

The Code of Best Practice for Potting in Cromer Shoal Chalk Beds MCZ

Informal Consultation November 2021 - April 2022:
Outcome



This document presents the outcome to the informal consultation on Code of Best Practice for potting in Cromer Shoal Chalk Beds MCZ (the MCZ).

We asked

Eastern IFCA ran an informal consultation on a fishing industry Code of Best Practice developed to help address the issue of lost and 'stored' fishing gear in the MCZ, from November 2021 to April 2022.

The Code consists of voluntary actions identified as best practice to reduce the risks of fishing gear becoming lost. It also introduces a voluntary requirement to report instances of snagged, missing or lost gear to Eastern IFCA to enable monitoring and build our understanding of the extent of the issue.

We sought the views of stakeholders on the Code, including on what other issues stakeholders might like to see addressed through Codes of Best Practice.

You said

We received 6 written responses to the consultation, one of which was a collective response from a local conservation group. 4 of the other responses received were individual responses from members of that group.

We also received a lot of feedback on the Code through informal dialogue and engagement with stakeholders, including through 2 organised meetings with the fishing industry and a Stakeholder Group meeting centred around the issue of lost gear and providing feedback on the Code.

Outcomes

We carefully reviewed and considered all responses to the consultation. The following actions and decisions were agreed upon based on the consultation outcome:

- We will be developing measures to require gear marking and tagging.
- We have reflected that bad weather can increase the likelihood of pots causing damage to chalk structures.
- We have changed point 5 of the Code to state that during periods of unavailability (such as a holiday), all gear will be removed away from the rugged chalk otherwise appropriate arrangements need to be made to ensure pots are turned over.

A summary of what was said and our response is provided in the table below:

You Said	Our response
Gear accountability	
Pots and buoys should be clearly labelled to ensure accountability and enable tracing lost gear back to its owner.	This feedback has been received from a broad range of stakeholders. Eastern IFCA will be launching an informal consultation on a byelaw for crab and lobster potting in the MCZ. The byelaw will be used to introduce a gear tagging regime for pots and buoys to ensure accountability and enable us to trace any lost gear back to its owner. The informal consultation on the byelaw will be used to inform what this gear tagging regime should look like in order to be effective. We agree that tags need to be durable and fit-for-purpose.
A permitting byelaw is necessary to introduce mandatory gear tagging.	
A register tracking gear in and out of the fishery could facilitate accountability for gear.	
Tags should be durable and made of metal to avoid contributing to plastic pollution if they are lost.	
Enforceability	
The Code is unenforceable. What are the consequences and penalties for failing to follow the Code and its provisions?	Measures set out in the Code could only be enforced if contained within a byelaw, which would take between 1 to 2 years to develop and implement.
How will the Code be monitored and enforced.	The Code of Best Practice is an initiative which intends to influence, promote and acknowledge responsible behaviours and environmental awareness. It is about setting clear expectations, rather than rigid rules. We will be monitoring adherence to and effectiveness of the code and will continue to work with stakeholders to refine it over time as necessary.
How will you police the Code?	
Scope	
The Code is too narrow and does not go far enough to address broader concerns around sustainability of the fishery and the environment, including closed seasons, pot limitations, gear standards etc.	The Code is intentionally narrow and focussed on the specific issue of lost gear. Lost gear represents a high risk to the MCZ as highlighted in the advice from Natural England.
Gear should be made using more sustainable, biodegradable materials. Plastic coatings from pots and Styrofoam from buoys shed into the marine environment and contribute to plastic pollution. There should be a code of best practice for gear design	We are aware of the broader concerns that many stakeholders share around the sustainability of the fishery and the MCZ. We have received many suggestions for other measures which could benefit the fishery and the MCZ as a whole.

and recommended sustainable/biodegradable materials, with advice on where these can be purchased.	Our intention is to take a phased approach, developing and introducing other Codes of Best Practice and/or regulatory measures as appropriate over time to address other issues. This will ensure that we are continually reducing risk to the conservation objectives.
Potting in rugged chalk areas	
Ideally, potting would not be permitted on the rough chalk.	Natural England – the government’s statutory nature conservation adviser up to 12 nautical miles at sea – has advised Eastern IFCA that Adaptive Risk Management is the appropriate way forward, rather than an immediate ban of potting activity on the rugged chalk. Eastern IFCA is undertaking an assessment of potting activity on the chalk in consultation with Natural England. Our assessment will help identify impacts in more detail and the gaps in our understanding to inform further research. Through the Adaptive Risk Management process, we will further our understanding of the interactions between active potting and the rugged chalk in order to inform appropriate management.
The chalk reef is not renewable. Shouldn’t any anthropogenic damage be halted immediately?	
Potting should be limited to the less rugged chalk areas of the MCZ.	
The Code implies that turn over of pots reduces damage but if pots are lifted and replaced then they will go back in a subtly different place which means that the potential for damage is multiplied.	
Wording of the Code	
When is winter? This term is vague and open to interpretation.	The winter period in relation to this fishery is generally taken to fall between November and March.
Point 3 should be extended to include bad weather at any time of the year.	This point on the Code has been amended accordingly.
What is every reasonable attempt?	‘Every reasonable attempt’ means taking whatever actions are reasonable in the circumstances. Factors that may be relevant include fishermen’s safety, weather conditions and whether or not gear is heavily snagged and realistically retrievable.
How will fishermen notify Eastern IFCA?	Fishermen can notify Eastern IFCA of snagged or lost gear by sending us a text or email or by giving us a call. Informative materials have been

	developed to provide this information to fishermen.
We are concerned that Point 5 (holiday cover) implies a general requirement for fishermen to turn each other's pots over. It is not acceptable practice to interfere with another fisherman's gear without their consent.	Going on holiday was used as an example for periods of unavailability by fishermen during the consultation. Point 5 of the Code has been amended to say that during such periods, gear should be removed from the rugged chalk. If this is not possible for whatever reason, fishermen should make appropriate arrangements for their pots to be turned over in their absence, with their consent.
Recovery:	
How do fishermen recover lost gear?	At the second meeting of the Stakeholder Group, entitled 'Understanding chalk and solutions to lost and stored pots', a local fishermen explained how gear can become lost, and the actions that fishermen undertake to recover their gear. A recording of this is available through the Stakeholder Group's online share point, available to all members.
What incentives are there for fishermen to recover gear which has become lost?	This question is addressed in the recording mentioned above. In short, the financial incentives for recovering gear are significant. Losing gear entails a loss of investment and a loss of potential income. For a fisherman working alone (most boats operating in the inshore parts of the MCZ are worked single-handed), it may take up to several weeks to make up a new shank.
Other comments:	
The only place to store pots if they are not being used is on land.	The term 'stored pots' as used in Natural England's advice has been a point of confusion. Dialogue with fishermen has indicated that there are different approaches, with some bringing pots ashore whilst others move them further offshore. In any case, it is acknowledged that fishermen do not intentionally 'store' pots within the rugged chalk, as doing so is likely to cause damage to their gear. In addition, 'storage' is intended to include pots left in the water for longer

	than would ordinarily be the case during active fishing.
This Code does not introduce anything 'new'.	Whilst the code includes existing best practice, it is the first time it has been codified and includes a commitment on the part of fishermen to fish in this way. In addition, it includes a reporting requirement, which is novel, to enable us to better understand interactions between lost gear and the MCZ.

Thank you for your engagement with this work. You can find out more about future consultation work for other ongoing management work in our district, on our website: www.eastern-ifca.gov.uk If you feel that your questions or concerns have not been addressed through our responses above, please get in touch with the office.

You can find the finalised first iteration of the Code of Best Practice [here](#).