

# Closed Areas Byelaw 2021

## Informal Consultation June 2021: Outcome

---



This document presents the outcome to the informal consultation to gather information on fishing activity within proposed focus areas for management as part of the ongoing work to protect the site features of Marine Protected Areas in the Eastern IFCA district. This consultation ran from 27<sup>th</sup> May to 28<sup>th</sup> June 2021.

### We asked

We asked fishermen for information about activity with specific gear types in two key areas that are under consideration for management:

- The Lincolnshire Coast: we asked for information about activity using bottom-towed gear within specific areas of the inshore section of the Inner Dowsing, Race Bank and North Ridge Special Area of Conservation (SAC)
- The North Norfolk Coast: we also asked for information about activity using nets within the Cromer Shoal Marine Conservation Zone (MCZ).

### Why is management being considered on The Lincolnshire Coast?

Closures within the SAC are required to protect subtidal biogenic reef: *Sabellaria Spinulosa* (Ross Worm). Ross Worm reefs are protected under the designation of the SAC, so where reefs of the worm are found within the site the area must be closed to bottom-towed fishing to protect it. Eastern IFCA are advised by Natural England of the location of Ross Worm reefs, and therefore the areas for management.

We also undertake additional survey work to ensure that decisions for management are supported by recent and consistent evidence of the existence of reef. Where reef is not consistently found, areas are not recommended for closure.

Previous closures have already been agreed under the [Marine Protected Areas Byelaw 2018](#) and further closures that have previously been consulted upon and agreed by the Authority will be consolidated into the Closed Areas Byelaw 2021.

### Why is management being considered in The North Norfolk Coast?

Our assessment of activity within the MCZ has led us to consider whether the site, or a specific area within the site, should be closed to netting activity (fixed nets, drift nets) to protect the site feature.

### Summary of outcome

- Discrete closed areas within the management focus areas that were consulted upon in this consultation have been finalised for management.
- The additional closed areas will be included in the Closed Areas Byelaw 2021.

- Management of netting activity within the MCZ will not be included in the Closed Areas Byelaw 2021 due to a requirement for more evidence to inform a decision about management.

## You said and our response

13 responses to the consultation were received from stakeholders, most responses were to the sections about netting activity in the MCZ. Some responded to both the questions about the Lincolnshire Coast and the North Norfolk Coast. 4 responses were received from organisations/fishing societies on behalf of their members.

This was an information gathering consultation. Location based or numbers-based information, including information that could be related back to individual responses, is not included in this table. The below anonymised table addresses the key questions or concerns which emerged in individual responses.

Read what was said and our responses in the table below.

Responses to questions on Bottom Towed Gear in the Lincolnshire Coast SAC	
Responses to questions on Netting gear in the North Norfolk Coast MCZ	

You Said	Eastern IFCA Response
<p>The proposed management area is important mussel seed ground. These areas are often visited by fishermen looking for mussel beds.</p> <p>Mussel fisheries are understood by local fishermen to run in cycles, if these areas are closed it could prevent reviving mussel fisheries in the future.</p> <p>Significant financial investment has been made for mussel seed farming over the years. If these areas are closed this will result in the loss of these investments.</p>	<p>We understand that these areas have historically provided seed mussel ground. Our current understanding of mussel seed areas based on historic survey data suggests that the most important mussel grounds were north of the management focus area, which remain open to fishing activity.</p> <p>Outside of The Wash (mussel fishing within The Wash is regulated by the Wash Fishery Order 1992), mussel fishing is prohibited without a permit, and all fishing for mussel is prohibited under the 50mm minimum size (<a href="#">Eastern IFCA Byelaws 3 &amp; 4</a>).</p> <p>Exemptions to these byelaws can be granted at the discretion of the Authority to take seed mussel (<a href="#">Eastern IFCA applications and exemptions byelaw</a>). If seed mussel is found in one of the proposed closed areas, it is at the Authority's discretion to authorise vessels to take the seed for the purposes of relaying. Such authorisation would only be granted where we</p>

	<p>can show that the activity would not impact on the site.</p> <p>The closed area would prevent traditional methods of prospecting for mussel; therefore the discovery of the seed beds may be limited. The impacts of this are considered in the impact assessment for this byelaw.</p>
<p>Good shrimp fishing has been achieved historically in the proposed areas for closure.</p> <p>The industry is facing significant closures which will amount to activity no longer being viable.</p> <p>Any closures would further the existing impacts from wind farms on industry.</p>	<p>Where <i>Sabellaria</i> reef is found Eastern IFCA are required to close areas to bottom-towed fishing to protect it. These areas have been identified as areas of established reef.</p> <p>To mitigate impact on fishing opportunity, Eastern IFCA are committed to only closing the areas in which there is strong and consistent evidence for established reef. This has resulted in smaller areas within the management focus areas that were presented to stakeholders for consultation being proposed for closure than would otherwise have been the case with less evidence. This is intended to reduce impacts where possible on important shrimp grounds.</p>
<p>The new Shrimp Permit Byelaw 2018 will result in pressure on shrimp grounds in The Wash, so shrimp grounds outside the wash will be vital.</p>	<p>The Shrimp Permit Byelaw 2018 will not impose any measures which would increase pressure on shrimp grounds in The Wash. Rather, it is designed to enable shrimp fishing to the extent that it has occurred over the last 10 years, with restrictive measures only coming into effect where activity exceeds historical levels.</p> <p>Any displacement of activity which may arise because of the proposed closures has been considered in the impact assessment.</p>
<p>The financial side of a business should not be considered, only the rights of our heritage should be noted.</p>	<p>Eastern IFCA are required under the Marine and Coastal Access Act 2009 (MaCAA) to seek to balance socio-economic impacts of management on fisheries with needs for conservation.</p> <p>It is because we recognise the importance of these areas historically that we seek to limit any closures to only what is absolutely necessary in order to minimise impact on industry while meeting our required duties to protect the marine environment. It is understood that financial value should not be the only factor considered in</p>

	<p>management decisions. The historic and social importance of these grounds for inshore fishermen is also considered.</p>
<p>Small demersal trawlers avoid established reefs at all costs because towing across a reef results in damage to the gear and catch. Therefore these areas can be closed without impacting fishing grounds.</p>	<p>Eastern IFCA seek to limit closed areas to minimise the impact on the inshore fishing fleet.</p> <p>It is acknowledged that these areas may already be being avoided due to the reefs' potential to damage gear.</p>
<p>Eastern IFCA should not have to consult on the activity in these areas as they are historic mussel seed areas that should be well known.</p>	<p>Consultation work is undertaken to build upon our understanding of areas with the expertise from our stakeholders. New information is often learned in these consultations that can be used to the benefit of industry – making sure that management is accurate and well evidenced.</p> <p>Information about specific activity where it relates to individuals, and the impact of management proposals upon individuals, can only be learned through talking to our stakeholders.</p>
<p>Eastern IFCA should produce a map of the feature presence alongside existing closed areas and the proposed closed areas for better understanding of the effectiveness of the proposed measures.</p>	<p>Charts showing the full extent of the closures alongside those already in place are included with the formal consultation.</p>
<p>There should be a panel of experienced fishermen assisting Eastern IFCA in the choosing of new closed areas if they are needed.</p>	<p>The purpose of these consultations is to provide industry with the opportunity to inform the development of closed areas. This has previously been very successful in the development of earlier closures for protected areas byelaws.</p> <p>Additionally, Eastern IFCA are an Authority that comprises members appointed for their expertise in the marine environment. Currently there are 3 members of the Authority who are long-standing Wash fishermen who have extensive knowledge of these grounds. Their input, alongside those from the wider industry is essential in informing the development of management.</p> <p>It is also the case that Eastern IFCA are advised on areas for management by Natural England,</p>

	<p>the government advisor for the natural environment, and as such it isn't really a matter of 'choosing' which areas to close.</p>
<p>A whole site approach, or closures covering larger areas, would be more appropriate as protection of the feature because of its scattered and ephemeral nature, and because the site is in unfavourable condition.</p>	<p>Eastern IFCA are committed to balancing the need to protect the environment with supporting viable and sustainable fisheries. We follow an approach agreed with Natural England towards the final designation of closed areas. This requires recent and consistent evidence of the feature over time to ensure that closures are only made with the best available evidence. This is to mitigate the impact on our inshore fishing industry who are already severely limited in terms of location and species to fish, whilst also ensuring that activity does not compromise the conservation objectives of the site.</p>
<p>More evidence should be made available about why these gear types (bottom-towed gear) in these areas require regulation.</p>	<p>Eastern IFCA is responsible for ensuring fishing activities do not threaten the integrity of MPAs, for example by damaging reef and reducing its distribution. <i>Sabellaria spinulosa</i> reef is vulnerable to damage from towed, demersal fishing activities, so these types of fishing need to be managed so that they do not interact with the reef feature.</p> <p>We use risk ratings provided by Defra (<a href="#">'the matrix'</a>) to guide our work on managing fishing activity within Marine Protected Areas. The matrix identifies how likely a fishing activity is to cause an impact on different features within Marine Protected Areas. The matrix identifies that use of bottom-towed gear over <i>sabellaria</i> reef ('Biogenic reef') is a 'red-risk' activity and therefore closure is the only appropriate mechanism for protection.</p>
<p>Drift nets do not encounter the chalk. If they make contact with the seabed, they will get damaged. Drift netting can only be done in areas without pots.</p>	<p>This consultation has highlighted that further research is required to better understand the types of activity, the differences in gear and therefore the potential for impact on the site, and the scale of activity to move forward with any required management.</p> <p>Management is therefore not included in the Closed Areas Byelaw 2021, as more work towards the assessment is required. Following further assessment netting management will be</p>

	<p>considered for inclusion in further iterations of the MPA byelaw.</p>
<p>Closures to netting would be a push to put more fishermen out of business, removing all diversification opportunities.</p> <p>Inshore vessels are limited to what they can do, and many cannot travel further than the MCZ for safety and vessel capability reasons, netting is the only viable alternative to potting for inshore fishermen.</p> <p>Eastern IFCA should be more aware of the historic importance of drift net fishing in the area, particularly for herring. Herring is less in demand locally but should demand return fishermen should be able to diversify to meet this.</p>	<p>Eastern IFCA are required under MaCAA to further the conservation objectives of a Marine Conservation Zone above all other duties.</p> <p>The importance of diversification for inshore fishermen and the limits of vessel capabilities are well understood. Following this consultation, further information is required to understand any potential impact of netting on the site and any need for management.</p> <p>Eastern IFCA understand the pressures that industry face in all respects of their activity. Any potential for displacement will be considered as part of the impact assessment for the byelaw.</p>
<p>The seals eat more fish than the fishermen can target, they should be controlled. Set netting is no longer viable because of the seals.</p>	<p>Seals will naturally predate on the some of the same species targeted by the fishing industry, however they are a protected species and their management goes beyond the remit of this byelaw.</p>
<p>The fish caught inshore from netting are sold locally in a sustainable way that Eastern IFCA should be seeking to support rather than remove. Increasing local demand for Bass reflects the increase of Bass stocks in the local area.</p>	<p>Eastern IFCA recognise the importance and sustainable practices of many of our inshore fisheries. The challenge facing the development of management in this area is focused on the site feature: chalk, rather than live flora or fauna. The evidence gathered from this consultation will be used to develop our assessment of the activity within the site.</p> <p>Regulations on Bass are agreed nationally and are therefore not controlled by Eastern IFCA.</p>
<p>Bait is expensive. Drift netting for bait fish is important for many shellfish fishermen.</p>	<p>The opportunity for bait fishing as an important part of the shellfish industry is understood. Impacts of management on other fisheries will be taken into account in the development of management.</p>

<p>Fishermen do not have the time to respond to questionnaire consultations.</p>	<p>Eastern IFCA appreciate the time it can take to fill in questionnaires, and that it is not everyone's preferred method of talking to us. We have our IFCO's on the ground regularly engaging with fishermen about these issues, and we are always happy to spend time talking in person or over the phone to make sure that each voice is heard.</p>
<p>Weather patterns cause more damage to the chalk than any fishing activity.</p>	<p>The impact of weather on this coastline is noted and will be taken into account in the development of management.</p>

Thank you for your engagement with this work so far. You can find out more about the work of developing the Closed Areas Byelaw 2021 and future consultation work for other ongoing management work in our district, on our website: [www.eastern-ifca.gov.uk](http://www.eastern-ifca.gov.uk)