



50th 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 managed to account for COVID-19 safeguards. Anyone wishing to attend as spectators should contact Eastern IFCA on 01553 775321 or via e-mail: mail@eastern-ifca.gov.uk.

**Wednesday
14th December 2022**

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: **50th Eastern IFCA Meeting**

Date: 14th December 2022

Time: 1000hrs

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

Revised 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 49th Eastern IFCA Meeting, held on 14th September 2022 – *Chair* (pg4)
- 5 Matters arising (including actions from previous meeting) – *Clerk*
- 6 To receive a report to consider Health and Safety risks and mitigation – *Hd Operations* (pg14)
- 7 To receive a report on the meeting of the Finance and HR sub-committee held on 2nd November 2022 - *Hd Finance & HR* (pg18)
- 8 Budget and levies 2022-23 and Budget Forecast to 2028 – *Hd Finance & HR* (pg22)
- 9 Wash Cockle and Mussel Byelaw 2021 formal operating procedure – *Senior IFCO (Regulation)* (pg30)
- 10 Wash Fishery Order 1992 transition – *Senior IFCO (Regulation)* (pg38)
- 11 Seaweed aquaculture – *Marine Science Officer* (pg47)
- 12 Defra funding – *CEO* (pg59)
- 13 Crab and lobster management update – *Project Officer* (pg66)
- 14 Authority Meeting Dates 2023-24 – *CEO* (pg71)
- 15 Review of annual priorities and Risk Register - *CEO* (pg74)

Information items

- 16 CEO update (verbal) – *CEO*

- 17 Operational update - *Head of Operations* (pg95)
 - a. Marine Protection report
 - b. Marine Science report

Any other business

- 18 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
6th December 2022

Eastern IFCA Meeting

"Eastern IFCA will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry".



A meeting of the Eastern IFCA took place on Wednesday 14th September 2022 at 1000 hours in the Assembly Rooms, King's Lynn Town Hall.

Members Present:

Cllr T FitzPatrick	(Chair)	Norfolk County Council
Cllr E Back		Suffolk County Council
Cllr Chenery of Horsbrugh		Norfolk County Council
Mr J Davies		MMO Appointee
Mr L Doughty		MMO Appointee
Mr P Garnett		MMO Appointee
Mr T Goldson		MMO Appointee
Ms J Love		Natural England Representative
Mr L Mogford		MMO Representative
Mr J Rowley		MMO Representative
Cllr P Skinner		Lincolnshire County Council
Ms I Smith		MMO Appointee
Mr S Williamson		MMO Appointee

Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of Finance & HR
Jon Butler	Head of Operations
Jason Byrne	IFCO
Luke Godwin	Senior IFCO (Regulation)
Julian Gregory	Chief Executive Officer (CEO) & Clerk
Ron Jessop	Senior Marine Science Officer
Simon Lee	Senior IFCA (Compliance)
James Teasdale	Project Officer

Representatives from Other Bodies

Andrew Oliver	Andrew Jackson Solicitors
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Minute Taker:

Jodi Hammond

The chair began the meeting by expressing sadness at the death of Her Majesty Queen Elizabeth II and asked all members to stand for a minutes' silence.

The Chair welcomed Messrs Doughty and Mogford to their first meetings of the Authority.

EIFCA22/42 Item 1: Declaration of Members Interests

The CEO advised that declarations of interest were recorded for items 3, 9 and 11 on the Agenda for Messrs Doughty, Garnett and Williamson.

As Mr Doughty was a new member his Disclosable Pecuniary Interests (DPIs) needed to be voted on. The information provided meant Mr Doughty had DPIs relating to three fisheries and a lay holding, members were advised how this could cause a conflict.

Members Resolved to:

- **Note the revised list of pecuniary interests**
- **Note the consideration of Disclosable Pecuniary Interest under s.33 of the Localism Act 2011**
- **Agree to grant dispensation from s.31(4)(a) in accordance with Appendix 2.**

Proposed: Cllr FitzPatrick

Seconded: Cllr Chenery of Horsbrugh

All Agreed

EIFCA22/43 Item 2: Resolution

Members Resolved that under Section 100(A)(4) of the Localism Act 1972 the public be excluded from the meeting for item 3 on the grounds that it involves the likely disclosure of exempt information, in this case legal advice provided to officers regarding the replacement of the Wash Fishery Order 1992 and associated matters, as defined in Schedule 12A of the Act.

Proposed: Cllr Back

Seconded: Mr Mogford

All Agreed

EIFCA22/44 Item 3: Wash Fishery Order replacement update

Summary in accordance with Local Government Act 1972

The purpose of the item was to inform members of the process which had been undergone in replacing the Wash Fishery Order. As the presentation included legal advice received by the Authority members were reminded the agenda item was confidential, not for publication or disclosure.

IFCO Godwin provided a presentation to explain the steps taken to arrive at the decision to go with a byelaw rather than an Order, and the writing up of the Permit Limitation and Eligibility

Policy. One major issue identified had been the 'renting out' of licences so the intention was that the policies be written in such a manner that genuine vessel owners should be given permits to fish. It was important to ensure that ultimately the Authority maintained the power to control all licences.

Considerable consultation had been conducted throughout the writing of the policies and various amendments had been made as a consequence of consultation.

The Authority's solicitor, Mr Oliver, explained to members the legal advice he provided during the process and set out that the Marine and Coastal Access Act 2009 (MaCAA) had been the source of much of his advice.

Members were advised by Mr Oliver that the process had been undertaken in keeping with the requirements of MaCAA and Defra guidance and when completing this process the Authority's duty to balance the different needs of those exploiting the fishery had been borne in mind.

The Byelaw remained with MMO/Defra for approval, the MMO had put forward 4 questions relating to the choice of a byelaw rather than an order, transitional provisions, Eligibility Criteria and the limited application of the byelaw in that it only covered cockles and mussels, all of which had been answered.

Mr Oliver advised members of the risk of challenge by way of judicial review or persuading the Secretary of State to go to Public Enquiry. He provided his view on the likelihood of any challenge being successful.

The CEO reminded members that there were still some elements within industry who strongly opposed the use of a byelaw and would prefer a new regulating order and he said that this point had been made very strongly at a recent consultation meeting in Boston, although it was also fair to say that not everyone at the meeting shared that view. The CEO had undertaken to clearly reflect this to members. Members discussed the outcome if the Byelaw was disputed and did not come into force by the time the WFO expired.

The question of whether or not a hybrid order and been put to the Authority was also raised. Referring to a hybrid order, members were advised it was not possible to replicate a Several Order with a byelaw. Members were also advised that it was too simplistic to think the current Order could have been replaced like for like as there were new considerations to take into account that were not relevant when the current Order was made.

Members were advised that if the new Several Order was not in place, then it would be necessary to have a temporary closure in place with a dispensation for those working their lays.

Members Resolved to:

- **Note the update on the replacement of the Wash Fishery Order 1992**
- **Agree to delegate authority to the Chair, Vice-Chair and CEO to consider and address any modification to the byelaw that may be required under s.155(4) of the Marine and Coastal Access Act 2009.**

Proposed: Cllr Back

Seconded: Cllr Chenery of Horsbrugh

Agreed.

The Meeting was suspended at 1123hours to allow members of the public to be admitted, reconvening at 1140 hours

Members of the public were welcomed to the meeting.

EIFCA22/45 Item 4: Apologies for Absence

Apologies for Absence were received from Cllr Adams (NCC) & Cllr Vigo Di Gallidoro (SCC), and Messrs Bagley, Bowell, Copeland, and Shaul (MMO Appointees).

EIFCA22/46 Item 5: Minutes

a) Minutes of the 48th EIFCA meeting held on 8th June 2022

b) Minutes of the Extraordinary EIFCA Meeting held on 7th July 2022

Members Resolved the minutes for both meetings were a true record of proceedings

Proposed: Cllr Chenery of Horsbrugh

Seconded: Mr Goldson

Agreed

EIFCA22/47 Item 6: Matters Arising

48th EIFCA Meeting:

EIFCA22/29 WASH COCKLE FISHERY – the CEO advised members there would be an update as part of a subsequent agenda item.

EIFCA22/30 WHELK MANAGEMENT IN THE WASH – members were advised the risk had been reduced and no

further action had yet been taken as a result of other priorities taking precedence.

EIFCA22/31 INSHORE VESSEL MONITORING SYSTEM – the requirement for IVMS had been added to the licence conditions for the cockle fishery. There had been no further consideration of an Emergency Byelaw at this stage.

Extraordinary EIFCA Meeting:

EIFCA22/23 WASH COCKLE FISHERY AND MUSSEL RELAYING FISHERY 2022 – the mussel relaying fishery had opened with relatively low numbers pursuing the fishery, only a small amount of the available TAC had been taken.

EIFCA22/48 Item 7: Health & Safety Risks and Mitigation

The Head of Operations advised there had been three incidents during the quarter. Covid incidents were reduced but precautions were still being taken as the risk remained a concern amongst a small team working closely together.

Of the three incidents one had been a vessel running aground in Wells which had no serious consequences and had been reported in the appropriate manner. The other two incidents had been ‘near misses’ both of which occurred when working with the ROV one when the ROV became tangled in the cables and the second when an officer was entangled in the cable.

Members Agreed to Note the contents of the report.

EIFCA22/49 Item 8: Finance & HR Sub-Committee held on 2nd August 2022

The Head of Finance advised members the Statement of Accounts had been signed and sent to external auditors for consideration.

Members Agreed to Note the contents of the report.

EIFCA22/50 Item 9: Wash Cockle & Mussel Byelaw 2021 – Managing Access

Senior IFCO Regulation gave a presentation on the process undergone to reach the policies which were set out in the papers.

Members were made aware of the key issues with the current Order

- ‘Renting Out’ - Under the proposed policies it was felt the correct people would get a licence, although there was a

possibility some would lose access to the fisheries as a result of the transition.

- Surety – there would be no guarantees under a Byelaw, but nor had there been under the Wash Fishery Order
- Permit Limitation – it was proposed to limit the fisheries to 61 vessels, maintaining the status quo of the Wash Fishery Order
- Appeals Process – the proposal was to revise the previously agreed Wash Transition Sub-Committee and to introduce an Appeals Sub-Committee to deal with new appeals process under the policy.

Other changes had been adopted which included, permit succession, permit penalties, eligibility fee being biennial, the ability to maintain a permit, and applications not requiring evidence every year.

Consideration of the Policy against the East Inshore Marine Plan and Fisheries Act objectives was presented and discussed, which identified that the Policy was in keeping with both.

Members questioned the ability to allow a 3rd party to take the vessel out and were advised this would be possible.

On the matter of continuity for business plans, members were advised that a byelaw must be reviewed every 6 years and it was not anticipated that this policy and byelaw would be reviewed more frequently unless there was clear compelling need to do so. It was advised that any review would not necessarily result in changes being made.

Concern was expressed that officers might back-pedal on renting out if a strong case was made for a business model, the CEO assured members that the evidence gathering, and decision making would be separated out with the decision being made by the sub-committee.

The subject of reducing licences was raised, it was noted there had not been a need to consult under the WFO 1992, and a member observed that there was more surety under a byelaw as a decision on reducing licence numbers would have to be subject to consultation.

Changes to the Eligibility fee were explained as concern was expressed that a decision on whether or not to take out a permit had to be made before results of surveys were known, this issue had been addressed by making it a requirement to renew within a 24 month period rather than by 1st February each year.

Suspension of a permit was discussed with members being advised that suspension would be as a result of a court conviction prior to which there would normally have been a process of verbal and/or written warnings, unless the offence was sufficiently serious to merit prosecution in the first instance.

Members Resolved to:

- **Agree to limit the number of permits issued under the Wash Cockle and Mussel Byelaw 2021 as follows:**
 - **For the purpose of the 'transition' under section 4 of the Eligibility Policy:**
 - 61 hand-work cockle permits
 - 61 hand-work mussel permits
 - 61 mussel dredge permits
 - **For permits issued as a result of a successful appeal under section 13 of the Eligibility Policy there is no maximum; and**
 - **Following the transition, the maximum number of permits will be 61 of each permit plus the number of any permits issued as a result of a successful appeal in connection with the transition**

Proposed: Cllr Chenery of Horsbrugh

Seconded: Cllr Skinner

Agreed

- **Note the outputs of the consultation and impact assessment at Appendices 1 and 2 respectively**
- **Note the changes to the Eligibility Policy set out in Appendix 4**
- **Agree to adopt the Eligibility Policy at Appendix 3 under paragraph 17 of the Wash Cockle and Mussel Byelaw 2021**

Proposed: Cllr Skinner

Seconded: Cllr Chenery of Horsbrugh

Agreed

EIFCA22/51`Item 10: Wash Fisheries Transition and Wash Fisheries Appeals sub-committees

Members were asked to consider the establishment of a Wash Appeals sub-committee which would consist of the Chair, Vice Chair and one other elected member, who would consider appeals relating to decision taken under the Wash Cockle and Mussel Byelaw Eligibility Policy. The question of lack of industry knowledge on such an appeal committee was raised but it was noted that prior to the appeal evidence would be gathered for consideration, in the event insufficient evidence had been gathered to make an informed decision the meeting would be adjourned until such time as more information was available. The decision not to include an industry member on the appeals committee was to ensure there was no perception of bias and to protect commercial confidentiality.

The question of such a sub-committee being open to the public was also raised but the CEO advised that whilst sub-committee's are open meetings items of this nature would be subject to a Resolution to Exclude the Public under the Authority's Constitution and Standing Orders.

Members were also asked to consider the renaming of the Wash Transition Sub-Committee to the Wash Sub-Committee as it was felt this should become a permanent sub-committee.

Members Resolved to:

Agree to establish the Wash Appeals sub-committee and adopt the associated scheme of delegations

Agree to the proposed change in name of the Wash Fisheries Transition sub-committee and adopt the revised scheme of delegations

Agree to appoint the members named in this paper to serve on the Wash appeals sub-committee and to revise membership of the Wash Fisheries sub-committee as proposed in the paper

Agree that meetings of both the Wash Fisheries and Wash Appeals sub-committees will be arranged by the CEO as required to fulfil their functions.

Proposed: Cllr Skinner

Seconded: Mr Davies

Agreed

EIFCA22/52 Item 11: Wash Cockle Fishery Update

Members were reminded of the issues the Authority faced prior to opening the cockle fishery, including low densities of stock and issues with the Bird Food Model.

The fishery had opened with 22 vessels taking part. The total landed catch in the previous week was noticeably lower than in previous weeks which could indicate the cockles becoming harder to find.

Industry members had reported very small cockle being landed and vessels fishing in closed areas. In order to corroborate these reports officers were taking samples of landed cockles, so far only a few small cockles had been found along with a lot of dead shell, it was encouraging to note there were no Year 0 cockles being landed. IVMS was being used to monitor vessel activity in relation to fishing in closed areas.

Members had a discussion over the landing of shell, how it affected the TAC, whether it had any value to the industry and the benefit to the fishery of it being removed from public beds.

Discussion followed on the potential fishery for the next season. It was noted that whilst the year 0 cockles were not being taken this was encouraging for a reasonable TAC the following year,

although Senior MSO Jessop felt it would be necessary to open the fishery in June in an attempt not to lose any that may be susceptible to atypical mortality when the water started to warm up.

Mr Doughty realised it was difficult to get surveys done any earlier but questioned whether it would be possible to get a small fishery open earlier than June to prevent losses. Senior MSO Jessop advised that without a survey it was not possible to open a fishery, if there was a HRA in place it may be possible to open a small fishery. The CEO advised there were many issues to opening a fishery, not least of which would be giving the CEO delegated powers to make a decision rather than waiting for a meeting in June. This could be done at the March meeting. Mr Garnett advised that as there was still TAC remaining in 2006 a handwork fishery continued until the opening of the 2007 fishery. Mr Williamson had noted dead spat and juveniles in samples taken from the current fishery and questioned if Atypical mortality was already affecting these age groups, Senior MSO Jessop advised that natural mortality occurs due to ridging out, each year about $\frac{3}{4}$ of each year class were lost but those that survived grew so well that the overall affect was not noticed, survival strategy of a cockle is to produce a lot of offspring so a few survive.

Members Agreed to note the content of the report.

EIFCA22/53 Item 12: Annual Report 2021-2022

Having been given the opportunity to review a draft of the Annual Report Members were asked to approve it for publication and distribution to Defra.

Members Resolved to :

- **Approve the Annual Report 2021-2022**
- **Direct the CEO to publish the report and distribute to Defra**

Proposed: Cllr Back

Seconded: Cllr Skinner

Agreed

EIFCA22/54 Item 13: Quarterly review of annual priorities and Risk Register

Members were advised that whilst New Burden funding for the current financial year had been forthcoming and there was suggestion there may be additional funds available for specific work areas nothing had been agreed long term for the future.

Reference was made to new information received on netting activity inside an MCZ, Senior IFCO Compliance advised this was intended to read 'if' there was new information available.

Members Agreed to note the content of the report.

EIFCA22/55 CEO Update

SEAWEED FARM: Members were updated on a Seaweed farm licence application on the North Norfolk Coast. A previous licensing application had been objected to by the Authority, but this application was for a much smaller farm and so no objection had been made. Consultation responses from the Authority had emphasised the importance of consultation with the fishing industry by the developer but this had not been very effective. as it had become clear some sectors of the industry did not feel they had been consulted. As a result more consultation was due to take place. Mr Rowley advised that anyone wishing to make comment regarding the proposed seaweed farm should submit them to the Marine Licensing Department as soon as possible, he suggested putting views in writing even if the intention was to object when attending the meeting being held in Wells. The CEO advised that he had hoped to bring a paper with a proposed position on such developments but time had precluded this and it was intended to bring it to the December meeting instead.

IFCA Quadrennial Report: This was now being undertaken by Defra as set out under MACAA. A self-reflection questionnaire was being completed and it was anticipated that members may be consulted. Stakeholder consultation would be taking place and a sub-contractor was being sought to conduct quayside interviews.

AIFCA FORUM: The Chair had attended in person, with the CEO attending online, it had been a two stage event with a meeting followed by a symposium which had been very constructive.

EIFCA22/56 Head of Operations Update

Members had been forwarded Enforcement updates on a monthly basis with the Marine Science report being prepared on a quarterly basis and circulated with the meeting papers.

A newsletter had been compiled for stakeholders on the Cromer Shoal MCZ group which would be forwarded to all members.

Members Agreed to note the content of the report.

There being no other business the meeting closed at 1330 hours.

Vision

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Action Item 6

50th Eastern Inshore Fisheries and Conservation Authority meeting

14th December 2022

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 two incidents to report during this period

Risks/Mitigation

COVID-19 There have been no reported COVID related illness since the last meeting, although we have had staff reporting general autumn illness, coughs, and colds. The mitigations remain in place to prevent spreading across the team to ensure business continuity is maintained. Officers are to continue to work from home if they test positive for COVID or are suffering from respiratory illness, careful consideration is given if the officer lives with someone who has tested positive with regards to their work and necessity to come into the office or work on a vessel.

Officers have recently undertaken mud familiarisation sessions to increase their awareness of dangers and confidence whilst working in intertidal areas.

Appendix 1

Date	Nature of incident	Injury / damage occurred	Action Taken	RIDDOR MAIB Y/N	Investigation complete Y/N	Name of investigating Officer	Follow-up action required Y/N. If Y then what?
14/09/2022	Officer hurt hand during maintenance	Injury	Officer attend A&E	No	Yes	Jon Butler	No
11/11/2022	Officer struggled in mud during Mussel surveys	None	Officer managed to return to safety of Three Counties	No	Ongoing	Jon Butler/Ron Jessop	Yes, Risk assessments to be reviewed. Technology (Drones) to be considered. Officers to undertake mud familiarisation sessions

Appendix 2

Eastern IFCA Health and Safety risks

Risk	Intervention	Residual Risk	Risk rating* (Current)	Risk rating* (Previous)
1. Whole Body Vibration	<ul style="list-style-type: none"> Risk awareness training to manage impacts. Health monitoring process to be developed. 	<ul style="list-style-type: none"> Personal injury from boat movement owing to lower resilience as a result of individual physiology 	Tolerate	Treat
2. Staff stress through exposure to unacceptable behaviour of stakeholders	<ul style="list-style-type: none"> Introduction of Unacceptable Behaviour policy Stakeholder engagement plan and activity delivered in pursuit of corporate communications strategy. Dialogue with Stakeholders to ensure appropriate tone of communications Conflict resolution training for “front line” Officers Introduction of Body worn Camera’s and Sky Guard Alarms. 	<ul style="list-style-type: none"> No change in behaviour of some stakeholders. Long term sickness caused by stakeholder hostility 	Treat	Tolerate
3. Damage to vehicles, trailers and/or equipment through inappropriate operation.	<ul style="list-style-type: none"> Formal trailer training for unqualified officers Refreshers for those with previous experience Periodic vehicle maintenance checks training In-house assessment for drivers using unfamiliar vehicles (crew transport, 4x4) 	<ul style="list-style-type: none"> Failure to adhere to training Mechanical failure of vehicle or trailer 	Tolerate	Treat
4. Physical fitness of personnel to undertake arduous duty	<ul style="list-style-type: none"> Staff briefing Management overview to ensure rostered duties are appropriate and achievable 	<ul style="list-style-type: none"> Individual health fragilities Individual lifestyle choice 	Tolerate	Tolerate

	<ul style="list-style-type: none"> Reasonable work adjustments Routine periodic medical assessment (ML5) 			
5. COVID 19	<ul style="list-style-type: none"> Information Guidance Staff Briefing Risk Assessments 	<ul style="list-style-type: none"> Developing understanding of COVID 19 and rapidly changing guidance 	Tolerate	N/A
6. Working at Height	<ul style="list-style-type: none"> Staff briefing Scoping of all quayside ladders Risk Assessment Training to be provided if required 	<ul style="list-style-type: none"> Failure of quayside ladders 	Treat	N/A

*

Risk Rating
High
Medium
Low

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

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Action Item 7

50th Eastern Inshore Fisheries and Conservation Authority meeting

Report by: Andrew Bakewell – Head of Finance & HR

Meeting of the Finance & HR Sub-committee held on 2nd August 2022

Purpose of report

To inform members of the key outputs and decisions from the Finance & HR Sub-Committee meeting held on 1st November 2022.

Recommendations

Members are asked to:

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

F&HR 22/27 Minutes of the F&HR Meeting held on the 1st November 2022

- Signed as a true record

F&HR 22/28 Matters Arising

- Members advised that the only matter was covered by a later agenda item.

Finance Matters

Re minute F&HR 22/29 Quarter 2 Payments and Receipts

- Members were advised:
Expenditure mainly as expected apart from fuel and utility price increases

Members Agreed to:

- **Note** the content of the report

Re minute F&HR 22/30 Quarter 2 Management Accounts

- The Head of Finance & HR advised of the following:
 - Salary savings in the first half would be eroded by the higher than budgeted salary increase anticipated impact in December.
 - Three Counties maintenance underspend will be eliminated by cost of refit
 - Income from EHO sampling affected by invoice timing
 - Lower than anticipated WFO Fee income (reduced take up)
 - £30,000 contingency included to offset inflation
 - CEO reported that salary expenditure would increase due to the extra Grade 5 IFCA partially offset by savings from the vacant MSO post (pending expected recruitment in the early part of next year).
 - Additional Defra funding (potentially for 3 years) attached to workstreams was confirmed for year 1 with £50,000 each for MPA Management, Fisheries Management Plans and Marine licensing subject to specific outputs.

Members Agreed to:

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

Re minute F&HR 22/31 Provisional budget 2023-24 Forecast to 2028

The Head of Finance & HR had prepared a provisional budget for the 2023-24 financial year and forecasts for subsequent years up to 2028, however it was noted that with the current levels of financial uncertainty it had been a difficult process. The surplus forecast for the next three years depends on the additional Defra funding. Beyond that horizon it may be necessary to utilise reserves while alternative strategies are explored.

At a subsequent meeting with the finance representatives of our funding authorities they indicated that the 2% increase would be acceptable for the coming year. They also anticipated increasing pressure on their finances. The asset replacement contribution will also be scrutinised.

Increases in salary and inflationary pressures have also been factored into the provisional figures wherever possible. Councillor Skinner acknowledged that the cost-of-living increase was having a big impact on County Council finances and anticipated a hard and challenging future.

Cllr Adams questioned why the provisional budget showed an increase in office maintenance and redecoration, it was explained that a requirement of the lease was to redecorate every 3 years and undertake necessary external repairs.

In response to a question regarding relocation the CEO pointed out that new ways of working, as a result of the pandemic, were being trialled, if successful and adopted permanently then larger premises would be unnecessary and there may even be a case for downsizing.

The Chair questioned whether EIFCA salaries were linked to the Local Government pay scales, it was confirmed that the Authority scale had been extended but fell in line with Local Government guidelines, which meant any pay enhancement agreed by LGA would be applied to EIFCA salaries.

In response to a question about the Legal & Enforcement Reserve Fund, it was reported that it was a reserve held to cover the cost of legal challenge, it was felt the level of reserve may need to be reviewed as it could be consumed by a single legal challenge.

Members Resolved to:

- **Approve and recommend the Draft Budget 2023/24 to the full Authority at their next meeting on 14th December 2022**
- **Approve and recommend the Levies for 2023/24 to the full Authority at their next meeting on 14th December 2022**
- **Approve the Forecast for the following 4 years to 2027/28 for presentation to the full Authority at their next meeting on 14th December 2022**

Proposed: Cllr Chenery of Horsbrugh

Seconded: Cllr Adams

All Agreed

Re minute F&HR22/32 Defra Funding Update

As previously advised the Spending Review 2021 had concluded there was a need to provide additional funding to IFCA for specific workstreams. Once each IFCA had paid £15,000 to AIFCA to support work at national level, each IFCA would have £150,000 additional funding for each of the current and subsequent two financial years, but at this stage years two and three were still subject to confirmation. Whilst there were outputs to be met it was hoped much of this could be achieved using existing resources, once the workload was known a decision would be made on whether additional resources were required.

Members Resolved to:

- **Note the content of the report**
- **Agree to delegate decision making on the requirement for additional temporary posts to the Chair, Vice Chair and CEO**

Proposed: Cllr Chenery

Seconded: Cllr Skinner

All Agreed

Re minute F&HR 22/33 Exclusion of the Public

Members Resolved that under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for item 10 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of the Act

Re minute F&HR 22/34 HR Update

The Head of Finance & HR provided members with a summary of leavers and new starters amongst the staff, as well as an update on the pending Tribunal.

The CEO reminded members that it was the intention of the Head of Finance & HR to retire and that alternative strategies for service provision were being explored.

Members noted the purchase of an electric vehicle to be trialled in the vehicle fleet establish suitability. The vehicle would be used by the CEO and his current vehicle being retained in the fleet to replace a vehicle due for replacement.

- **Members Agreed to note the report.**

Re minute F&HR22/35 **New Vessel Budget Update**

The CEO updated members on concerns raised by our surveyor overseeing the build these had been raised with the yard so that they can be addressed.

Cllr Skinner questioned whether a decision had been made on the type of engines which would be fitted. It was confirmed they would be diesel engines that met environmental restrictions in the southern N. Sea.

It was anticipated the build would be complete by the end of June 2023, and the vessel may be used as an exhibit at the Seaworks Exhibition in Southampton. A name for the vessel had still to be considered.

Members Agreed to note the content of the report.

Re minute F&HR 22/36 Any Other Business

Following the departure of Dr Bolt there was a vacancy on the sub-committee.

Background Documents

Unconfirmed minutes of the Finance and HR sub-committee meeting held on the 1st November 2022

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

50th Eastern Inshore Fisheries and Conservation Authority Meeting

Report by: Andrew Bakewell – Head of Finance and HR

Draft Budget for the period 1st April 2023 to 31st March 2024 and Forecast to 2027/28

Purpose of report

To present the Draft Budget for the 2023/24 financial year along with the Forecast for the following 4 years to 2028 and set the levies for the 2023//24 financial year.

Recommendations

Members are asked to:

- **Approve** the Draft Budget 2023/24.
- **Approve** the Levies for 2023/24.
- **Approve** the Forecast for the following 4 years to 2027/28.

Background

The Draft Estimates of Expenditure for the financial year 2023/2024 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 (2022/2023) 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 or shortfall to be added or withdrawn from reserves.

The projected expenditure less income for 2022/2023

The calculation of the Provisional Budget for 2023/2024 (Table 1).

Assumptions

An amount described as Defra Base Funding has been included for following years. Additional funding (for specific work streams) has been confirmed for 2022/23 and is indicative (i.e. subject to confirmation) for 2023/24 and 2024/25 and therefore a further £450,000 (£50k per workstream per year totalling £150,000 for 2022/23, 2023,24 and 2024/25) is included.

Notes on Expenditure

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

Variations from 2022/2023 Budget to the 2022/2023 Projection and 2023/2024 Draft Budget are summarised under the main budget headings in the following table:

	2022/2023 Budget £	2022/2023 Projection £	2023/2024 Draft Budget £
Salaries & Wages	1,183,000	1,175,000	1,217,500
General Expenditure	207,450	210,000	230,000
Departmental Op Costs	38,500	38,750	40,250
Vessels	126,850	129,250	118,000
Vehicles	31,250	41,250	41,500
Contingency		40,000	40,000
TOTAL	1,587,050	1,634,250	1,687,250

Salaries & Wages

2022/2023 Projection £9,000	2023/2024 Draft Budget (£34,500)
a) Vacancy management savings offset by higher than budgeted pay increase	Vacancies all filled, annual increments and 3% est. inflation. Increased NI

General Expenditure

2022/2023 Projection- £(2,550)	2023/2024 Draft Budget £(22,550)
a) Utility costs	Outsourced payroll and accountancy

Departmental Operational Costs

2022/2023 Projection- £(250)	2023/2024 Draft Budget £(1,750)
Cromer Shoal survey	Inflation

Vessels

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

2022/2023 Projection- £ (2,400)	2023/2024 Draft Budget £8,850
Fuel costs	Fuel increase offset by maintenance savings new vessel

Vehicles

2022/2023 Projection- £(10,000)	2023/2024 Draft Budget £(10,250)
Fuel cost and increased usage	Extra usage and fuel price stabilised

Inflation Contingency

An inflation contingency of £40,000 included in 2022/23 Forecast and 2023/24 Draft Budget with a further £20,000 in 2024/25 Estimate.

Income

<u>2022/2023 Projection £(10,000)</u>	<u>2023/2024 Draft Budget £15,000</u>
Interest on deposits	Higher interest rates and increased licence fees

Reserves

The amounts held in EIFCA's ear-marked reserves estimated at 30.09.2022 are set out below:

	£
ICT Fund	10,000
Legal and Enforcement Fund	75,000
Office Improvement Fund	10,000
Research Fund	62,251
WFO	88,512
DEFRA Grant	18,292
Vehicle Renewals Fund	60,000
IVMS (10%)	30,000
FAP	22,500
Moorings	150,000
Vessel Replacement Fund	<u>1,628,213</u>
	<u>2,154,768</u>

Levies

The Executive Team met with representatives from the County Council's Finance Teams on the 2 November 2022. They indicated that the 2% increase would be acceptable for the coming year. They all also anticipated increasing pressure on their future finances. The Executive Team committed to a review of the Asset replacement contribution including a longer term forecast of reserves.

	Norfolk County Council £	Suffolk County Council £	Lincolnshire County Council £
County Council Levies	432,238	324,459	366,002
Asset replacement	64,998	48,792	55,037
Defra Funding (base)	151,999	114,420	127,726
Defra Workstream Funding*	150,000		
Total Levy	799,235	487,677	548,765
	38.5%	28.9%	32.6%
<u>For Information</u>			
<u>2022/2023</u> Total CC contributions	638,867	479,888	539,985

*Funding for MPA Management, Licensing/Consents/Permitting and Fisheries Management Plans current expectation is £50,000 per workstream for 3 years. To be paid via NCC.

Table 1**Estimates of Expenditure 2022/2023**

	2022/2023 Budget	2022/2023 Act/Proj	2023/2024 Draft Budget
	£	£	£
Salaries & Wages	1,183,000	1,175,000	1,217,500
General Expenditure	207,450	210,000	230,000
<u>Departmental Operational Costs</u>			
Marine Science	15,500	18,000	18,000
Marine Protection	22,000	20,000	21,500
Media	1,000	750	750
<u>Vessels</u>			
Moorings & Harbour Dues	6,500	6,500	6,500
Research Vessel – T C	62,000	63,750	55,000
Enforcement Vessels - Ribs	35,500	36,000	32,500
Vessel insurance	22,850	23,000	24,000
Vehicles	31,250	41,250	41,500
Contingency		40,000	40,000
TOTAL EXPENDITURE £	1,587,050	1,634,250	1,687,250
INCOME	70,000	60,000	85,000
EXPENDITURE LESS INCOME £	1,517,050	1,574,250	1,602,250
<i>LESS Defra Funding</i>	394,145	544,145	544,145
Net Expenditure	1,122,905	1,030,105	1,058,105
Levies	1,100,685	1,100,685	1,122,700
Surplus/(Shortfall	£ (22,220)	70,580	64,595

Table 2**Estimates of Expenditure 2023/2024**

Details of Expenditure – Salaries & Wages and General Expenditure

	2022/2023 Budget	2022/2023 Projection	2023/2024 Draft Budget
<u>SALARIES</u>			
Staff Remuneration	890,000	889,000	914,000
Pension	205,000	204,000	214,500
National Insurance	88,000	82,000	89,000
TOTAL	1,183,000	1,175,000	1,217,500
<u>GENERAL EXPENDITURE</u>			
<i><u>Accommodation</u></i>			
<i>(Rent, Rates, Insurances, Utilities)</i>			
Rent	36,250	36,250	37,500
Business Rates	16,300	16,300	16,750
Water Rates	750	750	800
Service Charges	3,500	3,500	3,750
Insurance – Buildings	1,150	1,150	1,250
Insurance Office & General	8,750	9,350	9,650
Electricity	4,500	6,000	6,000
Cleaning	1,000	750	1,000
Maintenance & Redecoration	4,000	4,000	7,500
TOTAL	76,200	78,050	84,200
<i><u>General Establishment</u></i>			
Advertisements & Subscriptions	18,000	18,000	19,000
Legal & Professional Fees	12,000	12,000	22,000
Telephones (Office & Mobile)	7,500	8,000	7,500
Postage & Stationery	8,500	8,500	8,500
IT Support	34,500	35,000	35,000
Uniforms & Protective Clothing	8,000	8,000	8,000
Medical Fees	1,250	2,000	1,800
Recruitment	1,000	1,000	1,000
Sundry inc. Meeting Costs	1,250	2,250	2,500
TOTAL	92,000	94,750	105,300
<i><u>Officers' Travel & Subsistence</u></i>			
General Travel – Fares, Taxis etc	5,000	4,500	5,000
Subsistence Payments	1,250	2,000	2,000
Overnight Subsistence	1,500	1,500	2,000
Hotel – Accommodation & Meals	5,000	4,000	5,000
TOTAL	12,750	12,000	14,000
<i><u>Members' Travel</u></i>			
Training	1,500	1,200	1,500
	25,000	24,000	25,000

Table 3

Estimates of Expenditure 2023/2024

Details of Expenditure – Vessels & Vehicles

	2022/23	2022/23	2023/24
	Budget	Projection	Draft Budget
<u>Operations</u>			
Media	1,000	750	750
Marine Science	15,500	18,000	18,000
Marine Protection	22,000	20,000	21,500
<u>MOORINGS & HARBOUR DUES</u>			
Rent – Sutton Bridge Moorings			
Maintenance	500	500	500
Berthing & Harbour Dues	6,000	6,000	6,000
TOTAL	6,500	6,500	6,500
<u>RESEARCH VESSEL</u>			
<u>Three Counties/</u>			
Maintenance & Repairs	20,000	19,750	10,000
Refit	30,000	27,000	25,000
Insurance & Certification	15,000	15,000	16,000
Fuel	12,000	17,000	20,000
TOTAL	77,000	78,750	71,000
<u>ENFORCEMENT VESSELS</u>			
<u>Ribs</u>			
Maintenance & Repairs	30,000	28,000	25,000
Insurance & Certification	7,850	8,000	8,000
Fuel	5,500	8,000	7,500
TOTAL	43,350	44,000	40,500
<u>VEHICLES</u>			
Insurance	11,250	11,250	13,000
Fuel & Sundries	14,000	24,000	23,000
Servicing	4,500	4,500	4,500
Vehicle Tracking	1,500	1,500	1,000
TOTAL	31,250	41,250	41,500
Contingency		40,000	40,000

Forecast to March 2028

	<u>2023/24</u>	<u>2024/25</u>	<u>2025/26</u>	<u>2026/27</u>	<u>2027/28</u>
Income					
Levies	1,122,700	1,145,143	1,168,056	1,191,417	1,215,245
Defra Funding*	544,145	544,145	394,145	394,145	394,145
Other	85,000	85,000	90,000	90,000	90,000
Total Income	1,751,845	1,774,288	1,652,201	1,675,562	1,699,390
Expenditure					
Staff cost	1,217,500	1,254,025	1,285,400	1,317,500	1,343,000
Administration	230,000	235,000	237,500	238,000	238,000
Operations	40,250	40,500	41,000	41,000	41,000
Vessels	118,000	120,000	120,000	120,000	120,000
Vehicles	41,500	42,000	42,000	42,000	42,000
Contingency	40,000	20,000			
Total	1,687,250	1,711,525	1,725,900	1,758,500	1,784,000
Surplus/Shortfall	64,595	62,763	(73,699)	(82,938)	(84,610)

*2023/24 and 2024/25 include the £150,000 workstream based funding as yet unconfirmed.

Movement in reserves

	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Opening	2,154,768	1,589,258	1,222,680	1,339,335	1,444,745	746,289
Revenue	70,580	64,595	62,763	(73,699)	(82,938)	(84,610)
Asset rep	163,910	168,827	173,892	179,109	184,482	190,016
Utilised	(800,000)	(600,000)	(60,000)	(60,000)	(800,000)	(60,000)
Balance	1,589,258	1,222,680	1,339,335	1,444,745	746,289	791,695

Reserves over Forecast period

Opening 01/04/22	2,154,768
Surplus/(shortfall) 6 years	(43,309)
Asset replacement CC contrib.	1,060,236
Asset purchases	(2,380,000)
Balance	791,695

Asset Purchases

TC replacement	1,080,000	2022/23 to 2023/24
JA replacement	200,000	2023/24
ST replace	740,000	2025/26
Vehicles	360,000	2022/2028

Scenario does not include sale of assets or potential in year revenue savings.

Vision

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Action Item 9

Eastern Inshore Fisheries and Conservation Authority Meeting

14 December 2022

Wash Cockle and Mussel Byelaw 2021 formal operating procedure

Report by: Luke Godwin (Senior IFCO – Regulation)

Purpose of Report

To seek agreement on the implementation of Formal Operating Procedures for flexible management measures under the Wash Cockle and Mussel Byelaw 2021.

Recommendations

It is recommended that members:

- **Note** the contents of the report
- **Agree** to adopt Formal Operating Procedures 1 to 3 at Appendix 1
- **Direct** officers to consult with Wash fishery stakeholders to determine an effective mechanism to gather their views and incorporate this into a Formal Operating Procedure as appropriate for consideration at a subsequent Authority meeting.

Background

The Wash Cockle and Mussel Byelaw 2021 (WCMB), which is at an advanced stage in the byelaw making process, is intended to manage the cockle and mussel fisheries of The Wash.

Report

Cockle and mussel fisheries ordinarily require bespoke management annually, from the opening times for the fishery to open and closed areas. In addition, both fisheries often require a dynamic approach to management, with measures being introduced, varied, or revoked within short time periods.

The WCMB enables management in a manner consistent with the approach under the Wash Fishery Order 1992 (WFO). However, additional 'safeguards' have been inserted within the WCMB (compared to the WFO) to ensure transparency and provide stakeholders with a means to make representation.

As with the other flexible permit byelaws in effect¹, the WCMB includes safeguards in the form of process and criteria for issuing, varying, and revoking management measures. In the WCMB, the process required is set out in Schedules 4 (which deals with general flexible management measures) and 5 (which deals with Eligibility criteria). In both cases, reference is made to the process being undertaken in

¹ The Whelk Permit Byelaw 2016 and the Shrimp Permit Byelaw 2018

accordance with a 'Formal Operating Procedure' (FOP) which is agreed by the Authority.

An FOP sets out the steps taken within the process and provides an opportunity to provide additional context and detail.

FOPs have been drafted to meet the requirements of the byelaw. FOPs at Appendices 1 to 3 are sufficient to manage cockle and mussel fisheries using flexible measures including annual management of fisheries, mid-season urgent management and Eligibility Policy. These are summarised below.

Formal Operating Procedure: Review of flexible management measures (general) (Appendix 1)

The types of management measures covered by this FOP include:

- Opening and closing fisheries
- Technical management measures in permit conditions (for example, open and closed areas, variations in the daily catch restriction etc.)
- Operating times (i.e. open tides for the fishery)
- Limits on the number of permits issued.

These measures can be issued, varied, or revoked in accordance with the process set out in schedule 4 of the WCMB. With the exception of the permit imitation, these measures are typically reviewed annually and informed by a stock assessment, Fisheries Management Plan and Habitat Regulation Assessment.

Formal Operating Procedure: Urgent Measures (Appendix 2)

It is common practice under the WFO to issue, vary or revoke management measures within the Wash cockle or mussel fisheries without wider consultation as required to ensure the sustainability of stocks, protection of the marine protected areas of The Wash and / or industry viability. Under the WCMB, provision exists to enable this, but which also requires review of such (which must include consultation with industry) where the measures are intended to be in place for more than three months.

The types of management covered by this FOP are the same as in the FOP above (Appendix 1).

Formal Operating Procedure: Eligibility Policy (Appendix 3)

Eligibility Policy sets out how access is managed to the fisheries. It includes safeguards for continued access, mechanisms for new entrants and ensuring continuity of businesses and measures to prevent 'renting out' of permits.

Issuing, varying, or revoking Eligibility Policy is covered by a separate process within the Byelaw because there are additional criteria for doing so. In particular, criteria are added to the effect that the policy cannot be reviewed more frequently than every 6 years unless there are urgent and compelling reasons for doing so. The Schedule also sets out specific impacts to consider when deciding on Eligibility Policy.

Additional dialogue with industry

Ordinarily, most fisheries management measures are reviewed annually (ante) and there is an established process for doing so. Previously this was enshrined in the 'cockle charter' and which ordinarily included an 'industry meeting'.

Development of management measures for the 2022 cockle fishery included the establishment of a Wash Fishery Stakeholder Group. This group consisted of fishing industry, officers and Authority members and was intended to determine if a fishery could be opened given the issues faced by the fishery at that time, as presented at the 48th Eastern IFCA meeting, 08 June 2022).

However, there were reports that the stakeholder group did not function as intended, with the primary concern from some fishermen being that they felt their views were not being expressed by the representatives and that representatives were not informing them of matters discussed. Similarly, experience has shown that whole industry meetings are ineffective as many do not feel empowered to provide their views in this setting.

There are potentially considerable benefits to establishing a means of in person dialogue with industry to form part of the consultation process within an FOP. In particular, because industry usually prefer this form of engagement, and such can serve to inform development of measures at an earlier stage and prior to wider engagement. With this in mind, it is proposed that consultation with industry is undertaken to understand what in their view is the best means of achieving this, be it from re-establishment of an industry meeting or formalisation of a stakeholder group, and to seek to incorporate this into a bespoke FOP. Such a mechanism must have the confidence of all industry and must be effective and constructive.

To that end, an FOP has been drafted which includes such a meeting / group as part of the process (Appendix 4). It is proposed that, this FOP would supersede the Formal Operating Procedure: Review of flexible management measures (general) for the consideration of annual management measures if a group / meeting can be established. In the meantime annual management measures would be subject to the process set out in the 'general' FOP.

Financial Implications

None identified

Legal Implications

FOPs are required in order to issue, vary or revoke management measures under the WCMB 2021. Consideration and implementation of these mitigates against the risk of legal challenge on the basis of a failure in process.

It should also be noted that FOPs at Appendices 1 to 3 are sufficient to manage the fishery. Appendix 4 is aspiration and not required. Therefore if a stakeholder group, on which the FOP is dependent, cannot be established there is no risk that fisheries cannot be managed.

Appendices

1. Formal Operating Procedure: Review of flexible management measures (general)
2. Formal Operating Procedure: Urgent Measures
3. Formal Operating Procedure: Eligibility Policy
4. Formal Operating Procedure: Opening Annual Fisheries

Background Documents

Papers and minutes for the 39th Eastern IFCA Meeting (11 March 2020)

Papers and Minutes for the 43rd Eastern IFCA Meeting (10 March 2021)

Papers and Minutes for the 44th Eastern IFCA Meeting (09 June 2021)

Papers and Minutes for the 45th Eastern IFCA Meeting (08 September 2021)

Papers and Minutes for the 46th Eastern IFCA Meeting (08 December 2021)

Papers and minutes of the 48th Eastern IFCA Meeting, (08 June 2022)

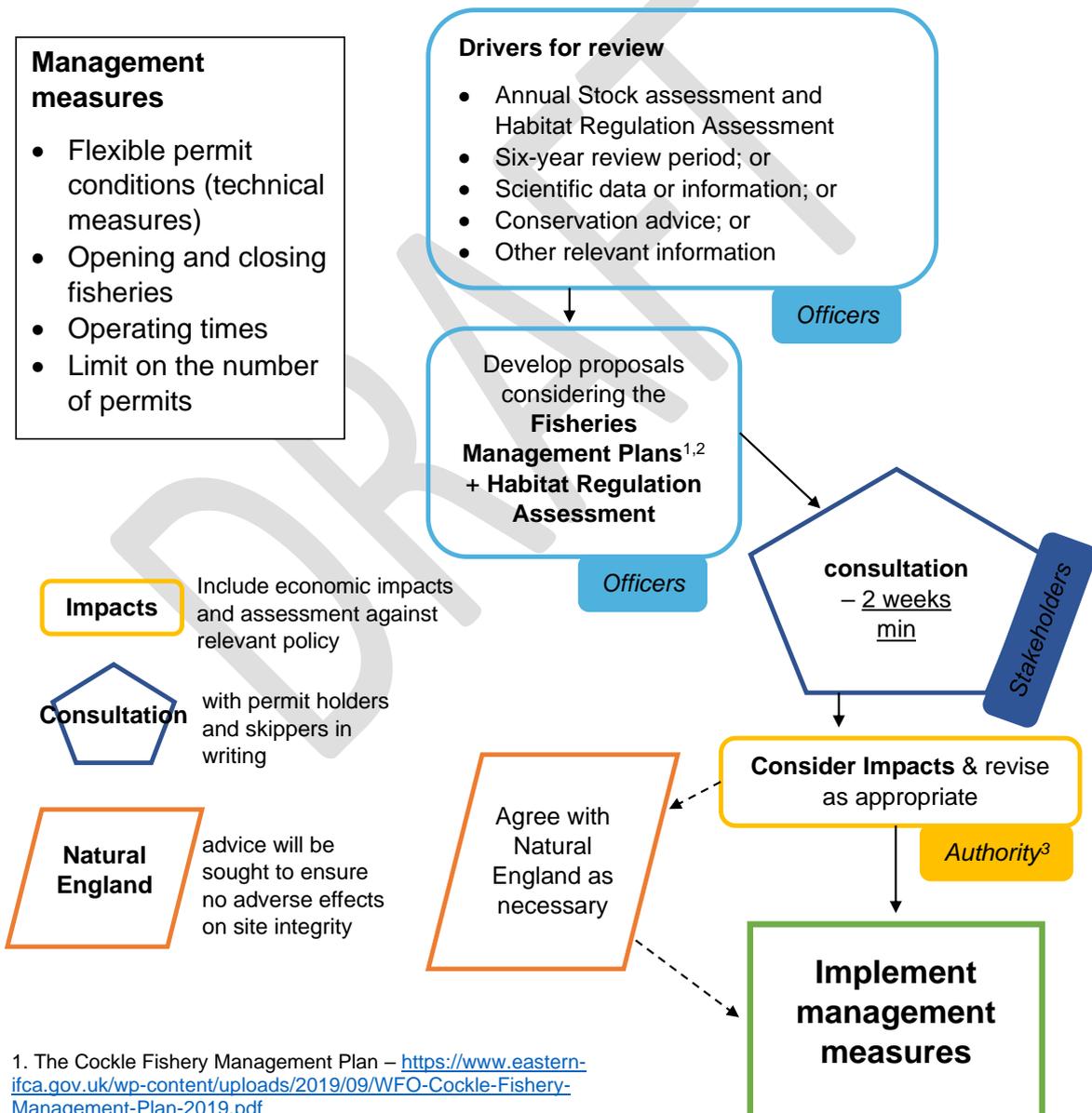
WASH COCKLE AND MUSSEL BYELAW 2021

Formal Operating Procedure: Review of flexible management measures (general)



Date Issued: 14 December 2022

Most management measures introduced under the Wash Cockle and Mussel Byelaw 2021 will be reviewed annually and informed by the annual stock assessment and Habitat Regulations Assessment. Where this is not the case, measures will be reviewed at least every 6 years. Eligibility Policy is reviewed under a separate procedure.



1. The Cockle Fishery Management Plan – <https://www.eastern-ifca.gov.uk/wp-content/uploads/2019/09/WFO-Cockle-Fishery-Management-Plan-2019.pdf>
 2. The Mussel Fishery Management Plan – https://www.eastern-ifca.gov.uk/wp-content/uploads/2016/03/WFO_Shellfish_management_policies_2008.pdf
 3. This includes where the Authority has delegated authority to the CEO

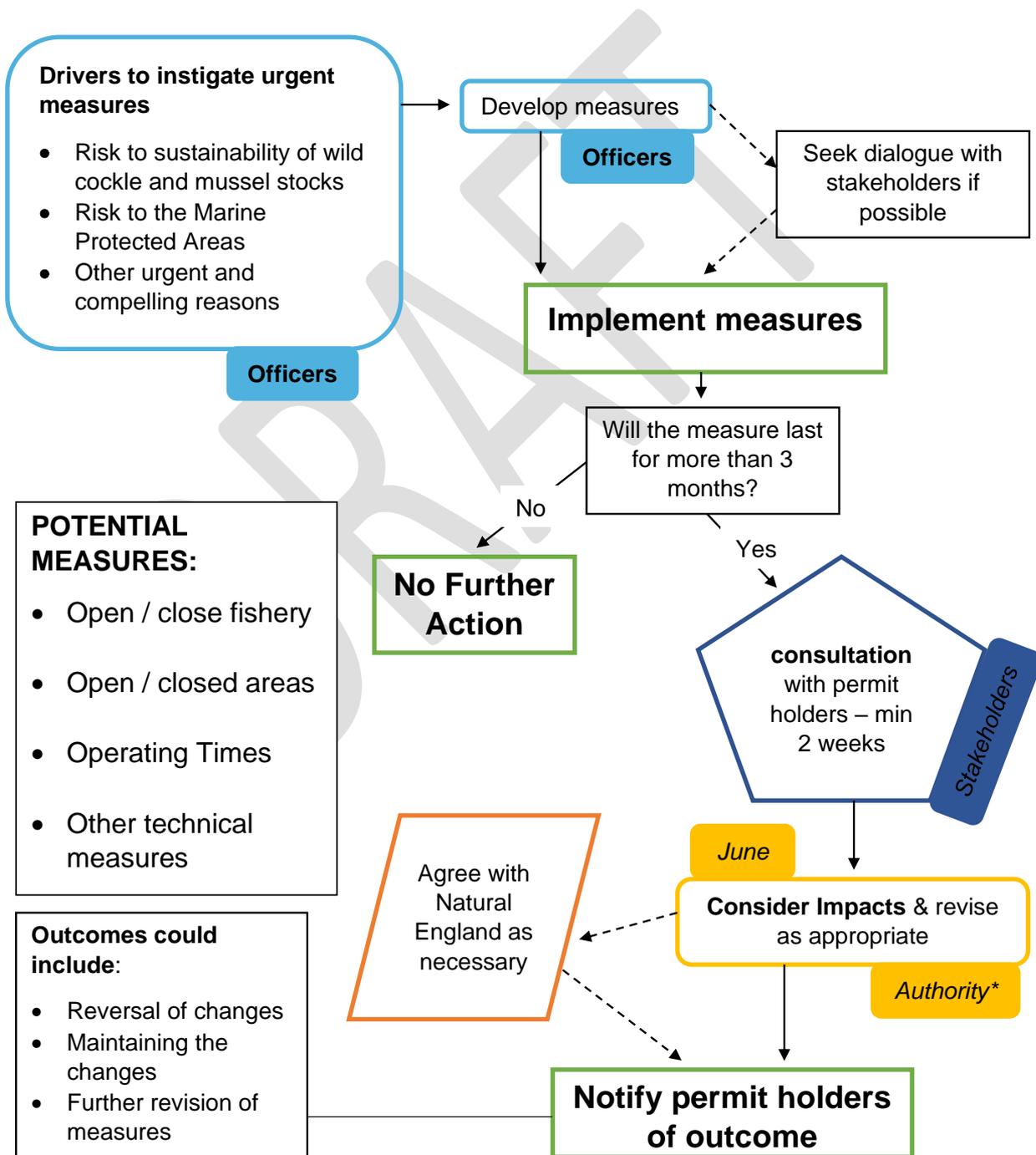
WASH COCKLE AND MUSSEL BYELAW 2021

Formal Operating Procedure: Urgent Measures

Date Issued: 14 December 2022



This procedure caters for circumstances where there is a risk to the fishery, the environment or the industry which necessitates quick action from the Authority. Management measures can be implemented, varied or revoked without consultation in the first instance. If the measures will last for more than 3 months, the Authority must review the measures in accordance with Schedule 4 of the Wash Cockle and Mussel Byelaw 2021.



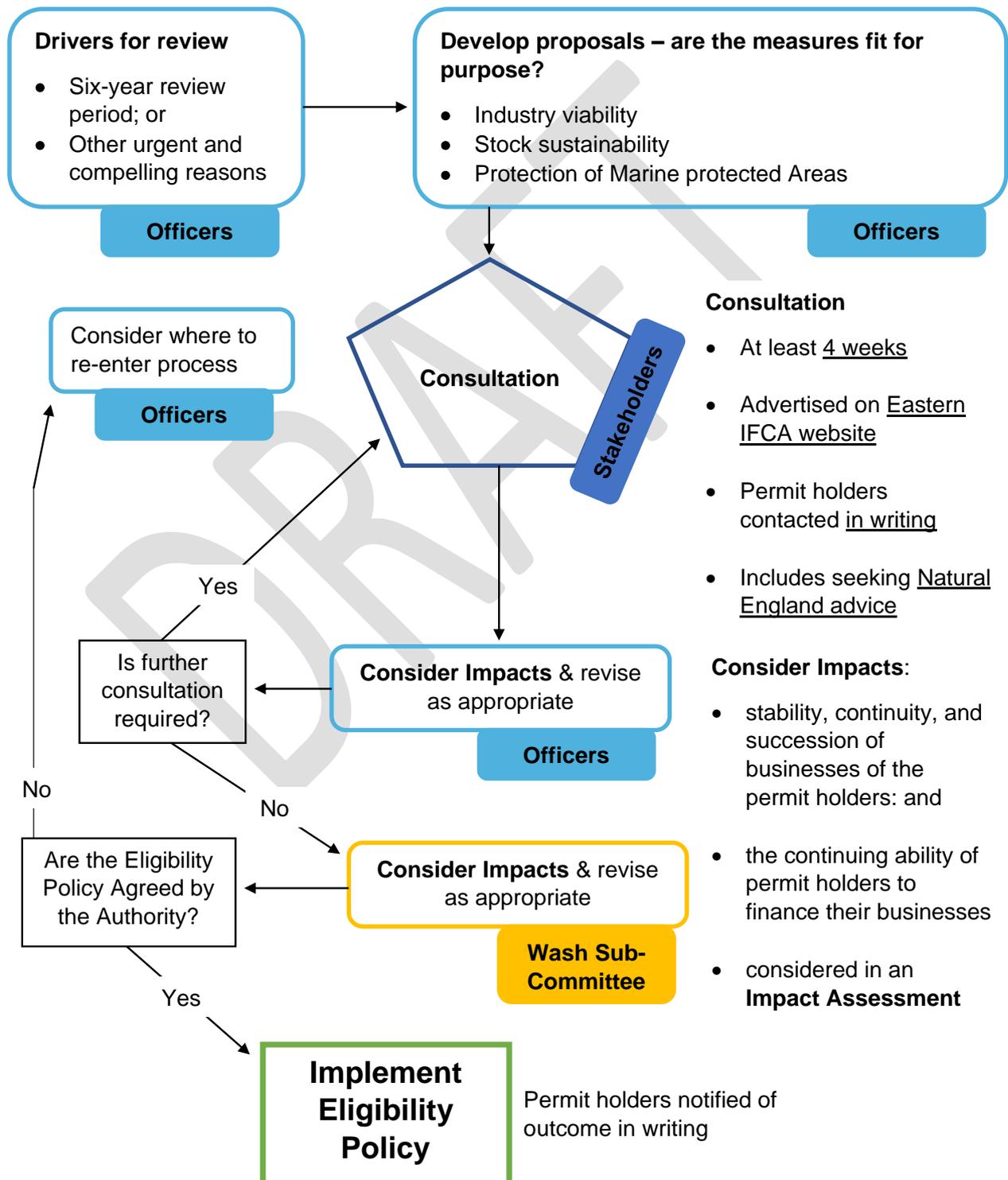
WASH COCKLE AND MUSSEL BYELAW 2021

Formal Operating Procedure: Eligibility Policy

Date agreed: 14 December 2022



This procedure relates to Eligibility Policy introduced, varied or revoked in accordance with the process in Schedule 5 of the Wash Cockle and Mussel Byelaw.



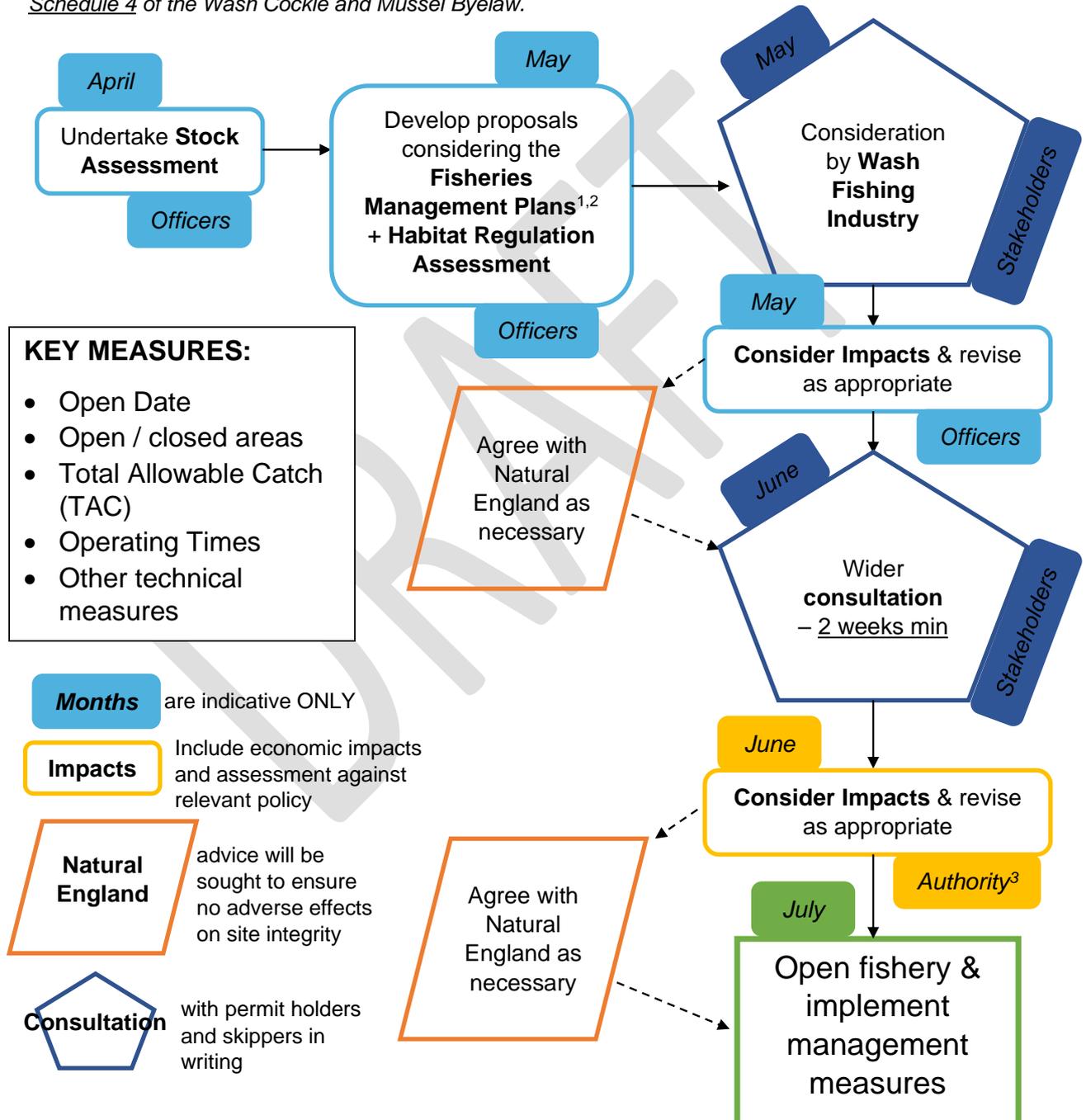
WASH COCKLE AND MUSSEL BYELAW 2021

Formal Operating Procedure: Opening Annual Fisheries



Date Issued: 14 December 2022

This procedure relates to management introduced, varied or revoked in accordance with the process in Schedule 4 of the Wash Cockle and Mussel Byelaw.



Vision

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Action Item 10

Eastern Inshore Fisheries and Conservation Authority Meeting

14 December 2022

Wash Fishery Order 1992 Transition

Report by: Luke Godwin (Senior IFCA - Regulation)

Purpose of Report

To report on the plan to manage the transition between the Wash Fishery Order 1992 and the replacement measures and to seek delegated authority to administer the transition.

Recommendations

It is recommended that members:

Note the contents of this report

Agree in principle and subject to consideration of the formal consultation on the matter to close the cockle and mussel fisheries in The Wash, as defined by the boundaries of the Wash Fishery Order 1992 (WFO) and the Wash Restricted Area, using Byelaw 8 (Temporary Closure of Shellfish Fisheries) and to issue exemptions in relation to 'entitlement' holders and lay holders. The period of the closure being for 12 months or until the replacement management mechanisms come into effect, whichever occurs first.

Agree to delegate authority to the Chair, Vice-Chair and CEO, having considered the results of the consultation on the matter, to close the cockle and mussel fisheries in The Wash, as defined by the boundaries of the (WFO) and the Wash Restricted Area, and to re-open the same when the new management systems are in place.

Agree to delegate authority to the CEO to:

- Grant exemptions to persons with 'entitlements' under the WFO to fish wild cockle and mussel stocks within the Wash.
- Grant exemptions to persons who hold a lay under the Wash Fishery Order 1992 to fish within their lays.
- To issue conditions under which the exemptions (above) are granted that reflect WFO licence conditions and regulations and lay-holder lease conditions.

- To revoke exemptions in consultation with the Chair and Vice-Chair for the purpose of closing a fishery in accordance with agreed management measures.

Background

The Wash Fishery Order 1992 (WFO), under which the wild shellfish fisheries and private 'lays' (several fishery) of the Wash are currently managed, expires on 3 January 2023.

Regulation to replace the WFO (the Wash Cockle and Mussel Bylaw 2021 (WCMB) and a separate Several Order) has been developed in consultation with industry and approved by the Authority. Both are at an advanced stage in the process for approval and the policy on access to the cockle and mussel fisheries has been approved by the Authority (at the 49th Eastern IFCA meeting, 14 September 2022).

The application process for permit eligibility for a permit under the WCMB transitional arrangements in the policy is currently underway.

Report

In the absence of replacement regulation, the shellfish fisheries of the Wash will be unmanaged, and the private lays will revert to the public fishery once the WFO expires. This poses a risk to stock sustainability, the conservation objectives of the Wash Marine Protected Areas and the viability of industry.

Both the byelaw (to manage wild stocks) and the new Several Order are unlikely to come into effect on or before 3 January 2023. To manage the gap between the WFO expiring and the new measures coming into effect, the Authority can temporarily manage the fisheries using Byelaw 8 (Temporary Closure of Shellfish Fisheries) as follows:

1. Close the cockle and mussel fisheries in The Wash, as defined by the boundaries of the Wash Fishery Order 1992 (WFO) and the Wash Restricted Area with effect from 3 January 2023.
2. Immediately grant exemptions to WFO 'Entitlement' holders to fish wild stocks on the condition that they fish in accordance with the management measures for the fishery.
3. Immediately grant exemptions to lay holders to fish in their lays on the condition that they fish in accordance with their lease conditions.

The effect will be that the status quo is effectively maintained during the transition inasmuch as lay holders and entitlement holders will have continued access to the fisheries, the wild and private stocks would be protected from third parties and any fishing activity would be in accordance with the management measures currently in place to mitigate risks to the MPAs and the stocks. The intention is to manage fisheries in this way in the same manner as is ordinarily the case under the WFO i.e. having undertaken stock assessments, Habitat Regulation Assessments and consultation with industry.

Written legal advice has confirmed that the byelaw can be used to manage the fisheries as described and will provide a means of enabling fisheries next year as required.

In order to bring the closure into effect, the byelaw requires consultation with stakeholders (which is underway and with a deadline for responses of deadline of 19 December 2022) and that 'the Committee has been advised by fishery scientists who appear to them to be suitably qualified, as to the need for such action'.

Senior Marine Science Officers Ron Jessop and Judith Stoutt have provided advice (Appendices 1 and 2 respectively) with regards to the need for the closure. Both are considered 'suitably qualified' for the purpose of the byelaw because of their experience of advising on such matters on behalf of the Authority. In summary, unmanaged fishing activity poses well established risks to the Wash stocks and MPAs which is well evidenced through annual stock assessments and Habitats Regulation Assessments and a closure is therefore advised, with exemptions granted on the basis that established management measures are adhered to.

The period of the closure is recommended as 12 months (from 3 January 2023) or until replacement management mechanisms come into effect, whichever occurs soonest. In the case of the WCMB coming into effect, the intention would be to protect the lays using that byelaw, and so the temporary closure would not be needed, although this would be subject to legal advice. If the Several Order comes into effect first, the temporary closure would still be needed to manage the wild capture fisheries. If neither mechanism is likely to come into effect within 12 months, then the temporary closure would be reviewed with a view to renewing it. In any case, it is intended that the closure is only kept in place for as long as is necessary to accommodate the transition.

Proposals to extend the Wash Fishery Order

The professional representatives of the 'coalition of interests' have written to the Chair and the Minister (for Farming, Fisheries and Food) on behalf of clients who are members of the Wash fishing industry to propose that the WFO is extended for a '*minimum period of 5 but preferably 10 years.*' This was supplemented by a petition which includes, as at 22/11/2022, 222 signatures, 46 reportedly being WFO entitlement holders. The correspondence with both the Minister and the Authority's Chair highlighted the petition and provided selected quotes from industry members.

Key arguments put to the Minister for extending the WFO are that the Fisheries Management Plan underpinning the application for a new Several Order is flawed, that proposed interim management measures are inadequate and that that shellfish farming and wild fisheries in The Wash will become unviable and unmanaged upon expiry of the WFO. It is further argued that a two-year extension would prolong uncertainty, so the longer extension was proposed.

With regards to the new Several Order a key argument is that the Landlord and Tenants Act 1954 applies to the leases associated with the lays in the Wash, which means that the Crown Estate now effectively leases the lays directly with the fishermen, rather than the Authority.

Following advice from the Authority's legal advisor, Counsel was instructed and has provided advice which indicates that the Landlord and Tenants Act 1954 does not apply, although there are some caveats that need to be considered. It is also noteworthy that the Crown Estate have advised that, in their view, the lease held by the Authority is still in effect. Further legal advice is awaited, and officers will work with Defra to address any issues that remain with the application for the new Several Order.

With regards to the petition and 'selected comments' from Industry, these primarily relate to the preference for an Order rather than a byelaw and concerns about business continuity during the transition.

The Authority has been aware of industry's general preference for a Regulating Order since it decided to use its byelaw making powers at the 39th Eastern IFCA meeting held on 11 March 2020. The associated concerns raised by industry have already been considered, analysed, and addressed through the development of measures to replace the WFO.

The professional representatives of the 'coalition of interests' have also suggested that the proposed use of Byelaw 8 is potentially *ultra vires* and will not cover lay holders and that they will not require the proposed exemption to operate their lays. Legal advice has been sought on this, which confirms that the byelaw can be used in to manage the transition as intended and will apply with regards to lays, including with respect to lay holders. In any case, even if the view put forward regarding applicability to lay-holders were correct, it is suggested that it is a moot point as the proposed use of Byelaw 8 is to enable lay holders to continue to operate their lays and will be of benefit to them because third parties will be prohibited from taking the stock therein.

In addition, a suggestion to extend the Order for a shorter period of two years to manage the transition has been made to the Chair and at the time of writing it is possible that this will be put forward as a motion at the Authority meeting.

It is suggested that concerns regarding the transition are misplaced as the proposals in this paper will provide seamless business continuity for industry members.

The Chair and Vice-Chair have written to both the Minister and the professional representatives of the 'coalition of interests' in which they have advised that the new management regime will address the flaws of the WFO but will provide much of what industry has sought, including long-term surety. They also advised that if the new Byelaw and Several Order are not in place upon expiry of the WFO, the Authority can enable business as usual for the Wash fishing industry using Byelaw 8.

In considering the extension of the WFO for any length of time the following key points are relevant:

1. Advice from Defra colleagues is that extending the WFO would be a variation to the original order and that such can only happen upon application from the Authority as the current grantee i.e. the Minister is not able to extend the order unilaterally.

2. The process for a variation is the same as that for a new order, which involves consideration by both policy and legal teams, internal (MMO, Natural England, Defra, Cefas) and public consultation and ultimately parliamentary process. As such it can take some considerable time and whilst unable to give precise timings because it can vary, Defra colleagues advised that it is usually a minimum of 18 months. In this case, colleagues advised that it could be shorter, suggesting an 'optimistic' minimum of six months and advising that any objections and getting parliamentary time could both cause delay.
3. The new Several Order has been delayed by six months to enable the issues under debate to be resolved.
4. Both MMO and Defra colleagues advise that the byelaw is being prioritised. Taking account of what both have indicated in terms of timescales it is apparent that both the new Byelaw and the new Several Order would likely come into effect in shorter timescales than 'extending' the WFO.
5. Applying for to 'extend' the WFO (effectively applying for a new order would) constitute a significant additional resource burden for the Authority, which could not be absorbed without significant risk to the delivery of other key priorities including development of measures for the Cromer Shoal Chalk Bed Marine Conservation Zone and implementation of the shrimp effort limitation scheme – both of which are critical to the continuation of related fishing activity.
6. With no prospect of extending the WFO prior to its expiry, closure of the fisheries and written authorisations to fish/operate lays as proposed using Byelaw 8 with effect from 4 January 2023 is the only option available to the Authority upon expiry of the WFO.
7. Legal advice supports the proposed use of Byelaw 8 in which the management regime of the WFO will effectively be replicated.
8. Legal advice also provides that if, for whatever reason, Byelaw 8 cannot be used as envisaged, use of an emergency byelaw under the Marine and Coastal Access Act 2009 can be used to manage the fisheries during the transition.

In considering the factors above, it is clear that there is no scope for an extension to the WFO prior to it expiring on 3 January 2023 and that such an extension (for any period) would not be an effective means to manage the transition between the WFO and its replacement measures. The use of Byelaw 8 will instead provide for a timely and seamless transition which maintains continuity of access to the fishery in support of local businesses and livelihoods.

Next steps

It is recommended that authority is delegated to the Chair, Vice-Chair, and CEO to implement the temporary closure and to the CEO to issue exemptions as required. As set out above, the intention is to provide exemptions to enable continuous access to the fisheries during the transition on the condition that the management measures under which they currently operate are adhered to.

Such delegated authority includes in relation to setting new conditions in relation to future fisheries as required (e.g. a mussel relaying fishery which is likely to open in

Spring of 2023) which would be in accordance with the measures issued ordinarily having undertaken a stock assessment and Habitats Regulations Assessment. Further, delegated authority is also required to revoke exemptions to effectively close the fishery in accordance with the established process (e.g. because the Total Allowable Catch is exhausted).

Financial Implications

Byelaw 8 does not include provision to charge fees for exemptions to recover costs and as such, the forecast income generated from Licence / permit fees will be lost in the event that the transitional arrangement persists after the 2023 fishery.

The financial impact of this is estimated as circa £58,000 for the financial year 2023/24. To put this into context, this figure is based on the increased licence fees which were implemented this year (1 April 2022) and the average annual income between the financial years 2016/17 and 2021/22 was £20,566 per annum.

The loss in income is manageable in the context it being only during the transition period.

Legal Implications

There is an inherent risk of legal challenge associated with closing any fishery, however, the following factors mitigate the risk of successful challenge:

1. Exemptions will be granted to enable continued access to the fishery for those you enjoy it presently.
2. The criteria for implementing a closure have been fulfilled i.e. a closure is required based on advice from 'appropriately qualified scientist' and a consultation is underway and which will be considered to inform a final decision on the matter.
3. Legal advice has confirmed that Byelaw 8 can be used in the manner recommended.

The use of Byelaw 8 has been questioned by industry representatives (ante) and the issues raised have been carefully considered. Legal advice has been sought in this regard to ensure that the approach does not pose a risk to industry or the Authority.

Conclusion

On the proposal from industry to extend the WFO it is clear that there is no scope for such to be used as a means to manage the transition between the WFO and its replacement measures. An application for a new order would entail an additional significant resource burden and associated risk to other priority workstreams and would only serve to duplicate the new byelaw in terms of both being with Defra for consideration and approval.

Such an extension, even for the shorter period, would also have the effect of perpetuating a flawed management regime that the Authority has already determined should be replaced by a new Byelaw (and associated policy on access to the fisheries) and Several Order.

The proposed measures to manage any gap between the expiry of the WFO and the introduction of the new Byelaw and Several Order using Byelaw 8 will provide surety

for industry and will effectively enable 'seamless' transition between expiry of the WFO and introduction of the new management arrangements.

Appendices

Appendix 1 – Recommendation from Senior Marine Science Officer Ron Jessop

Appendix 2 – Recommendation from Senior Marine Science Officer Judith Stout

Background Documents

- Letter dated 7 November 2022 from industry representatives to The Rt Hon. Mark Spencer, MP, Minister of State for Farming, Fisheries and Food
- Letter dated 7 November 2022 from industry representatives to Chair, Eastern IFCA
- Letter dated 22 November 2022 from industry representatives to The Rt Hon. Mark Spencer, MP, Minister of State for Farming, Fisheries and Food
- Letter dated 22 November 2022 from industry representatives to Chair, Eastern IFCA
- Letter dated 29 November 2022 from Eastern IFCA Chair and Vice-Chair to The Rt Hon. Mark Spencer, MP, Minister of State for Farming, Fisheries and Food
- Letter dated 29 November 2022 from Eastern IFCA Chair and Vice-Chair to industry representatives
- Papers and minutes for the 39th Eastern IFCA Meeting (11 March 2020)
- Papers and Minutes for the 43rd Eastern IFCA Meeting (10 March 2021)
- Papers and Minutes for the 44th Eastern IFCA Meeting (09 June 2021)
- Papers and Minutes for the 45th Eastern IFCA Meeting (08 September 2021)
- Papers and Minutes for the 46th Eastern IFCA Meeting (08 December 2021)
- Papers and Minutes for the 47th Eastern IFCA Meeting (09 March 2021)

Appendix 1 – Recommendation from Senior Marine Science Officer Ron Jessop

In addition to being a valuable resource for the local fishing industry, the intertidal cockle and mussel stocks in The Wash are also an essential food resource for the internationally important communities of birds that reside or over-winter in The Wash, while the sandbanks and mudflats on which they are situated are an important habitat for invertebrate communities. The environmental importance of The Wash is recognised in the number of environmental designations it has, including being a SAC, SSSI, SPA and Ramsar site. It is important, therefore, that these fisheries do not have an adverse impact on the natural environment as well as remaining sustainable for future fisheries. To this end, since 2008, these two fisheries have been managed using a suite of policies detailed in the 2008 Wash Shellfish Policies, which were updated for the cockle fishery in the 2018 Handwork Cockle Fishery Management Plan. Both fisheries are also subject to annual Habitats Regulations Assessments before they can be opened. Strong management is fundamental to passing the HRA process.

Periods of heavy fishing activity in the 1980s and 1990s showed how vulnerable both stocks could be to fishing pressure, mussel beds in particular being slow to recover from overfishing. Both fisheries are subject to measures that minimise the risk of overfishing causing their decline. For the cockle fishery, these include policies whereby an annual Total Allowable Catch (TAC) limits the size of the fishery to a third of the adult stock, plus minimum thresholds that maintain the total cockle stock above 11,000 tonnes and the spawning stock above 3,000 tonnes. For mussels, similar measures aim to keep the total mussel biomass above 12,000 tonnes and the adult spawning stock above 7,000 tonnes. Further, to ensure sufficient shellfish are available to support the overwintering wader populations, the cockle and mussel stocks are required to remain above a target calculated through a “Bird Food Model” to meet their needs. For both species, juvenile stocks are protected, either by using a 45mm Minimum Landing Size (MLS) for mussels, or by protecting dense patches of juvenile cockles with spatial closures.

Recognising how evolving fishing practices and/or vessel and gear technologies could easily lead to unsustainable fishing, policies are also currently in place to prevent this happening. These include limiting the size of vessels that can partake in the fishery to 14m, limiting the size and number of dredges allowed to be used in the mussel fishery to a maximum of two 1m wide dredges and making the cockle fishery handworked only. Both fisheries are also subject to maximum daily quotas that restrict harvesting. Importantly for local vessel owners, the current regulations also restrict the fishery to those that hold WFO 1992 licences. Without management in place, these fisheries would be legally open to all vessels without restrictions. Such an occurrence would have a significant impact on the sustainability of the stocks and the Conservation Objectives for the site.

Appendix 2 – Recommendation from Senior Marine Science Officer Judith Stout

The Wash fisheries operate within one of the most important marine protected areas on the East coast of England. The area has multiple conservation designations, including Site of Special Scientific Interest, Special Area of Conservation, Special Protection Area and Ramsar site, which afford legal protection to internationally important populations of wild birds and harbour seals and to the range of habitats that supports them. As well as providing a vital food source for protected birds, cockle beds and mussel beds are protected in their own right as attributes of *intertidal mudflats and sandflats*, a designated feature of the Wash and North Norfolk Coast Special Area of Conservation.

As the inshore fisheries regulator, the Authority must consider the impact of fishing on protected habitats and species. The Authority can only authorise fishing activities where it has been ascertained that they will not have an adverse effect on the integrity of the designated sites. The Authority achieves the required certainty of “no adverse effect” by identifying acceptable thresholds, and applying management measures that limit the severity, extent and duration of impacts from fishing activities to levels that the environment can withstand. Measures include fishing gear specification, spatial restrictions on activity and effort controls. In the absence of such management, the Authority would not be able to authorise fisheries because it would not be able to ascertain “no adverse effect” on the integrity of the designated sites. It is therefore essential that the Authority has the ability to manage fisheries, in order to enable their continuation within designated sites.

Vision

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



Action Item 11

Eastern Inshore Fisheries and Conservation Authority Meeting

14th December 2022

Authority position on seaweed aquaculture within the Eastern IFCA district

Report by: J. Stoutt, Senior Marine Science Officer (Environment); J Combes, Marine Science Officer

NB A previous report by S. Thompson, MSO (no longer employed by the Authority) was used in drafting this document

Purpose of Report

To raise Authority members' awareness of:

1. Recent proposals and future potential for seaweed aquaculture and/or wild harvest in the district;
2. The Authority's duties to manage the sustainable development and exploitation of sea fisheries resources including seaweed; and
3. Suggested future considerations and implications should the Authority need to become more involved (accepted that further analysis and considerations will be necessary to inform decision making).

The report also seeks the Authority's endorsement of a proposed position on seaweed aquaculture.

Recommendations

It is recommended that members:

- **Note** the contents of the report, and
- **Agree** the recommended position set out in this paper on seaweed aquaculture within the district to inform responses to planning applications.

Background

In this paper, we refer to "seaweed operations" to include seaweed aquaculture and wild harvest.

There are many permutations for the wild harvest or aquaculture of macroalgae and microalgae seaweed. A high-level categorisation is given in Table 1.

Table 1 Categories of seaweed production taken from the MSC and ASC seaweed sustainability standard. Source document [Get-Certified-Guide-Seaweed.pdf \(asc-aqua.org\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69322/pb3654-marine-policy-statement-110316.pdf)

Category	Production location and type	Linkages to wild stocks
A	Harvest of natural populations	Wild stocks harvested
Bi	Cultivation at sea (including production systems which require some stages cultivated in land-based hatcheries followed by grow-out at sea)	Seed supplied from wild stocks
Bii		Supply of seed from wild stocks NOT required or negligible
Ci	Cultivation entirely in land-based systems	Seed supplied from wild stocks
Cii		Supply of seed from wild stocks NOT required or negligible

A good summary of the opportunity for seaweed aquaculture is provided in the Seafish English Aquaculture Strategy (Huntington & Cappell, 2020).

Although not a sector with significant production volumes or employment levels, there has been historical seaweed activity in the UK. Recently, there has been serious interest in seaweed within the Eastern IFCA district. The Authority has been invited to comment on marine licence applications relating to seaweed aquaculture (none before 2019, one in 2019, 2020, and 2022). Other IFCAs indicate they are witnessing similar trends and anticipate increasing interest (e.g. Bideford Bay, north Devon).

Seaweed operations may have some positive, negative and/or neutral impacts upon matters where the Authority have responsibilities, such as environment, biodiversity, existing fishing operations, commercial exploitation of a marine organism, statutory conservation designations, sustainable development, and socio-economics.

Report

Policy background

Various policy documents in recent years have identified and promoted aquaculture.

The 2011 **UK Marine Policy Statement**² identifies that “*All Administrations support and encourage the development of efficient, effective, competitive and sustainable aquaculture industries subject to suitable governance and safeguards*” (Section 3.9.1), and suggests that such industries are important as possible sources of employment. Section 3.9.6 calls for the embracing of “... *the significant opportunities for co- existence of aquaculture and other marine activities in developing Marine Plans.*”

2

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69322/pb3654-marine-policy-statement-110316.pdf

The **East Inshore Marine Plan** (2014)³ is applicable to the vast majority of the Eastern IFCA district and identifies a specific Policy for aquaculture (although this does not explicitly refer to seaweed aquaculture).

Policy AQ1

Within sustainable aquaculture development sites (identified through research), proposals should demonstrate in order of preference:

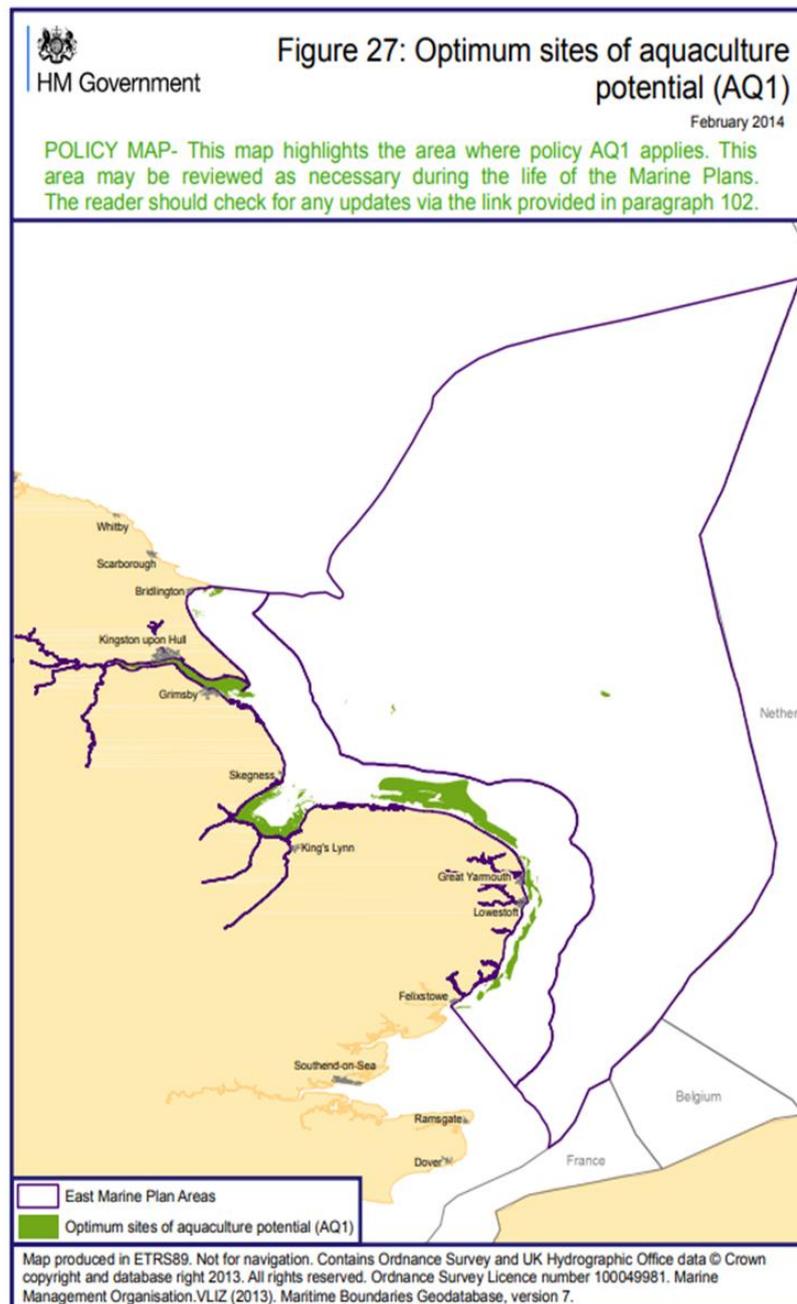
- a) that they will avoid adverse impacts on future aquaculture development by altering the seabed or water column in ways which would cause adverse impacts to aquaculture productivity or potential
- b) how, if there are adverse impacts on aquaculture development, they can be minimised
- c) how, if the adverse impacts cannot be minimised they will be mitigated
- d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts

Section 3.17 of the East Inshore Marine Plan expands on detail surrounding policy AQ1. In summary, it sets an expectation that a balance will be achieved that will allow aquaculture to exist alongside other activities, and that activities will not cause adverse impacts on potential future aquaculture development in “...*sustainable aquaculture development sites (identified through research)*”. There are such sites identified within the Eastern IFCA district, as presented in Figure 1 (Figure 27 of the East Inshore Marine Plan), which includes several potential types of aquaculture operations within the areas identified as “Optimum sites of aquaculture potential”.

3

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/312496/east-plan.pdf

Fig 1. Optimum sites of aquaculture potential



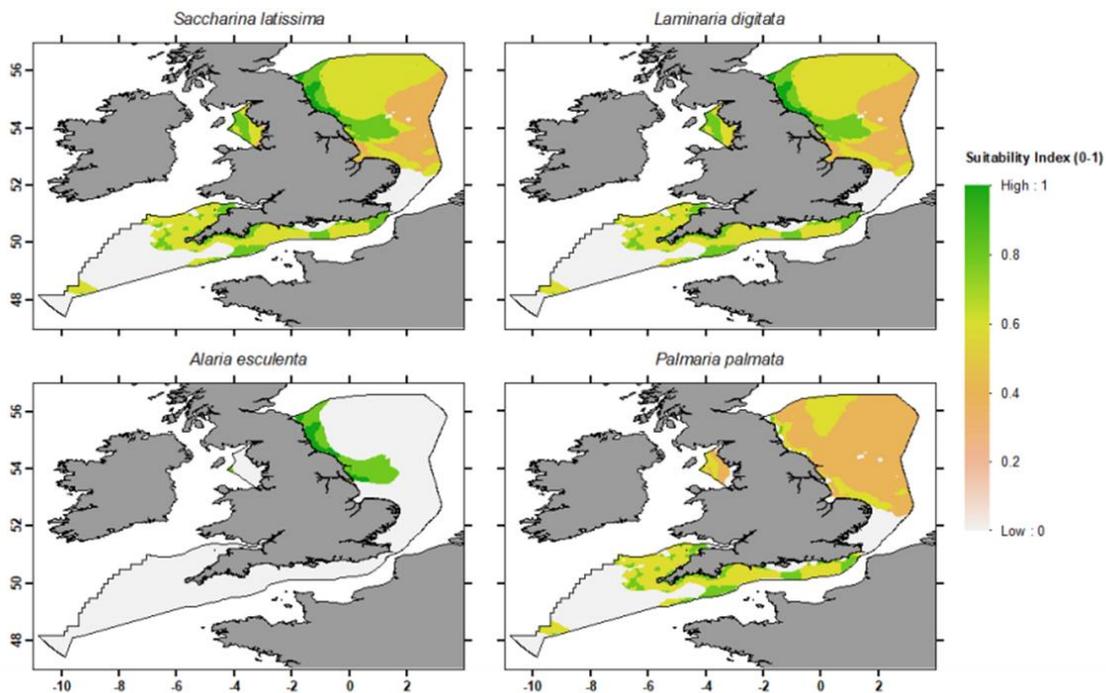
A more recent MMO document “Identification of areas of aquaculture potential in English waters” (2019)⁴ examines in more detail the suitability of areas of English waters for various species and production systems. It examines the physiological and environmental requirements of potential aquaculture species of fish, molluscs, crustaceans and plants (seaweeds), and then matches these with the environmental

4

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/854128/MMO1184_AquaPotential_forPub_191210.pdf

and habitat conditions in the sea. This produced habitat suitability maps for the various species, with that for seaweeds as presented in Figure 2.

Figure 2: Suitable areas (optimal and suboptimal areas combined) for seaweed species growth off the English coast (MMO 2019).



Section 4.4 of MMO 2019 states “...*Particularly, the most suitable areas appear to be off the East Coast (from the Humber to the Scottish boarder (sic), off Dover and Folkestone, along the South West and offshore Liverpool Bay....*”

Given this literature in the public domain potential developers may consider there are opportunities for seaweed aquaculture within the Eastern IFCA district.

Potential benefits of and/or impacts of seaweed operations

Officers have presented an overview of the potential strengths, weaknesses, opportunities and threats (SWOT) relating to various considerations around seaweed operations for Authority member consideration at Appendix A.

Seaweed Aquaculture proposals in Eastern IFCA district

Officers are aware of three proposals for seaweed farms within the district:

(i) North Norfolk Seaweed Farm proposal

Eastern IFCA were first consulted by MMO (the marine licensing regulator) on this proposed seaweed farm, to be located approximately five miles off the coast at Blakeney, in December 2020. We were consulted further in June 2021, after the developer had provided a document that addressed most of the comments we initially made. Despite some outstanding questions, officers considered that the proposal was broadly in line with sustainable development principles, with no evidence of significant risk to the environment or to existing fishing activities in the area. Recognising that the

site was small but if successful might lead to further applications for larger sites, the response noted that the Authority may object to future applications.

In July 2022, two fishery stakeholders raised concerns to Eastern IFCA that they had not been aware of, nor consulted about, the proposed seaweed farm. They expressed views that the proposal could significantly affect fishing operations in the area. Eastern IFCA officers advised those stakeholders about the licensing process (run by MMO) and where to find details / make representations to MMO on this case. Officers also provided a further response to MMO on behalf of the Authority, highlighting that local fishery stakeholders had not been aware of the proposal and wished to raise concerns. It was also highlighted that the value of fishing grounds can change over time, making it difficult to predict future impacts on fishing opportunities, but emphasised that existing sea users (particularly inshore fishery stakeholders) should be closely engaged with by the applicant to properly understand potential conflicts.

(ii) Nearshore Seaweed Cultivation of Native Species

Eastern IFCA were consulted on this application in 2019 and objected because of the scale of the proposal and its inshore location. The applicant has since changed the proposed location to a site some eight miles off the North Norfolk coast, i.e. beyond Eastern IFCA's offshore boundary. This ambitious application proposed an extensive seaweed farm that could potentially limit fishing activity across a large area.

Both these applications are recorded as being "on hold" in the Marine Management Organisation's public register of marine licence applications (accessed November 2022).

(iii) Suffolk Coast seaweed farm

Eastern IFCA was consulted by MMO on this application for a seaweed farm off the coast at Southwold, Suffolk, in early 2022. Officers considered it was necessary to reject the proposal on the basis that the application was very poorly presented and therefore it was not possible to make a reasoned appraisal of the proposal. The MMO register now lists this application as "withdrawn".

This paper is presented to the Authority as an opportunity to agree a standard position in relation to seaweed operations – which would include strongly advising the MMO (as regulator) to require evidence of meaningful engagement with local fishery stakeholders – and which officers would present in response to future similar consultations.

IFCA duties in relation to seaweed operations

N.B. "Seaweed operations" includes seaweed aquaculture and wild harvest (see Table 1).

The Marine and Coastal Access Act 2009 (MaCAA)⁵ includes the following relevant points:

⁵ <https://www.legislation.gov.uk/ukpga/2009/23/part/6/chapter/1>

58 Decisions affected by marine policy documents

(1) A public authority must take any authorisation or enforcement decision in accordance with the appropriate marine policy documents, unless relevant considerations indicate otherwise.

(2) If a public authority takes an authorisation or enforcement decision otherwise than in accordance with the appropriate marine policy documents, the public authority must state its reasons.

(3) A public authority must have regard to the appropriate marine policy documents in taking any decision—

(a) which relates to the exercise of any function capable of affecting the whole or any part of the UK marine area, but

(b) which is not an authorisation or enforcement decision.

153 Management of inshore fisheries

(1) The authority for an IFC district must manage the exploitation of sea fisheries resources in that district.

(2) In performing its duty under subsection (1), the authority for an IFC district must—

(a) seek to ensure that the exploitation of sea fisheries resources is carried out in a sustainable way,

(b) 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,

(c) take any other steps which in the authority's opinion are necessary or expedient for the purpose of making a contribution to the achievement of sustainable development, and

(d) seek to balance the different needs of persons engaged in the exploitation of sea fisheries resources in the district.

(10) In this Chapter “sea fisheries resources” means any animals or plants, other than fish falling within subsection (11), that habitually live in the sea, including those that are cultivated in the sea.

(12) Any reference in this Chapter to the “exploitation” of sea fisheries resources is a reference to any activity relating to the exploitation of such resources, whether carried out for commercial purposes or otherwise, including

(c) introducing such resources to the sea or cultivating such resources.

172 Development, etc of fisheries

(1) An IFC authority may take such steps as it considers necessary or expedient for or in connection with the development of any fishery for any sea fisheries resources.

In summary, the Marine & Coastal Access Act 2009 makes it clear that:

- Seaweed is a sea fisheries resource (153.10);
- Seaweed operations are included within the “exploitation of sea fisheries resources” (153.12.c);
- IFCA's must manage the exploitation of sea fisheries resources (153.1) and be sustainable (153.2.c), and seek to achieve balance (153.2.d) and;
- The Authority may act on matters of seaweed production (172.1).

Therefore, matters relating to seaweed operations are considered to fall within Eastern IFCA's main duties, and the Authority may also take a role in their development.

Other Regulators' Roles in Management of Seaweed Aquaculture

MaCAA sets out that the Marine Management Organisation is the consenting authority for seaweed aquaculture operations, via marine licensing. Developments (such as seaweed farms) that affect the seabed require landowner consent (usually a lease from The Crown Estate). Shellfish aquaculture is further regulated by the Fish Health Inspectorate, in relation to biosecurity (e.g. prevention of the spread of disease or non-native species); it is not clear whether this organisation will also have a role in seaweed aquaculture.

IFCAs may play a role in the development of seaweed operations (aquaculture or wild harvest; see Table 1) and are able to manage related activities, for example using byelaws to limit harvesting of wild stocks. However, IFCAs are not primarily responsible for regulation of aquaculture operations (Table 1, B ii and C ii). IFCA's main role under the existing planning and consenting framework for seaweed aquaculture is the provision of information and advice through the marine licensing consultation process. IFCAs should have regard to marine plans (MACAA, s. 58.3) when providing such feedback to MMO on marine licence applications.

It is also of note that 'management' does not automatically require the introduction of management measures such as a byelaw, but rather that the need for such should be considered in accordance with Defra guidance on evidence-based management⁶.

The Authority already considers seaweed harvest and production in Eastern IFCA's annual Strategic Assessment⁷; continuing to do so will demonstrate that the operation and its management is duly considered by the Authority.

Wild harvest of seaweed is more likely to require active management by Eastern IFCA than seaweed aquaculture because the former is not subject to the same regulation as aquaculture is by other bodies. It is currently considered that there are not sufficient wild stocks of seaweed in the Eastern IFCA district to warrant any significant level of wild harvest of seaweed. However, should the activity emerge, the Authority should consider the IFCA duty to, in the management of sea fisheries resources, seek a balance between different users (MaCAA 153.2.d). When considering management of wild harvesting, the Authority should also consider how the activity would fit with the relevant marine plan policies. Furthermore, the activity should be assessed in relation to potential impacts on marine protected areas in the district, via the Habitats Regulations assessment process or Marine Conservation Zone assessment process, before Eastern IFCA could grant any permissions relating to the activity.

Proposed position in relation to seaweed aquaculture

It is proposed that Eastern IFCA adopts the following principles when considering proposed seaweed aquaculture developments. Proposals must:

6

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/182346/2011-ifca-guide-marine-manage.pdf

⁷ https://www.eastern-ifca.gov.uk/wp-content/uploads/2022/02/2022_Strategic_Assessment_Final.pdf

1. Align with the objectives of Eastern IFCA byelaws or other management measures;
2. Be sustainable for the environment which includes, but not limited to:
 - a. minimise impacts upon the environment,
 - b. minimise changes to habitats and their function,
 - c. avoid biosecurity risks from translocating non-native or invasive species or strains, or disease,
 - d. operate within the principles of sustainable stock exploitation;
3. Be able to coexist with other operations within the marine sphere, in particular other inshore fisheries, and demonstrate meaningful dialogue with potentially affected fishery stakeholders.
4. Not significantly hinder fishing activities or fishing opportunities; and
5. Represent a realistic opportunity for sustainable development.

Financial Implications

If seaweed production within the Eastern IFCA district develops, the Authority will likely be required to commit an increasing amount of staff time to attend various consultations and reviews of statutory matters (for example, Habitats Regulations assessments (HRAs)). If the requirement emerges for the Authority to actively manage seaweed production (e.g. harvesting of wild stocks), the Authority could consider instigating a permit scheme as per cockle, mussel and whelk to enable management as well as providing a mechanism to offset Eastern IFCA resource needed to attend matters seaweed.

Legal Implications

None identified.

Conclusion

The wild harvest and aquaculture of seaweed within the Eastern IFCA district is a new opportunity and adds diversity to marine exploitation. MMO regulates seaweed aquaculture through marine licensing and Eastern IFCA can advise MMO during this process. There are risks associated with the increase in developments and Eastern IFCA may have to actively manage seaweed operations (and particularly wild harvest) to ensure alignment with fisheries sustainability and conservation targets. With careful management sustainable outcomes can be fostered.

Appendices

Appendix 1. Strengths, weaknesses, opportunities and threats relating to various considerations around seaweed production

Background Documents

Aquaculture Stewardship Council and Marine Stewardship Council (2017) Get Certified! Your guide to the ASC-MSC Seaweed Standard audit process. <https://www.asc-aqua.org/wp-content/uploads/2017/11/Get-Certified-Guide-Seaweed.pdf> .Accessed 24/11/2022

Huntington & Cappell (2020). English Aquaculture Strategy. Final Report. Seafish Industry Authority. <https://www.seafish.org/document/?id=9efe670c-847b-4a4f-b8ec-72f2e5396df6>. Accessed 24/11/2022

Marine Management Organisations (2014) East Marine Plans

Marine Management Organisation (2019) Identification of areas of aquaculture potential in English waters. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/854128/MMO1184_AquaPotential_forPub_191210.pdf . Accessed 24/11/2022

Appendix A

Strengths, weaknesses, opportunities and threats relating to various considerations around seaweed production.

Consideration	Strength	Weakness	Opportunity	Threat
Economic activity	Positive: employment and sales of goods Low set up cost for high value products	High infrastructure set-up cost for low value commodity products Product transport & processing is time critical & expensive	New sustainable development opportunity for District residents including fishing sector Local & distant high value emerging markets EIFCA district could pioneer in seaweed	Potential impact/displacement upon established fishers' grounds Risk of seaweed business failure as sector is still emerging Derelict sites & infrastructure Local artisanal vs multinationals
Varied potential products	Diverse emerging suite of uses for seaweed	Demand exceeding supply Spatial demand	Soil improver Fertilizer Nutraceuticals Food (animal, human) Cosmetics Biofuels	Water quality Contamination
Introduction/export of non-native species or strains of: - Target seaweed - Inadvertent (epifauna, interstitial fauna)	Potential new marketing opportunity	Difficult to manage & control	Instigate biosecurity rules and enforce	Impact from introduced species on existing ecosystem; potential changes in marine biological communities leading to locally decreased biodiversity
Wild harvest	District has low abundance of macro algae	High intensity exploitation of living & cast seaweed	Low intensity gathering cast seaweed from strandline	Cast seaweed is a feeding zone for birds (potential disturbance threat)
Aquaculture – suspended culture, long lines, rafts,	Low benthic impact	Potential exclusion of fish and shellfish fishing activities in and around licensed cultivation area Hindrance to navigation	Co-existence with other activities, e.g. Dutch trialled line rigged between wind farm piles	Other sea users may seek to prevent because of concerns over spatial squeeze

Consideration	Strength	Weakness	Opportunity	Threat
		Change to tidal flow & sediment transport		
Aquaculture – shore trestles	Unlikely to interfere with fish and shellfish activities Easier access than at sea	Impact upon shore habitats and species	Research and development of techniques could bring local employment and investment	Storm damage
Land based recirculation culture	Can be closed system	Can have controlled and uncontrolled discharges	When planned and operated carefully these are highly sustainable	May grow introduced (non-native) species and strains with biosecurity risks
Sustainability	Seaweed certification schemes exist to verify good practice (MSC/ASC, Soil Association organic) Culture requires no land or fresh water	Wider impacts need to be minimised	External certification could be a prerequisite	Unsustainable practices establish and are troublesome to eliminate Waste seaweed expensive & troublesome to dispose of
Legislative framework	48. MMO licensing in operation – ensures potential impacts of activities are scrutinised and mitigation agreed in advance. Seabed licence required from The Crown Estate	Further demand on EIFCA time	EIFCA can instigate whatever organic measures necessary (e.g. for harvest of wild seaweed)	Lengthy process to assess potential impacts and obtain licences

Vision

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Action Item 12

Eastern Inshore Fisheries and Conservation Authority Meeting

14 December 2022

Fisheries Management Plans and Defra funding

Report by: J. Gregory, CEO

Purpose of Report

The purpose of this report is to advise members of the additional funding from Defra and the associated workstreams and deliverables that are required.

Recommendations

It is recommended that members:

- **Note** the content of the report and the potential impact upon delivery of the priorities and workstreams set out in the Business plan 2022-27.

Background

A paper on this subject was considered at the meeting of the Finance & HR sub-committee at its meeting of 1 November 2022, when members were briefed on additional funding from Defra and additional outputs that would be required as a consequence.

In summary, the Association of IFCAs (AIFCA) maintains the position that the new burdens grant issued to local authorities is done so in accordance with the new Burdens Doctrine and there is an expectation that this continues until such time as it is formally reviewed in accordance with that policy. The AIFCA have also made representation to Defra on the precarious nature of IFCA funding.

Against this background the AIFCA and the IFCAs 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, consideration was given to the activities emerging from government policy where IFCAs would be expected or could reasonably be expected to helpfully contribute to policy implementation consistent with their wider duties.

A full submission was made and in addition to maintaining the existing 'New Burdens' funding a case was made for the following:

- Implementing Highly Protect Marine Areas
 - Capital and revenue to implement HPMAs
- Delivering Marine Protected Area management coordination
 - Revenue support – MPA network officers

- Delivering Fisheries Management Plans
 - Revenue support - Fisheries Science and Outreach Officers
- Facilitating Permitting, Consents and Licensing
- National Projects
- Capital programme

The bid was successful with the IFCA's New Burdens Funding of c. £3 million being agreed and £1.65 million to support the additional initiatives relating to MPA management co-ordination, delivering Fisheries Management Plans (FMP) and facilitating permitting, consents and licensing.

The commitment to provide this funding was for 2022/23 and indicative for 2023/24 and 2024/25.

In addition there was an amount allocated for capital expenditure to support vessel maintenance and procurement.

The process of approving and allocating the revenue funding has taken some time as Defra colleagues considered the most appropriate way to achieve accountability for use of the funds allocated to each IFCA. The element that relates to delivering fisheries management plans (FMP) has now been formally allocated and a letter has been received from Defra (Appendix A) outlining the tasks, deliverables, finance, and reporting of the FMP projects. It is anticipated that similar letters will accompany the budget allocations for the other two workstreams.

Report

At the Finance & HR meeting on 1 November 2022 members were advised of the implications of the new funding and the specific requirements relating to Fisheries Management Plans. Noting that it may be possible to deliver the requirements from within existing resources, they agreed to delegate decision making on the requirement for additional temporary posts to the Chair, Vice-Chair and CEO.

Similar letters setting out expectations associated with MPA management co-ordination and facilitating permitting, consents and licensing are anticipated. When received officers will be able to assess the extent to which existing activity will meet such requirements and what additional activity is required. This will inform decisions on seeking additional resource either by employing new staff or buying in services.

It should be noted that the employment market has changed significantly since the Covid19 pandemic, and it is now more difficult to fill posts than was previously the case. This is compounded by a degree of uncertainty on the funding being provided in 2023-24 and 2024-25.

Financial Implications

Additional funding of £150k will be received from Defra for the current financial year with an indicative commitment to provide the same for the subsequent two years

Legal Implications

None of significance identified although failure to deliver Defra expectations may lead to a request for funding to be returned. It should be noted that this has not been indicated by Defra and it is anticipated that their expectations will be met.

Conclusion

Whilst the additional funding was actively sought by AIFCA and the IFCAs and is welcomed it does come with additional expectations that may impact upon the delivery of priorities and workstreams set out in the Business Plan 2022-27. Whilst officers will seek to mitigate this it remains a possibility that members are asked to note.

Appendices

Letter from Anne Freeman, Deputy Director, Domestic Fisheries and Reform, Defra

Background Documents

Papers and draft minutes of the meeting of the Finance & HR sub-committee held on 1 November 2022



Department
for Environment
Food & Rural Affairs

Cllr. Tom Fitzpatrick
Chair, Eastern IFCA
By email correspondence only

19 October 2022

Dear Tom

Fisheries Management Plan Programme – Delegation FY 22/23

This letter is issued in my capacity as Senior Responsible Officer for the Fisheries Management Plan Programme.

Fisheries Management Plans (FMPs) are a new policy tool which Defra, and its Arm's Length Bodies will use to implement the objectives of the Fisheries Act 2020. We want each IFCA to play a key role as a partner supporting Defra to drive forward the development of the English FMP programme over the next 3 years.

The requirements set out within this letter relate specifically to the role of the IFCA's in supporting delivery of the FMP programme with approved funding for 22/23. The intention is that each will receive further funding in support of this programme until the end of the SR21 period (24/25). However, as you are aware, given the current uncertainties over departmental budgets, future funding will be determined over the course of the year.

The work we are asking IFCA's to do to includes:

- Supporting the Defra led English FMP programme;
- Helping to coordinate communications and engagement with inshore fishing communities; and,
- Contributing fisheries management experience through technical advice and evidence to support policy development and implementation planning.

The IFCA's will also have an important role in supporting the future implementation of FMPs by contributing to the evaluation of policy and measures in pre-consultation draft and final FMPs. We welcome IFCA expertise to other aspects of the programme such as regulatory assessments (environmental, financial and resource).

IFCA's will engage with FMP working groups through identified single points of contacts (and deputies), who will coordinate requests for information, evidence and data on behalf of the IFCA's. The Association of IFCA's will continue to represent the IFCA's on the FMP programme board (FMP programme board is the designated decision-making authority for the programme).

To allow the IFCA's to support these specific aspects of work we have provided funding of £500,000 for the financial year 2022/2023. This sum will be shared equally amongst all the IFCA's with each IFCA receiving £50,000 for the deliverables listed in Annex A.

We anticipate that the role described in Annex A adequately covers the supportive role that is required of the IFCA's. Defra will however undertake a light touch review towards the end of this financial year to ensure it remains accurate and reflects the broad range of activities that are required for the next financial year. Any changes to this Annex will be discussed with Rob Clarke, Chief Officer of the Association of IFCA's in this first instance who will consult AIFCA members.

Governance and Assurance

Defra will require quarterly reporting on both the requests made to the IFCA's and progress undertaken. We will set up a working group where progress and issues specific to the IFCA's can be discussed. This process will fulfil Defra's responsibility to Manage Public Money effectively and efficiently. To track resource, we will be asking the Association of IFCA's to coordinate a log of all requests to IFCA's from Defra and our delivery partners plus any associated working groups in connection with the FMP programme.

I would like to pass on my thanks to those IFCA and AIFCA staff for their engagement to date and especially the collaborative and constructive way they have supported Defra during the early stages of the FMP Programme. I look forward to continued partnership in our joint endeavour. I will be asking Chief Officer, Julian Gregory to let Defra know which Local Authority should be asked to facilitate the transfer of this funding as early as possible.

Yours sincerely



Anne Freeman

Deputy Director – Domestic Fisheries and Reform

**Annex A - IFCA requirements and deliverables for
FMPs - RDEL funding Support planning/preparation
phase**

1. Appropriate IFCA representatives (single points of contact (SPOC) and/or deputy) attend and contribute to FMP working group meetings
2. Contribute expert sectoral and inshore fisheries management advice to FMP projects
3. Contribute evidence and data as requested by delivery partners
4. Evaluate draft FMP content; to include commenting on objectives, management measures, evidence plans
5. Provide links between delivery partners and local IFCA representatives to help co-ordinate engagement with the inshore fishing sector

Support publication phase – review and evaluate

1. Support the pre and post consultation evaluation of draft/final FMPs:
 - a. Contribute to the review/assurance process as required.
 - b. Review efficacy of implementation plans
2. Contribute to environmental assessments
 - a. Evaluate effectiveness of plans in relation to the conservation of MPA features, sensitive species and habitats.
 - b. Contribute evidence and data to inform assessments
3. Contribute to financial and resource assessments

Log requests and feedback concerns

1. Maintain a log and track requests to all IFCA's from delivery partners, FMP projects and Defra across the programme regarding requirements set out above.
 - a. Log existing and ongoing requests.
 - b. Log when requests have been actioned.
 - c. SPOCs to feedback concerns to delivery partners/projects.

Deliverables out of

scope of SR funding

Future

implementation

- IFCA's role in inshore fisheries management will continue under business-as-usual arrangements – implementing any measures agreed through FMPs would fall under such BAU work rather than require additional funding.
- Any requirement to review HRA and MCZ assessments should fishing activity within MPAs change following implementation of FMPs and subsequent impacts on designated features detected. Any review would be part of the IFCA's standard HRA and MCZ assessments review

process.

Cockle FMP

- Potentially act as the delivery partner for the cockle FMP (to be confirmed). If it were an IFCA, Defra would provide additional funding to resource the activities.

Vision

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Information Item 13

50th Eastern Inshore Fisheries and Conservation Authority Meeting

14 December 2022

Crab and Lobster Management Update

Report by: Kristina Gurova, Project Officer; Luke Godwin, Senior IFCA Regulations

Purpose of Report

The purpose of this report is to update members on the development of crab and lobster management.

Recommendations

It is recommended that members:

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

Background

The Cromer Shoal Chalk Beds Marine Conservation Zone (hereafter 'the MCZ') is designated in part for its benthic chalk features. This includes so called 'rugged chalk' which protrudes from the seabed to create complex and diverse habitats. The area also supports an important commercial pot-based fishery for crabs and lobsters. Management of potting is required in relation to rugged chalk to prevent detrimental impacts on the site's conservation objectives. Adaptive Risk Management (ARM), whereby management is implemented and refined as informed by research over time, is considered an appropriate approach. A project board oversees delivery of ARM, with 'task and finish groups' undertaking the work.

Voluntary measures to reduce the risk posed by lost gear have been developed collaboratively with stakeholders and are now in place. Further management in the form of regulation is also required to continue to reduce risks posed by fishing activity. To that end, a byelaw is being developed which can deliver ARM and implement further management as informed by research.

In addition, there are drivers for wider crab and lobster management measures throughout the district. Such include the downgrading of the Southern North Sea crab and lobster stocks within the Marine Conservation Society's 'good fish guide', which can have financial implications of fishermen selling catch, and concerns raised by fishermen.

Report

Informal consultation has begun to inform the development of a byelaw with consideration to both the management of the MCZ and the wider, district-wide management of crab and lobster fisheries.

The consultation has been separated into two phases. Phase 1 has been completed and the outputs are summarised in the following section. The intention of each phase is as follows:

- **Phase 1** - to provide fishery stakeholders with an opportunity to propose measures which will mitigate risks to the MCZ and gather views on wider measures throughout the district. The approach to phase 1 was to focus on in-person dialogue with industry, rather than a web-based or written consultation. This approach was considered to be more likely to successfully gather the views of fishery stakeholders.
- **Phase 2** - to seek the views of the full range of stakeholders, including in relation to industry-based proposals and further refine a byelaw and its associated measures.

Phase 1 was a targeted consultation, aimed at engagement with the fishing industry, with a view to inviting input from wider stakeholders during Phase 2. Experience has shown that stakeholders who are likely to be directly impacted by the introduction of management, particularly where there are financial implications, are also most likely to oppose the process. A higher level of active engagement is warranted in relation to these stakeholders to encourage participation.

Fishers' views were gathered through brief conversations while they were landing catch, longer one-to-one meetings, group meetings and targeted phone calls. Response rates to questionnaires from the fishing industry have been historically low and there is a general preference from fishers for a personal approach. Dialogue allows an opportunity to reinforce the need for such management (particularly in relation to the MCZ), ask follow-up questions, tailor communication approaches to individuals, build rapport and explore issues more comprehensively. No written questionnaires were sent out at this stage and overall, the outputs are intentionally more qualitative.

It is noteworthy that discussions about crab and lobster management pre-date the advice received from Natural England on the need to manage the fisheries in the MCZ. The Authority has previously consulted on management of the fisheries, with the last consultation being held in 2019. Although some suggestions for management were made by the industry, there was no clear consensus and no clear drivers for implementing measures at the time.

Phase 1: outcomes

Phase 1 launched on 30 June 2022 and ended on 31 October 2022. The Consultation was district wide and sought the views of industry through organising meetings (generally by association) and dialogue with individuals.

Phase 1 took significantly longer to undertake than had been envisioned, with the primary delaying factor being establishing dialogue with stakeholders from Suffolk and Lincolnshire.

The outputs from the consultation are set out in the associated outcome document which is available on the Eastern IFCA website⁸. In summary:

- Fishery stakeholders operating in the MCZ proposed measures to reduce the risk of potting hindering the conservation objectives to the site including pot tagging, closed periods (over winter) and inshore vessel restrictions.
- Although many recognised the need for flexible management to enable ARM, there was concern about using a ‘permit scheme’ to implement such and in particular:
 - Uncertainty around use of the permit scheme to bring in further management measures.
 - The cost of permits and tags adding to other economic pressures.
 - Changes in fishing behaviours as a result of anticipating a permit limitation on the basis of track-record leading to increases in fishing effort, particularly with the MCZ.
- Views on the need for wider measures (i.e. outside of the MCZ) and what they should be varied markedly throughout the district.

With regards to the use of a permit byelaw it is suggested that a permit byelaw is the only means to effectively deliver ARM. The Marine and Coastal Access Act 2009 enables ‘flexible management’ only via permit schemes. Without a permit scheme, revisions and adaptations to management require amendments to the byelaw itself, the process for which is not sufficiently efficient to reduce risk within the timescales needed to deliver ARM. However, understanding the concerns of industry, several mitigations are being considered including:

- Inserting ‘safeguards’ into the byelaw which require consultation and consideration of impacts when implementing flexible management.
- Minimising the cost associated with a permit; and
- Setting out that, if any permit limitations were required, the reference period for ‘track record’ has already past, thereby removing the benefit from changing fishing grounds to attempt to secure such track record.

Phase 2 will, in part, seek to understand the extent to which the above mitigation alleviates the concerns of industry to inform further consideration of the most effective approach.

⁸ https://www.eastern-ifca.gov.uk/wp-content/uploads/2022/12/2022_11_22_Phase1_Outcome_PUBLIC_FACING.pdf

With regards to developing a wider, district-wide byelaw to address sustainability issues for the fisheries; it is apparent that there is still no consensus from the fishing industry on what measures are likely to enhance sustainability and viability or indeed if such are needed. In addition, work has begun on delivery of Fisheries Management Plans (see Action Item 12) which includes consideration of crab and lobster fisheries, with the potential that this parallel process may identify other needs in the coming years. It could be suggested that this factor alone lends itself to deferring development of wider measures, but further consideration will be given to this during phase 2. It is also noteworthy that the approach to phase 1 has been criticised by some wider stakeholders on the basis that they have been excluded. Phase 1 was intended as an additional element to the 'usual' informal consultation process and an opportunity to engage with the people likely to be affected by the measures at the earliest opportunity. Importantly, phase 2 is intended to reflect a more standard informal consultation and is open to all stakeholders therefore none of our stakeholders will have been excluded. It is considered that the early dialogue has been beneficial to the overall process.

Next steps

Per the original timelines, it was intended that a byelaw be presented for the Authority's consideration at this meeting. However, delays to Phase 1, some of which were unforeseen, mean that this has not been possible. Instead, it was considered important to continue to engage with stakeholders to ensure the concerns and issues of stakeholders are understood and considered to inform any proposals as a subsequent meeting. This should highlight the importance placed on engagement and the role it plays in developing management and enhancing confidence in the process.

It is intended that the informal consultation now continues through phase 2, which is intended to launch on 6 December 2022.

Phase 2 of the informal consultation will be open to all stakeholders. The approach is to provide multiple avenues for involvement to all stakeholders, including via questionnaire online and other forms of written representation as well as utilising the in-person model adopted in phase 1.

To that end, follow up meetings are being arranged with the fishing industry and wider stakeholders on request and an in-person MCZ Stakeholder Group meeting was held on 6th December 2022 at Northrepps Village Hall on the subject of developing management for the MCZ.

A district-wide approach is being maintained during Phase 2. The main reason for this is that there was less response to Phase 1 from industry outside of North Norfolk. Continuing with the district-wide approach provides further opportunity for all of industry to let us know their views on (the need for) management and the state of the fisheries to help the Authority determine whether a district-wide byelaw is needed and/or desirable. Moreover, a key objective of Phase 2 is to review byelaws on crab and lobster management inherited from Eastern Sea Fisheries Joint Committee. This review requires district-wide consultation.

Financial Implications

None identified

Legal Implications

None identified

Appendices

Not applicable

Background Documents

Papers and minutes for the 42nd Eastern IFCA meeting, 09 December 2020,
Information Item 12

Papers and minutes for the 48th Eastern IFCA Meeting, 08 June 2022,
Information Item 12

Vision

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Action Item 14

50th Eastern Inshore Fisheries and Conservation Authority meeting

14th December 2022

Report by: Julian Gregory, CEO

Authority Meeting Dates 2023-24

Purpose of report

The purpose of this report is to propose dates for meetings of the Authority and sub committees thereof in 2023-24.

Recommendations

It is recommended that members:

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

Background

Meetings of the full Authority, the Finance and HR sub-committee and the Fisheries and Conservation Management Working Group are scheduled a year in advance and are approved at the December Authority meeting. The agreed pattern for meetings is as follows:

- Full Authority - quarterly, ordinarily on the second Wednesday in March, June, September, and December.
- Finance and HR sub-committee - quarterly, ordinarily on the first Tuesday in February, May, August, and November.
- Fisheries and Conservation Management Working Group - 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).

Meetings of the Wash Fisheries and Wash Appeals sub-committees are arranged by the CEO as required to fulfil their functions.

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.

Meetings of the Wash Fisheries sub-committee will be arranged separately to facilitate the transition from the WFO 1992 to the Wash Cockle and Mussel Byelaw 2021.

The calendar of meetings to March 2024 is attached as Appendix 1.

Appendices

Appendix 1 – Meetings Schedule 2023-24

Appendix 1

Eastern IFCA Meetings Schedule 2023-24

Meeting	Date	Time	Proposed venue
Fisheries and Conservation Management Working Group*	Tuesday 10 th January 2023	14:00	Online or venue to be advised
Finance & HR Sub-Committee	Tuesday 7 th February 2023	10:30	Venue to be advised
51st Eastern IFCA	Wednesday 8th March 2023	10.30	King's Lynn Town Hall
Fisheries and Conservation Management Working Group*	Tuesday 11 th April 2023	14:00	Online or venue to be advised
Finance & HR Sub-Committee	Tuesday 2 nd May 2023	10:30	Venue to be advised
52nd Eastern IFCA	Wednesday 14th June 2023	10.30	Venue to be advised
Fisheries and Conservation Management Working Group*	Tuesday 11 th July 2023	10:30	Online or venue to be advised
Finance & HR Sub-Committee	Tuesday 1 st August 2023	10:30	Venue to be advised
53rd Eastern IFCA	Wednesday 13th September 2023	10.30	Venue to be advised
Fisheries and Conservation Management Working Group*	Tuesday 10 th October 2023	10:30	Online or venue to be advised
Finance & HR Sub-Committee	Tuesday 7 th November 2023	10:30	Venue to be advised
54th Eastern IFCA	Wednesday 13th December 2023	10.30	Venue to be advised
Fisheries and Conservation Management Working Group*	Tuesday 9 th January 2024	10:30	Online or venue to be advised
Finance & HR Sub-Committee	Tuesday 6 th February 2024	10:30	Venue to be advised
55th Eastern IFCA	Wednesday 13th March 2024	10.30	Venue to be advised

*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

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Action Item 15

50th Eastern Inshore Fisheries and Conservation Authority Meeting

14th December 2022

Report by: J. Gregory, CEO

Review of Annual Priorities and Risk Register

Purpose of report

The purpose of this report is to update members on progress against 2022-23 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 beginning of August the end of November 2022.

The tables at Appendix 1 detail the progress against the key priorities for 2022-23, as set in the Business plan for 2022-27.

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 2022-23

Appendix 2 – Risk Register

Appendix 3 – Update on Risk Register

Background documents

Eastern Inshore Fisheries and Conservation Authority Business Plan 2022-27.

APPENDIX 1 - Progress against Annual Priorities – August 2022 to November 2022

Three key priorities are established for 2022-23.

Financial Year 2022-23		
Priorities 2022-23	Progress	Comment
<p>1. To ensure that the conservation objectives of Marine Protected Areas in the district are furthered by:</p> <ul style="list-style-type: none"> a) Implementation of management measures for ‘red-risk’ gear/feature interactions. b) Continued implementation of the Adaptive Risk Management approach for the Cromer Shoal Chalk Beds MCZ c) Development of priority Monitoring and Control plans as identified by the strategic assessment (shrimp, pot and trap fisheries). d) Completion of amber/green gear/feature interactions and development / Implementation of management measures where required. e) Effort Monitoring within the Wash SAC including implementation of new catch returns system. 		<p>1.a) Ongoing. The Marine Protected Areas byelaw 2018 is in place. It protects the most sensitive habitats in Marine Protected Areas from damage from fishing activities (i.e. it manages “red-risk” gear/feature interactions). Further iterations of the byelaw have been agreed in 2019, 2020 and 2021, to create additional restricted areas to manage red-risk interactions. The Authority agreed the Closed Areas Byelaw 2021 in December 2021. This consolidates all the previous protected area byelaws. Formal consultation has been completed on the byelaw and it will be forwarded to MMO for final QA and Defra sign-off as soon as there is capacity to do so.</p> <p><i>Inner Dowsing, Race Bank & North Ridge SAC:</i> Measures to protect red risk features in this site are included in the Closed Areas Byelaw 2021. NE have advised that an additional area should be closed within this site; officers considered that evidence showed the red risk feature (<i>Sabellaria</i> reef) is absent in that area but re-surveyed the area in May and July 2022 to obtain additional evidence. An acoustic (side-scan sonar) survey was undertaken in May 2022, and associated video ground-truthing in July 2022. Initial analysis shows no evidence of <i>Sabellaria</i> reef to be present. Once analysis is complete, findings will be reported to the Authority and Natural England. If evidence shows the presence of the feature, officers will present</p>

recommendations to the Authority for management of that area.

1.b) **Ongoing.** Management of bottom-towed fisheries within the MCZ has been agreed – originally in the Marine Protected Areas Byelaw 2019, now superseded by the Closed Areas Byelaw 2021. The byelaw includes exemption for a small artisanal shrimp fishery.

Officers plan to 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 has been delayed whilst officers focus on the much more significant potting fishery.

In 2021, an Adaptive Risk Management (ARM) approach was agreed with Natural England as the most suitable approach 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 research and management workstreams, while a Stakeholder Group enables wider engagement.

This year officers have continued with a programme of research workstreams that began in 2021 as part of the ARM approach, including:

- (i) Habitat mapping using video cameras mounted on remotely operated vehicles (ROVs). To date 138 of these habitat mapping tows have been conducted

this year, producing 15 hours of video footage. Natural England are providing funding for these videos to be analysed externally.

- (ii) Video assessment of interactions between deployed potting gear and rugged chalk. This year 18 ROV dives successfully located and followed shanks of pots at 10 locations within the rugged chalk extent. These videos will be analysed inhouse over winter.
- (iii) Monitoring tracks of potting vessels (those signed up to voluntary use of trackers) to better understand fishing patterns within and around the MCZ. This has provided detailed activity trends from 12 vessels, providing valuable information about fishing practices.
- (iv) Economic comparison of landings from rugged chalk vs other areas, whereby officers have conducted regular bio-sampling surveys aboard a commercial fishing vessel
- (v) Preparation of adapted potting gear to be used to test impacts on chalk. These will be used to trial adaptations including soft-armouring on pots and floats on the drop lines. Unfortunately, attempts to deploy the gear this year failed.

With regards to the management aspects of ARM, a code of best practice is in effect, which seeks to minimise the incidents of fishing gear becoming lost in the MCZ, and officers are monitoring compliance with the code. A means of safely recovering gear identified by divers is also in development to support the code.

Informal consultation on a management mechanism and some regulatory measures for the protection of the MCZ is being undertaken in two phases, with Phase 1 having focussed on dialogue with fishing industry to provide them an opportunity to propose measures which will reduce the risk to the site. Phase 1 has been completed and a report is being compiled which sets out the views of industry (which is at Action Item 15 of this meeting). Phase 2 of the consultation will include dialogue with the full range of stakeholders to consider the full set of proposals and to inform the development of a byelaw which will be presented to members for consideration at a subsequent meeting.

1.c) **Delayed.** This work has not progressed since the last update, because resources have been directed towards priority MCZ work, Wash cockle fishery management, and recruitment / induction and training of new members of the Marine Science team (two officers recruited in April 2022 to replace officers that left the team in August 2021 and January 2022; one Grade 6 Marine Science Officer recruited in August 2022 following the loss of a further team member in April 2022, and one Project Officer following the loss of a Project Officer in February 2022). A further Marine Science Officer moved on in September 2022, leaving a vacancy in the team. However, it is re-iterated that fisheries monitoring and control comprise routine work for the Authority and continue despite formal monitoring and control plans not yet being produced.

1.d) **Delayed / Ongoing.** Management has been agreed for "highest risk" amber/green gear/feature interactions, i.e. towed demersal fishing on subtidal sediment habitats

(Closed Areas Byelaw 2021 and previous iterations). Amber/green assessments yet to be completed for more recently designated MPAs and management developed if found to be required. Officers plan to review/update the original suite of amber/green assessments (originally produced in 2015-16), but this work has been delayed because of the need to focus resource on MCZ research, assessment and management, cockle surveys, assessment and management, and team churn / training.

The Shrimp Permit Byelaw 2018, which will be the mechanism for managing the 'amber' interactions between shrimp fishing and MPAs, was confirmed by the Secretary of State on 31st May 2022. The permitting elements are regarded as a high priority but have not been progressed due to higher priority work associated with impending expiry and replacement of the WFO 1992. They will be implemented as soon as officers have capacity to do so.

1.e) **Ongoing.** A process for monitoring effort within the shrimp fishery has been developed and an action plan is now in development. It is intended that the action plan will focus on providing the fishing industry with the relevant information, primarily through the group which administers the Marine Stewardship Council shrimp accreditation, who will take voluntary action in the first instance. Measures, such as a limit on the number of trips per month and closure of the fishery are only intended to be used where industry action has not reduced effort such that it will exceed the annual limit.

<p>2. To develop management of the fisheries regulated under the WFO (regulated and several fishery)</p> <p>a) Replacement of the Wash Fishery Order/Several Order with the Wash Cockle and Mussel Byelaw 2021 and the Wash Several Order 2022.</p> <p>b) Finalise and implement policy on access to the fisheries</p>	<p>2.a) Ongoing. The application for a Several Order is ongoing and is delayed as a consequence of seeking legal advice with regards to Crown Estate leases. Defra are aware of the delay and in agreement with the interim measures proposed to protect stock on lays during any regulatory gap.</p> <p>The Wash Cockle and Mussel Byelaw 2021 is progressing through the formal QA process with the Marine Management Organisation (MMO). Further amendments have been made, primarily minor amendments to the wording which have no bearing on the effect of the byelaw and none which significantly alter the intended effects of the byelaw. The work has been further delayed as a result of addressing additional comments from the MMO and as a consequence of seeking further legal advice. Contingency measures are being put into place to cover any gap in regulation between the expiry of the Wash Fishery Order and the byelaw.</p> <p>Contingency measures in relation to this work are the subject of Action Item 10 at this meeting.</p> <p>2.b) Ongoing. Members agreed the Wash Access Policy (eligibility policy and permit limitation) at the 49th Eastern IFCA Meeting. Industry have been made aware of the Policy and how it was revised to address concerns raised from the associated consultation.</p> <p>The Policy includes a transition from the WFO to the Wash Cockle and Mussel Byelaw 2021 which will deal with people applying for eligibility to a permit under two phases. Phase 1 deals with current WFO Licence holders, with eligibility</p>
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		<p>provided where the WFO Licence was not 'rented out' and the licence or licence holder meets the fishing activity requirements. Decisions on phase 1 applications are to be made by the Wash Fisheries Sub-Committee in the New Year. Phase 2 will follow after Phase 1. The transition process has been designed to avoid disruption to fishing activity as a result of the administration of the transition.</p>
<p>3. Obtaining better fisheries data 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) Ongoing. National roll-out of I-VMS is underway (led by the MMO). Consideration of implementing I-VMS requirements and increased reporting rates in relation to VMS+ devices (used by vessels with a length of 12m and over) will depend in part on the achievement of the roll-out with regards to the published timelines and the risk associated with the shrimp fishery with regards to the level of fishing activity. The MMO recently announced that timescales for roll out are to be extended due to a need to undertake testing on devices offered by companies involved. It is understood that such testing is nearing conclusion and that the likely implementation of a Statutory Instrument to mandate iVMS may be delayed to the Autumn of 2023.</p>

Key:

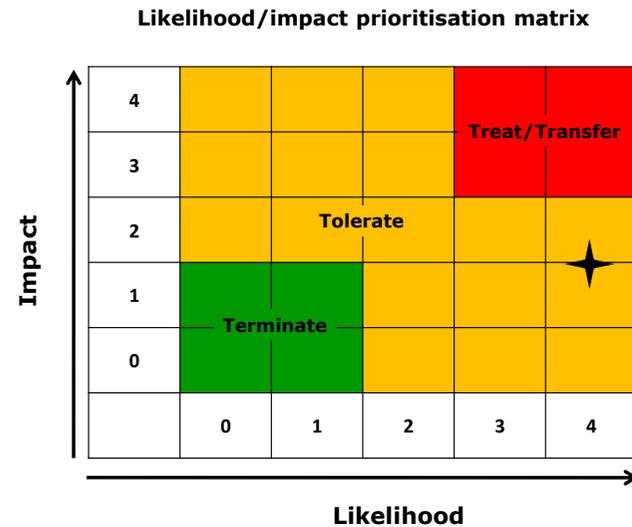
	Complete
	In progress
	Progress stalled

APPENDIX 2 – Risk Register

The risk matrix sets out the magnitude of the risk to Eastern IFCA from an organisational viewpoint incorporating amongst others reputational and financial risks. The matrix also sets out the likelihood of an identified risk occurring. Mitigation which is in place or to be introduced is identified. Risk is ranked on an arbitrary scale from 0 (low risk – coloured green) to 4 (high risk – coloured red). The average of the combined financial and reputational risk is taken and plotted on to the matrix below, the likelihood of that risk occurring is also plotted. Mitigation action is noted. It should be noted that in most cases there are already many actions being undertaken as part of routine working practices to reduce the risks to the Eastern IFCA.

The four actions that can be applied are:

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



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.

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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"> • Current level of reserves provides sufficient funding to cover replacement of <i>RV Three Counties</i> • The open RHIB, FPV Seaspray, was procured using EMFF funding • Seek efficiencies and promote cost effectiveness. • Demonstrate value for money. • Advertise/promote Eastern IFCA output and effectiveness to funding authorities through regular engagement with Council leaders and Financial Directors. • Engage with partner agencies to identify alternative funding sources • Explore asset sharing initiatives • Agreement in place with funding authorities for capital funding contributions each year. Confirmed at the annual meeting with representatives of the Finance Directors. 	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 IFCAs 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	3		3 EU exit will have an inevitable but currently unpredictable impact. Eastern IFCA responsibilities unchanged in the short term to medium term		<ul style="list-style-type: none"> Monitor developments in the post-EU exit landscape, particularly fish and shellfish exports Engage in national I to help inform and influence developments (e.g. IFCA Chief Officers Group, Association of IFCAs) Continue "business as usual" Maintain communication with partners 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. Eastern IFCA is engaged with Cefas and the FHI in engaging industry regarding export and import of shellfish and works with NNDC to facilitate registration of food premises as a result of EU exit related requirements Officers engaged in future of inshore fisheries management work with Defra and other stakeholders. The Authority is supportive the REAF initiative. 	Tolerate
			Reputation	Financial				
			3	3				
			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"> • Provide a leadership function. • Be proactive and identify issues early. • Engage with all partners routinely. • Use Business Plan to prioritise and communicate outputs, Measure progress/deliver outputs • Represent community issues to higher authorities • Recent revisions undertaken to the ARM project for the MCZ to address wider stakeholders concerns about engagement • Effective business planning process in place. • Leading role where appropriate e.g. Op Blake. Proactive approach to raising issues with Defra (e.g. Bass management, proposals for effort management trial). Participation in Parliamentary Review 2019. 	Tolerate
			Reputation	Financial				
			4	4				
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		4 Likely – disenfranchised partners seeking to introduce doubt as to Eastern IFCA professionalism, utility and effectiveness		<ul style="list-style-type: none"> • Actively and regularly engage with all partners including media outlets. • Utilise full potential of social media and web-based information. • Embed professional standards and practices. • Deliver change efficiently and effectively. • Promote activity • Assure recognition and understanding through community events • Routine updating of news items on website. • Active on social media with demonstrable improvements in 'reach'. • Parliamentary Review (above). • Monitor media presence and engage where appropriate. Letters written in response to adverse articles regarding the WFO replacement in October 2021. 	Treat
			Reputation	Financial				
			4	2				
			Loss of confidence in the organisation	Withdrawal of LA and Defra funding for the organisation				
			Failure of the organisation to perform in accordance with the standards and practices of a statutory public body					
			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	Possible - Eastern IFCA's approach to managing sea fisheries resources considers environmental obligations	<ul style="list-style-type: none"> Proposed fishing activities authorised by Eastern IFCA are assessed per Habitats Regulations Eastern IFCA is fully engaged in national fisheries/MPA project, prioritising management of highest risk fisheries in MPAs and implementing new management measures Effective monitoring of fishing activity and enforcement of measures Adaptive co-management approach to fisheries management – i.e. engagement with fishing and conservation interests in the development of management measures, and appropriate review of measures to respond to changing environmental and socio-economic factors Ongoing, close liaison with Natural England regarding all conservation matters Review agreed Wash Cockle & Mussel Policies Develop the use of I-VMS as a management tool by the Authority, >12m implementation expected in 2022. Continue to progress research into the impact of fishing activities on MPA features to ensure the Authority has an up-to-date evidence base to inform its management decisions. MPA management has been a high priority since 2012 with substantial progress made. Current workstreams (e.g. Cromer Shoal MCZ, remaining 'red risk' sites and Closed Areas Byelaw 2021) are a high priority and are being progressed. 	Tolerate
			Reputation	Financial				
			4	3				
			Eastern IFCA is not meeting statutory duties under EU & UK conservation legislation Eastern IFCA not achieving vision as champion of sustainable marine environment	Legal challenge brought against Eastern IFCA for failing to meet obligations under MaCAA and the Habitats Regulations				
Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Shellfish and fish stocks collapse	CEO	Risk of significant negative impact	3		3	Possible - Bivalve stocks have high	<ul style="list-style-type: none"> Annual stock assessments of bivalve stocks in Wash 	Treat
			Reputation	Financial				
			3	3				

		upon industry viability with associated social and economic problems	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	natural variation; "atypical mortality" affecting stocks despite application of stringent fishery control measures. Crustacean stocks not currently subject to effort control. Bass stocks nationally and internationally under severe pressure. Regional whelk fisheries effort becoming unsustainable. Regional crab and lobster stocks being potentially exploited beyond maximum sustainable yield and limited data set to consider stock health at local level.		<ul style="list-style-type: none"> • Annual review of the level of threat via the Strategic Assessment • Ability to allocate sufficient resources to monitoring of landings and effective enforcement • Consultation with industry on possible management measures • Use Project Inshore Phase 4 output to inform MSC pre-assessment review of fisheries and validate management measures • Develop stock conservation measures for crab and lobster fisheries through engagement with Cefas and fishing industry. Continue support for industry led Fisheries Improvement Plan • SWEEP research into primary productivity levels within the Wash • Regular engagement with the industry to discuss specific matters • Continued research into the cockle and mussel mortality events. • Whelk research is ongoing to identify level of risk posed and potential mitigation for sustainability concerns. • Consider bass management measures if necessary, in light of EU/UK measures • Annual surveys of Wash cockle and mussel stocks alongside innovative approach to management of the cockle fishery e.g. closure of cockle fishery in Nov 2019 due to emerging findings of mussel surveys in order to mitigate impact on 2020 cockle fishery. • Consideration given to an engagement plan to educate and inform about small cockles, including engagement with processors for officers to better understand the market context. 	
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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	High	<ul style="list-style-type: none"> All computers are password protected. Individuals only have access to the server through their own computer. Secure wireless internet Remote back up of electronic files Access to electronic files is restricted Up to date virus software installed on all computers Important documents secured in safes ICT equipment and policies provided by public sector provider – including encrypted laptops/secure governmental email system All Eastern IFCA personnel undergo DPA training Electronic backup of all Eastern IFCA documents held by ICT provider offsite Policies and processes developed to ensure compliance with GDPR. 	Tolerate
			Reputation	Financial	Possible - Limited staff access to both electronic and paper files Office secure with CCTV, keypad entry system and alarm			
			4	4	Partners no longer believe that confidential information they have supplied is secure Personnel issues arise over inability to secure information Eastern IFCA open to both civil and criminal action regarding inability to secure personal information			
New Burdens Funding discontinued	CEO	Substantial reduction in Eastern IFCA capability	4		2	High	<ul style="list-style-type: none"> Association of IFCA's has consistently lobbied for the continuation of funding Association of IFCA's have engaged with Defra review of New Burdens funding 	Treat
			Reputation	Financial	Defra have continued to roll over new			
			4	4				

		with consequential inability to fulfil full range of duties or additional burden on funding authorities.	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.	Burdens funding in recognition of the value that IFCA's provide in meeting national policy objectives.		<p>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)</p> <ul style="list-style-type: none"> • Finance Directors representatives briefed and understood that in the event that the funding is discontinued there may be a desire to increase levies • Defra funding settlement for 2022-23 includes NBF at existing level for this year and indicatively for 23-24 and 24-25. Additional function specific funding also included on the same basis for each year. 	
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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	4		4 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"> • Early decision taken to replace the WFO 1992 with a byelaw • Engagement with industry to address misgivings about the use of a Byelaw • Engagement with industry to develop policies that will sit under the Byelaw • Byelaw has been 'made' by the Authority (Sept 2021) and submitted for QA to MMO and Defra legal teams • Dialogue maintained with Defra teams about short-term solutions for the replacement of the Several Order • 30/11/22 Contingency plan in place to use Byelaw 8 to manage what are currently the regulated and several fisheries upon expiry of the WFO. 	Treat
			Reputation	Financial				
			4	4				
			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 August 2022 to November 2022

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 in 2023-24 at the annual meeting with representatives of the Finance Directors on Wednesday 2 November 2022 Friday 19 th November 2021. However, it was indicated that anticipated reductions in public sector funding may mean that this will be reviewed next year.
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>No change from previous quarter</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>No change from previous quarter</p>
Negative media comment	<p>Since the decision to replace the WFO 1992 with a byelaw there has been negative comment in a fishing industry publication. More recently issues associated with the annual Wash cockle fishery combined with other issues such as the replacement of the WFO led to a demonstration at the 48th Authority meeting and some adverse publicity in local media and the fishing industry publication. The grading has been increased to Treat to reflect this as there is a likelihood for continued criticism, which include the views of a minority but vocal group of stakeholders including allegations relating to the professionalism and integrity of officers.</p>

	<p>Increased risk given the current consultation in connection with the quadrennial review of IFCA's which may be disproportionately influenced by the more recent increase in negative media comment.</p> <p>The now imminent expiry of the WFO 1992 has prompted a surge in activity on the part of those opposed to the planned changes and whilst this has focussed on seeking political support and intervention it is likely that this will spread to include seeking media support and coverage.</p>
Degradation of MPAs due to fishing activity	<p>MPA management has been a high priority since 2012 with substantial progress made. Current workstreams (e.g. Cromer Shoal MCZ, remaining 'red risk' sites) are established priorities in the Business Plan and are being progressed.</p> <p>No change from previous quarter</p>
Shellfish and fish stocks collapse	<p>The annual cockle surveys conducted in spring identified that due to ongoing mortalities among older cockles, combined with poor recruitment in 2019 and 2020, a fishery in 2022 would be heavily reliant on harvesting pre-spawning juvenile cockles. While this could threaten the success of the 2023 fishery, by removing small cockles that would otherwise be fished the following year, it was felt that a handwork fishery was not sufficiently efficient to threaten the long-term sustainability of the stock itself. As such, a fishery was opened with spatial closures that protected over 40% of the juvenile stocks. During the course of the fishery, regular monitoring has been conducted that has shown the fishery is mainly targeting small cockles as was predicted. There have been subsequent requests to open two of the closed areas but following further assessments, these requests have been rejected.</p> <p>The risk associated with Wash-based whelk fisheries is reduced, to an extent, because of opening the cockle fishery as fishermen will not be solely reliant on these stocks and the fishery is subject to monitoring to detect risks to sustainability.</p>
Failure to secure data	<p>Policies and processes developed to ensure compliance with GDPR.</p> <p>No change from previous quarter</p>
New Burdens funding discontinued	<p>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 IFCA's 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 IFCA's. Budget planning</p>

	<p>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 10th November 2020 and updated on 19th November 2021.</p> <p>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 IFCA 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.</p> <p>Defra subsequently secured £3 million in New Burdens Funding for 2022/2023 and indicatively for 23/24 and 24/25. Funding for specific functions for 2022/2023 and indicatively for 23/24, including developing Fisheries Management Plans, MPA management and licensing, planning and consents. Detail on how the funding can be utilised is awaited from Defra.</p> <p>Allocation of the funding for 2022-23, which equates to £150k per year to Eastern IFCA, is underway as reported at agenda item 12.</p>
<p>The Wash Fishery Order 1992 is not replaced in time when it expires in January 2023</p>	<p>Mechanisms to replace the WFO have been in the process of being considered for confirmation for some time. It is now clear that neither the new byelaw or the new several order will be in place upon expiry of the WFO and so the likelihood has increased to 4 but the severity remains unchanged at a high level. However, a contingency plan is in place to use Byelaw 8 (Temporary Closure of Shellfish Fisheries) to effectively maintain the status quo in terms of enabling and managing exploitation in both the regulated and several fisheries as they exist under the WFO. Agenda item 10 of this meeting refers.</p>

Vision

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



Information Item 17

50th Eastern Inshore Fisheries and Conservation Authority Meeting

14 December 2022

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 (verbal) and Marine Science teams during the period of Sept, Oct, November.

Recommendations

It is recommended that members:

- **Note** the content of the reports

Financial Implications

None

Legal Implications

None

Appendices

Appendix 1 – Marine Science Report

Background Documents

Not Applicable

Updates to the Marine Science Team

The Marine Science team welcomed two new Marine Science Officers in April 2022 and a further Marine Science Officer (Grade 6) in August 2022, to fill vacancies left after three MS team members moved on in 2021 and 2022. In September 2022, our long-standing GIS Marine Science Officer Sandra Cowper moved on from Eastern IFCA. Sandra provided a steady contribution to the Authority's work in all GIS-related areas, consultations and derogations and The Wash fishery HRAs. She also played a pivotal role in the Authority's acclaimed Community Voice project, in improving the use of Harbour seal data in fisheries assessments, and in all aspects of Marine Science engagement. Although some long-standing staff remain, this is a relatively new Marine Science team, currently holding one vacancy, meaning considerable resource has been directed by established officers to training. This has meant that some work areas (e.g. monitoring and control plans, and "amber-green" finalisation work) have needed to be paused whilst team development and priority work on the Cromer MCZ and The Wash fisheries are progressed.

Managing Fisheries in MPAs

Impacts of potting on chalk in Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ)

Officers have completed a literature review of interactions between potting fisheries and seabed rock features, but there are few studies of potting on relatively soft rocks like chalk. An assessment has been made of the sensitivities to damage of chalk communities found in the MCZ, their resilience and recoverability. Officers are awaiting formal advice from Natural England on the updated assessment submitted to them on the 28th April 2022.

Adaptive Risk Management (ARM)

The Authority has applied an Adaptive Risk Management (ARM) approach for managing the potting fishery in the Cromer Shoal MCZ for almost two years now. This means introducing measures to minimise environmental risks, whilst undertaking research to better understand the interactions, then adapting management as required. The research side of ARM has involved conducting research cooperatively with other organisations to gain a better understanding of where the sensitive chalk features are located, where the potting activity occurs with respect to these features and to better understand the interaction between potting and the site's sensitive features.

Research Updates



- Officers are continuing to collect and process tracker data from fishermen voluntarily using trackers on their vessels to gather information about potting activity across the site.
- Video footage collected during the 2021 ROV surveys has now been analysed by an external contractor (funded by Natural England) and the results have been presented in a final report (<https://www.eastern-ifca.gov.uk/wp-content/uploads/2022/07/2022-Cromer-Shoal-Chalk-Beds-MCZ-Imagery-Analysis.pdf>).



- ROV surveys recommenced in June this year and concluded in October. These surveys aim to collect further habitat data to build on the current evidence base to inform the extent of the rugged chalk; collect footage of potting gear interacting with chalk features to assess the level and severity of impacts across the site and collect footage of experimental gear interacting with chalk features to investigate the effects of gear adaptations.

Officers will conduct trials into possible gear adaptations in 2023. The focus is on trialling viable gear adaptations or technologies which could potentially reduce the interactions between potting gear and rugged chalk. We have purchased a shank of pots, so we are able to have more control over experimental design. Upcoming trials aim to test two gear adaptations; **soft armouring on pots (rubberised pots)** to see if this reduces impacts from pot strikes; and **floats on drop lines** to see if this lifts ropes above rugged chalk features and reduces the chance of rope interactions. The Evidence Group is continuing to identify datasets collected by stakeholders and explore opportunities for further data collection in order to bridge data gaps and enhance data collection methods. Research and Development Task and Finish Group Project Plan: <https://www.eastern-ifca.gov.uk/wp-content/uploads/2022/03/2021-2022-Research-Development-Task-Finish-Group-Project-Plan.pdf>

No updates have been made to the impacts of netting in the MCZ assessment at this time.

Management Updates

Code of Best Practice on Potting in the MCZ

The Code of Best Practice on potting in the MCZ has now been launched following consultation with the fishing industry. The Code aims to reduce the risk that lost gear poses to the environment, fisheries' sustainability, and the viability of fisheries livelihoods. It aims to do this by building upon and promoting existing best practice in relation to the operation of fishing gear.

The Code aims to help minimise the risk of gear becoming lost and sets out what to do in the event of gear becoming snagged or lost. It is establishing a reporting system that will be used to help quantify the extent of the issue, monitor the positive effect of the Code over time and facilitate recovery. The Code has been endorsed by the North Norfolk Fishermen's Society and the Norfolk Independent Fishermen's Association. For more on this, please read our press release: <https://www.eastern-ifca.gov.uk/press-release-code-of-best-practice-launched-to-tackle-lost-gear-in-cromer-shoal-chalk-beds-mcz/>

Voluntary Partnership Agreement on Reporting, Recovery and Disposal of Abandoned, Lost or Discarded Fishing Gear

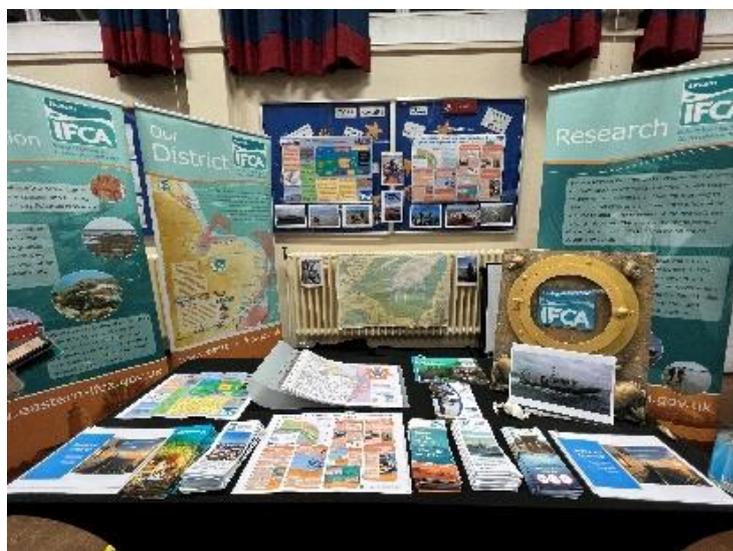
Officers are liaising with an organisation called Ghost Fishing UK to support stakeholder agreement on developing a Voluntary Partnership Agreement on reporting, recovery and disposal of ALDFG (Abandoned Lost or Discarded Fishing Gear) in the MCZ. The intention is for a stakeholder led initiative to facilitate collaboration between fishermen, divers and beach cleaners who wish to work together and to facilitate and monitor their reporting and recovery actions.

Marine Protected Area casework

- Cromer Shoal Chalk Beds Marine Conservation Zone: multiple workstreams (see above);
- “Amber & Green” assessments: officers have started to review the Authority’s assessments of fishing activities in marine protected areas throughout the Authority district, but progress has been slow because of the need to focus on other priority MPA casework.
- Monitoring and Control Plans: this workstream has been put on hold as officers have needed to focus on core work relating to Cromer Shoal Chalk Beds MCZ and replacement of the Wash Fishery Order.

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 relating to fisheries in MPAs has included:



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- Attending and presenting at the *IFCA Technical Advisory Group (TAG)* in October.
- Attending *Sheringham High School’s career’s fair* (organised by the Norfolk Wildlife Trust) in November. There was interest in both the marine science and marine protection sides of the Authority’s role and positive feedback from the attendees and organisers.
- Attending *Blue Marine Foundation’s Marine Restoration Workshop* in November. The purpose of the event was to gather information on planned or existing habitat restoration activities, and to understand potential constraints and opportunities for further restoration work in estuaries in Suffolk (Blyth, Alde and Ore, Deben, Orwell and Stour) and Essex. Key habitats being considered for restoration are saltmarsh, seagrass meadows and native oyster beds. Benefits of restoration could include the protection of “essential fish habitat” (many fish use estuaries in their juvenile life stages and for breeding) and carbon capture (e.g. saltmarsh is an effective “carbon sink”), but restoration could require restrictions on fishing activities. It is anticipated there will be further interest in restoration across the district in the coming years, and the Authority should consider potential benefits and costs of restoration for inshore fisheries.
- Attending Advisory Group meetings for *The Wash & North Norfolk Marine Partnership*;
- Working with the *University of St. Andrews* on the Cromer MCZ fishing trackers project;

- Working with *Sea Mammal Research Unit* and *Natural England* on seal haul-out mapping.
- Ongoing collaboration with *Natural England*, *University of Essex* and *Cefas* to improve understanding of the rugged chalk feature in Cromer Shoal Chalk Beds MCZ;
- Ongoing work with *Marine Conservation Society's Agents of Change* project for stakeholder engagement in relation to MCZ research and development of management;

Fisheries Sustainability

Fisheries Management Plans

Fishery Management Plans (FMP) are being developed by partners for DEFRA and aim to deliver collaborative fishery management (Further information: [Fisheries management plans - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/fisheries-management-plans)). The CEO has provided an update of FMPs and DEFRA funding (Agenda Item 12), a full briefing to members will be shared in due course. Eastern IFCA are stakeholders, not the owners of FMP, so we are actively disseminating messages through social media posts and IFCO engagement/outreach to stakeholders. There are two FMP workshops in the district that are free to attend, no booking is necessary: 13 Dec 2022 (Whelk at Wells) and 14 Dec 2022 (Crab and lobster at Cromer). EIFCA will attend.

Officers have been attending SeaFish-led engagement events for Whelk, and Crab and Lobster Fisheries Management Plans (FMPs) across the district. Officers are using the opportunity to learn more about the proposals for national management measures and to hear industry's view.

The Authority will be involved in the FMP process by:

- Contributing expert sectoral and inshore fisheries management advice to FMP projects.
- Contributing evidence and data as requested by delivery partners.
- Evaluating draft FMP content; to include commenting on objectives, management measures, evidence plans.
- Facilitating engagement between delivery partners and the inshore fishing sector.

To learn more about FMPs, including the forthcoming workshops, visit [Fisheries Management Plans \(FMPs\) | Seafish](https://www.seafish.org.uk/fisheries-management-plans-fmps).

Cockle and Mussel Fisheries in The Wash

The 2022 cockle fishery opened in July 2022 with a TAC of 2,833 tonnes. It remains open at the time of writing, but extensive closed areas, a Minimum Landing Size of 10mm and changes to fishing methods have been implemented to reduce the risk of smaller cockles being overfished.

In 2022 it was possible to open both a hand-working and dredge mussel relaying fishery, with a total TAC of 980 tonnes. The fishery closed on the 10th September to make way for EIFCA mussel stock assessment surveys, which concluded in November. Officers trialled the use of a drone to evaluate its usefulness in determining mussel bed boundaries, and whether it could be used to discover potentially previously unidentified

beds (such as Back of The Wall that was discovered in June). The video footage is currently being reviewed.

The 2022 mussel surveys surveyed 19 inter-tidal beds, plus the Welland Bank. These included two relatively new beds at Skate Run and Back of the Wall. Excluding the Welland Wall, which is managed separately to the inter-tidal beds, the total inter-tidal mussel stock biomass was found to be 13,147 tonnes. This is a slight decline of 210 tonnes from the 2021 figure of 13,357 tonnes but still exceeds the SSSI Conservation Objective target for the site of 12,000 tonnes. Although these figures suggest the stocks have been relatively stable since the previous year, changes to the biomass on individual beds show this is not the case. Several have continued to decline, while the figures for this year have been boosted by 1,019 tonnes of mussels on the Back of the Wall bed, which was included in the surveys for the first time in 2022. Declines in adult sized ($\geq 45\text{mm}$ length) mussels have been particularly high, causing their biomass to fall from 6,008 tonnes to 4,471 tonnes. The Conservation Objective target for these larger mussels is 7,000 tonnes, a target that has not been achieved since 2009.

Because the adult mussel stocks have failed to achieve their Conservation Objective target, a harvestable fishery cannot be opened this year. There are sufficient juvenile stocks to open a relaying seed fishery in the spring, however, with a maximum Total Allowable Catch of 1,147 tonnes. If opened, this fishery would be restricted to beds that primarily support juvenile mussels in order to protect the remaining adult stocks. A full report, with recommendations, will be presented to the Authority at the 51st Full Authority meeting in March 2023.

Whelk stock assessment

Having relatively poor mobility and no planktonic larval phase to aid their dispersal and recolonisation, whelk are extremely vulnerable to localised over-fishing. Officers have analysed data from landings returns to monitor the health of the District's whelk stocks using a Landings Per Unit Effort (LPUE) metric. This data, shows a steady increase in effort and landings between 2015 and 2019 with a decline between the 2019 peak and 2021, leading to concerns that the stocks are being over-fished. Officers continue to monitor whelk returns data between 2015 – 2022 to assess long-term trends and overall health of the fishery.

Shrimp effort monitoring in The Wash and North Norfolk Coast

EIFCA continues to manage the brown shrimp fishery in the district using the TAE (Total Allowable Catch), which, after having performed various analyses based on how the fishery operated in the last 20 years, will now include a 5-years rolling average and a maximum peak for each year. This way, it will be able to monitor effort on a monthly basis based on the TAE of a given year, set prior to the beginning of each fishing permit year.

Environmental Monitoring

The Wash EHO/biotxin & SWEEP sampling

Officers were unable to collect the Toft, North Lays, Black Buoy EHO samples, DSP samples or SWEEP samples in November due to unfavourable weather conditions and

vessel issues. Other than this, all planned sampling during September, October and November has been carried out.

Sustainable Development

District-wide input to consultations on marine developments

Input to consultations in this quarter have included offshore renewable energy and seaweed aquaculture. Consideration of wind farm compensatory measures has become the major focus for wind farm developers and regulators; primarily focussing on compensation for impacts of cabling on seabed habitats impacts on seabirds. Officers are currently in compensatory measures discussions for Norfolk Vanguard and Norfolk Boreas windfarms. Officers were also invited to comment on the scoping report of the National Grid Sea Link project, developed to create “renewable and low-carbon energy power flows between Suffolk and Kent using existing offshore routes.” Eastern IFCA officers initially raised questions about the Boston Alternative Energy Facility (BAEF) in 2019 and met with BAEF representatives in 2022 to discuss concerns. The Secretary of State’s decision on the proposed BAEF has been postponed to January 2023.

Seaweed aquaculture and harvesting

Aquaculture is a potential growth area in the Eastern IFCA district. Agenda Item 11 presents information on the potential for seaweed aquaculture and/or wild harvest in the district, management mechanisms, and a proposal for an agreed Authority position for officers to take in responses to marine planning consultations relating to this subject.

Derogations from Eastern IFCA Byelaws

Officers have reviewed, and where relevant, granted several applications for scientific derogations from Eastern IFCA byelaw during the quarter. One such derogation was granted to the Environment agency for inshore trawling; specifically focussing on fish monitoring relating to the Boston Barrier Scheme. Harwich Haven Authority were granted derogations for landing, transporting, and releasing berried and juvenile lobsters between a hatchery and the sea. Cefas were granted derogations for conducting shore surveys for juvenile edible crabs and sea-based surveys for landing undersized crab.