

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 December 2022 at 1010 hours in the Assembly Rooms, King's Lynn Town Hall.

Members Present:

Cllr T FitzPatrick	(Chair)	Norfolk County Council
Cllr M Vigo Di Gallidoro	(Vice Chair)	Suffolk County Council
Mr S Bagley		MMO Appointee
Mr I Bowell		MMO Appointee
Cllr Chenery of Horsbrugh		Norfolk County Council
Mr K Copeland		MMO Appointee
Mr J Davies		MMO Appointee
Mr L Doughty		MMO Appointee
Mr P Garnett		MMO Appointee
Ms J Love		Natural England Representative
Mr S Williamson		MMO Appointee

Eastern IFCA (EIFCA) Officers Present:

Andrew Bakewell	Head of Finance & HR
Jon Butler	Head of Operations
Judith Stoutt	Senior Marine Science Officer
Luke Godwin	Senior IFCO (Regulation)
Ron Jessop	Senior Marine Science Officer
James Teasdale	Project Officer
Kristina Gurova	Project Officer
Jason Combes	Marine Science Officer

Minute Taker:

Jodi Hammond

EIFCA22/57 Item1:Welcome

The chair welcomed members to the meeting, apologising for the slight delay in the start time, due to weather conditions holding up some members arrival.

Members were advised that in the absence of the CEO the Head of Operations would act as Clerk for the duration of the meeting.

EIFCA22/58 Item 2: Apologies for Absence

Apologies for absence were received from Mr Gregory (CEO), Cllrs Back (SCC), Coupland (LCC) & Skinner (LCC), Mr Rowley (MMO Representative), Ms Smith (MMO Appointee) and Messrs Goldson, Hirst, Mogford and Shaul (MMO Appointees).

EIFCA22/59 Item 3: Declaration of Members Interests

Members were advised of the following dispensations:

- Agenda Item 9: Messrs Bagley, Doughty, Garnett and Williamson had a dispensation to discuss the item but not to vote.
- Agenda Item 10: Messrs Bagley, Doughty, Garnett and Williamson had a dispensation to discuss the item but not to vote.
- Agenda Item 13: Messrs Davies, Garnett, Shaul and Williamson had a dispensation to discuss but not to vote.

EIFCA22/60 Item 4: Minutes

Members Agreed the minutes were a true record of proceedings

EIFCA22/61 Item 5: Matters Arising

EIFCA22/44 Item 3: Wash Fishery Order replacement update
The bylaw has had some revisions made as a consequence of the MMO quality assurance legal review, which have been approved by the Chair, Vice-Chair and CEO and the bylaw is back with the MMO for final QA prior to onward transmission to Defra for ministerial approval.

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

The application process under Phase 1 of the transition is underway. Officers have tailored letters to each likely applicant to minimise the burden on them and to make the process as simple as possible. This has been supplemented with individual phone calls to ensure that the requirements are understood. It is intended to establish a meeting of the Wash sub-committee in the New Year to deal with the applications.

EIFCA22/53 Item 12: Annual Report 2021-2022

The report has been published on the website and a copy submitted to Defra as directed by the Authority

EIFCA22/62 Item 6: Health & Safety Risks and Mitigation

Members were reminded this paper was submitted for noting. There had been no new cases or transmissions of Covid amongst the staff.

Mud familiarisation had been carried out with Officers who may find themselves struggling in some of the challenging conditions in the Wash, particularly those taking part in mussel surveys.

During the last quarter there had been two incidents reported, one involving an officer injuring his hand during routine maintenance and the other an officer struggling in the mud (prior to the familiarisation).

Two risks had been highlighted, the first potential for staff stress through exposure to unacceptable behaviour of stakeholders, the other relates to working at height off quayside ladders, this would be discussed with the H&S partners.

Members Agreed to Note the contents of the report.

EIFCA22/63 Item 7: Finance & HR Sub-Committee held on 2nd November 2022

The Head of Finance advised the paper detailed the main items discussed. Further detail regarding the budget would be given in the next Agenda Item

Members Agreed to Note the contents of the report.

EIFCA22/64 Item 8: Budget and levies 2022-23 and Budget Forecast to 2028

Proposed Budget and levies had previously been discussed by the Finance & HR Sub-Committee at which point it was agreed to put them forward to the full Authority for approval.

Members were advised that inflation had made budgeting difficult but the additional funding from Defra would alleviate the pressure on the current financial year. There has been indication there would be Defra funding for the following two years, without which it would be necessary to use reserves. It was pointed out that inevitably there would be changes, often there would be a change in staff which may create a saving. Ultimately there would be movement in reserves during the 'forecast' years.

A meeting with representatives of the three county council finance departments confirmed they were happy with the proposed budget for 2023/2024 but advised budgets would be under greater scrutiny going forward.

Mr Doughty questioned how the shortfall from lack of payment of licence fees would be met, to which the Head of Finance advised this had been factored in and Defra funding would help with the shortfall.

Members Resolved to:

- **Approve the Draft Budget for 2023/24**

- **Approve the Levies for 2023/24**
 - **Approve the Forecast for the following 4 years to 2027/28**
- Proposed: Cllr Chenery of Horsbrugh**
Seconded: Cllr Vigo Di Gallidoro
All Agreed

EIFCA22/65` Item 9: Wash Cockle & Mussel Byelaw 2021 formal operating procedure

The object of the paper was to reach agreement on the implementation of Formal Operating Procedures for flexible management which would provide clarity & transparency for stakeholders.

Senior IFCO Regulation presented members with the proposed FOPs advising the process which would be involved for General Operating, Urgent Measures and Eligibility. A further draft FOP was presented which included additional consultation with fishing industry and needed further consideration before being considered for approval.

Mr Doughty questioned whether this would allow for an early opening of a fishery, to which the Senior IFCO Regulation advised this was possible as months shown in the illustrations were only for indicative purposes, he thought that delegated authority (to the CEO) would be needed to do this in lieu of an Authority meeting..

Mr Bagley questioned what reference to a limited number of permits meant in Appendix 1. Senior IFCO Regulation advised the Authority were not looking to change permit numbers year on year based on stock levels. Consideration of any permit level adjustment would be part of a 6 year review.

Members Resolved to:

- **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.**

Proposed: Cllr Chenery of Horsbrugh
Seconded: Cllr Vigo Di Gallidoro
All those who could vote Agreed.

EIFCA22/66 Item 10: Wash Fishery Order 1992 Transition

Senior IFCO Regulation gave a presentation which set out the contents of the paper and made members aware that the development of management mechanisms to replace the WFO were regrettably

delayed as a result of delays in receiving legal advice, providing additional opportunity for dialogue with fishing industry and additional legal scrutiny of proposals all with a view to get the best outcome for the fishery.

In addition, Senior IFCO Regulation reported that correspondence from the representatives appointed by a group of WFO Entitlement Holders was received the evening of 12 Dec 2022 which requested members were made aware of certain information to inform a decision on this item. The correspondence referred to points raised in the paper for this item and within a letter sent by the CEO to an industry member. Senior IFCO Regulation provided this information as follows:

- Our understanding is that the professional representatives are directly instructed by a small group of industry members who themselves represent wider industry. However, it is reported to us that some Entitlement Holders do not feel well represented, do not support all of the views provided by the representatives and are not kept informed of the work undertaken by the representatives.
- Objections to the Wash Cockle and Mussel Byelaw 2021 are likely to increase the time taken during Ministerial consideration and we are advised of such by Defra colleagues. Such has not already extended the time taken for ministerial consideration because the byelaw has not been formally considered by Defra yet;
- The professional representatives raised a concern in March of 2022 that the replacement mechanisms would not come into effect by 3 Jan 2023, and we acknowledged this at that time;
- The representatives believe that the Authority has 'lost control' of the lays as a result of the associated Crown Estate lease having expired and the tenancies transferring to the lay holders. Members were advised that the Crown Estate have advised that the lease is 'carried over' and that Eastern IFCA still manage the lays. As a consequence the Crown Lease is the subject of legal consideration presently. Ultimately, regardless of the outcome of the legal advice, lay holders will have continuity of access to their lays as is our intention;
- Industry object to the Fisheries Management Plan which supports the Several Order application, primarily on the grounds that it does not provide enough surety regarding lay tenure and because it contains 'errors in law' (relating to the Crown Estate Lease). Members were advised that the Authority must ensure that lays are productive and used appropriately given that these areas are severed from the public right of fishing and the FMP was amended as a result of industry feedback from the informal consultation. Ultimately there will be a formal consultation on the Several Order application and the concerns of lay holders will be gathered and considered;
- The Several Order being 'delayed by six months' was not a 'decision' made by Officers but was one made by Defra as a

result of seeking further legal advice and availability of securing parliamentary time for its consideration after a formal consultation. Lay holders have been made aware of our plan to manage lays between the WFO expiring and the new measures coming into effect;

- Industry is of the view that in deciding whether or not to extend the WFO, the resource implications and potential impacts on other priority workstreams is not relevant and they ask that members disregard this information (as presented in the paper). We are of the view that such is an important element of decision making.

Ms Love enquired whether there was certainty the Byelaw would not be in place by 3rd January, she was concerned that having to put additional resources in to managing the Wash Fisheries may remove resource from other projects which were gaining momentum such as the Cromer MCZ Project, this could prove detrimental to the Project.

Mr Doughty questioned whether those who did not currently have a valid licence would be eligible for one under the exemptions proposed. Senior IFCO Regulation advised that all those with a current Entitlement would be eligible. This was queried by Mr Garnett who believed the CEO had previously advised all Entitlements would end when the Order ends and therefore that the wording in the recommendation (which refers to Entitlements) needed to be made clearer.

At this point the Chair suggested adding additional wording to the Recommendations.

Members Resolved to agree to additional wording being added for clarity as follows:

- to add 'under the Wash Fishery Order 1992' after 'lay holders' in the second recommendation; and
- to add 'under the Wash Fishery Order 1992' after 'entitlements' in the first sub-point of the fourth recommendation.

Proposed: Chair

Seconded: Cllr Chenery of Horsbrugh

Motion carried by those able to vote.

Mr Williamson provided members with some comments which had been passed to him and were not his personal views. Whilst the majority of the industry wanted a new Fishery Order they were 90% happy with what had been proposed. There was disappointment that a new mechanism was not ready to replace the WFO 1992 as they had been told it was easier and quicker to reinvent the wheel than to have a new Fishery Order. However, the industry wanted the replacement done right so had questioned whether a 2-year extension could be made to the Order to cover the time until the Byelaw was in place to make sure the remaining work to be done was not rushed and avoid

the risk of Natural England taking the precautionary route and closing down the Wash Fisheries. At this point Ms Love advised she had not been suggesting the fishery would be closed down but that she was concerned resources would be taken from other projects.

Senior IFCO Regulation advised that most of the work to develop the byelaw had been completed and so applying for an extension, which would be time consuming, would only add to workloads rather than provide 'more time' as suggested by Mr Williamson.

Mr Doughty questioned how many times the proposed byelaw had been sent back by Defra; it was advised the third set of changes had just been made but it was anticipated it was now nearing the end of the process.

Referring to the question of the Several Order which had been submitted in April Mr Doughty questioned what action would be taken if the legal advice came back as wrong, would the Authority continue to pursue a Several Order. The question being posed was that if Rights to Fish were provided by Crown Estates why was a Several Order needed. The Senior IFCO Regulation advised that in that circumstance the matter would be referred to the full Authority.

Prior to considering the proposed recommendations Mr Williamson was asked whether, based on the comments he had made, he wished to propose an alternative recommendation. Mr Williamson advised that no he did not wish to put forward an alternative proposal.

Members Resolved to:

- **Note the content of the 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 under the Wash Fishery Order 1992. 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 Wash Fishery Order 1992 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 1992 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**

Proposed: Cllr Chenery of Horsbrugh

Seconded: Cllr Vigo Di Gallidoro

There was 1 abstention all others able to vote were in favour, motion carried.

1121 hours the meeting adjourned for a break.

1147 the meeting reconvened.

EIFCA22/67 Item 11: Authority position on seaweed aquaculture within the Eastern IFCA district

This paper had been prepared to draw members attention to the increasing number of Seaweed Farm applications being made within the Authority's District and to highlight the IFCA's duties with regard to seaweed farm operations.

The intention of the paper was also to suggest a position for the Authority to take regarding seaweed farms, and to consider how much EIFCA should become involved in managing the exploitation of wild stocks.

Members were provided with a brief presentation on the anticipated growth of the seaweed sector, and the need for consideration to be given to the economic, environmental and spatial impact of seaweed farms. It was suggested EIFCA have an agreed position for seaweed aquaculture to support sustainable development but to advise on potential conflict with other marine users.

Mr Doughty queried whether EIFCA would take responsibility for informing industry when MMO advise applications had been made to ensure the industry were fully informed. The Head of Ops advised that IFCOs would be advised so that it could be part of their engagement with industry, it had also been raised with MMO that industry were not always made aware of applications until too late in the day to respond.

Mr Davies expressed concern that it would not be possible for other marine users to co-exist in areas of seaweed farms, he also queried who would be responsible for clearing a site should the venture fail? SMSO Stoutt advised that EIFCA principles were trying to capture this be the need for a sound economic plan with a clean up contingency if business were to cease.

It was suggested this should be discussed as part of a FCMWG meeting.

The Chair proposed the Authority should direct IFCA Officers to make industry members aware of relevant applications in particular areas.

**Seconded: Cllr Vigo Di Gallidoro
Proposal moved.**

Mr Williamson declared an interest in this agenda item, then went on to say that in terms of clear up it might be wise to have a form of bond in place. However, he felt these farms would be successful as the powers that be wanted them to succeed, he felt industry should be prepared for many more applications, the question was how many would EIFCA allow in the District? Mr Williamson felt EIFCA needed a statement ready before the applications started rolling in.

Mr Bowell questioned whether other IFCAs were experiencing similar applications. Devon & Severn and North Eastern both had some development. A lot of work was going into looking at areas for Seaweed Aquaculture.

On the question of whether or not other IFCAs could be contacted to learn from their experiences, Head of Operations advised that EIFCA would talk to other IFCAs. He also explained that the Authority had a duty to consider all applications on their own merit.

Mr Bagley expressed concern it could become a massive industry, he was very concerned it could cause problems for fishing not only from supply issues and boat usage but also the area becoming a 'glorified bird table'.

The chair suggested sea weed farm applications updates should be considered at F&CMWG meetings going forward and it should be more regularly put forward for discussion.

Cllr Chenery questioned how much harvesting and how many species were involved, Ms Love advised that in the EIFCA district there was less stock than in other IFCA areas. SMSO Stoutt advised that studies indicated some species may flourish in EIFCA conditions but it would be a limited variety in this district. Mr Davies advised care would have to be taken not to allow non-native species to be brought in.

Mr Garnett urged caution as seaweed cultivation meant extracting a lot of nutrients which may impact fisheries, if effort was not capped it could wreck the whole marine environment.

Members discussed the matter in detail, including the possibility for funding to assess the potential impacts and the fact that the areas available to fishing were getting much smaller.

Members Resolved to :

- **Note the contents of the report and that the FCMWG place this subject on their agenda on a regular basis.**
- **Agree the recommended position set out in this paper on seaweed aquaculture with the district to inform responses to planning applications.**
- **Agree to direct IFCA Officers to make industry members aware of relevant applications in particular areas.**

Proposed: Chair

Seconded: Cllr Chenery of Horsbrugh

All Agreed who were able to vote.

EIFCA22/68 Item 12: Fisheries Management Plans and Defra funding

Head of Operations advised there was new Defra funding available some of which was linked to Fisheries Management Plans and the additional workload they would create. It was inevitable that the new workload burdens may impact the priorities set out in the 2022-27 Business Plan, but if necessary the funding would allow for short-term posts to be funded to assist with the workload.

Mr Williamson noted the paper referred to workload created by implementing Highly Protected Marine Areas and questioned whether there were any within the EIFCA District. It was noted that none of the pilot areas were within the IFCA District but if these proved to be successful there may be others recommended and the initial list had included a suggestion for the inshore areas of Cromer to be considered as a HPMAs.

The question of who put forward areas was raised, whilst it was thought all recommendations were anonymous it was asked that SMEO Stoutt look into it.

Members Agreed to 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.

EIFCA22/69 Item 13: Crab and Lobster Management Update

Project Officer Gurova gave an update on the development of crab and lobster management.

Voluntary risk management had been developed in collaboration with industry and other stakeholders.

Regulatory management was now required to mitigate risk posed by fishing, a byelaw was being developed which could deliver Adaptive Risk Management and implement further management if research dictated the need.

In relation to the byelaw, informal consultation had begun. Phase 1 was to provide an opportunity for measures to mitigate risk to be put forward by fishing industry. This phase took place by in-person meetings/discussions to gather the views of fishery stakeholders.

Phase 2 would target the full range of stakeholders, with the aim being to refine a byelaw and associated measures.

Mr Davies acknowledged that Phase 1 was progressing well but the whole of the industry were concerned with rising costs and additional permit costs would be an added burden.

He suggested that in the first instance the work should concentrate on the Cromer MCZ area, if that proved successful it could be extended to other parts of the District. He believed there was a need to talk to industry, consult and get all views rather than relying on Chinese Whispers.

Members Agreed to note the content of the report.

EIFCA22/70 Item 14: Authority Meeting Dates 2023-24

Members were provided with the Schedule of Meetings for 2023/24. It was noted that venues would be confirmed when known and that Authority Meeting times had been pushed back to 10.30 to allow those from further afield more time to arrive.

The Chair asked that all members put the dates in their diaries and make every effort to attend.

Mr Davies requested the meeting scheduled for 10th January be revised as he would like to be part of discussion but would not be available that day. Head of Operations agreed to circulate an alternative date.

The Chair noted there was a meeting on 2nd May which was 2 days before elections, however, he did not feel it should prove problematic.

Mr Garnett noted there was a meeting on 14th June but questioned whether there would be discussion prior to that to consider an early opening of the cockle fishery. Head of Operations agreed to enquire whether this could be discussed at the March meeting, dependent on legality and stock assessments.

Ms Love advised that her commitments meant she always had to leave the meeting by 1330 hrs and enquired whether items relevant to NE could be put to the start of the agendas.

It was noted the FCMWG meeting was scheduled for 1030 hrs on 10th October while all others were 1400. The Chair agreed this was an oversight, the meeting would be held at 1400 hours.

Members Resolved to Approve the calendar of meetings.

Proposed: Chair

Seconded: Cllr Vigo Di Gallidoro

All Agreed

EIFCA22/71 Item 15: Review of annual priorities and Risk Register

Members were advised the paper was included as a matter for report and noting.

Mr Williamson questioned whether EIFCA had been in touch with NEIFCA and KEIFCA to discuss any links between the die off of cockle and whelk. It was advised that this had been discussed at TAG. Whilst no whelk die off had been noted in EIFCA district CEFAS would be providing a briefing paper for the next Authority meeting relating to the cockle and mussel in the Wash.

Mr Davies enquired what new information had been received re netting within the MCZ. It was noted this was not new information but an assessment which needed to take place that may provide new information.

Members Agreed to note the content of the report.

EIFCA22/72 Item 16: CEO Update

FISHERIES MANAGEMENT PLANS: Mentioned previously in the meeting, a paper on FMPs would be prepared and circulated to members in due course. In the meantime Officers on the ground were making industry aware and continued to promote meetings. Mr Bowell advised he had attended a Bass FMP meeting and asked what was EIFCA's view and could recruitment be added. The Head of Operations advised FMPs were still quite new and very little information was available, Officers would be attending meetings re Bass, whelk, crab & lobster, but it was pointed out these were National FMPs not something EIFCA had control of.

Mr Bowell advised that he had been part of consultation which suggested restricting fishing methods and having upper and lower size limits, did EIFCA not have this information? SMSO Stoutt advised the

workshops in person and online for Bass had been fully booked but EIFCA had had input through other stakeholder processes.

The Head of Ops advised that currently EIFCA did not have a prepared view as they were still listening to concerns from Industry as the consultation phase took place. A paper updating members would be provided in due course.

WASH BARRAGE: Members may have heard recent proposals for a Wash Barrage. Similar plans had been proposed in the past, at this stage it was unknown whether this one would come to fruition, currently it was a matter of keeping a watching brief to see if an application was to be submitted.

IFCA REVIEW: As previously advised the 4 yearly review of IFCAs was underway, the Secretary of State must lay it before parliament at the end of the 4 year period. As part of the review members would be likely to receive a questionnaire for completion.

EIFCA22/73 Item 17: Head of Operations Update

Marine Protection Updates had been circulated to members on a monthly basis. During the previous quarter two new officers had been recruited. Officers on the ground were continuing to focus on Industry engagement re the ongoing workstreams. Officers also continued to carry out inspections across commercial and recreational fisheries.

Marine Science Team had recruited three new officers since April and in September a long standing GIS Officer resigned.

The paper provided information on workstreams being carried out across the Science Team including data collection and survey work for both cockle and mussel fisheries.

Mussel surveys had been completed and it was anticipated a paper would be provided at the January meeting with the potential for a relaying fishery.

Whelk data suggested there was a continuing increase in both effort and landing which could lead to overfishing.

Mr Garnett advised the mussel bed reported to be a new area on Skate Run was in fact 5-6 years old but had not been surveyed in the past. He also felt the continuing loss of adult cockle and mussel was a concern and questioned whether it was time to consider changing management methods to promote more growth. He felt if mussel beds were cleared it would promote new growth in a couple of years.

Mr Davies felt there was some merit in this as areas left unfished seemed in a poor condition whilst those areas which were well fished produced better quality stock.

The Chair felt these were valid questions which he hoped could be answered by CEFAS.

Members Agreed to note the content of the report.

There being no other business the meeting closed at 1334 hours.