to the conservation objectives for the purposes of paragraph 10 of the Closed Areas Byelaw 2021.

## **Managing artisanal shrimp fishing activity to ensure that the conservation objectives are furthered**

With respect to artisanal shrimp fishing, the Closed Areas Byelaw 2021 will:

- Prohibit the activity except:
  - Within the 'artisanal shrimp management area' (Appendix 1, chart 4 of the byelaw); and
  - Where fishing gear is hand-hauled only; and
  - Where the beam width of fishing gear is 10ft (3.048m) or less; and
  - Where the beam is operated from a vessel of no more than 7.9m metres in overall length; and
  - Where fishing gear does not include a chain foot rope.

Shrimp fishing permitted under the byelaw as above must also be in accordance with the Shrimp Permit Byelaw 2018.

This is intended to prevent any increases in swept area as a result of changes to fishing gear.

In addition, Eastern IFCA will monitor the amount of fishing activity in order to monitor the swept area of the fishery through the year. This will be done using mandatory return forms from any person (including recreationally) who fishes for shrimp in the area. This requirement is also set out within the byelaw and is summarised as follows:

- A person must notify Eastern IFCA within 24 hours of shrimp fishing activity within the artisanal shrimp management area;
- Where fishing has taken place, the person fishing must complete and return a fishing activity form within 7 days of fishing with the following information:
  - Vessel name and PLN;
  - Date and time of fishing activity;
  - Width of beam;
  - Tow duration;
  - Average tow speed;
  - Landed weight of shrimp caught.

Monitoring of shrimp fishing activity as set out above will be augmented by the Shrimp Permit Byelaw 2018 which prohibits fishing for shrimp without a permit (unless fishing for recreational purposes from a vessel which is not a registered fishing vessel).

If the level of artisanal shrimp fishing activity reaches a total swept area of 1.03km<sup>2</sup> within a calendar year, Eastern IFCA will close the area to this fishery until the start of the following calendar year, using the Closed Areas Byelaw 2021. This is to ensure the fishery will not risk hindering the conservation objectives of the MCZ.

**Review**

This policy will be reviewed no later than six years after coming into effect.

### **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**

### **46<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting**

8<sup>th</sup> December 2020

**Report by:** Julian Gregory, CEO

#### **Authority Meeting Dates 2022-23**

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

The purpose of this report is to propose dates for meetings of the Authority and sub committees thereof in 2022-23.

##### **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 36<sup>th</sup> Authority meeting held on 15<sup>th</sup> 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 26<sup>th</sup> 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 2023 is attached as Appendix 1.

### **Appendices**

Appendix 1 – Meetings Schedule 2022-23

## Appendix 1

### Eastern IFCA Meetings Schedule 2022-23

Meeting	Date	Time	Proposed venue
Fisheries and Conservation Management Working Group*	Tuesday 18 <sup>th</sup> January 2022	14:00	Online or venue to be advised
Finance & HR Sub-Committee	Tuesday 1 <sup>st</sup> February 2022	10:30	Venue to be advised
<b>47<sup>th</sup> Eastern IFCA</b>	<b>Wednesday 9<sup>th</sup> March 2022</b>	<b>10.00</b>	<b>Venue to be advised</b>
Fisheries and Conservation Management Working Group*	Tuesday 19 <sup>th</sup> April 2022	14:00	Online or venue to be advised
Finance & HR Sub-Committee	Tuesday 3 <sup>rd</sup> May 2022	10:30	Venue to be advised
<b>48<sup>th</sup> Eastern IFCA</b>	<b>Wednesday 8<sup>th</sup> June 2022</b>	<b>10.00</b>	<b>Venue to be advised</b>
Fisheries and Conservation Management Working Group*	Tuesday 19 <sup>th</sup> July 2022	10:30	Online or venue to be advised
Finance & HR Sub-Committee	Tuesday 2 <sup>nd</sup> August 2022	10:30	Venue to be advised
<b>49<sup>th</sup> Eastern IFCA</b>	<b>Wednesday 14<sup>th</sup> September 2022</b>	<b>10.00</b>	<b>Venue to be advised</b>
Fisheries and Conservation Management Working Group*	Tuesday 18 <sup>th</sup> October 2022	10:30	Online or venue to be advised
Finance & HR Sub-Committee	Tuesday 1 <sup>st</sup> November 2022	10:30	Venue to be advised
<b>50<sup>th</sup> Eastern IFCA</b>	<b>Wednesday 14<sup>th</sup> December 2022</b>	<b>10.00</b>	<b>Venue to be advised</b>
Fisheries and Conservation Management Working Group*	Tuesday 17 <sup>th</sup> January 2023	10:30	Online or venue to be advised
Finance & HR Sub-Committee	Tuesday 7 <sup>th</sup> February 2023	10:30	Venue to be advised
<b>51<sup>st</sup> Eastern IFCA</b>	<b>Wednesday 8<sup>th</sup> March 2023</b>	<b>10.00</b>	<b>Venue to be advised</b>

\*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 13

### 46<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting

8<sup>th</sup> December 2021

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

#### **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.

The Authority has a rolling five-year Business Plan that incorporates annual priorities informed by the annual Strategic Assessment. The plan also includes the high-level objectives agreed with Defra.

The 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**

This update encompasses the period from the last update to the end of November 2021.

The tables at Appendix 1 detail the progress against the key priorities for 2021-22, as set in the Business plan for 2021-26.

The Risk Register is set out at Appendix 2 and the current status of each risk area is shown at Appendix 3.

**Appendices**

Appendix 1 – Update on priorities set for 2021-22

Appendix 2 – Risk Register

Appendix 3 – Update on Risk Register

**Background documents**

Eastern Inshore Fisheries and Conservation Authority Business Plan 2021-26.

## APPENDIX 1 - Progress against Annual Priorities – July to November 2021

Four key priorities are established for 2021-22.

Financial Year 2021-22		
Priorities 2021-22	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;</p> <p>b) Assessing the impact of fishing activities on the Cromer Shoal Chalk Beds (MCZ) and delivering management measures (if required).</p>		<p>1.a) <b>Ongoing.</b> <i>Haisborough, Hammond &amp; Winterton</i>: The Marine Protected Areas Byelaw 2019 includes protection of “red risk” features in this site. Implementation of this byelaw has been delayed whilst an exemption has been considered for a small scale fishery in another site. It is now proposed the Closed Areas Byelaw 2021 (Agenda Item 11) will incorporate the measures from the 2019 byelaw.</p> <p><i>Inner Dowsing, Race Bank &amp; North Ridge</i>: The Closed Areas Byelaw 2020 agreed by the Authority in September 2020 (awaiting implementation) includes protection of most of the “red risk” feature in this site. After additional scrutiny of evidence and survey work, additional measures were agreed by the Authority in September 2021. It is proposed that all the Authority’s measures for this site will be included in the Closed Areas Byelaw 2021 (Agenda Item 11).</p> <p>1.b) <b>Ongoing.</b> Management of bottom-towed fisheries within the MCZ has been agreed (Marine Protected Areas Byelaw 2019). It is now proposed the Closed Areas Byelaw 2021 (Agenda Item 11) will incorporate the measures from the 2019 byelaw, with one exception: following an assessment of the impacts of an artisanal shrimp fishery in a small part of the MCZ, officers are proposing to exempt this fishery from the byelaw.</p>

c) Development of priority Monitoring and Control plans as identified by the strategic assessment.

Officers will update their 2018 assessment of the impact of non-potting fisheries on Cromer Shoal Chalk Beds MCZ to incorporate new information on netting activity. This could potentially lead to management measures for netting within the MCZ, but the work is ongoing, and no conclusions have been drawn yet.

An Adaptive Risk Management (ARM) approach has been agreed with Natural England to assess and manage the interaction between potting fisheries and the site features. This allows research to be conducted alongside the development of management measures. Under the direction of a Project Board, two Task and Finish groups are operating to undertake the necessary research and management workstreams, while a Stakeholder Group enables wider engagement. Progress is being made in an ongoing research workstream to identify and map the locations of the chalk features sensitive to potting activities and to identify the effects of potting on them. This has included work by Cefas to reanalyse existing multibeam survey data to significantly improve the spatial resolution of the previous maps and to also use the data to show rugosity of the features. Together these can be used to better identify the more sensitive rugged features. Since July, officers have been conducting video surveys using a new BlueROV2 remotely-operated vehicle (ROV) to help map the extent of the rugged chalk and to examine the impacts of potting upon it. To date 97 ROV dives have been conducted in the MCZ. While the video footage has yet to be closely analysed, initial observations have been posted on our website at <https://www.eastern-ifca.gov.uk/research-update-preliminary-observations-and-examples-of-bluerov-2-footage-showing-different-habitats->

<p>d) Completion of amber/green gear/feature interactions. Development of management measures where required.</p>	<p><a href="#">in-the-cromer-shoal-chalk-beds-mcz/</a> Following the successful trial of a vehicle tracker aboard a local vessel to record patterns of potting activities in the site, 10 trackers are now being used on a voluntary basis by local fishermen.</p> <p>As part of the ARM approach, progress has been made in the development of a 'Code of Best Practice' together with fisheries stakeholders to address the identification, removal, and disposal of lost and stored pots in the MCZ. Consultation on the draft code to seek the views of stakeholders commenced in November 2021.</p> <p>1.c) <b>Delayed.</b> This work has not progressed since the last update, because resources have been directed towards priority "red risk" and MCZ work. However, it should be noted that monitoring and control comprise routine work for the Authority and continue despite formal monitoring and control plans not yet being produced.</p>
<p>e) Effort Monitoring within the Wash SAC including implementation of new catch returns system</p>	<p>1.d) <b>Delayed / Ongoing.</b> Management has been agreed for "highest risk" amber/green gear/feature interactions, i.e. towed demersal fishing on subtidal sediment habitats. Amber/green assessments to be completed for more recently designated MPAs and management developed if found to be required. Officers have started the process of reviewing the original suite of amber/green assessments to finalise them (this lower risk work had been put on hold to enable focus on red risk and higher risk ambers).</p> <p>The MMO provided further feedback on the Shrimp Permit Byelaw 2018 (the mechanism to manage the primary 'amber' fishery within the District). Additional minor</p>

		<p>amendments were required, and work was undertaken to address these and the byelaw has now been resubmitted for consideration by the Minister for consenting the measures.</p> <p>Consideration of responses to the formal consultation on shrimp permit conditions was started in Q1 but resolution of such has not been completed. It is intended that the permit conditions are finalised to be issued at the time the Shrimp Permit Byelaw 2018 is approved so that they can come into effect at that time.</p> <p>1.e) <b>Delayed / Ongoing.</b> Shrimp return form have been revised to aid accurate completion and the resulting new catch returns books provided to fishermen during November 2021. The development of the new shrimp returns database to assist in the collection of returns data has been delayed as a result of other priority workstreams. It is anticipated that fishing effort can be monitored during the development of the database using the results from the new forms.</p>
<p>2. To develop management of the fisheries regulated under the WFO (regulated and several fishery)</p> <ul style="list-style-type: none"> <li>a) Replacement of Several Order.</li> <li>b) Social/Economic study of Wash Cockle Fishery viability.</li> <li>c) Continued development of WFO policies.</li> <li>d) Replacement of WFO 1992 with permit byelaw</li> <li>e) Continuation of review in relation to access to the fisheries</li> </ul>		<p>2.a) <b>Delayed / Ongoing.</b> Defra have been notified of the intention to apply for a Several Order to manage aquaculture in The Wash and . consultation with our broad range of stakeholders on the content of the Fisheries Management Plan for the Several Order is planned to commence in December 2021. The outcome of this consultation will inform any changes to the plan prior to its submission to Defra and the commencement of the process to make the Order.</p>

2.b) **Ongoing.** The economic assessment started in Q1 and is anticipated to provide initial results in Q2 and a final report in Q3. The consultation work conducted by the consultancy came to a close in November 2021 proved successful and the resulting data gathered will be critical in the overall assessment outcome.

2.c/e. **Ongoing.** Consultation with Wash fishermen on the policies was undertaken in Q2 with a significant improvement in successful engagement. The responses received in this consultation, and how they have informed the development of the policies, are presented at item 7 of this meeting. Further development and dialogue with industry on these will continue as a priority workstream.

2.d. **Ongoing.** The Wash Cockle and Mussel Byelaw 2021 byelaw is returned for consideration by the Authority in Item 8 of this paper. The objections raised to the byelaw in previous consultation have been sought to be resolved and progress on the policies has been made illustrating the direction of management. Submission of the byelaw is intended subject to the Authorities agreement at this meeting given the hard deadline of 3 January 2023, when the WFO expires.

<p>3. Industry Viability</p> <p>a) Investigation into mussel die off</p>		<p>3.a) <b>Ongoing.</b> In February 2020 officers began collaborating with scientists from Cefas to study what might be the cause of the high mussel mortalities seen in The Wash since 2010. Officers have now collected the full set of quarterly samples required by Cefas for their analysis. Two sets of cockle samples have also been included in the study to look at what may be causing the high “atypical” mortalities that have occurred each summer since 2008. The project is now awaiting the results of the sample analysis from Cefas in order to draw conclusions.</p>
<p>4. Obtaining better fisheries data</p> <p>a) Implementation of I-VMS for all fisheries specifically the Wash Shrimp fishery (dependent on partnership working with MMO led project).</p>		<p>4.a) <b>Ongoing.</b> Participation in the national project to deliver I-VMS is ongoing. The recently updated installation schedule provided by the MMO sets expected dates for installation as from between January – November 2022 in accordance with vessel size below 12m.</p>

**Key:**

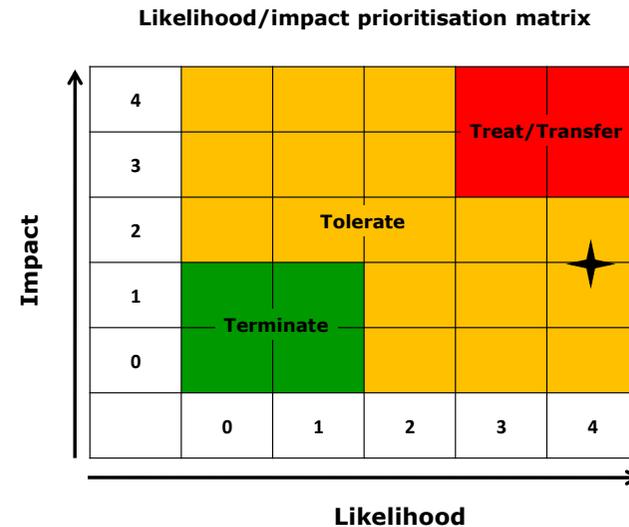
	<b>Complete</b>
	<b>In progress</b>
	<b>Progress stalled</b>

## APPENDIX 2 – Risk Register

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

The four actions that can be applied are:

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



### 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	Substantial reduction in Eastern IFCA mobility particularly seaborne activities with consequential inability to fulfil full range of duties	4		2 Finance Directors agreed to annual capital contributions from 2019-20 onwards to cater for the cost of asset replacement as an alternative to requests for a lump sum amounts as assets are replaced. No guarantees were given or implied. Eastern IFCA will explore all avenues for funding.		<ul style="list-style-type: none"> <li>• Current level of reserves provides sufficient funding to cover replacement of <i>RV Three Counties</i></li> <li>• The open RHIB, FPV Seaspray, was procured using EMFF funding</li> <li>• Seek efficiencies and promote cost effectiveness.</li> <li>• Demonstrate value for money.</li> <li>• Advertise/promote Eastern IFCA output and effectiveness to funding authorities through regular engagement with Council leaders and Financial Directors.</li> <li>• Engage with partner agencies to identify alternative funding sources</li> <li>• Explore asset sharing initiatives</li> <li>• Agreement in place with funding authorities for capital funding contributions each year. Confirmed at the annual meeting with representatives of the Finance Directors.</li> </ul>	Tolerate
			Reputation	Financial				
			4	4				
			Drive for savings may impact County Councils' decisions regarding Eastern IFCA funding. Visible presence reduced, enforcement and survey activities compromised.	Inability to generate sufficient reserves to meet asset replacement schedule would threaten Eastern IFCA's ability to function.  Closure costs could result.				

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Impact of EU exit on Eastern IFCA duties and the wider economic environment	CEO	Potential changes in several areas, including: - regulatory framework - fisheries management methodology - regulations (enforcement) - environment conservation	<b>3</b>		<b>3</b> 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"> <li>Monitor developments in the post-EU exit landscape, particularly fish and shellfish exports</li> <li>Engage in national I to help inform and influence developments (e.g. IFCA Chief Officers Group, Association of IFCAs)</li> <li>Continue "business as usual"</li> <li>Maintain communication with partners</li> <li>Eastern IFCA is fully engaged with the MMO in terms of operational readiness, with a MoU in place for the provision of vessels and joint patrols.</li> <li>Officers engaged in future of inshore fisheries management work with Defra and other stakeholders.</li> <li>The Authority is supportive the REAF initiative.</li> </ul>	<b>Tolerate</b>
			<b>Reputation</b>	<b>Financial</b>				
			<b>3</b>	<b>3</b>				
			Eastern IFCA may be affected by developments beyond their control (fisher's expectations were high and were not fully 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	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"> <li>Provide a leadership function.</li> <li>Be proactive and identify issues early.</li> <li>Engage with all partners routinely.</li> <li>Use Business Plan to prioritise and communicate outputs, Measure progress/deliver outputs</li> <li>Represent community issues to higher authorities</li> <li>Effective business planning process in pace. Leading role where appropriate e.g. Op Blake. Proactive approach to raising issues with Defra (e.g. Bass management, proposals for effort management trial). Participation in Parliamentary Review 2019.</li> </ul>	Tolerate
			Reputation	Financial				
			4	4				
Negative media comment	CEO	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"> <li>Actively and regularly engage with all partners including media outlets.</li> <li>Utilise full potential of social media and web-based information.</li> <li>Embed professional standards and practices.</li> <li>Deliver change efficiently and effectively.</li> <li>Promote activity</li> <li>Assure recognition and understanding through community events</li> <li>Routine updating of news items on website.</li> <li>Active on social media with demonstrable improvements in 'reach'. Parliamentary Review (above).</li> </ul>	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	Loss or damage of important habitats and species within environmentally designated areas Potential for European infraction nationally resulting in significant financial penalties at the local level.	3.5		2	High	<ul style="list-style-type: none"> <li>Proposed fishing activities authorised by Eastern IFCA are assessed per Habitats Regulations</li> <li>Eastern IFCA is fully engaged in national fisheries/MPA project, prioritising management of highest risk fisheries in MPAs and implementing new management measures</li> <li>Effective monitoring of fishing activity and enforcement of measures</li> <li>Adaptive co-management approach to fisheries management – i.e. engagement with fishing and conservation interests in the development of management measures, and appropriate review of measures to respond to changing environmental and socio-economic factors</li> <li>Ongoing, close liaison with Natural England regarding all conservation matters</li> <li>Review agreed Wash Cockle &amp; Mussel Policies</li> <li>Develop the use of iVMS as a management tool by the Authority</li> <li>Continue to progress research into the impact of fishing activities on MPA features to ensure the Authority has an up-to-date evidence base to inform its management decisions.</li> <li>MPA management has been a high priority since 2012 with substantial progress made. Current workstreams (e.g. Cromer Shoal MCZ, remaining 'red risk' sites) are a high priority and are being progressed.</li> </ul>	Tolerate	
			Reputation	Financial					Possible - Eastern IFCA's approach to managing sea fisheries resources considers environmental obligations
			4	3					
			Eastern IFCA is not meeting statutory duties under EU & UK conservation legislation Eastern IFCA not achieving vision as champion of sustainable marine environment	Legal challenge brought against Eastern IFCA for failing to meet obligations under MaCAA and the Habitats Regulations					

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Shellfish and fish stocks collapse	CEO	Risk of significant negative impact upon industry viability with associated social and economic problems	3		3		<ul style="list-style-type: none"> <li>Annual stock assessments of bivalve stocks in Wash</li> <li>Annual review of the level of threat via the Strategic Assessment</li> <li>Ability to allocate sufficient resources to monitoring of landings and effective enforcement</li> <li>Consultation with industry on possible management measures</li> <li>Use Project Inshore Phase 4 output to inform MSC pre-assessment review of fisheries and validate management measures</li> <li>Develop stock conservation measures for crab and lobster fisheries through engagement with Cefas and fishing industry. Continue support for industry led Fisheries Improvement Plan</li> <li>SWEEP research into primary productivity levels within the Wash</li> <li>Regular engagement with the industry to discuss specific matters</li> <li>Continued research into the cockle mortality events</li> <li>Maintain whelk management measures</li> <li>Introduce shrimp management measures</li> <li>Consider bass management measures if necessary, in light of EU/UK measures</li> <li>Annual surveys of Wash cockle and mussel stocks alongside innovative approach to management of the cockle fishery. Ongoing workstream to identify cause of mussel mortality. Closure of cockle fishery in Nov 2019 due to emerging findings of mussel surveys in order to mitigate impact on 2020 cockle fishery.</li> </ul>	Treat
			Reputation	Financial	Possible - Bivalve stocks have high natural variation; "atypical mortality" affecting stocks despite application of stringent fishery control measures			
			3	3	Crustacean stocks not currently subject to effort control			
			Loss in confidence of the Eastern IFCA ability to manage the sea fisheries resources within its district	Resources directed at protecting alternative stocks from displaced effort Additional resources applied to research into 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	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	Possible - Limited staff access to both electronic and paper files Office secure with CCTV, keypad entry system and alarm	<ul style="list-style-type: none"> <li>All computers are password protected. Individuals only have access to the server through their own computer.</li> <li>Secure wireless internet</li> <li>Remote back up of electronic files</li> <li>Access to electronic files is restricted</li> <li>Up to date virus software installed on all computers</li> <li>Important documents secured in safes</li> <li>ICT equipment and policies provided by public sector provider – including encrypted laptops/secure governmental email system</li> <li>All Eastern IFCA personnel undergo DPA training</li> <li>Electronic backup of all Eastern IFCA documents held by ICT provider offsite</li> <li>Policies and processes developed to ensure compliance with GDPR.</li> </ul>	Tolerate
			Reputation	Financial				
			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	Substantial reduction in Eastern IFCA capability with consequential inability to fulfil full range of duties or additional burden on funding authorities.	4		2	Defra have continued to roll over new Burdens funding in recognition of the value that IFCAs provide in meeting national policy objectives.	<ul style="list-style-type: none"> <li>Association of IFCAs has consistently lobbied for the continuation of funding</li> <li>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 and SR2020 (both on hold due to the Covid-19 pandemic)</li> <li>Finance Directors representatives briefed and understand that in the event that the funding is discontinued there may be a desire to increase levies</li> <li>Financial plan in place to cope with loss of New Burdens</li> </ul>	Treat
			Reputation	Financial				
			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.				

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
The Wash Fishery Order 1992 is not replaced in time when it expires in January 2023	CEO	Inability to manage the fishery with consequential impact upon industry viability and associated social and economic issues	<b>4</b>		<b>3</b> The Authority agreed to replace the WFO 1992 with a byelaw in March 2020 and work is underway to introduce such a byelaw. There is judged to be sufficient time to get a byelaw approved but industry opposition may adversely affect this. If a replacement Regulating Order were applied for then the likelihood rating would increase to 4 and it is thought that it would be very unlikely that a new Order would be in place in time		<ul style="list-style-type: none"> <li>• Early decision taken to replace the WFO 1992 with a byelaw</li> <li>• Byelaw making process commenced</li> <li>• Work underway to develop polices that will sit under the Byelaw</li> <li>• Engagement with industry to address misgivings about the use of a Byelaw</li> <li>• Engagement with industry to develop policies that will sit under the Byelaw</li> </ul>	<b>Treat</b>
			<b>Reputation</b>	<b>Financial</b>				
			<b>4</b>	<b>4</b>				
			The effective management of all fisheries within the Wash is important in terms of industry viability, sustainability of stocks and managing the impact of fishing activity in a heavily designated MPA. Loss of confidence in Eastern IFCA's ability to manage the cockle and mussel fisheries is likely to be significant if the WFO 1992 is not replaced in a timely way	Potential for legal challenge against Eastern IFCA				

### Appendix 3 – Risk Register Update July to November 2021

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 Friday 19 <sup>th</sup> November 2021.
Impact of EU exit on Eastern IFCA duties and the wider economic environment	<p>Whilst Eastern IFCA supported the MMO in terms of operational readiness for a ‘no deal’ scenario and in particular was prepared to provide sea patrols under a Memorandum of Understanding, planned patrols did not take place as a consequence of weather and a deal with the EU meaning that there was not a strong requirement for them. Officers continued to support 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. Officers engaged in future of inshore fisheries management work with Defra and other stakeholders.</p> <p><b>No change from previous quarter</b></p>
Eastern IFCA fails to maintain relevance amongst partners	<p>Effective business planning process in pace. Leading role taken where appropriate e.g. CEO is one of two IFCA representatives on the IFCA/MMO Strategic Operations Group. Recent revisions to the Adaptive Risk Management project for Cromer Shoal MCZ to address wider stakeholder concerns about engagement with the project.</p> <p><b>No change from previous quarter</b></p>
Negative media comment	<p>Routine updating of news items on website. Active on social media with demonstrable improvements in ‘reach’. The replacement of the WFO 1992 with a Byelaw has not been well received by industry and various means of expressing dissatisfaction are being employed, including the use of media. This is being monitored and explanatory information provided where possible and appropriate. Following a second adverse article being published in Fishing News in early October 2021 the Chair wrote a letter to the Editor and the Authority’s lawyer wrote an article addressing IFCA duties and powers and in particular the ability of byelaws to replace regulating orders. Both were published in Fishing News and prompted a further letter from Boston fishermen criticising the work of the Authority.</p>

Degradation of MPAs due to fishing activity	MPA management has been a high priority since 2012 with substantial progress made. Current workstreams (e.g. Cromer Shoal MCZ, remaining 'red risk' sites) are established priorities in the Business Plan and are being progressed. <b>No change from previous quarter</b>
Shellfish and fish stocks collapse	Annual surveys of Wash cockle and mussel stocks alongside innovative approach to management of the cockle fishery. Ongoing workstream to identify causes of mussel and cockle 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 enabled the 2020 Wash cockle fishery. Active monitoring of the 2021 cockle fishery identified that very small cockles were being landed, which was a threat to sustainability. Active consideration was given to the introduction of a minimum landing size, but this was not progressed on the basis that it would not be an appropriate short-term intervention. Work to support industry in establishing a Fisheries Improvement Plan for crab and lobster ongoing.
Failure to secure data	Policies and processes developed to ensure compliance with GDPR. <b>No change from previous quarter</b>
New Burdens funding discontinued	Defra previously advised that 2020-21 would be the last year that New Burdens funding would be paid in its current form. Defra and the IFCAs worked 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 the Covid-19 pandemic there was a single year funding settlement for 2021-22, which did include funding for IFCAs. Budget planning had 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 10 <sup>th</sup> November 2020 and updated on 19 <sup>th</sup> November 2021. Defra subsequently advised that they intend to continue to provide some funding and had included it in the spending plans, but it may be associated with the development of new metrics to demonstrate that the funding achieves value. More recently Defra asked IFCAs to submit funding proposal linked to specific areas of work in anticipation of a government wide comprehensive spending review that is being conducted during Autumn. As a consequence, the Association of IFCAs on behalf of all IFCAs, submitted their anticipated spending requirements for the next three years to Defra. The outcome of this bid is awaited.
The Wash Fishery Order 1992 is not replaced in	The byelaw to replace the regulating order has been 'made' by the Authority and work to progress the associated policies for access to the fishery is being progressed as a high priority. It is intended that the

time when it expires in January 2023	byelaw, subject to its approval by the Authority at this December meeting, will be formally submitted to the MMO and Defra for approval. Significant progress has been made during Q2 in the development of the byelaw policies, in consultation with fisheries stakeholders to resolve the outstanding objections from the formal consultation. Work on policies will continue after the byelaw is presented for formal submission in order to reduce the risk of not having anything in place when the WFO expires.
--------------------------------------	---

### **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 15**

### **46<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting**

08 December 2021

#### **Operational Update**

**Report by:** Jon Butler Head of Operations

#### **Purpose of Report**

To provide members with an overview of the work carried out by the Marine Protection and Marine Science teams during the period of September, October and November.

#### **Recommendations**

It is recommended that members:

- **Note** the content of the reports

#### **Financial Implications**

None

#### **Legal Implications**

None

#### **Appendices**

Appendix 1 – Marine Protection Report  
Appendix 2 – Marine Science Report

#### **Background Documents**

Not Applicable

## Appendix A

### Marine Protection Report

#### Enforcement and engagement priorities throughout district September 2021

**Area 1-** Gathering intel through high visibility port visits and coastal patrols.

**Area 2-** Cockle landing inspections and closed area monitoring. Cockle and Mussel Byelaw engagement. Shrimp management measures and returns compliance (engage with skippers). Mussel surveys commenced.

**Area 3-** Landing inspections for crab, lobster and Bass. RSA vessel landings re Bass compliance. Ongoing MCZ engagement re management and lost gear practices. Promote Stakeholder involvement with meetings. Provide updates to Industry re ROV survey findings and tracker data.

**Area 4-** Shrimp management measures/returns compliance. Commercial and RSA landing inspections. Boarding and inspections at sea where practicable. Hotel and PH Inspections



*Strong winds during September hampered fishing efforts around the District and repairs to Southwold harbour wall*

#### Enforcement Outcomes:

Extended periods of bad weather and a consequential impact on fishing effort resulted in fewer opportunities for engagement and inspections across the industry. Priority MCZ survey work and Mussel surveys coupled with staff vacancies meant that there were no formal enforcement actions this month. Low level advice and education to RSA around the District, particularly regarding Bass, in which many are working to outdated information.

Enforcement metric	Number completed			
	Area 1	Area 2	Area 3	Area 4
Shore Patrols	2	4	19	11
Port visits	6	4	59	30
Catch inspections (landings observed)	0	8	22	4
Catch Inspections (landing not observed)	0	10	2	3
Vehicle Inspections	0	0	0	0
Premises inspections	0	0	1	7
Enforcement actions/Offences	0	0	0	0
Intelligence reports submitted	0	11	16	17
Fishers engaged	0	22	60	63
Vessel Patrols	0	10	3	2
Boardings	0	0	0	0
Gear Inspections	0	5	0	0

### EMS monitoring:

Monitoring of 'restricted areas' under the Marine Protected Areas Byelaw 2018 was carried out throughout the reporting period. The following monitoring occurred:

<b>Protected Feature</b>	<i>Intertidal biogenic reef</i>	<i>Subtidal biogenic reef: Sabellaria spp. (Ross worm), subtidal stony reef, subtidal mixed sediments, subtidal mud.</i>	<i>Intertidal seagrass beds, subtidal mixed sediments, subtidal mud.</i>	<i>Eelgrass beds (Humber)</i>
<b>Protected Areas</b>	1-13	14-29	30-35	36
<b>September 2021</b>	<b>8</b>	<b>5</b>	<b>3</b>	<b>0</b>

### Engagement messages received

Mixed messages from Wash fishermen regarding replacement of WFO. Disparity between private conversations and publicly voiced opinions.

Very frequent strong winds have had big impact on fishing effort. Poor season

Cromer MCZ- 10 boats have now volunteered to carry vessel trackers. Efforts still being made towards lost gear code of conduct. Working with diving community presents challenges. First Stakeholder meeting facilitated by Agents of Change was well attended in numbers, although not many local fishermen. A lot of berried lobster now being caught. Crab has deteriorated in quality and numbers.

Work on flood defences at Lowestoft progressing. Bulk of excavation around Hamilton Docks looks complete. Still needs reconstruction.

General negative feeling towards fishing industry future viability. Several predictions from around District that the inshore fishery may collapse over next 5 years. Repeated requests to try to ease Bass and Spurdog regulations.

RSA- sporadic catch reports from beaches, Whiting starting to appear, although good catches from boats inc Bass and Codling

Demand for dressed crab outstripping supply.

### **Fishing trends**

**Area 1: West-North (Hail Sand Fort to Gibraltar Point).** No trends reported. Very little activity apparent.

**Area 2: West-South (The Wash and North Norfolk Coast to Brancaster).** Whelk effort low (£1/kg). Steady effort on cockles but quality of landings often poor and reportedly small (£0.58- £0.86). Lobster landings good when weather permitted. Crab decreased. Bass steady

**Area 3: East-North (Brancaster to Great Yarmouth).** Prolonged strong winds have impacted throughout the month. Lots of missed days during peak season. Bass effort steady (£18/kg). Lobster catches (£16) good throughout month. Crab landings (£1.40) down. Sole effort increased. Bass and small whiting being caught around coast recreationally. No whelk effort.

Early herring catches making good price (£5/kg)

**Area 4: East-South (Great Yarmouth to Harwich).** Much reduced effort due to strong winds. Lots of missed days during peak season.

Bass catches slightly down. (£18/kg). Lots of juvenile Bass in rivers.

Sole landings steady. (£5-£22/kg). Intensive fishing during middle of month weather window caused catches to drop off.

Some local effort on whelk (£1.00/kg). Seasonal whelk boats returned to Lowestoft from out of district. Thornback Ray reduced in numbers (£3)

RSA catching some dogfish, whiting, rays, Smoothhound and Bass on beaches, but not in large numbers.

## **Enforcement and engagement priorities throughout district October 2021**

**Area 1-** Gathering intel through high visibility port visits and coastal patrols.

**Area 2-** Cockle landing inspections and closed area monitoring. Cockle and Mussel Byelaw engagement. Shrimp management measures and returns compliance (engage with skippers). Mussel surveys continuing. Commercial boardings and landings when practicable. Shrimp net gear inspections.

**Area 3-** Landing inspections for crab, lobster and Bass. RSA vessel landings re Bass compliance. Ongoing MCZ engagement re management and lost gear practices. Promote Stakeholder involvement with meetings. Hotel and restaurant visits.

**Area 4-** Commercial and RSA landing inspections. Boarding and inspections at sea where practicable. Hotel and PH Inspections



### **Enforcement Outcomes:**

Priority MCZ survey work and Mussel surveys coupled with staffing vacancies meant that there were few enforcement actions this month. Verbal Warnings given for undersize crab and undersize whiting. Low level advice and education to RSA around the District, particularly regarding Bass, in which many are working to outdated information. Many RSA mistakenly believe that undersize fish can be retained if dead after unhooking.

Enforcement metric	Number completed			
	Area 1	Area 2	Area 3	Area 4
Shore Patrols	1	10	10	12
Port visits	4	6	32	41
Catch inspections (landings observed)	0	10	16	4
Catch Inspections (landing not observed)	0	0	2	9
Vehicle Inspections	0	0	0	0
Premises inspections	1	1	3	3
Enforcement actions/Offences	0	0	1	1
Intelligence reports submitted	0	3	2	2
Fishers engaged	3	6	50	72
Vessel Patrols	0	6	2	3
Boardings	0	0	0	0
Gear Inspections	0	0	0	0

### 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	<i>Intertidal biogenic reef</i>	<i>Subtidal biogenic reef: Sabellaria spp. (Ross worm), subtidal stony reef, subtidal mixed sediments, subtidal mud.</i>	<i>Intertidal seagrass beds, subtidal mixed sediments, subtidal mud.</i>	<i>Eelgrass beds (Humber)</i>
Protected Areas	1-13	14-29	30-35	36
October 2021	6	0	1	0

### Engagement messages received

Very frequent strong winds have had big impact on fishing effort. Poor season

Lincolnshire coast- fishermen not engaging with IFCO's

Cromer MCZ- All 10 vessel trackers still deployed despite one fisher selling up. Efforts still being made towards lost gear code of conduct. A lot of berried lobster being caught at start of month. Crab has deteriorated in quality and numbers. Relationships between Industry and prominent dive conservationist deteriorated after public presentation. Generally potting effort reducing as shanks brought ashore for winter.

Seal predation is having major impact on netting activity, worsened by requirement to use fixed gear.

Concerns over crab landings that are roe filled.

Suggestions that to protect future there is a need to limit MCZ potting to beach launched boats.

Work on flood defences at Lowestoft progressing. Bulk of excavation around Hamilton Docks looks complete. Ironwork all embedded. Now being covered in concrete.

General negative feeling towards fishing industry future viability. Disengagement with process in south of District regarding Defra and quota management.

Calls for more Regional and responsive regulation

Industry desperate for changes to certain regs in particular Bass and Spurdog to allow diversification.

RSA- Whiting in good numbers, Dab and some rays mainly. Occasional reports of Codling and Bass. Many RSA state that they would only retain undersize fish if the fish was dead or not going to survive. Possible District wide education needed.

Demand for dressed crab outstripping supply throughout the year.

### **Fishing trends**

**Area 1: West-North (Hail Sand Fort to Gibraltar Point).** No trends reported. Very little activity apparent.

**Area 2: West-South (The Wash and North Norfolk Coast to Brancaster).** Whelk effort low.(£1/kg). Reduced effort on cockles- only independent boats from King's Lynn. Quality of landings often poor and reportedly small. Many boats now moved to shrimping. Lobster landings good when weather permitted. Crab decreased. Bass steady but high losses to Seal predation.

**Area 3: East-North (Brancaster to Great Yarmouth).** Prolonged strong winds have impacted throughout the month. Bass effort increased as crab/ lobster reduces (£17/kg). Lobster catches (£16) good throughout month. Crab landings (£1.40) down. Sole effort steady. Bass and small whiting being caught around coast recreationally. No whelk effort. Herring catches very hit and miss. Price fluctuating wildly. (£3/kg to 80p)

**Area 4: East-South (Great Yarmouth to Harwich).** Much reduced effort due to strong winds. Lots of missed days during peak season.

Bass catches down. (£17/kg). Reports that allowance used up.

Sole landings steady. (£4-£23/kg). Many beach boats unable to launch.

Some local effort on whelk (£1.00/kg). Seasonal whelk boats Berlewen and Kelly of Ladram now returned to Lowestoft. Thornback Ray reduced in numbers (£3 to £1.20)

RSA catching mainly whiting, rays and dab. Some Bass on beaches, but not in large numbers.

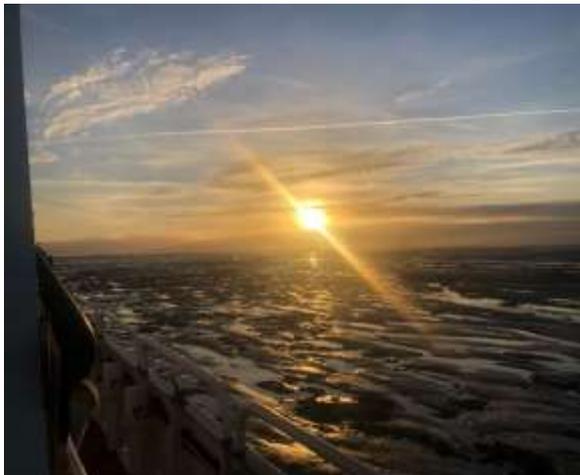
### **Enforcement and engagement priorities throughout district November 2021**

**Area 1-** Gathering intel through high visibility port visits and coastal patrols.

**Area 2-** Cockle landing inspections and closed area monitoring. Shrimp management measures and returns compliance. Shrimp net gear inspections. Mussel surveys concluding. Commercial boardings and landings when practicable. Whelk gear and catch inspections

**Area 3-** Landing inspections for crab, lobster and Bass. Ongoing MCZ engagement re management and promoting involvement with Lost gear Code of Practice. Whelk inspections.

**Area 4-** Commercial and RSA landing inspections. Boarding and inspections at sea where practicable. Whelk landing inspections.



*(Survey work in The Wash)*

*What goes out comes back in again quickly*

### **Enforcement Outcomes:**

Priority has been given to engagement with industry, particularly in the MCZ to promote involvement with Lost Gear Code of Practice formulation. Mussel survey

work in The Wash and staff vacancies have impacted on the number of patrols and enforcement activity. Continued periods of unfavourable weather also having an impact on fishing. Verbal Warning's given for undersize lobsters. Low level advice and education to RSA around the District, particularly regarding Bass. Promoting awareness that Bass becomes catch and release only for RSA at the end of November. Many RSA still mistakenly believe that undersize fish can be retained if dead after unhooking.

Enforcement metric	Number completed			
	Area 1	Area 2	Area 3	Area 4
Shore Patrols	1	5	6	2
Port visits	3	9	17	7
Catch inspections (landings observed)	0	6	11	3
Catch Inspections (landing not observed)	0	1	2	3
Vehicle Inspections	0	0	0	0
Premises inspections	0	2	2	3
Enforcement actions/Offences	0	0	1	0
Intelligence reports submitted	0	0	1	7
Fishers engaged	0	16	45	19
Vessel Patrols	0	9	4	3
Boardings	0	0	2	5
Gear Inspections	0	0	1	0

### **EMS monitoring:**

Monitoring of 'restricted areas' under the Marine Protected Areas Byelaw 2018 was carried out throughout the reporting period. The following monitoring occurred:

<b>Protected Feature</b>	<i>Intertidal biogenic reef</i>	<i>Subtidal biogenic reef: Sabellaria spp. (Ross worm), subtidal stony reef, subtidal mixed sediments, subtidal mud.</i>	<i>Intertidal seagrass beds, subtidal mixed sediments, subtidal mud.</i>	<i>Eelgrass beds (Humber)</i>
<b>Protected Areas</b>	1-13	14-29	30-35	36
<b>November 2021</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>0</b>

## **Engagement messages received**

Frequent unfavourable winds/swell have had big impact on fishing effort. Poor season generally.

Cromer MCZ- All 10 vessel trackers still deployed although some fishers are now finishing for the winter. Most are bringing shanks ashore. Positive initial reaction to draft Code of Practice on Lost Gear, although individuals will always have a personal view of some elements.

Seal predation is having major impact on netting activity, worsened by requirement to use fixed gear.

Concerns over crab landings that are roe filled.

Regularly, repeated suggestions from multiple sources, that to protect future there is a need to limit MCZ potting to beach launched boats, now.

Work on flood defences at Lowestoft progressing. Work around the bascule bridge and yacht club area running slightly late.

General negative feeling towards fishing industry future viability. Fishers fear a glut of boats and licences in a few years as many sell up, devaluing the asset and impacting financial security.

Calls for more Regional and responsive regulation

Industry desperate for changes to certain regs such as Bass and Spurdog, to allow diversification.

## **Fishing trends**

**Area 1: West-North (Hail Sand Fort to Gibraltar Point).** No trends reported. Very little activity apparent.

**Area 2: West-South (The Wash and North Norfolk Coast to Brancaster).** Whelk effort increasing (£1/kg). Reduced effort on cockles- only independent boats from King's Lynn. Many boats now moved to shrimping.

**Area 3: East-North (Brancaster to Great Yarmouth).** Bass effort increased as crab/ lobster reduces. Lobster catches have remained steady, and the price reached high (£22/kg). Crab landings (£1.40) down. Sole effort reduced. Bass and whiting being caught around coast recreationally. Fishers starting to look to whelk. Herring catches very hit and miss. Price fluctuating wildly and local sales poor.

**Area 4: East-South (Great Yarmouth to Harwich).** Frequent unfavourable wind and swell continues to hamper beach launched boats. Lots of missed days during peak season.

Bass catches down. (£17/kg). Reports that allowance used up.

Sole landings reduced. (£4-£23/kg). Many beach boats unable to launch and catches down.

Increased local effort on whelk (£1.00/kg). Thornback Ray reduced in numbers (£3 to £1.20)

Some large herring catches as new vessel arrives Lowestoft from outside of district. (50p- £2)

RSA catching mainly whiting, rays, dab and dogfish. Occasional Bass on beaches.



## Cromer Shoal Chalk Beds Marine Conservation Zone

### Adaptive Risk Management (ARM)

An ARM approach is being used to assess and manage the impacts of the potting fishery in the Cromer Shoal Chalk Beds MCZ. A Research and Development Task and Finish group has been set up to deliver evidence required for this. The objectives are *'to better understand the sensitivities of various chalk structures to potting impacts and to map these features; to improve our understanding of current fishing practices and activities in the MCZ; to determine and quantify the impacts that the potting fishery has on the chalk and to identify whether there are viable alternative ways that would help reduce the impact from the potting fishery.'* The Project Board has also instigated a Stakeholder Group to afford all legitimate stakeholders the opportunity to remain informed of progress with development of management measures within the MCZ, and to contribute information and evidence to support this process. This Stakeholder Group is facilitated by the "Agents of Change" project which has been operating in the MCZ to bring interested parties together.

### Fishing Practices

The voluntary use of the vehicle tracker aboard a fishing vessel was trialled within the Cromer MCZ during the summer. Following the success of this trial, that demonstrated how data on pot fishing activity could be gathered with sufficient granularity to determine the positions of where pots had been deployed, the study has been increased to ten vessels voluntarily carrying trackers. The data gained from these trackers will provide officers with a much better understanding of fishing practices within the MCZ, without requiring fishermen to fill in complex return forms. This information will be vital when assessing potential impacts of potting gear on the rugged chalk features of the site.

### Impacts of netting activity in the MCZ

No progress has been made in relation to assessing netting activity this quarter as resources have been focused on fieldwork over the summer and into autumn. Officers plan to assess the impacts of netting on the MCZ chalk feature over the coming months.

### Assessing the impacts of potting gear

Officers have been using a new BlueROV2 remotely operated vehicle (ROV) to map seabed features within the MCZ and assess the impact of potting gear on sensitive chalk. To date 97 ROV dives have been conducted in the MCZ, capturing video footage of the seabed habitats and of working fishing gear. Although the video footage requires closer analysis, the initial observations have already improved our knowledge of the seabed in the MCZ and our understanding of how the gear tends to sit. We have observed that in many cases, the ground ropes tend to float about 1m above the seabed rather than lying upon it. In most cases the video footage has shown little direct damage from the pots themselves, but it does show some evidence of ropes causing damage to raised chalk structures that they are in contact with. Some of the video footage has been posted on our website (<https://www.eastern-ifca.gov.uk/research-update-preliminary-observations-and-examples-of-bluerov-2-footage-showing-different-habitats-in-the-cromer-shoal-chalk-beds-mcz/>).



### Small-scale shrimp fishery

Having assessed the impacts of a small-scale shrimp fishery taking place within the MCZ between Mundesley and Happisburgh, we concluded that the activity – as currently practised – would not hinder conservation objectives of the MCZ. Natural England agreed with this finding, so long as controls are in place. A management policy has been developed for the fishery and is set out at Agenda Item 10: Closed Areas Byelaw 2021. It is proposed that this activity is allowed to continue in a specified area and with restrictions on gear and effort levels.



### Wash Fishery Order 1992 Mussel surveys

We conducted the annual inter-tidal mussel surveys in The Wash between September and November. During this period, 18 inter-tidal beds were surveyed, plus the mussels on the Welland Wall. The beds included a previously unsurveyed bed near Skate Run on the Breast Sand, which was found to support 650 tonnes. The surveys found:

- Moderate settlement of spat on several of the beds;
- Total mussel biomass had increased since last year to 13,357 tonnes (i.e. over the 12,000 tonnes Conservation Objective threshold required to open a fishery);
- Adult stock biomass is 6,008 tonnes (i.e. below the 7,000 tonnes threshold required to open a harvestable fishery, but a seed relaying fishery would be possible);
- Majority of mussel beds are still in very poor condition following a decade of poor recruitment and high mortalities.

Subsequent management considerations:

- A relaying fishery is possible, and fits with activity in recent years when most of the mussels taken from inter-tidal beds have been relayed prior to harvesting due to their poor quality;
- Attempts to fish beds in poor condition would result in further deterioration that could take several years to recover from;
- Some beds that could support a limited seed fishery without lasting damage. Of these, the Blackshore bed in particular looks to be in good condition;
- Seed fisheries usually occur in April/May, so details of such a fishery will be presented at the 47<sup>th</sup> Authority meeting in March 2022.

### The Wash EHO/biotoxin & SWEEP sampling

The Authority collects monthly cockle and mussel samples from The Wash for routine bacteriological and biotoxin testing by the Local Authorities' Environmental Health Offices. Poor weather in October meant it was only possible to collect one sample that month, but otherwise samples have been collected from every sample station throughout the year. Meat yield condition of the bivalves is also monitored routinely.

### District-wide input to consultations on marine developments

Within this period, the Eastern IFCA Marine Science team received 20 consultation requests relating to marine works or policies affecting the inshore marine environment. Examples include seaweed aquaculture, shellfish aquaculture, pipelines and cables, ports and marinas, onshore energy facilities and offshore renewable energy. Notable projects include Sizewell C desalination works, wind farm environmental compensatory measures (multiple projects), Viking Link energy cables and an oil spill contingency plan.

Officers also provided input to Defra in relation to guidance for developing compensatory measures in the marine environment, and to national IFCA guidance on the assessment of hand-worked fisheries in marine protected areas.

### District-wide partnership work and stakeholder engagement

Eastern IFCA officers participate in a range of partnership and stakeholder groups, with significant focus given to relationships with fishery stakeholders, Natural England and conservation NGOs. As well as routine liaison, recent partnership work has included:

- *Seafish* project to provide a consolidated and simplified, gear-focused view of all current commercial fishing restrictions in UK waters. The UK Fishing Restriction website is now live: [www.kingfisherrestrictions.org](http://www.kingfisherrestrictions.org).
- *Cefas* work relating to whelk fishery monitoring and habitat mapping in the Cromer area
- *IFCA* Technical Advisory Group (TAG)
- *IFCA and MMO* Licensing engagement
- *MMO* assessment and management of fisheries in offshore sections of MPAs
- *Hornsea 3* in relation to environmental compensation for wind farm impacts
- *Advisory Groups* for The Wash & North Norfolk Marine Partnership
- *Norfolk and Suffolk Coastal Forums*
- *Humber Coastal Conservation Partnership*
- *University of St. Andrews* fishing trackers project.



### Marine Protected Area casework

- Cromer Shoal Chalk Beds Marine Conservation Zone: multiple workstreams in progress – please see page 1 of this report.
- Having presented the Management Plan at the 45<sup>th</sup> Authority meeting, officers are currently progressing a Habitats Regulations assessment of the proposed new Several Order for The Wash (to enable bivalve shellfish cultivation to continue after the current Wash Fishery Order expires).
- Closed Areas Byelaw 2021: proposed new byelaw to consolidate MPA conservation measures that are already in place and additional measures that have been agreed by the Authority but are not yet in place. To include measures within multiple MPAs:
  - Humber Estuary Special Area of Conservation
  - Inner Dowsing, Race Bank and North Ridge Special Area of Conservation
  - The Wash & North Norfolk Coast Special Area of Conservation
  - Cromer Shoal Chalk Beds Marine Conservation Zone
  - Haisborough, Hammond & Winterton Special Area of Conservation
 Please see Agenda Item 10 for full details.
- Harbour seal investigations with Natural England and Sea Mammal Research Unit (SMRU). SMRU has been commissioned to refine advice relating to usage of haul-out sites in The Wash, so that management to minimise disturbance to seals is as relevant as possible. The significant increase in grey seal populations in the Southern North Sea is recognised and has been cited as a potential factor for recent declines in Harbour seal populations.
- “Amber & Green” assessments: officers have started to review the Authority’s assessments of fishing activities in marine protected areas throughout the Authority district. This work includes

### Derogations from Eastern IFCA Byelaws

Between 1<sup>st</sup> July and 19<sup>th</sup> November 2021, three requests for derogation from Eastern IFCA byelaws were processed. Following assessment, two required a derogation from Eastern IFCA byelaws. A fourth request has recently been received and is pending review.

Reference	Organisation	Details	Decision	NE consulted
202	Wageningen Marine Research	Outside EIFCA district	Not Required	No
203	Environment Agency	Scientific trawl survey to determine the effect of the Lincshire Coastal Defence scheme (beach nourishment) on the physical and biological environment.	Derogation granted	Yes
204	Environment Agency	Scientific trawl surveys (river Orwell) to provide evidence for EQSD biota contaminant analysis.	Derogation granted	Yes
205	Wells Harbour	Pending review		