Cromer Shoal Chalk Beds Byelaw 2023; Crab and Lobster Byelaw 2023

Formal Consultation March 2022: Outcome

This document presents the outcome to the formal consultation on the proposed Cromer Shoal Chalk Beds Byelaw 2023. This consultation ran from 30th March 2023 until 31st May 2023.[1]

Authority members agreed to make the byelaw at the 51st Authority meeting on 8th March 2023. The Authority intends to apply to the Secretary of State for the Department for Environment, Food and Rural Affairs for the confirmation of the byelaws.

1. We asked

We asked stakeholders for their views on the wording of the draft byelaw and the associated draft impact assessment.[2]

2. You said and our response

Seven written responses were received, one of which was from a fishing association representing 24 fishers, one from a conservation action group and another from a collective of environmental charities. Feedback from the MCZ Stakeholder Group meeting which took place on Zoom on the 31st of May and Eastern IFCA's drop-in sessions held in Cromer on the 16th and 17th of May was considered alongside the written responses received.

A summary of the key issues which arose in relation to the byelaw is presented in Section 3.1 (below) alongside Eastern IFCA's consideration.

A more detailed breakdown of all of the responses received and our consideration is at Appendix 1. Location-based or numbers-based information, including information that could be related back to individual responses, is not included in these tables.

3. Summary of outcome

The following points summarise the key outcomes as a result of the formal consultation:

- The provision on urgent flexible permit conditions has been removed from the byelaw. The reasons for this are outlined in the section 'permit conditions' below.
- The period for reporting lost tags has been reduced from 21 days to 10 days.
- The requirement for reporting lost tags has been extended to cover pots.
- The requirement for permit numbers to be written alongside vessel Port Letters and Numbers (PLNs) on surface markers has been amended so that the permit holder is

[1] There was an extension to the original deadline of 8th May 2023 due to limited responses being received.

[2] Eastern IFCA Formal Consultation: Cromer Shoal Chalk Beds Byelaw 2023; Crab and Lobster Byelaw 2023.

given discretion over whether to use PLN or permit number or both on their surface markers.

- We are currently considering how best to address (either through changes to the wording of the byelaw, permit conditions, or additional policy) the circumstances where fishers in the Cromer fishery occasionally fish from each other's boats due to mechanical faults, challenging weather conditions or illness (see section on Permits in Section 3.1 below).

Section 3.1 below summarises the key issues recurring in responses relating to the Cromer Shoal Chalk Beds Byelaw 2023. Eastern IFCA's consideration of the issue is included.

3.1 Overview of Key Issues: Cromer Shoal Chalk Beds Byelaw 2023

Permits

There were responses in support of the use of a permit scheme and there appears to be a general understanding among stakeholders about the need for a flexible permitting system to enable Adaptive Risk Management. However, there also continues to be some objection to the requirement to pay for a permit.

Many respondents raised questions regarding the administration of permits including relating to eligibility to hold a permit, limits to permit numbers and permit succession or business continuity. Questions were also raised in relation to practical matters such as the ability to continue to fish in case of a mechanical fault to a vessel or due to poor weather conditions. It was explained that it is common practice in the Cromer fishery (where vessels are generally small, beach-launched boats operated by a single skipper) for fishermen to hop onto each other's vessels in the case of a breakdown. It is also common to hop onto a larger or more powerful vessel in challenging weather conditions. Sometimes in the case of illness, one fisherman may give another express permission to fish their pots or seek assistance to recover them to shore.

Eastern IFCA consideration

We understand the importance of these factors to enable business planning. Issues relating to eligibility and succession will be covered via eligibility policy attached to the byelaw which will be developed through further consultation with stakeholders. The byelaw is intended to provide a mechanism to deliver flexible management of the potting fisheries in the MCZ. This could include a limit on the number of permits to manage effort within the site once it is known what level of effort is appropriate. Presently the potting fishery is not considered to be hindering the conservation objectives within the MCZ in the short-term. The potential for damage in the future will be better understood after further research is undertaken, including the natural disturbance study.

We have sought to minimise the costs of permit fees as far as possible. Eastern IFCA is expending a significant amount of resource on research to support the Adaptive Risk Management process to enable the fishery. However, we are not seeking to recover these costs. The proposed permit fee covers the costs of administering the permit only, taking into

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account the current estimate for the number of commercial vessels operating in the MCZ (33).[3]

We recognise that circumstances may arise where a fisher is unable to put to sea for the reasons described in responses to the consultation. The draft byelaw sought to address such circumstances through a provision which enables the Authority to grant written authorisation for fishing from another vessel (with conditions if required). However, we recognise that seeking written authorisation may be impractical in the circumstances described as often time, the decision to hop onto another's vessel has to be spontaneous, based on a dynamic risk assessment made by the fisherman on site and at the time. This would not only result in the loss of a day's fishing but also in active pots being left to soak in the sea for a more prolonged period which can increase the chances of damaging interactions with rugged chalk features in the MCZ.[4]

The requirement to only fish the pots that are linked to the permit number associated with the vessel that is fishing (unless the Authority has given its written agreement) is intended to prevent the circumvention of pot limitations. Such a limitation is not currently in place in the MCZ, nor is it currently proposed. A rigid enforcement of these provisions, as described above, is likely to lead to the undesirable effect of leaving pots to soak for longer where a fisherman is unable to get to them.

Accordingly, we are considering how best to enable the practices described to continue. One option is to remove the authorisations provision from the byelaw and to bring measures in through permit conditions, developed through further consultation. Another is to keep the provision as it but to develop a policy that will sit alongside the byelaw and explain how the provision will be implemented in the absence of a pot limitation being in place. Officers are currently assessing other available options to identify the best one for the purposes of management of the fishery.

Permit conditions

Concerns were raised about the provision in the draft byelaw enabling the Authority to introduce urgent flexible conditions on short notice and without consultation in the first instance in case of an emergency. Stakeholders queried what theoretical circumstances would trigger the use of this provision. Other questions related to the general procedure for introducing, varying or revoking flexible permit conditions. Some concern was expressed about the potential duplication between the national requirement for i-VMS and the provision in the draft byelaw enabling the Authority to request fishing information including through the use of electronic monitoring devices. It was questioned why the closed season and the inshore vessel restriction proposals consulted on during the informal consultation phase were not included in the draft byelaw. Some stakeholders had provided suggestions

[3] More information is available in the draft impact assessment on our website: https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/03/2023_2_16_CSCB_IA_v1.pdf

[4] It has been agreed under the Code of Best Practice on Potting in Cromer Shoal Chalk Beds MCZ (Lost and Stored Gear) that regular turnover of pots in the rugged chalk (at least every 3-4 days) is needed to minimise the risk of damage to the rugged chalk and fishing gear.

for other management measures for consideration including relating to gear design at the informal consultation stage and wanted to know how their responses had or would be considered. Finally, it was suggested that effort limitation is needed immediately as a matter of urgency.

Eastern IFCA consideration

The provisions on urgent flexible conditions were carried over from similar provisions included in the Wash Cockle and Mussel Byelaw 2021. Following a review of this consultation, we are proposing to remove the urgent flexible conditions from the byelaw. This is based on the following key considerations:

- The normal procedure for introducing, varying and revoking flexible permit conditions would ordinarily take a minimum of 3 months. This is considered to be responsive enough for the purposes of the Cromer potting fishery, taking into account the nature of the fishery and our assessment of its impacts.
- The Cockle and Mussel Byelaw 2021, where this provision was carried over from, deals with very distinct fisheries and different conservation objectives which require a high level of responsiveness, for example to enable the closure of mussel beds when Total Allowable Catch has been exhausted. There are no identifiable comparisons in the Cromer fishery that would necessitate the same degree of rapid action.
- The risk of removing this provision is low. Should a situation of extreme urgency arise such that would necessitate emergency measures to be brought in, the Authority could do this through an emergency byelaw under the Marine and Coastal Access Act 2009.

The general procedure of introducing, varying or revoking flexible permit conditions can be found at Schedule 2 of the draft byelaw. The procedure includes obtaining relevant evidence, consulting stakeholders and undertaking an impact assessment.

There are still uncertainties surrounding the national roll-out of an I-VMS requirement and future technologies may present themselves which would be of benefit to the management of the fishery. Therefore, the ability to require I-VMS or other electronic monitoring devises via permit conditions has been included in the byelaw. However, potential impacts of duplicating regulation would be taken into account when considering the need for any such measures as a permit conditions.

During the informal consultation stage, we sought the preliminary views on a closed season to fishing over the rugged chalk in winter and measures to restrict inshore parts of the MCZ to beach-launched vessels only. Based on the feedback received, it became apparent that further consultation is needed to develop these proposals. Consequently, we will be consulting on these proposals as flexible permit conditions and/or through eligibility policy. The benefit of this approach, in addition to allowing for further stakeholder input into the development of management, is that the measures can be flexibly adapted if circumstances change, or monitoring indicates that a review is needed.

We will be launching a consultation on the first suite of permit conditions in the near future. Any feedback on closed seasons, inshore vessel restrictions or other management suggestions will be considered in detail as part of this consultation and a response

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provided. We are not currently proposing effort limitation as part of the first suite of permit conditions. This is because Eastern IFCA's Potting Assessment (2022) shows, and Natural England advice agrees, that the pressures exerted on the MCZ's rugged chalk features are not likely to have reached a point where they could be hindering the site's conservation objectives at this time or in the short-term. The byelaw enables the Authority to implement effort limitation which may be considered in the future as informed by further research.

In particular, the natural disturbance study[5], which we are seeking to implement this year with fishing industry and the support of Blue Marine Foundation, will see three closures to fishing activity over some of the most rugged parts of the MCZ. In addition to providing information on the significance of potting damage in the wider context of natural disturbance (thus informing the need for effort limitation), this study will directly remove fishing pressures from those three sites.

Byelaw extent

There was general support for the inclusion in the draft byelaw of the 200m inshore zone from the low water mark to the start of the MCZ designation. However, some stakeholders felt that the draft byelaw should cover the whole Eastern IFCA district.

Eastern IFCA consideration

The 200m inshore zone was included to provide clarity and facilitate the administration and enforcement of the permitting system. When implementing management measures under the byelaw, the Authority will maintain discretion over whether such measures should apply within this area. This is because our statutory duties are different in relation to areas within and outside of the MCZ.

In view of the ongoing development of a national Fisheries Management Plan (FMP) for crab and lobster, the Authority opted for a permit byelaw limited to managing the MCZ only so that the outcomes of the crab and lobster FMP could be understood and incorporated into management measures in the near future. Focussing on the management of fishing in the MCZ reflects our priority to ensure that the site is not damaged by the activity.

Gear marking and lost gear

The majority of the feedback around gear marking was concerned with the practical aspects of the system. For instance, it has been suggested that permit numbers are not needed on surface markers as PLNs are sufficient for traceability. It has also been suggested that there should be no limit to the number of tags issued because vessels will require a percentage of spares as pots can sometimes be changed daily when repair is needed. Feedback suggests that there continues to be some objection to the requirement to pay for tags. It has

[5] The 'natural disturbance study' will monitor naturally occurring degradation of chalk so as to better understand the impacts of potting. The study will see the closure of three areas within the most rugged areas of chalk and compare these to similar areas where fishing activity occurs over time.

been suggested that the 21-day period for reporting lost tags is excessive and some concern has been logged in relation to tags adding more plastics to the oceans.

Eastern IFCA consideration

The draft byelaw includes requirements for fishing gear to be marked using pot tags and surface markers that are traceable to the individual fishing. The details relating to the administration of the gear marking system will require further consideration to minimise impacts on industry and ensure that the system is effective. Currently, there is no limitation on the number of pots and therefore on the number of tags issued.

In terms of the information needed on surface markers, it is not considered necessary for such to include both the PLN and permit number. The byelaw has been amended to give permit holders discretion over whether to mark surface markers with their PLN, or permit number, or both, the key being that markers can clearly be identified to individuals.

We are looking to set up an industry-led trial of a variety of tags to identify the most practical and durable option for the fishery, both to minimise the burden of the frequent replacement of tags and to reduce the likelihood of loss and pollution. Non-plastic tags will be included in the trial. As regards replacement tags, we will also explore the option of re-usable tags that can be detached and swapped over should a pot need to be replaced for repair.

As regards costs, the Authority is absorbing the vast majority of the cost to support Adaptive Risk Management and so it is considered appropriate that the costs of tags are incurred by the industry. However, we are exploring funding options to assist with the initial costs (or part thereof) of tags.

The byelaw has also been amended to reduce the reporting period for lost tags from 21 days to 10 days as we acknowledge that 21 days may be too long in relation to the normal turnover period for pots in the fishery. It is also considered appropriate that loss of pots and this will build upon existing voluntary management and so the draft byelaw has been amended accordingly.

Recreational potting

Limited feedback was received on the subject of recreational potting, though there has been general consensus that recreational activity must also be permitted and managed to avoid impacts to the site. Some feedback has been received to the effect that a pot limit is needed for recreational fishing as for commercial fishing.

Eastern IFCA consideration

The initial management requirements for recreational fishing are to hold a permit and to mark gear with pot tags and surface markers in accordance with the provisions of the byelaw. These initial measures will enable the Authority to understand the level of recreational fishing activity within the MCZ. Further management measures (and the need for such) for recreational fishing will be considered in the development of permit conditions. It is understood that any recreational fishing effort needs to reflect the recreational nature of the fishing activity.

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Enforcement

Some concern was expressed about Eastern IFCA officers hauling and setting fishing gear for compliance checks, specifically in relation to catch getting damaged in the process. It has been queried whether pots can be inspected only in the presence of vessel owners. Other stakeholders queried how certain measures can/would be enforced, with some proposing severe penalties such as the loss of a permit for non-compliance.

Eastern IFCA consideration

It is recognised that fishing gear represents a significant business cost to commercial fishermen and that gear loss or damage as a result of compliance checks poses a potential risk. However, the Marine and Coastal Access Act 2009 provides specific powers for inspecting fishing gear at sea in the absence of the vessel / gear owner. It is important that officers can exercise these powers to prevent and detect non-compliance with the management measures which will protect the site. The 2009 Act also includes safeguards that require officers to report when they have hauled any gear. Eastern IFCA has a well-established process for this which includes leaving a report on the surface markers of any gear which has been hauled to alert the gear owner to the fact that the gear was hauled, by who, and how they can contact us in case of any issues.

Recognising the concerns of industry, we intend to engage with fishing industry as part of the tagging trial to exchange best practice and build trust and confidence in our approach.

In terms of enforcement, any non-compliance will be dealt with in accordance with our Enforcement Policy and Regulation and Compliance Strategy. Eastern IFCA takes a proportionate and graduated approach to enforcement in line with government guidance, seeking compliance through education and engagement.

Lost gear

Concern has been expressed about the uptake of the Code of Best Practice (Lost & Stored Gear) and it has been suggested that measures included in the Code need to be strengthened through regulation (i.e. inclusion in the draft byelaw). It has also been suggested that the byelaw should specify a 3 to 4-day turnover requirement for pots. Some feedback concerned penalties for failure to report lost gear, with suggestions that this should result in the removal of a permit.

Eastern IFCA consideration

Reflections on the effectiveness and limitations of the Code have informed the development of the draft Cromer Shoal Chalk Beds Byelaw 2023, in particular the inclusion of requirements for the retrieval of fishing gear at paragraphs 26-29. These provisions have been included to strengthen existing measures under the voluntary Code.

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The byelaw enables the Authority to attach permit conditions in relation to the categories listed.[6] This will give the Authority the ability to introduce further measures including on gear use and others which can further build on and strengthen the Code of Best Practice.

General comments

Some respondents expressed concern about the timeframes involved in bringing regulation in, taking the view that management measures are needed sooner. Some questioned whether there is any scope for bringing in an emergency byelaw. There appeared to be some confusion about the purpose of and interaction between the byelaw and permit conditions and the ARM plan that NE asked Eastern IFCA to produce in their latest advice (January 2023), with some stakeholders seemingly expecting the 'detail' of management to be included in the ARM plan.

Eastern IFCA consideration

It is not possible to implement regulatory management until the regulatory mechanism – the Cromer Shoal Chalk Beds Byelaw 2023 – has been confirmed by Defra. These timescales for this are, to an extent, out of our control. It is also not possible to use an emergency byelaw as the criteria for this are that there is an urgent need (not the case as per our potting assessment) and that the need to make a byelaw could not reasonably have been foreseen (also not applicable in this case).

Eastern IFCA's Potting Assessment (2022) shows, and Natural England advice agrees, that the pressures exerted on the MCZ's rugged chalk features are not likely to have reached a point where they could be hindering the site conservation objectives at the this time.

It is recognised that over time, repeated potting interactions could lead to cumulative impacts, increasing the risk to designated features and requiring further restrictive measures. Cromer Shoal Chalk Beds Byelaw 2023 has been developed to support the implementation of regulatory measures and enable responsiveness in the face of any long-term and unforeseen changes in risk. How risk will be taken into account is elaborated on in Eastern IFCA's ARM Plan which will be published following feedback from Natural England. The ARM plan will set out Eastern IFCA's long-term plan for implementing the ARM approach, including predicted timescales and dependencies for research and management workstreams. The plan itself does not implement management measures. The implementation of management measures will be supported by the framework of the Cromer Shoal Beds Byelaw 2023 through flexible permit conditions attached to that byelaw once signed off by Defra.

[6] The categories are: a) vessel design restrictions; b) catch restrictions; c) fishing gear and fishing gear use restrictions; d) spatial restrictions; e) temporal restrictions; f) electronic monitoring systems requirements

Appendix 1: Detailed overview of responses received to the formal consultation and Eastern IFCA's consideration

Table 1. Stakeholder feedback on the draft Cromer Shoal Chalk Beds Byelaw 2023 and Eastern IFCA's consideration

Cromer Shoal Chalk Beds Byelaw 2023	
You Said	Eastern IFCA Response
Permits	
We agree with the issuing of permits and that only fishers operating with a permit should be permitted to fish within the MCZ. We agree that a flexible permit system will allow conditions and endorsements to be attached to permits which implement restrictions that will mitigate the impacts of potting activity. A permit system will enable the Authority to better understand the fishery and its extent.	The permitting system under the Cromer Shoal Chalk Beds Byelaw 2023 has been designed to enable a flexible and responsive approach to the management of the fisheries, in line with the Adaptive Risk Management approach.
You have identified changes in fisher behaviour as a key risk and we would like to further understand how you propose to mitigate for this both once the byelaw is in place and *prior* to byelaw confirmation as fishers may seek to capitalise on a lack of restrictions ahead of the byelaw being confirmed.	We identified changes in behaviour as a potential risk in the early phases of the development of the byelaw (at the informal consultation stage). Specifically, we identified (through consultation) a potential risk that the introduction of a permitting system in the area might lead to changes in behaviour in terms of fishers from outside of the MCZ coming to fish within the MCZ to obtain a track record. This may occur where limits to numbers of permits are announced for example. At the time, to mitigate for this risk we were clear that should permit limits be brought in, we would not be considering track record after a specified date. We will continue to monitor for changes in behaviour/fishing activity through dialogue with stakeholders and will assess how this changes the risk to the MCZ.
Will permits be transferable with the sale of a vessel?	Under the draft byelaw, there is no automatic ability to transfer permits between persons or vessels. Therefore, if a vessel is sold, the permit would no longer be valid as the permit holder would no longer be

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	the owner of the vessel and the new vessel owner could then apply for a permit. However, transfers and succession of permits for the purposes of business continuity is intended to be considered via eligibility policy. This will set out how the Authority will use its discretion in issuing permits.
We believe that a limit on the number of permits awarded within the fishery should be imposed as part of a suite of management measures that should be used to sustainably manage both the fishery and the MCZ. This should be informed through evidence relating to impacts on the protected features of the site and wider biodiversity as well as stock assessments.	At the stage, the byelaw is intended to provide a mechanism to deliver flexible management as needed. This could include a limit on the number of permits to manage effort within the site once it is known what level of effort is appropriate. Presently, the potting fishery is not considered to be hindering the conservation objectives within the MCZ in the short-term. The potential for damage in the future will be better understood after further research is undertaken, including the natural disturbance study. In addition, the proposed byelaw enables the Authority to introduce a range of measures to manage effort other than permit limitations. These include spatial or seasonal closures or pot limitations. Should effort limitation be identified as necessary, the Authority will consider all options available to identify that which is most suited to the intended effects.
We would like to request further information regarding the permit rights, specifically whether 'grandfather rights' will be afforded to permit holders, or will the permit expire and not be replaced once the permit holder leaves the fishery?	The byelaw enables the Authority to introduce eligibility policy for permits. The specific details in relation to the administration of and eligibility for permits will be determined through further consultation on eligibility policy.
In relation to the general provision on permits in the byelaw which states that permits are "issued in relation to a single vessel only": A person with more than one vessel should be able to use one permit for either vessel.	It is an established principle that permits are associated with a single vessel only. This is in the interests of an equitable and fair system and aligns with the national licencing system which is well understood by fishery stakeholders. We will however undertake a separate consultation on eligibility policy to be able to explore different options regarding administration and eligibility issues with stakeholders.
We are not entirely opposed to a permitting system, however we absolutely object to paying permit fees. Commercial fishermen hold fishing licences	We understand the pressures that the current economic climate and cost-of-living crisis is having on the inshore fleet. With this in mind, we have sought to minimise the costs of permit fees as far as possible. Eastern IFCA is expending a significant amount of

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which are paid for. Permit fees effectively mean we have to pay to go to work twice. If any permit fees must be paid, the permit should be valid for a number of years. Fishermen have fished this part of the coast for centuries; we should not and will not pay.	resources on research to support the Adaptive Risk Management process. However, we are not seeking to recover these costs. The proposed permit fee covers the costs of administering the permit only, taking into account the current estimate for the number of commercial vessels operating in the MCZ (33). More information is available in the draft impact assessment on our website: https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/03/2023_2_16_CSCB_IA_v1.pdf We are also exploring other ways to alleviate costs for industry (e.g. funding options to support the roll-out of tags).
Sometimes, for mechanical faults or tricky weather conditions a fisherman may hop in with another fisherman on their vessel. Would their permit to fish go along with the fisherman to another boat? There are instances of having to go on another boat with another skipper and there may also be instances (although) rare, where a fisherman may use another fisherman's boat without them being present. What would be in place so that a fisherman (with a permit) doesn't necessarily have to lose a day (or longer) at sea?	We recognise that circumstances may arise where a fisher is unable to put to sea for the reasons described. The draft byelaw sought to address such circumstances through a provision which enables the Authority to grant written authorisation for fishing from another vessel (with conditions if required). However, we recognise that seeking written authorisation may be impractical in the circumstances described as often time, the decision to hop onto another's vessel has to be spontaneous, based on a dynamic risk assessment made by the fisherman on site and at the time. This would not only result in the loss of a day's fishing but also in active pots being left to soak in the sea for a more prolonged period which can increase the chances of damaging interactions with rugged chalk features in the MCZ.[7] The requirement to only fish the pots that are linked to the permit number associated with the vessel that is fishing (unless the Authority has given its written agreement) is intended to prevent the circumvention of pot limitations. Such a limitation is not currently in place in the MCZ, nor is it currently proposed. A rigid enforcement of these provisions, as described above, is likely to lead to the undesirable effect of leaving pots to soak for longer where a fisherman is unable to get to them. Accordingly, we are considering how best to enable the practices described to continue. One option is to

[7] It has been agreed under the Code of Best Practice on Potting in Cromer Shoal Chalk Beds MCZ (Lost and Stored Gear) that regular turnover of pots in the rugged chalk (at least every 3-4 days) is needed to minimise the risk of damage to the rugged chalk and fishing gear.

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	remove the authorisations provision from the byelaw and to bring measures in through permit conditions, developed through further consultation. Another is to keep the provision as it is but to develop a policy that will sit alongside the byelaw and explain how the provision will be implemented in the absence of a pot limitation being in place. Officers are currently assessing other available options to identify the best one for the purposes of management of the fishery.
Will there be a consideration in the permitting system for new entrants into the fishery?	Yes. We recognise the importance of enabling new entrants into the fishery and reducing barriers to young people who want to start a career in fishing. Entrants into the fishery will be considered in any eligibility policy. The byelaw also specifies that in setting any eligibility policy for permits under the byelaw, impact assessments must have particular regard to the impacts to potential young entrants or recruits.
Byelaw extent	
We agree with the provision contained within the byelaw to include the inshore area 200m from the low water mark that currently falls outside of the MCZ. While aiding the Authority in its enforcement duties, the fact that currently intertidal chalk and subtidal chalk are detailed as Habitats of Principle Importance (HPI) means they should be considered when putting management measures in place.	When implementing management measures under the byelaw, the Authority will maintain discretion over whether such measures should apply within the inshore area between the low water mark and the start of the MCZ's designation. This is because our statutory duties are different in relation to areas within and outside of the MCZ. However, in each case, in coming to a decision on the applicability of management, the Authority will consider the specific measure proposed in the wider context of all of the available evidence, stakeholder views and environmental, economic and social considerations.
We are concerned that the proposed byelaws have loopholes which could be abused … there is nothing to stop a vessel entering the MCZ to fish and ignore the byelaws, as Eastern IFCA do not have the capability to manage and monitor closely enough…the byelaw should cover the EIFCA district, closing all loopholes and making management and monitoring an easier task for Eastern IFCA.	Due to our broad remit and the size of our district, Eastern IFCA uses a risk-based and intelligence-led approach to enforcement of fisheries regulations. This ensures a targeted approach making the best use of the resources available to us. The Authority considered whether the draft byelaw should cover the whole district or the MCZ only, taking stakeholder feedback and the wider strategic context into account. In view of the latter, and specifically the ongoing development of a national Fisheries Management Plan (FMP) for crab and lobster, it was determined that the byelaw should be limited to the MCZ pending the

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The inclusion of the 200m section of habitat between shore and the inner edge of the MCZ is a positive move; however, the byelaw fails to specifically ban fishing in rugged chalk areas. During the consultation phase, discussions were also had about introducing the byelaw to the Eastern IFCA district, which is possible, feasible and will close the loopholes within the proposed byelaw. With the permitting plans, an un-permitted vessel can enter the MCZ, fish and leave the area. For ease of regulation, management and environmental protection, the entire Eastern IFCA district should follow the same byelaws and standards, with greater protection in sensitive areas (i.e. no fishing in rugged chalk, near wrecks or on wood reef).	outcome of the FMP which may bring in requirements for our district in the near future. Meanwhile the Crab & Lobster Byelaw 2023 and the sustainability measures contained therein will apply to the whole district. It is suggested that while there are potential benefits to having a district-wide byelaw, this would not remove the challenges in relation to enforcement. For instance, using the hypothetical situation described, it would still be possible for an un-permitted vessel to enter the Eastern IFCA district, fish illegally and leave the area. The intelligence led, risk-based approach to enforce is considered effective and robust, however, the national roll-out of I-VMS, when complete, will significantly strengthen compliance monitoring.
Gear marking	
In relation to the provision in the byelaw which requires pots to be marked with a buoy or buoys of sufficient size and shape to be clearly visible and remain fully afloat: Tidal movement and weather conditions on this part of the coast means that not all buoys or pot markers will remain afloat, unless anchor sizes are increased (which is has implications in relation to the site's conservation objectives).	Marking shanks using buoys is required for the traceability of gear and to enable compliance checks to be carried out. While it is understood that on occasion weather events can cause buoys to become un-detectable or detached, in the event that this happens, permit holders must take all reasonable steps to replace them as soon as they are discovered to be missing. It is our understanding that this is a part of normal fishing practice.
In relation to the provision in the byelaw which requires a commercial fishing buoy to be marked with the relevant permit number and port letters and numbers:	Having considered this further, we acknowledge that there is no additional benefit in including permit numbers. We have amended the byelaw accordingly.

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There is not enough space for all of this information to be replaced. If a marker needs to be replaced during the course of fishing activity, the associated permit number may not be readily available to a fisher at the time of replacement. Port letters and number should be sufficient for the purposes of traceability.	
In relation to the provision on pot tags (including validity and replacement): There should be no limit on the number of pot tags issued. Pots can be changed daily when repair is needed and so each vessel will require a percentage of spares. Moreover, the byelaw should read that the Authority 'will' issue replacement tags, not 'may'. Finally, tags should be free of charge. Object to paying for them.	Currently, there is no limitation on the number of pots and therefore on the number of tags issued. We will consider the details of the administration of tags at the Management Task & Finish Group and in consultation with stakeholders. The use of the word 'may' is common in legislation and reflects the discretion of the Authority. It would not be appropriate to use the word will in this context as it would limit the Authority's discretion for example, where a pot limitation is implemented. As regards costs, the Authority is absorbing the majority of cost to support Adaptive Risk Management and enable a fishery. It is considered appropriate that the costs of tags are incurred by the industry. However, we are looking to establish a gear tagging trial to identify those which are the most durable and practical for this fishery. The intention is to minimise the chances of loss and therefore the need for replacement and associated costs as far as possible. Moreover, the Authority is exploring funding opportunities to assist with the initial costs of tags.
Gear marking is a well-recognised tool for improving the overall management of fisheries; it can help to prevent and reduce the problem of abandoned, lost or otherwise discarded fishing gear and potential ghost fishing, improve safety at sea, reduce gear conflict and assist in the identification of illegal fishing	Gear marking has been included in the byelaw to enable effective monitoring and management.

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activities by aiding enforcement efforts. We support the inclusion of provisions within the byelaw for fishers (both commercial and recreational) to adequately mark and identify their gear.	
A period to report lost tags of 21 days is excessive. Gear tagging is also a positive step forward; however, allowing fisherman 21 days before having to notify Eastern IFCA about lost tags is far too long. Once a tag is found to be lost, it should be reported in a far shorter period and the pot removed from use until re-tagged.	Having considered this issue further, a period of 21 days is considered to be excessive, and this has been reduced to 10 days from the time that loss is first noticed. We have also extended this provision to cover the loss of any component of fishing gear to support measures under the voluntary Code of Best Practice (Lost and Stored Gear).
Recreational potting	
We support the inclusion of the requirement for recreational potters to apply for a category 2 permit within the proposed byelaw. However, as should be the case for the commercial sector, there should be a limit on the total number of permits available to recreational fishers. Impacts to the chalk reef feature are not limited to those caused by the commercial potting sector only. In order to limit damage to the chalk reef feature, effort limits for recreational activities should also be imposed, specifically related but not limited to, the	It is acknowledged that any damaging impacts are not limited to the commercial sector and that management needs to extend to recreational potting. This rationale has led to the inclusion of the recreational permit category in the draft byelaw. The initial management requirements for recreational fishing are to hold a permit and to mark gear with pot tags and surface markers in accordance with the provisions of the byelaw. These initial measures will enable the Authority to understand the level of recreational fishing activity within the MCZ and consider the potential for impacts to the MCZ. Further management measures for recreational fishing will be considered in the development of permit conditions.

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number of pots permitted for use. Furthermore, recreational fishers should have a pot limit and one that is small in size to reflect the recreational nature of this fishery. We'd suggest a pot limit of no more than five pots which would align with pot limits imposed by other local IFCAs. The recreational nature of the potting activity should be called into question by anyone using or requesting more than that number.	
Enforcement	
There is real concern among the industry about the hauling and shooting of pots by Eastern IFCA officers. Specifically, the concern is that any catch within the pots will become damaged in the process. Could there be a consideration for pots to be checked at sea only in the presence of vessel/gear owners? For example, IFCOs could shadow fishermen when they are hauling gear by going alongside the vessel.	It is recognised that fishing gear represents a significant business cost to commercial fishermen and that gear loss or damage as a result of compliance checks poses a potential risk. However, the Marine and Coastal Access Act 2009 provides specific powers for inspecting fishing gear at sea in the absence of the vessel / gear owner. It is important that officers can exercise these powers to prevent and detect non-compliance with the management measures which will protect the site. The 2009 Act also includes safeguards that require officers to report when they have hauled any gear. Eastern IFCA has a well-established process for this which includes leaving a report on the surface markers of any gear which has been hauled to alert the gear owner to the fact that the gear was hauled, by who, and how they can contact us in case of any issues. Recognising the concerns of industry, we intend to engage with fishing industry as part of the tagging trial to exchange best practice and build trust and confidence in our approach. In terms of enforcement, any non-compliance will be dealt with in accordance with our Enforcement Policy and Regulation and Compliance Strategy. Eastern IFCA takes a proportionate and graduated approach to enforcement in line with government guidance, seeking compliance through education and engagement.
Consequences for failing to tag gear, maintain tags and following permit conditions should also be re-iterated within the byelaw. Failure to follow	The consequences for a breach of a byelaw (or associated permit conditions) are set out in the Marine and Coastal Access Act 2009 (s.163). Withdrawal of a permit is a potential consequence of an offence under a byelaw in accordance with the Act.

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rules means withdrawal a permit to fish.	In accordance with our Enforcement Policy and Regulation and Compliance Strategy Eastern IFCA takes a proportionate and graduated approach to enforcement in line with government guidance.
Lost Gear	
We support the adoption of the voluntary Code of Conduct for fishers in relation to lost and stored potting gear. However, we believe that many elements laid out within this code should be made mandatory through inclusion in the proposed Cromer MCZ byelaw 2023 or the proposed Crab and Lobster byelaw 2023. To date, we have seen no evidence of the impacts of this Code of Conduct on reducing pressure/feature interactions and believe that its voluntary nature is too precautionary in approach. In the Impact Assessment you state that a 'key concern is [the] potential impact of lost gear; this is [a] priority for management' and that 'voluntary management is often insufficient to control the impacts of damaging activities to sensitive features in the face of stronger economic incentives.' As a key concern to be addressed and while evidence to demonstrate the effectiveness (or otherwise) of this measure is not available and confidence in the uptake of measures variable, a more precautionary approach should be taken.	The Code of Best Practice has been an important milestone in the Adaptive Risk Management process. We have been refining our approach to monitoring the effectiveness of the Code and details will be included in our Adaptive Risk Management Plan which will be published following feedback from Natural England. Reflections on the effectiveness and limitations of the Code have informed the development of the draft Cromer Shoal Chalk Beds Byelaw 2023 and we would like to draw your attention to paragraphs 26-29 on the retrieval of gear when notified. These provisions have been included to strengthen existing measures under the voluntary Code. The byelaw enables the Authority to attach permit conditions in relation to the categories listed.[8] This will give the Authority the ability to introduce further measures including ones which can build on and strengthen the Code of Best Practice.

[8] The categories are: a) vessel design restrictions; b) catch restrictions; c) fishing gear and fishing gear use restrictions; d) spatial restrictions; e) temporal restrictions; f) electronic monitoring systems requirements

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Gear management and loss reporting is poorly established in the proposed byelaw. Fishermen should attend pots every 3 to 4 days to turnover, inspect equipment for damage and check tags are in place. This will mean that lost fishing gear can be reported to Eastern IFCA in 24 hours of discovery of loss. There should also be a regime that fishermen must be able to prove they are keeping records of pot maintenance and location, common practice in other industries.	Thank you for your comments. The draft byelaw seeks to strengthen existing voluntary measures on lost gear management under the Code of Best Practice (Lost and Stored Gear). To that end, paragraphs 26-29 of the byelaw include a requirement to use fishing gear in such a way as to minimise the likelihood of loss as well as a requirement to recover gear when notified by the Authority. Paragraphs 30-34 address the loss of tags and we have extended the provisions on loss to cover the loss of any component of fishing gear. The measures are considered proportionate to the level of risk identified in our assessment of potting within the MCZ. However, the byelaw also enables the Authority to attach permit conditions in relation to the categories listed, which includes restrictions on fishing gear and fishing gear use.[9] This will give the Authority the ability to introduce further measures including on pot turnover if required.
As further evidence for the need of gear management and design change, we submit our Marine Mammal Entanglement report, which has been created in conjunction with marine mammal rescue agencies and RSPCA East Winch. This highlights the need for urgent gear design & management change as well as a recovery protocol.	The report included in the response will require further consideration to inform an approach to address the issue of marine mammal entanglement. However, an initial consideration identifies that the key risk of entanglement comes from nets. Potting gear includes 'rope' elements which could contribute to entanglement and are responsible for 9% of entanglements according to the report. Potting activity appears, on the face of it, to be unlikely to contribute to entanglements to the same extent as other fisheries. The main issue being addressed at this time relates to the interaction with the Chalk features of the MCZ, however, the flexibility of the byelaw will enable further measures to be implemented via permit conditions as may be required. It is therefore considered appropriate that this matter is considered alongside other risks via Eastern IFCA's annual Strategic Assessment and business planning cycle.
Time is critical with lost gear, as fishing vessels may still be able to recover recently lost gear, but the onus needs to be on fishermen and Eastern IFCA. The byelaw should state this: it's their gear, they are responsible.	The draft byelaw seeks to strengthen existing voluntary measures on lost gear management under the Code of Best Practice (Lost and Stored Gear). To that end, the following provisions have been included: Paragraph 26 of the byelaw states that:

[9] See note 1.

If they cannot remove lost gear, then Eastern IFCA need a backup plan for gear recovery… so gear can be removed with the assistance of divers to limit the damage on the habitat and wildlife. If a lost pot is found at sea or ashore with a tag attached, Eastern IFCA should have the right to remove a permit to fish, if the fisherman has not reported the gear as lost.	*Persons fishing under the authority of a permit or endorsement issued under paragraph 10 of this byelaw must use fishing gear in such a way as to minimise the likelihood of it becoming lost.* Paragraph 27 reads: *The Authority may require a permit holder by way of notification, to retrieve, or cause to be retrieved, fishing gear located at sea or ashore.* Paragraph 28 adds: *When notified under paragraph 27 of this byelaw, a permit holder must retrieve, or cause to be retrieved, fishing gear at sea or ashore within the timeframes specified in the notification, or where this is not possible, as soon as is reasonably practicable.* Finally, paragraph 29 states: *If it is not reasonably practicable to retrieve the fishing gear that is the subject of the notification under paragraph 27 of this byelaw, the permit holder must notify the Authority and provide reasons as to why it is not reasonably practicable to do so.* We are currently in dialogue with Ghost Fishing UK about recovery of identified lost gear. The organisation consists of volunteer scuba divers, with extensive training in advanced diving practices, specifically in relation to minimising the impact on the environment. As such, they have been suggested by Natural England as an appropriate organisation to liaise with on the subject of recovery. Any non-compliance will be dealt with in accordance with our Enforcement Policy and Regulation and Compliance Strategy. Eastern IFCA takes a proportionate and graduated approach to enforcement in line with government guidance.
Waste or damaged gear has not been mentioned in the byelaw, neither has storing of gear at sea. The byelaw does not provide enough detail on gear management and loss reporting, allowing for loopholes.	The byelaw enables the Authority to attach permit conditions in relation to the categories listed, which include restrictions on fishing gear and fishing gear use.[10] This will give the Authority the ability to introduce further measures as and when required through consultation with stakeholders.

[10] See note 1.

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There was previously discussion about a voluntary agreement on gear recovery – where does this stand now? What should divers do if they come across lost gear?	Eastern IFCA explored together with stakeholders the possibility of producing a voluntary agreement to give structure to informal arrangements on recovery of lost gear between fishers, beach cleaners and divers. Eastern IFCA commends the efforts by all parties to recover lost gear and is committed to facilitating dialogue between these groups. This resulted in some joint retrievals of lost gear from the beach last year. Recovery from the sea is much more complex with increased risks for human safety and the environment. For this reason and on the advice of Natural England, we are liaising with Ghost Fishing UK to seek their expertise and assistance with the recovery of lost gear in the MCZ. If divers come across any lost gear while recreationally diving, they are encouraged to report it to Eastern IFCA with as much detail as soon as possible. This will allow us to log and keep track of the extent of gear loss in the MCZ.
How are provisions on lost gear and lost gear reporting going to be enforced?	Any non-compliance with the byelaw and any of its provisions will be dealt will be in accordance with our Enforcement Policy and Regulation and Compliance Strategy. Eastern IFCA takes a proportionate and graduated approach to enforcement in line with government guidance, seeking compliance through education and engagement.
Permit conditions	
Object to the provision in the byelaw which enables the Authority to impose flexible permit conditions within one or more of the categories listed.[11]	The Cromer Shoal Chalk Beds Byelaw 2023 is a flexible permitting byelaw which enables conditions to be attached to permits and varied and revoked in accordance with best available evidence. This approach is required to enable the continued delivery of Adaptive Risk Management. The introduction, variation or revocation of permit conditions requires consultation with potentially impacted stakeholders and consideration of impacts. This will ensure that any such conditions are proportionate and effective.
In relation to the provision in the byelaw which enables the Authority to issue, vary and revoke flexible permit conditions, and	The ability to issue, vary and revoke permit conditions is integral to the Adaptive Risk Management approach. In addition to enabling the Authority to introduce measures as identified through research, the intention is to have a mechanism which allows the Authority to revoke measures which are not effective, thereby reducing unnecessary burdens on industry.

[11] See note 1.

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In relation to the provision in the byelaw which enables the Authority to issue, vary and revoke a flexible permit condition for urgent reasons with a minimum of 12 hours' notice: *Object. If the Authority feels the need to revoke a flexible condition they must meet with industry in the first instance, to explain their reasoning, giving no less than seven days' notice.*	Importantly, the ability to issue, vary and revoke permit conditions is underpinned by a robust procedure which includes: - The acquisition of relevant available evidence for the need to introduce, change or remove a measure, - Consultation with stakeholders (our standard consultations have a duration of 4 weeks), and - Undertaking and Impact Assessment In the case of 'urgent flexible conditions' (which can be introduced initially without consultation), the byelaw includes safeguards which require review and the full procedure outlined above to be followed if the measures are intended to last for more than three months. However, as a result of further consideration, we are proposing to remove the urgent flexible conditions from the byelaw. This is based on the following key considerations: • The normal procedure for introducing, varying and revoking flexible permit conditions would ordinarily take roughly 3 months. This is considered to be responsive enough for the purposes of the Cromer potting fishery, taking into account the nature of the fishery and our assessment of its impacts. • The Cockle and Mussel Byelaw 2021, where this provision was carried over from, deals with very distinct fisheries and different conservation objectives which require a high level of responsiveness, for example to enable the closure of mussel beds when Total Allowable Catch has been exhausted. There are no identifiable comparisons in the Cromer fishery that would necessitate the same degree of rapid action. • The risk of removing this provision is low. Should a situation of extreme urgency arise such that would necessitate emergency measures to be brought in, the Authority could potentially do this through an emergency byelaw under the Marine and Coastal Access Act 2009.

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We believe that effort limitation should be brought in as part of a Cromer MCZ protected area byelaw that specifically limits the number of permits available and has requirements relating to gear type/specification (based on evidenced reductions in damage caused by that gear type) and a limit on the number of pots used in the area (informed by further research on feature carrying capacity). While a flexible permit system may be appropriate for introducing other management measures, effort limitation should require a full and transparent consultation process for any conditions to be revoked or introduced. […] We understand that it is the intention of the Authority to more closely investigate options around effort limitation for the potting fishery and potentially apply effort limiting measures through the flexible permit conditions attached to the byelaw. We agree with this approach and maintain that only a true reduction in fishing effort (via pot limitation and/or other effort reduction measure) will reduce contact with and therefore damage to the chalk reef feature.	Should effort limitation be identified as a necessary management measure, the draft byelaw presents a number of available options to achieve this including the ability to limit permits or endorsement for fishing in a particular part of the MCZ (such as on the rugged chalk or out to a certain distance) through the introduction of eligibility policy. Other options are spatial or seasonal closures or pot limitations which can be achieved through permit conditions. In the case that limiting effort is needed, the Authority will consider all options available to identify that which is most suited to the identified intended effects. We would stress that this would be subject to stakeholder consultation in line with the procedure outline in Schedule 2 to the byelaw. The Cromer Shoal Chalk Beds Byelaw 2023 provides a robust framework for bringing in and adapting a range of management measures in consultation with stakeholders as identified through ARM.
Closed seasons aren't specifically mentioned in the byelaw, this need to be made clearer that EIFCA have discretion to open / close the fisheries as they deem fit (i.e.	Paragraph 19 of the byelaw enables the Authority to introduce conditions within one or more of the categories listed, including spatial restrictions and temporal restrictions. This provision gives the Authority the ability to bring in closed seasons. The introduction of permit conditions is subject to the procedure in Schedule 2 of the byelaw, including consultation with stakeholders.

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depending on weather / swell forecast).	
The byelaw fails to properly deal with the issue of gear design, which currently is not fit for purpose. As per our response to a previous consultation phase, gear design should be uniform across the district and standards set by Eastern IFCA. The inclusion of gear design within the byelaw will ensure no excuse for homemade or unfit for use equipment. We believe that the below should be included: • Minimal rope within gear set up. Floating off seabed. • Minimal weight. • Minimal impact. • Less numerous gear. Rules should be set to how many pots per m2. • Less extensive gear. • Replacing plastic coating with biodegradable coating or no coating at all. • Escape ports present should match species, in species specific gear. • Lost strings should separate within 1 month. • Lost pots should degrade to safe within 1 month. • No mobile gear, no bottom netting, no trawling within MCZ. • All gear should be tagged and identified, as well as managed by area, number, season, species and impact. • Animal welfare features present.	Paragraph 19 of the byelaw enables the Authority to introduce permit conditions relating to fishing gear and fishing gear use. This includes gear design, modifications and use conditions. The current consultation is about the overarching mechanism for introducing management – the draft Cromer Shoal Chalk Beds Byelaw 2023 – only. We will be launching a consultation on the first suite of permit conditions under the byelaw in due course. We will consider responses on specific management measures, including this one, as part of that consultation.

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We recognise that seasonal closures are not a management mechanism being proposed as part of the byelaw at the current time. However, given that a proposal around seasonal closures was informally consulted on in phase 1 and 2 of this consultation exercise we feel it appropriate to comment on this suggestion ahead of further discussion on the subject. We acknowledge that seasonal closures may be beneficial in terms of helping to manage crab and lobster stock levels. In fisheries management terms, seasonal closures are a relatively straight forward strategy which can be implemented to protect breeding stock and so improve spawning potential, or protect juvenile individuals from depletion during times of recruitment. We understand their simplicity potentially makes them more readily accepted by fishers. However, in the context of this byelaw and its ultimate purpose, such closures are unlikely to result in protection of the chalk reef feature because: a) The proposed closed season (January/February) is anecdotally understood to be a time when potting effort is at its lowest due primarily to the nature of the weather conditions at this time. Therefore, a closure at this time is highly unlikely to reduce fishing effort and consequently any impacts to the chalk reef feature.	We will be launching a consultation on the first suite of permit conditions under the byelaw in due course. We will consider responses on specific management measures, including this one, as part of that consultation. However, some initial considerations are outlined below. The intention of the proposed closed period is to reduce the likelihood of damaging fishing gear/seabed interactions during the period where storms and rough sea conditions are most likely. It is acknowledged that these periods may change with time and/or that there may be a need to take other factors into account in the future (e.g. sustainability). For this reason, it is intended that this measure will be implemented as a flexible permit condition. This will enable us to adapt as required and provide additional time to consider the current proposal (of January and February). It is acknowledged that this potential measure alone may not be sufficient management of fishing activity in the site. Closed seasons will be considered alongside other measures as identified through the ARM process including, if necessary, other forms of effort limitation. Any flexible permit conditions will be monitored for effectiveness and adapted in line with ARM. It is not possible to assess the effectiveness of the measure until such time as it is implemented, though the concerns raised here are acknowledged. Anecdotally we understand that some fishers continue to fish during these months where there is a fair weather window. Thus, a closed season would impact on those fishers and would have the effect of reducing potentially more damaging gear/feature interactions by removing gear during periods of rougher and more unpredictable weather (when potting gear is more likely to cause damage). Any management measure can have knock-on effects and potential risks like the ones described, including displacement into other areas, other fisheries, or an increase in effort during open seasons. Ongoing monitoring of measures introduced will allow us to understand what if any such impacts are occurring and to adapt management if necessary.

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b) It's not possible to accurately predict how fishers will respond to the regulation. Any closures could have the knock on effect of encouraging more intensive fishing activity (via more days at sea, operating more gear or more boats, etc) outside of this closed season, potentially having the effect of increasing fishing activity. c) Temporal management strategies may have spatial consequences. A seasonal closure does not necessarily reduce the amount of potting activity overall in the area but may simply displace this activity to another area and at another time of year which does not address the issue ie damage to the chalk reef feature. Displacing fishing to other areas regardless of whether this activity takes place on the chalk reef feature or not may have unintended consequences ie higher fishing pressure in other areas may result in increased effort on the chalk reef feature in subsequent years through overfishing of these non-chalk areas. d) Monitoring of the closed season would be necessary to understand its impacts and would be highly resource intensive. Any seasonal closures would need to be applied alongside other effort management measures to ensure the above does not occur and that the desired effect of reducing impacts to the chalk reef feature is achieved.	

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Fishing information	
In relation to the provision of the byelaw which enables the Authority to request fishing information in relation to the categories listed:[12] This is too much information, much of which is already available from I-VMS to Eastern IFCA via the MMO.	The Authority will always seek to avoid duplication and its associated impacts on stakeholders. In light of ongoing delays to the roll-out of I-VMS, it may be necessary to bring in monitoring measures under the byelaw to continue to support ARM.
General comments	
We fully support the research efforts that are currently underway in regards to understanding impacts to the chalk reef feature and the scale and nature of the fishery itself. This includes the measures contained within the proposed byelaw that will enable to Authority to better understand the fishery, manage fishing activity, and deliver more robust enforcement. This information will be key to implementing fully evidenced methods for limiting impacts to the chalk reef and other protected features of the site. *Our key concern is the timescales for tangible measures coming into effect. In their advice letter of August 2020, Natural England stated that 'management of active potting on the subtidal chalk feature is required within the MCZ'. They reiterate this advice in their letter of January 2023 stating that 'in the short term there should be a concerted effort to prevent or reduce pressures that we know are occurring now' and that 'we*	Implementing ARM in the MCZ is one of our top organisational priorities. The Authority and its officers are expending significant time and resource to developing appropriate and informed management in consultation with our stakeholders to meet the site's conservation objectives. The ARM approach requires the adoption of management that is proportionate to the risks posed by the fishery and adequately precautionary in the face of uncertainty (JNCC (2019), *Developing a participatory approach to the management of fishing activity in UK offshore Marine Protected Areas Review of the current context of Adaptive Risk Management*). Eastern IFCA's Potting Assessment (2022) shows, and Natural England advice agrees, that the pressures exerted on the MCZ's rugged chalk features are not likely to have reached a point where they could be hindering the site conservation objectives at this time. Thus, the risk is currently considered to be 'low'. It is recognised that over time, repeated potting interactions could lead to cumulative impacts, increasing the risk to designated features and requiring further restrictive measures. Cromer Shoal Chalk Beds Byelaw 2023 has been developed to support the implementation of regulatory measures and enable responsiveness in the face of any long-term and unforeseen changes in risk. How risk will be taken into account is elaborated on in Eastern IFCA's Adaptive Risk Management Plan which will be published following feedback from Natural England.

[12] The categories are: a) spatial information; b) information on fishing operations including the shooting, setting, towing and hauling of fishing gear; c) information on fishing effort; d) catch data; e) gear information; f) date and time information g) vessel information.

advise that measures to reduce or remove pressures exerted on peat and clay and rugged chalk features should be implemented by Eastern IFCA whilst details of the full ARM plan are being finalised.' Immediate management action is required to prevent feature deterioration. *The evidence gathered to date makes clear that potting damage to the chalk reef feature is sustained in numerous different ways by active, lost and stored gear. However, given the amount of time that has elapsed since this evidence was presented to the Authority (4.5 years), we believe that immediate, proportionate management action is required to reduce/remove this pressure.*	It is not possible to implement regulatory management until the regulatory mechanism – the Cromer Shoal Chalk Beds Byelaw 2023 – has been confirmed by Defra. These timescales are out of our control. It is noteworthy that the natural disturbance study, which we are seeking to implement this year with fishing industry and the support of Blue Marine Foundation, will see three closures to fishing activity over some of the most rugged parts of the MCZ. In addition to providing information on the significance of potting damage in the wider context of natural disturbance, this study will directly remove fishing pressures from those three sites.
We understand that the Natural England advice states that 'pressures exerted on MCZ features are not likely to have reached a point where they could be hindering the conservation objectives at the current time'. However, we believe that active management to prevent and limit damage within this site is urgently needed when the rarity, fragility and irrecoverable nature of the chalk reef habitat is considered and given the cumulative impacts this activity will have.	
You state that 'due to limitations in the current evidence base, we are not presently proposing effort limitations measures'. The absence of evidence is not an adequate reason for delaying the limiting of potting effort at the current time. Evidence of damage to features caused	As noted above, Eastern IFCA's Potting Assessment (2022) shows, and Natural England advice agrees, that the pressures exerted on the MCZ's rugged chalk features are not likely to have reached a point where they could be hindering the site conservation objectives at this time. Thus, the risk is currently considered to be 'low'. ARM requires the adoption of management that is proportionate to the risks posed by the fishery.

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directly by potting activity has been presented and clear instruction by Natural England has been given since 2020 that states fishing effort must be reduced/removed from the chalk reef feature. The current mechanism being put forward will take considerable time to come into effect and therefore any actual reduction in pressure to the chalk reef is likely to be delayed by a further 2 years at minimum. Assuming current potting levels are maintained and without any other management mechanisms in place to reduce potting effort, the chalk reef feature condition can only decline further given its inability to recover.	Cromer Shoal Chalk Beds Byelaw 2023 has been developed to support the implementation of regulatory measures and enable responsiveness in the face of any long-term and unforeseen changes in risk. How risk will be taken into account is elaborated on in Eastern IFCA's Adaptive Risk Management Plan which will be published following feedback from Natural England. It is not possible to implement regulatory management, including effort limitation, should this be required, until the regulatory mechanism – the Cromer Shoal Chalk Beds Byelaw 2023 – has been confirmed by Defra. These timescales are outside of our control. It is noteworthy that the natural disturbance study, which we are seeking to implement this year with fishing industry and the support of Blue Marine Foundation, will see three closures to fishing activity over some of the most rugged parts of the MCZ. In addition to providing information on the significance of potting damage in the wider context of natural disturbance, this study will directly remove fishing pressures from those three sites.
While we understand that much work has and is being undertaken by the Authority to better understand the fishery and its impacts, no management measures have been implemented that tangibly reduce activity/pressure on the chalk reef feature to date. The only potential exception to this is any difference the voluntary Code of Conduct for lost gear may have made but as that is not being actively monitored it's not possible to state whether this approach has/will reduce the impacts or not. Furthermore, this measure does not address the damage that will be sustained through active potting activity. Given that potting activity is evidently damaging but the degree of risk or damage is uncertain, the	While the Code of Best Practice primarily focuses on addressing the risks posed by lost and stored gear (identified in Natural England's 2020 advice as posing the highest risk to the site's conservation objectives), it also includes some related best practice measures on active fishing – such as the turnover requirement for gear on the rugged chalk. We have been refining our approach to monitoring the effectiveness of the Code and details will be included in our Adaptive Risk Management Plan which will be published following feedback from Natural England. We are reliant on voluntary management until the draft byelaw is confirmed by Defra. These timescales are out of our control.

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precautionary principle must be applied.	
The Chalk Beds Byelaw is welcomed and overdue. The 'Skeleton or framework' approach is understood and the success or otherwise depends on a parallel work stream to ensure that when the bylaw is signed there is an appropriate suite of regulations that protects the MCZ in line with the Eastern IFCA statutory objectives (which is not currently the case). This needs to be comprehensive and take into account all stakeholders.	The framework nature of the draft byelaw is intended to support a flexible approach to managing the fisheries, in line with Adaptive Risk Management. We will be launching a consultation on the first suite of permit conditions in due course.
The proposed actions are preceding precipitately without yet sufficient verified data of the extent of the annual weather attrition to the reef. So, at present all the proposals are "best guesswork". I submit, that due to the extra costs that will be imposed on the fishermen, the bylaws need to be based on more accurate information. Otherwise, this is a "knee-jerk" tick box exercise which will feel good to have completed, but will possibly achieve little. In principle, protecting the reef is a positive endeavour but legal by-laws need to be based on verifiable data.	Eastern IFCA has statutory duties under the Marine and Coastal Access Act 2009 to ensure that the conservation objectives in the MCZ are furthered. This is an overriding duty that requires us to mitigate any risks to the site even when their extent is not fully understood. It is now well documented that potting impacts on rugged chalk in the MCZ. Under the relevant legislation, we are therefore required to mitigate these impacts to ensure that the protected features and habitats continue to maintain favourable status. It is acknowledged that the North Norfolk coastline faces directly into oncoming northerly gales and is an area that endures regular seasonal storms causing natural disturbance within the site. Impacts from human activity are considered to be cumulative, adding to existing natural pressures. Moreover, it is not yet known how and whether the impacts of potting are significant in the context of this wider natural disturbance. Answering this question is critical to understanding what management is required in the site. For this reason, Eastern IFCA has been working with Blue Marine Foundation and the local fishing industry to develop a study into natural disturbance which when implemented later this year will include areas voluntary closed to fishing activity that will allow us to compare

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	natural disturbance and potting impacts. The outputs of this study will inform the level of management intervention that may be required.
Without adequate environmental protection, the habitat will be destroyed, and fisheries will fail. No fishing should be permitted in the rugged chalk reef.	As noted above, Eastern IFCA's Potting Assessment (2022) shows, and Natural England advice agrees, that the pressures exerted on the MCZ's rugged chalk features are not likely to have reached a point where they could be hindering the site conservation objectives at this time. Thus, the risk is currently considered 'low'. ARM requires the adoption of management that is proportionate to the risks posed by the fishery. The Cromer Shoal Chalk Beds Byelaw 2023 has been developed to support the implementation of regulatory measures and enable responsiveness in the face of any long-term and unforeseen changes in risk. How risk will be taken into account is elaborated on in Eastern IFCA's Adaptive Risk Management Plan which will be published following feedback from Natural England.
We also note that the no Adaptive Risk Management document has been released, which would add detail to the byelaws. This is not allowing us the opportunity to fully understand the interaction between ARM & proposed byelaws, before the 8th of May deadline for responses to the proposed byelaws. Although the introduction of a byelaw is needed, we have waited 7 years for proper conservation efforts to be made in the Cromer MCZ, we need to ensure that the byelaw protects the MCZ in the future and reverses the damage done as far as possible.	As requested in Natural England's 2023 advice, we have developed a long-term plan for how we intend to continue to deliver ARM in the MCZ to further the site's conservation objectives. This plan will be published following feedback from Natural England. The 'detail' referred to will be introduced through permit conditions under the Cromer Shoal Chalk Beds Byelaw 2023 and not the Adaptive Risk Management Plan. We will soon be launching a consultation on the first suite of permit conditions. This will give all stakeholder the opportunity to contribute to the development of management.
Because the damage to features is permanent, does that not warrant emergency measures?	It is also not possible to use an emergency byelaw as the criteria for this are that there is an urgent need (not the case as per our potting assessment) and that the need to make a byelaw could not reasonably have been foreseen (also not applicable in this case).

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	Eastern IFCA's Potting Assessment (2022) shows, and Natural England advice agrees, that the pressures exerted on the MCZ's rugged chalk features are not likely to have reached a point where they could be hindering the site conservation objectives at the this time. However, it is recognised that over time, repeated potting interactions could lead to cumulative impacts, increasing the risk to designated features and requiring further restrictive measures. How we will respond to changes in risk is further elaborated on in our ARM plan which will be published once we have completed a review of Natural England's feedback on the plan.
What is the comparative impact of permits on commercial versus recreational fishers?	The current extent of recreational fishing in the MCZ is not known and so it has not been possible to estimate impacts on recreational fishers like we have done for commercial fishing. Through the roll-out of the byelaw which requires a permit for recreational fishing as well as commercial fishing, we will get a better understanding of the level of recreational fishing in the MCZ as well what management is appropriate.
When can we expect IFCA feedback from responses to the informal consultation?	We have published detailed outcome reports on the 2 phases of the informal consultation. These are available on our website through the following links: Phase 1 Outcome Report Phase 2 Outcome Report During the informal consultation we received some technical submissions relating to permit conditions, including on gear design and use, and the proposals for a winter closure to fishing on the rugged chalk and an inshore vessel restriction out to 3 nautical miles. These submissions will be reviewed when we launch the consultation on the first suite of permit conditions under the byelaw (later this year).

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