



53rd EIFCA Statutory Meeting

To Be Held at:

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

**Wednesday
13th September 2023**

1030 hours

Vision

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



Meeting: **53rd Eastern IFCA Meeting**

Date: 13 September 2023

Time: 1030hrs

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

Agenda

- 1 Welcome - *Chair*
- 2 To accept apologies for absence – *Chair*
- 3 Declaration of Members' interests – *Chair / Senior IFCO (Regulation)*

Action items

- 4 To receive and approve as a true record, minutes of the 52nd Eastern IFCA Meeting, held on 14th June 2023 – *Chair* pg4
- 5 Matters arising (including actions from previous meetings) – *Clerk*
- 6 To receive a report to consider Health and Safety risks and mitigation – *Hd Operations* pg20
- 7 To receive a report on the meeting of the Finance and HR sub-committee held on 1st August 2023 – *CEO* pg25
- 8 To receive a report on the meeting of the Wash Fisheries sub-committee held on the 11 April 2023 – *Hd Operations* pg31
- 9 Annual report 2022/23 – *CEO* pg39
- 10 Quarterly review of annual priorities and Risk Register – *CEO* pg40
- 11 Wash Cockle Fishery 2023 – *Senior IFCO (Regulation) / Senior MSO (Research)* pg57
- 12 Horseshoe Point cockle fishery - *Senior IFCO (Regulation)* pg60
- 13 Cromer Shoal Byelaw 2023 Update – *Project Officer* pg65
- 14 Crab and Lobster Byelaw 2023 Update – *Project Officer* pg85

Information items

- 15 CEO update (verbal) – *CEO*
- 16 Head of Operations update pg91
 - a. Marine Protection (verbal)
 - b. Marine Science Quarterly report

Any other business

- 17 To consider any other items, which the Chairman is of the opinion are Matters of Urgency due to special circumstances, which must be specified in advance.

J. Gregory
Chief Executive Officer
29 August 2023

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 June 2023 at 1030 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
Cllr E Back		Suffolk County Council
Mr S Bagley		MMO Appointee
Cllr Chenery of Horsbrugh		Norfolk County Council
Cllr P Coupland		Lincolnshire County Council
Mr L Doughty		MMO Appointee
Mr P Garnett		MMO Appointee
Mr T Goldson		MMO Appointee
Ms J Love		Natural England Representative
Cllr P Skinner		Lincolnshire County Council
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
Steve Bunn	IFCO
Ben Ford	IFCO

Minute Taker:

Jodi Hammond

EIFCA23/01 Item1:Welcome

The chair welcomed members to the meeting. Members were advised during agenda items 9 and 11 pre-agreed members of the industry would be permitted to speak briefly.

EIFCA23/02 Item 2: Apologies for Absence

Apologies for absence were received from Cllrs Adams (NCC) and Vigo Di Gallidoro (SCC), Mr Rowley (MMO Representative), Mr Hirst (EA Representative) and Messrs Bowell, Copeland, Mogford and Shaul (MMO Appointees).

EIFCA23/03 Item 3: Declaration of Members Interests

Members were advised of the following dispensations:

- Agenda Item 10: Messrs Bagley, Doughty, Garnett and Williamson had a dispensation to discuss the item but not to vote.
- Agenda Item 11: Messrs Bagley, Doughty and Williamson had a dispensation to discuss the item but not to vote.
- Agenda Item 12: Messrs Davies, Garnett, Shaul and Williamson had a dispensation to discuss but not to vote.
- Agenda Item 13: Messrs Davies, Garnett, Shaul and Williamson had a dispensation to discuss but not to vote.
- Agenda Item 14: Messrs Davies, Garnett, Shaul and Williamson had a dispensation to discuss but not to vote.

At this point Mr Garnett advised that he believed he should be included in the members listed for item 11 relating to the Wash Several Order application update, Senior IFCO Godwin advised that as Mr Garnett did not have a lay, he had not been considered as having a DPI for this agenda item. Mr Garnett advised that his father had a lay, at this point it was acknowledged that Mr Garnett potentially had an interest and would need to apply for a dispensation. It was decided to ask members to vote on whether a dispensation would be given to Mr Garnett and Senior IFCO Godwin advised members that the rationale for such was that Mr Garnett would provide a benefit to informed decisions through contribution of his experience and knowledge in accordance with the Constitution and Standing Orders.

Members Resolved to grant dispensation to Mr Garnett to discuss matters relating to use of lays within the Wash for which he had a Disclosable Pecuniary Interest.

Proposed: Cllr Skinner

Seconded: Mr Davies

All Agreed.

EIFCA23/04 Item 4: Minutes

Members Resolved the minutes were a true record of proceedings.

Proposed: Cllr Chenery of Horsbrugh

Seconded: Mr Garnett

All Agreed

EIFCA23/05 Item 5: Matters Arising

EIFCA22/66 Item 10: Wash Fishery Order 1992 Transition: The CEO advised members there had been no notable issues from the consultation. Byelaw 8 had been used to put a temporary closure in place with exemptions being given to 'entitlement' and lay holders under the Wash Fishery Order 1992.

EIFCA22/67 Item 11: Seaweed Aquaculture within EIFCA District: members were reminded this topic had been discussed at the previous meeting and in view of the importance to keep apprised of applications it was intended this would be a standing item on the FCMWG meeting.

Members were made aware that a seaweed farm which had previously been considered had been resurrected, EIFCA had put in a formal objection based on issues identified.

EIFCA22/68: Item 12: Fisheries Management Plans and Defra Funding: The CEO advised there were three workstreams for which funding was being provided. Monies for one had been received and it was anticipated the rest would be received before the next financial year. Mr Goldson questioned New Burden funding, the CEO advised that EIFCA had made the case that new burdens still existed for IFCA's and therefore the additional funding still remained a necessity, Defra had made additional funding available to cover three workstreams, this was in addition to New Burden funding for the current year.

EIFCA22/70: Item 14: Authority Meeting Dates 2023-24: The CEO advised that should a decision on an early opening for the cockle fishery be required prior to a full Authority meeting, the delegated powers provided for the use of Byelaw 8 would enable the CEO, Chair and Vice Chair to make a decision if necessary.

EIFCA23/06 Item 6: Health & Safety Risks and Mitigation

The Head of Marine Protection advised there had been one incident involving a trip and fall which had resulted in minor injury. There had been a number of staff who had contracted Covid, as a precaution they had been asked to work from home to avoid any further spread.

Enforcement Officers had taken part in Conflict Resolution Training, and all staff had completed online training in Manual Handling. Members were advised there were no significant changes to Appendix 2, with work continuing in the risks associated with working at heights.

Mr Goldson questioned whether the use of body worn cameras had been successful. It was noted that they have a 30 second capture rate when on standby or can be turned on at all times and their presence

provides an element of safety for Officers as well as capturing information during investigation into enforcement issues.

Members Agreed to Note the contents of the report.

EIFCA23/07 Item 7: Finance & HR Sub-Committee held on 7th February 2023

The Head of Finance gave members a synopsis of the discussions that had taken place. It was noted that expenditure was showing signs of the cost-of-living increase, particularly in relation to fuel costs. Salaries remained slightly lower than budgeted due to staffing levels being below full compliment. A payment had been made to resolve a tribunal issue, on the advice of NpLaw.

Members Agreed to Note the contents of the report.

EIFCA23/08 Item 8: Strategic Assessment and Business Plan 2023-28

Members were reminded the Strategic Assessment was produced annually to provide an update and guidance on where the Authority's workload and priorities needed to be focussed. The Business Plan provided a rolling five-year strategic framework which EIFCA operated within and described the vision and priorities.

Project Officer Teasdale gave a presentation on the process undergone to assess risks and the key outputs of the Strategic Assessment as well as the high priority workstreams. Both reports followed the same format as previous years.

Members Resolved to Note the content of the Strategic Assessment, including the priorities for 2023-24. Members Approved the draft Business Plan, including the priorities and plans for 2023-28.

Proposed: Mr Goldson

Seconded: Cllr Skinner

All Agreed

EIFCA23/09 Item 9: Wash Cockle & Mussel mortality Study

SMSO Jessop reminded members that since 2008 cockle stocks had been suffering from high mortality rates, with mussels encountering similar mortality rates since 2010. The impact of which was changing the face of the Wash fisheries. EIFCA Officers had endeavoured to find the source of the mortality by investigating a variety of parasites and food availability rates, but nothing had conclusively shown the cause of the increased mortality. Consequently CEFAS and EIFCA began a joint project in 2020.

Anna Tidy from CEFAS provided Members with a presentation on the findings of the joint project. In summary the result of the project was

the presence of a parasite named Morteilia in the connective tissue and gills of the cockles. It was not possible to determine how long the parasite had been present in the Wash or where it had come from. The same parasite had been identified in cockles on the Welsh coast. It was suggested further project work could concentrate on the connection between ageing and cockle mortality as well as testing any archive cockle samples for presence of the parasite.

Cllr Skinner expressed concern that the parasite might be coming into the Wash on vessels, as well as why it had taken 6 years to get to this point or what the way forward would be.

Ms Tidy advised that at this time the prevalence of the parasite in other species in the Wash was not known, nor was the distribution around the rest of the coast. Ms Tidy advised she could not provide answers on how to get rid of the parasite, it appeared to be present and established indicating there was not a lot that could be done, although it may be possible to work out the stresses which trigger the higher mortality and try to avoid them, hopefully testing more samples would establish the best resilience.

Mr Williamson questioned whether cockles containing the parasite were safe to eat, it was thought that as the cockles are processed prior to eating they should be safe.

Mr Doughty enquired whether the parasite was the cause of the mortality or if the parasite was taking advantage of already weak cockles. Ms Tidy could confirm the parasite was weakening the cockle but could not say it was the only cause. This led Mr Doughty to question why the Authority had not made a decision to clear the sands in order to prevent the parasite spreading and before any more stocks were lost, he felt at the first sign of die off a bed should be cleared.

SMSO Jessop advised that over the last decade attempts had been made to target cockles most likely to suffer mortality, unfortunately the effect of taking all those cockles likely to die off was that the fishery was made up of smaller cockles and taking all those susceptible to die off would render the fishery unsustainable.

Cllr Coupland questioned what strength CEFAS had on a national level, would they be able to push forward for a solution? Ms Tidy advised the next step would be to gather wider evidence to get a bigger picture of where the parasite may have come from and a plan of action, unfortunately the process would take time.

Cllr Skinner enquired whether there was a resistant strain of cockle which could be put on small beds and the mortality monitored, or would moving cockle around be beneficial, he felt it was important to find a solution instead of sitting back.

Mr Bagley thought maybe there should be a different management plan that took more of the stock from the fishery in an attempt to keep on top of the disease, he questioned that holding onto stock could mean holding onto the parasite. SMSO Jessop felt that taking more stock would lead to problems in future years as there would be no stock.

Mr Williamson suggested taking drastic action, if the stock was completely fished out and there was no fishery for 2 years at least

action would have been taken, he felt action was need now not later. The CEO acknowledged the desire for action but felt it needed to be given careful thought and doubted that there was a simple solution. Mr Davies questioned whether water temperature could be a factor in the parasite growth and whether stress from ridging out could make the cockle more susceptible to the parasite, maybe fishing out some beds to a thin amount could be done to monitor the effect.

Mr Garnett advised members that in the 1990s he understood that a similar problem had been encountered in Spain, it would be interesting to know what happened that sorted out their issue. He was uncertain fishing out would eradicate the parasite, he felt it would be prudent to find a way to manage the problem rather than eradicate the cockles, such as removing the cockles before they reach the size when they were most likely to die off.

SMSO Jessop suggested it might be worth checking other species for the parasite, also whether it was in the water all the time or just at certain times of the year, but it would not be a quick fix.

Members continued in-depth discussion into the potential options to eradicate the problem and why it had taken 10 years to get this far with only two years' worth of samples having been tested.

Members were then provided with a presentation into the mussel mortality and the potentially declining mussel stocks. The conclusion was the presence of the Haplosporidium was having an impact.

There was discussion on whether the mussels were weakened as a result of food shortage or whether the haplosporidium was weakening the energy cell and whether further work could be done on a previous trial which involved spreading shell on sands to encourage growth. It was also questioned whether there was any data linking making seas cleaner or the change in environment that was affecting the strength of mussels.

The CEO advised that it was intended to hold a workshop with industry to discuss both the cockle and mussel fisheries. Because of the relevance of the Cefas study it had been decided to await the Cefas report before making arrangements.

At this point three Industry Representatives were permitted 5 minutes each to put across their views.

Mr Lines questioned whether CEFAS should be considered a Centre of Excellence when they hadn't originally found the parasite in 2009 but were able to identify it now. Ms Tidy advised methodology and technology had changed since 2009.

Mr Lines went on to state that science had not found the answer to the problems in the Wash, and they needed to be addressed, he noted the Le Strange fishery, which employed suction dredging as the fishing method, seemed to be healthy he suggested there was some

underlying issue that needed to be identified, without answers there would be a lot of people unemployed.

Mr W Brewster asked if Le Strange had been included in the study and was water temperature taken into account. He observed that a-typical mortality didn't appear to be happening in the Le Strange fishery, which unlike the public fishery, used suction dredges. Mr Brewster felt EIFCA needed to work with the fishermen to find the solution, or there would be no work. He stated that 2015 had seen the largest spatfall in the Wash and EIFCA did nothing, he suggested mussel would benefit from being moved to lower ground where it would feed better, he added the experiment using cockle shell for mussels to settle on should have been continued, he believed farming mussel might be away to work round the problem. Mr Brewster believed no one had listened to the fishermen for the last 10 years, this was the last chance.

Ms Mummery stepped in for Mr Ken Bagley who had decided not to speak. It was Ms Mummery's belief that someone had failed, the industry needed something to fish for so they could feed their families. Something drastic needed to be done, Ministers needed to be lobbied and until the shellfish mess was sorted out fishermen needed to be given other species to target. Ms Mummery made the point that with food shortages in the UK fish were an important resource, she didn't want to hear about EIFCA getting a new boat, new employees or seaweed farms, if there was no fishing none of it would matter.

Mr Garnett advised members that the Le Strange fishery had experienced the same mortality as the rest of the Wash. He said that he had reported atypical cockle mortality at Heacham Beach (within the Le Strange private fishery) and at Wells- next-the-Sea to CEFAS. Mr Garnett said that he had supplied a sample of affected cockles from Heacham Beach to CEFAS who tested them and confirmed atypical cockle mortality as seen elsewhere in The Wash.

NB Subsequent to the meeting it was identified that the information about sampling was not accurate, and Mr Garnett intends to rectify this at the 52nd meeting of the Authority.

Mr Williamson questioned whether the parasite could be buried in the sands for long periods before resurfacing. Ms Tidy thought this unlikely as the parasite would need a living host.

Mr Goldson questioned what proposal was being put forward to address what EIFCA were going to do. The CEO advised the intention was to hold a workshop, it was clear there was a strength of feeling amongst the industry to get this problem resolved. However, there was a need to do due diligence and a number of challenges to be stepped through in the hope of finding something that would genuinely help.

Members Agreed to note the content of the paper and CEFAS presentation.

EIFCA23/10 Item 10: Wash Mussel Fishery 2023

Members were reminded that EIFCA had to ensure conservation targets were met before opening a fishery, the suite of policies would be looked at in line with survey data to determine whether or not a fishery was possible.

SMSO Jessop provided members with the finding of the 2022 autumn inter-tidal mussel surveys in the Wash. A total of 19 beds and the Welland Wall had been surveyed, which indicated a total stock which when compared to the Conservation Target was not sufficient for a harvestable fishery. However, the possibility of a relaying fishery was not excluded, it was felt there was sufficient stock for a relaying fishery of 1147 tonnes.

Senior IFCA Godwin advised that whilst the WFO1992 had expired prior to the Cockle & Mussel byelaw coming into force, there was a mechanism in place to allow exemptions from the Closed Area Byelaw which would enable fishing should a relaying fishery be opened. Prior to making a decision the industry would be consulted on their views of the opening and licence conditions.

Mr Doughty questioned whether the seed taken from the fishery had to be re-laid onto lays or if it could be landed. When advised the seed had to be re-laid on to a lay as the intention of the fishery was to re-lay the seed and promote growth in the Wash, Mr Doughty questioned whether it could then be removed from a lay the day after it had been put down. Mr Doughty felt too much stock on a lay would encourage die off, and having to go back the next day was double the cost for fishers. The CEO reiterated the potential fishery was a relaying fishery and the intention was that the stock stayed within the Wash, whilst stock could theoretically be removed from a lay the next day that was not the intention of the fishery. Mr Doughty reaffirmed his thought that stock on the lay has no MLS and he did not believe you could stop them from being removed. Senior IFCO Godin advised that mussels could be removed from lays because the relevant byelaw had an exemption therein with respect to mussel coming out of The Wash but that it was not the intention that they would be removed immediately, reiterating the view of the CEO.

Members Agreed to Note:

- **the findings of the 2022 Autumn Mussel surveys and specifically that the Conservation Objective target for total mussel biomass had been achieved but the target for adult biomass had not:**
- **the proposed management measures for the fishery including the associated rationale and the mechanism for implementing management under the interim measures.**

Members Resolved to Agree:

- **subject to consultation, to open a re-laying mussel fishery with a maximum TAC of 1,147 tonnes;**
- **to delegate to the CEO in consultation with the Chair and Vice-Chair the ability to vary the TAC and / or the beds open to the fishery for both the dredged and hand-worked fishery based upon the outcome of consultation and if judged to be necessary during the period that the fishery was open;**
- **to delegate authority to the CEO in consultation with the Chair and Vice-Chair to introduce, vary or revoke flexible management measures referred to in Schedule 4 of the Wash Cockle and Mussel Byelaw 2021 to manage a mussel fishery in the event that the byelaw came into effect;**
- **to delegate authority to the CEO in consultation with the Chair and Vice-Chair to introduce, vary or revoke flexible management measures with less than 12 hours notice as may be required, in accordance with the provisions of the Wash Cockle and Mussel Byelaw 2021 should the byelaw come into effect;**
- **that the dredge and hand-worked relaying fisheries would close on 31st August 2023 or when the respective quotas were exhausted, whichever was the sooner.**

Proposed: Mr Goldson

Seconded: Cllr Skinner

All Agreed

EIFCA23/11 Item 11: Wash Several Order Application Update

This Agenda item was intended to update Members on the status of the application for a new Several Order in the Wash and associated issues.

Consultation during January and February had revealed lay holders had concerns over the long-term surety of holding a lay and therefore business continuity. Particular concern was the review of leases every 5 years and the requirement to meet certain criteria in order to retain a lay, there was also legal questions raised in relation to the Landlord and Tenant Act being applicable to lay leases. This matter had been investigated; early indications were that the Act did not apply but final legal advice was pending. Once this was received Officers would continue to progress the application.

However, having heard the concerns of the industry and the intimation that industry may seek to object during consultation it was felt it was in the interest of the Authority to provide a detailed Business Plan for Members to consider with regard to continuing to progress the Several Order application. It was the intention this would be prepared in time for the next Authority Meeting, so members were fully informed on the implications of such a Several Order.

Members discussed the historical nature of lays, the fact that some fishers based their business around stock on their lays, but also the difficulty in recent years to gather sufficient seed to stock a lay. One member felt the lack of stock on a lay should not be a determining factor in whether or not a lay should be retained, if it wasn't stocked it was felt it was doing no harm. The CEO explained that being the grantee of an Order placed a responsibility on the Authority to make sure lays were being used because they were severed from the public fishery. Mr Doughty felt lays should be available to encourage the spreading around of spat in the Wash, he felt lays were the last bastion of control fishers had and EIFCA were considering taking it away. Senior IFCO Godwin suggested if the lays were being used during the 5-year period there would be nothing to fear, and should the Authority decide not to pursue a Several Order fishers could look to take out their own Order as had been raised by Mr Doughty at the last Authority meeting.

At this point Mr W Brewster was permitted to speak on behalf of the industry

Mr Brewster questioned why EIFCA, with limited resources now wanted to spend time and money discussing something that had been in place since 1968. He felt lays had a positive impact bringing food into the Wash, the current negative impact was not down to the industry. He felt that rather than suggesting not replacing the Several Order EIFCA should be looking into ways of keeping them. The issue of a 5 year review he felt was not viable when it takes 3 years to grow mussels on, this was not conducive to a decent Business Plan, unfortunately those making the guidance had no experience of fisheries management.

Cllr Skinner felt the matter needed to be looked at properly, the industry needed support.

Mr Doughty felt it needed putting in perspective that the lay holdings amounted to only a tiny area compared to the rest of the Wash.

The CEO said that it was important that members were fully informed of the various issues relating to being the grantee of a several order, which included those identified in the paper. He said that it was obviously a balance and that there were many good reasons and benefits to industry in the Authority being the grantee of a several order and these would be reflected in the review, which was not being done with the sole intention of recommending that the application be discontinued.

The Chair advised Members no decision would be made immediately, and that there would be an opportunity for members to contribute at the Fisheries and Conservation Management Working Group.

Members Agreed to note the content of the report.

*At this point the meeting was halted to allow members a break (1320 hours)
The meeting reconvened at (1405 hours)
At this point both Cllr Coupland and Mr Bakewell left the meeting.*

EIFCA23/12 Item 12: Cromer Shoal MCZ Update

Senior Marine Science Officer Stoutt gave members an insight into the vision for the Marine Conservation Zone, and an overview of potting in the area.

SMSO Stoutt reported that the impacts of potting on the MCZ have been assessed. The assessment found that current levels of potting were not considered to be hindering the conservation objectives of the site, but over the long term this could change. Adaptive Risk Management was the approach being taken in order to address potential future damage. Management measures would be implemented then reviewed at a later date through research and monitoring processes. NE had provided formal advice on the updated potting assessment in January 2023, which Officers explained to Members and advised of the EIFCA view on this advice: ultimately EIFCA intended to continue to work with the fishing industry, conservation interests, wider stakeholders, academia and Natural England to research, monitor and manage the fishery.

Ms Smith questioned how it was possible there would be no damage in the short term if the proposed byelaw took 2 years to put in place. SMSO Stoutt advised the assessment does not say there would be no damage in the short term, but that current levels of impact have been found not to be hindering conservation objectives. The assessment considered how communities were damaged and how long it took them to recover. ARM will allow us to evaluate the significance of damage from potting against natural erosion of chalk.

Mr Goldson was concerned that despite the fishery having existed for hundreds of years, with video evidence of pots being used on the beds, there was now a requirement to issue permits for vessels and set a maximum number of pots, he felt this was a total farce. The CEO advised that there were more vessels than that and quite a high number of pots. Ms Love advised that NE were concerned that over time the amount of damage from pots would build up and create a negative effect on the site, which was why precautionary legislation may be needed. Unfortunately Mr Goldson still felt there was no evidence of damage caused over the 100s of years the fishery had been in operation. Ms Love acknowledged that the figures used in terms of maximum number of pots fishing in the MCZ was a best estimate, but it was based on a count of the number of buoys at sea and estimated shank size per buoy. Mr Davies stated that it would not be possible to have the reported number of pots all on the rugged chalk at the same time.

The CEO advised that all Authority Members were decision makers. He acknowledged that work on the MCZ represented a significant effort and resource on the Authority, but EIFCA were doing what they could

to work with the industry and other stakeholders. The proposed byelaw was about providing regulatory support for adaptive risk management. Blue Marine had been approached to help with a study to assess the level of natural disturbance so that could be understood in the context of concerns over the level of damage caused by potting. However, there were a lot of moving parts to get into place to support the study.

Mr Goldson enquired whether EIFCA still had access to side scan cameras. The CEO advised that side scan surveys had been ongoing for the previous two years; time had been spent mapping the extent of the rugged chalk.

Members Agreed to note the content of the report.

EIFCA23/13 Item 13: Cromer Shoal Chalk Beds Byelaw 2023

Project Officer Gurova presented Members with an outline of the case to introduce the proposed byelaw and what it was hoped to achieve, Members were also reminded that EIFCA had a statutory duty under MaCAA to ensure the conservation objectives of the MCZ. During the course of the potting assessment it had been found that the risk to the site's conservation objectives from fishing gear, were not imminent but could not be ruled out in the long-term, which was why mitigation was required. To mitigate the risk an Adaptive Risk Management (ARM) approach was being taken, which NE were in agreement with. Initially some voluntary measures had been put in place with the support of industry but this was unlikely to be enough to address the level of risk to the site on its own which was why regulatory management was required, but in such a way that it was flexible enough to adapt to best available evidence in support of ARM. In order to develop the proposed byelaw and to understand the impact to stakeholders, two phases of consultation had taken place. The proposed byelaw was a permitting byelaw made up of both substantive and flexible measures designed to enable adaptive management which would cover the area of the MCZ designation as well as the inshore area 200 metres from the shore which was not covered by the designation. Members were provided with a breakdown of the management measures within the proposed byelaw.

Having heard the presentation Mr Goldson felt Members were being asked to look at a byelaw with no evidence to back it up, not even evidence of how many pots were fishing, he did not wish to support the byelaw and asked for it to be brought back when there was evidence to support it. Ms Love advised there was evidence and NE had provided evidence over the last 2 years, that showed damage was occurring. Ms Love added because of gaps in evidence NE had to advise to be precautionary.

At this point the Chair asked members of the public to stop interjecting.

Ms Smith advised there was evidence of 2 years' worth of damage as well as the survey in 2019 that identified damage caused by manmade interaction on the chalk. Mr Goldson requested an independent study by a university be carried out to get evidence in place.

The CEO advised that EIFCA had been advised by NE, which was supported by evidence and the byelaw was necessary to support ARM. Joint work with industry, NE and others had taken place for 2 years in what was a good working partnership. Importantly, ARM, supported by the byelaw, avoided the risk that closing areas to fishing might be the only alternative under a precautionary approach.

Mr Goldson questioned whether NE were advising or dictating and questioned what would happen if the byelaw was not progressed.

The CEO reminded members that NE were government statutory advisers and EIFCA were duty bound to take account of NE advice. Designation of MCZs were government policy.

Ms Love stated that without the proposed Byelaw, Natural England would find it very difficult to support the ARM process. Ms Smith noted the possibility of legal challenge if the byelaw was not made.

Further exchange took place about the management of fisheries and perceived lack of evidence. Mr Williamson asked Mr Davies, as a Cromer crab fisherman, if he could accept the proposed management measures, Mr Davies was happy to an extent but could see sense in some of the comments being made.

Ms Love was asked if she was happy with the proposals, the response was that yes NE would be happy as long as it followed what was proposed and it was not a case of waiting 5 years to get management measures in place.

The CEO advised members that he felt this proposal would provide a means of resolving the issue in partnership with EIFCA, NE and the Industry. The byelaw was just part of a jigsaw of things that needed to be in place to support ARM. He reminded members that as the site was designated as an MCZ the Authority should take account of the advice from Natural England and that if ARM was not possible then the Authority may need to be more precautionary and close areas of the fishery.

Question was then raised as to why an area outside the MCZ designation was going to be included in the byelaw. It was explained that this was for both logistical and administrative purposes as excluding the zone would make management measures difficult to enforce and understand. However, the Authority would maintain discretion over whether to introduce management in this area when specific measures were being introduced.

At this point Cllr Chenery of Horsbrugh left the meeting.

Mr Goldson reiterated he would like to see evidence produced by NE to see what damage there was, if any. He proposed an alternative recommendation to those put forward in the papers.

Mr Goldson proposed that NE bring evidence which backed their advice and a survey of the damage be carried out and all other recommendations be rescinded.

Proposed: Mr Goldson

Seconded: Mr Bagley

Of those who could vote 3 were in favour and 4 against, the motion failed.

Members then considered the recommendations included in the papers.

Members Resolved to:

- **note the contents of the report, including the justification for making the byelaw, the identified impacts on stakeholders and the feedback received from such stakeholders.**
- **Agree to make the Cromer Shoal Chalk Beds Byelaw 2023.**
- **Direct Officers to undertake formal consultation on the byelaw and impact assessment and to present the results and any recommended changes to the Byelaw at a subsequent Authority meeting.**
- **Agree to delegate authority to the CEO to make amendments to the byelaw which did not significantly alter its intended effects.**

Proposed: Ms Smith

Seconded: Cllr Back

4 votes in favour

3 against, the motion was carried.

EIFCA23/14 Item 14: Crab & Lobster Byelaw 2023

Members were provided with an overview of the proposed byelaw along with an explanation of why it was felt it was prudent to put all the crab and lobster byelaws inherited from ESFJC in to one all-encompassing byelaw. During discussions with Industry it had become apparent that there were different views on the amendment to the current byelaw which applied total prohibition to the use of edible crab as bait. It was felt there were some grounds for use of cooked offal from crab processing as bait, provided there was strict guidance in place which prevented the use of undersize or soft-shelled crab and recreational fishers would need to provide evidence of their source of bait.

There was questioning about how EIFCA would be able to police recreational fishers and whether EIFCA had the resources to cover the district and Senior IFCO Godwin advised that engagement and enforcement of recreational fishing was already factored into the Enforcement Plan. Mr Davies did not see a problem with using cooked offal for bait in a commercial capacity.

Members Resolved to:

- **Note the contents of the report, including the review of the inherited byelaws, outputs from the associated informal consultation and the potential impacts on fishery stakeholders.**
- **Agree to make the Crab and Lobster Byelaw 2023.**
- **Direct officers to undertake a formal consultation with respect to the byelaw.**
- **Agree to delegate authority to the CEO to make amendments to the byelaw which did not significantly alter its intended effects.**

Proposed: Cllr Back

Seconded: Ms Smith

Agreed by all those able to vote.

EIFCA23/15 Item 15: Review EIFCA Constitution and Standing Orders

Members were advised some changes had been put in place to take account of the retirement of the Head of Finance & HR. There were also changes to take account of the newly formed Wash Fisheries Sub-Committee and the Wash Appeals Sub-Committee, and the number of members required to ensure a meeting was quorate. There were also some changes to the scheme of delegations to enable business continuity. All changes had been verified by NPLaw in advance of being put to members.

Members Resolved to Agree to the proposed changes to the Constitution and Standing Orders.

Proposed: Cllr Back

Seconded: Mr Garnett

All Agreed.

Following this vote the Mr Doughty asked if it was sensible for the CEO to also act as Clerk to the Authority. The CEO advised that when the IFCA was established there had been a separate Clerk but when they resigned the role was taken on by the then CEO. It was noted that previously, as a Sea Fisheries Committee, the title had been Clerk and CFO, it was a standard model amongst IFCAs as it was considered completely appropriate for one person to “wear two hats”. Mr Goldson confirmed it was fully recognised in the wider field that a CEO could advise the Committee on clerking matters. The Chair believed it was similar to Council members acting as Authority Members and not County Councillors when they sat on EIFCA.

EIFCA23/16 Item 16: Quarterly Review of Annual Priorities and Risk Register

The paper was provided to set out priorities for the rest of the year and to reflect the perceived risks to the Authority. It had been updated since the last quarter.

Members Agreed to note the content of the report.

EIFCA23/17 Item 17: CEO Update

The CEO advised members that Fisheries Management Plans were progressing, IFCAs had been asked to be the lead for the Cocker FMP, whilst this was an additional workload it was hard to turn it down as three IFCAs had substantial cockle fisheries and were best placed to lead on the FMP. The proposal was being considered under the auspices of the Association of IFCAs.

Members were provided with a selection of pictures showing progress of the new vessel build, anticipated delivery date was summer 2023. Whilst a name had yet to be decided the CEO suggested following on from previous vessels the new one could be named Protector IV. Members agreed they would like a naming ceremony. It was noted Three Counties would be marketed in the near future.

Members Agreed to note the verbal report.

EIFCA23/18 Item 18: Head of Operations Update

Marine Protection Updates had been circulated to members on a monthly basis.

Marine Science Team paper provided information on workstreams being carried out across the Science Team including work to make the cockle HRA for flexible and EHO monitoring continuing.

Members Agreed to note the content of the report.

EIFCA23/19 Item 19: Any Other Business

The CEO read a letter which had been sent to the MMO regarding the Cromer Shoal Chalk Bed Byelaw. He advised the content would be used during the consultation process.

There being no other business the Chair thanked members for attending, the meeting closed at 1650 hours.

Vision

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Action Item 6

53rd Eastern Inshore Fisheries and Conservation Authority meeting

13 September 2023

Health and Safety update

Report by: Jon Butler, Head of Operations

Purpose of report

The purpose of this report is to update members on health and safety activity and incidents, risks and associated mitigation over the last reporting period.

Recommendations

It is recommended that members:

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

Background

H&S law requires employers to assess and manage risks and so far as is reasonably practicable, ensure the health, safety and welfare of all its employees and others affected by workplace activities.

The Authority has a declared intent to promote and nurture an appropriate health and safety culture throughout the organisation.

Incidents

The table in *Appendix 1* summarises the incidents that have occurred since the last authority meeting:

There have been **three** incidents to report during this period.

Risks/Mitigation

COVID-19 There have been 2 reports of COVID 19 infections since the last meeting and overall sickness levels remain low. There appears to be a higher number of reported incidents within the community, the situation will be monitored going into the autumn.

Ongoing monitoring continues of stakeholder interactions with officers and addressed on case-by-case basis.

Appendix 1

Date	Nature of incident	Injury / damage occurred	Action Taken	RIDDOR MAIB Y/N	Investigation complete Y/N	Name of investigating Officer	Follow-up action required Y/N. If Y then what?
06/06/2023	Near miss vessel	None	Further training	N	Yes	Lee Torrice	Ongoing training in deployment of anchors on vessels
07/07/2023	Anti Social Behaviour/Alcohol	None	Situation managed by officers	N	Yes	Jon Butler	IR's to be submitted regarding drug and alcohol use. Share with partners
08/08/2023	Verbal Abuse	None	Situation managed by officers. Police informed	N	Yes	Simon Lee	Risk assessment of area. No lone working in area. Intel reports shared with partners

Appendix 2

Eastern IFCA Health and Safety risks

Risk	Intervention	Residual Risk	Risk rating* (Current)	Risk rating* (Previous)
1. Whole Body Vibration	<ul style="list-style-type: none"> Risk awareness training to manage impacts. Health monitoring process to be developed. 	<ul style="list-style-type: none"> Personal injury from boat movement owing to lower resilience as a result of individual physiology 	Tolerate	Treat
2. Staff stress through exposure to unacceptable behaviour of stakeholders	<ul style="list-style-type: none"> Introduction of Unacceptable Behaviour policy Stakeholder engagement plan and activity delivered in pursuit of corporate communications strategy. Dialogue with Stakeholders to ensure appropriate tone of communications Conflict resolution training for “front line” Officers Introduction of Body worn Camera’s and Sky Guard Alarms. 	<ul style="list-style-type: none"> No change in behaviour of some stakeholders. Long term sickness caused by stakeholder hostility 	Treat	Treat
3. Damage to vehicles, trailers and/or equipment through	<ul style="list-style-type: none"> Formal trailer training for unqualified officers 	<ul style="list-style-type: none"> Failure to adhere to training 	Tolerate	Treat

inappropriate operation.	<ul style="list-style-type: none"> Refreshers for those with previous experience Periodic vehicle maintenance checks training In-house assessment for drivers using unfamiliar vehicles (crew transport, 4x4) 	<ul style="list-style-type: none"> Mechanical failure of vehicle or trailer 		
4. Physical fitness of personnel to undertake arduous duty	<ul style="list-style-type: none"> Staff briefing Management overview to ensure rostered duties are appropriate and achievable Reasonable work adjustments Routine periodic medical assessment (ML5) 	<ul style="list-style-type: none"> Individual health fragilities Individual lifestyle choice 	Tolerate	Tolerate
5. COVID 19	<ul style="list-style-type: none"> Information Guidance Staff Briefing Risk Assessments 	<ul style="list-style-type: none"> Developing understanding of COVID 19 and rapidly changing guidance 	Terminate	N/A

6. Working at Height	<ul style="list-style-type: none"> • Staff briefing • Scoping of all quayside ladders • Risk Assessment • Training to be provided if required 	<ul style="list-style-type: none"> • Failure of quayside ladders 	Treat	Treat
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*

Risk Rating
High
Medium
Low

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

Vision

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Action Item 7

53rd Eastern Inshore Fisheries and Conservation Authority meeting

Report by: Julian Gregory, CEO

Meeting of the Finance & HR Sub-committee held on 1 August 2023

Purpose of report

To inform members of the key outputs and decisions from the Finance & HR Sub-Committee meeting held on 1 August 2023

Recommendations

Members are asked to:

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

Background

Chapter 4 of the Authority's Constitution and Standing Orders sets out the extent to which the Authority's functions are:

- the responsibility of the full Authority.
- the responsibility of the Chief Executive Officer.
- the responsibility of Sub-Committees of the Authority.

Decision making powers for all strategic and operational financial matters are delegated to the Finance & HR sub-committee except for approving and adopting the Annual Budget and setting the levy to the County Councils, which is the responsibility of the full Authority. The full Authority also retains oversight of finance and HR matters by receiving and approving reports from the Finance and HR sub-committee.

Report

The Finance & HR sub-committee meets quarterly, and the last meeting was held on 1 August 2023. Unconfirmed minutes of the meeting can be found at Appendix A.

Appendices

Appendix A - Unconfirmed minutes of the Finance and HR sub-committee meeting held on the 1 August 2023.

Appendix A – Unconfirmed minutes of a meeting of the Finance & HR sub-committee held on 1 August 2023

Finance & HR Sub-Committee

A meeting of the Finance & HR Sub-Committee took place at the EIFCA Offices, King's Lynn on 1st August 2023 at 1030 hours.

Members Present:

Cllr T FitzPatrick	Chair	Norfolk County Council
Cllr T Adams		Norfolk County Council
Cllr E Back		Suffolk County Council
Cllr M Chenery of Horsbrugh		Norfolk County Council
Cllr P Coupland		Lincolnshire County Council
Mr S Williamson		MMO Appointee

Eastern IFCA Officers Present:

J Butler	Head of Operations
J Gregory	CEO

Joanne Sams – Aston Shaw Accountants

FHR23/13 Welcome

The Chairman welcomed members to the meeting, and introduced Joanne Sams from Aston Shaw Accountants, who had taken on the role of accountant to the Authority.

The CEO circulated a copy of the Internal Auditors Report, which had been received the previous day. A key issue had been highlighted in that the report had not be published online by 1st July which was not something that had been flagged in previous years by the Internal Auditors. Consideration of the degree of complexity around the issue meant members may wish to change the recommendation for Item 8 to delegation to the Chair, Vice Chair and CEO

FHR23/14 Apologies for absence

Apologies for absence were received from Cllrs Skinner (LCC) & Vigo Di Gallidoro (SCC), and Ms Smith (MMO Appointee)

FHR23/15 Declarations of Members Interest.

No Declarations of Interest were received.

FHR23/16 Minutes of the Finance and Personnel Sub-committee meeting held on 2nd May 2023

Members Agreed to accept the Minutes as a true reflection of the meeting.

FHR23/17 Matters Arising

There were no matters arising.

FHR23/18 Quarter 1 Payments and Receipts

The CEO advised Members there had been some teething issues with the transition from the retired Head of Finance & HR to the external accountant, however he was very confident that moving forward with the full use of the software being implemented there would be no issues.

Ms Sams reiterated the same sentiment advising that full use of the software would also allow alternative reports to be produced depending on what information the Members would like presented. Cllr Coupland felt the current accounting reports gave sufficient overview of the accounts, but was happy to note that if necessary, they could be adjusted in the future.

Cllr Coupland queried the increase in payments under the enforcement budget during month 3, this was due to the annual payment for bodycam tracker systems.

Referring to payments in/out the CEO reminded members that the additional funding from Defra that sat alongside New Burden funding was ongoing for the next 2 years but was linked to specific workstreams. Letters detailing the expected outputs for two of the workstreams were still awaited even though the full £150k had been received for 2022/23.

Members were advised that an additional £45k had been agreed towards the purchase of a daughter vessel for the New Build (Protector IV), and £225k capital funding towards the potting vessel to replace John Allen.

The CEO suggested that having got the additional funding towards the capital assets when EIFCA met with County Treasurers this year it would be possible to review the capital asset funding and to reduce the level of capital funding provided by the County Councils.

Members Agreed to Note the contents of the paper.

FHR23/19 Quarter 1 Management Accounts

Ms Sams advised that with respect to the budget there were some variances, particularly as the budget was divided into quarters for the report when in fact income largely came in the first quarter and insurances and annual subscriptions paid in the first quarter would not be repeated through the rest of the year.

Members Agreed to Note the contents of the paper.

FHR23/20` Annual Statement of Accounts (Draft) for the year ending March 2023

The CEO advised this item was linked to the Internal Audit Report which was highlighted at the opening of the meeting. There was an issue with the publication of accounts online. The CEO suggested members consider the Report as included in the papers but suggested the recommendation be revised to delegate Authority to the Chair, Vice Chair and CEO to deal with the recommendations outside of this meeting.

It was Resolved that a revised recommendation be put forward to the effect that the proposed recommendations be considered at a later date with authority delegated the Chair, Vice-Chair and CEO.

Proposed: Cllr Chenery of Horsbrugh

Seconded: Mr Williamson

All Agreed

It was Resolved to delegate decision on the proposed recommendations in the supporting paper for Item 8 to the Chair, Vice Chair and CEO.

Proposed: Cllr Chenery of Horsbrugh

Seconded: Mr Williamson

All Agreed

Referring to the Audit report which had been circulated at the start of the meeting, Cllr Chenery of Horsbrugh felt there was a little bit of work to be done. The CEO acknowledged this and advised the required work would be done. It was apparent the process of not devaluing assets had been seen as an error, despite it having been the process followed historically. Ms Sams advised the new software would devalue assets to avoid this anomaly in the future.

The timeframe for producing the accounts had also been highlighted as an issue, however, Ms Sams was confident this would not be an issue moving forward, the end of year accounts would be available by mid-April for discussion at the May meeting so they would meet the publication deadlines.

The only question raised was whether all the levies had been paid, which they had.

FHR23/21 Resolution

Members Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for items 10 & 11 on

the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 2 &3, respectively, of Schedule 12A of the Act.

Proposed: Cllr FitzPatrick
Seconded: Cllr Chenery of Horsbrugh
All Agreed

Summary in accordance with Section 100(C)(2) of the Local Government Act 1972

FHR23/22 HR Update

Members were advised a new Marine Science Officer would be starting early in August.

The Head of Finance & HR had retired at the end of June, a review of the post would be carried out prior to any decisions being made regarding future recruitment. It was noted that accountancy support has now been outsourced.

There were no current vacancies, although advice from Defra was awaited to ascertain if the funding necessitated a new post or if it could be used towards an existing post. The uncertainty would slightly affect the Business Planning as it was not known if the resource was available to deliver the outcome. At this point it was anticipated the funding could be directed at Marine Licences or Fisheries Management Plans.

The Appeal against termination during probation was ongoing, consequently recruitment to this post was frozen pending the outcome.

Members Agreed to note the content of the report.

Summary in accordance with Section 100(C)(2) of the Local Government Act 1972

FHR23/23 New Vessels Update

The CEO verbally updated members on progress of the build of Protector IV. The project was moving along well, the yard was beginning to fit it out internally, it was anticipated the completion date would be end of September.

It was noted there had been some changes to the original plans, all of which fell within the 5% variation to the budget which was delegated to the CEO at the start of the project. Nonetheless, the CEO had sought the views of the Chair and Vice-Chair before authorising the latest agreed increase because it took the cumulative total close to the 5% variation in budget.

Variations included the identification of a safer method of carrying a RIB on board. Modification to the cabin roof, allowing a hatch up to the RIB had been made. Extensive investigation had resulted in an appropriately sized and weighted RIB to be carried on the cabin roof. Inclusion of guardrails meant access to the RIB would be much safer.

The CEO was confident the vessel would meet its design requirements and that EIFCA Officers saw it as a good step forward.

Members were advised the issues with bridge works at Breydon Water and Haven Bridge should also be completed by the end of September which would mean the vessel could complete sea trials and be ready to put into service. It was noted the bridge issues had highlighted potential issues with using the build yard for servicing.

Potentially the naming ceremony for this vessel would take place in the Autumn in Suffolk – although no plans would be made until closer to the completion date.

More detail on the purchase of the daughter vessel was provided. It was noted the vessel cost fell inside the Financial Regulation requirement to have three quotes rather than go down the Tendering process.

Three quotes had been received but only one of the designs met all the required specifications.

Following the sale of John Allen consideration was given to what attributes were needed in a replacement vessel. It was identified that with the work in Cromer MCZ and ongoing issues relating to the whelk byelaw there would be a greater need to haul, inspect and possibly seize pots. Consequently, vessels with this capability were investigated. New Build quotes were gathered and a second-hand 2-year-old vessel was also considered. Following a survey and independent valuation, despite needing some modifications the second-hand vessel still came within the price of the new vessel quotes, and with a much shorter lead time.

Members Agreed to note the verbal report.

FHR23/12 Any Other Business

No other urgent matters had been brought to the attention of the Chair.

There being no other matters to discuss the meeting closed at 1149 hours, the Chair thanked members for attending.

Vision

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Action Item 8

Eastern Inshore Fisheries and Conservation Authority Meeting

13 September 2023

Wash Fisheries sub-committee update

Report by: Jon Butler, Head of Operations

Purpose of Report

To inform members of the key outputs and decisions from the Wash Fisheries sub-committee meeting held on 11 April 2023 and a decision taken by the Chair, Vice-Chair and CEO subsequent to that meeting.

Recommendations

It is recommended that members:

- **Note** the content of the report

Background

Chapter 4 of the Authority's Constitution and Standing Orders sets out the extent to which the Authority's functions are:

- the responsibility of the full Authority.
- the responsibility of the Chief Executive Officer.
- the responsibility of Sub-Committees of the Authority.

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

Eligibility for permits under the WCMB is set out in a policy approved by the Authority and this includes a section that addresses the transition from WFO licences to WCMB permits. Decision making for such matters falls to the Wash Fisheries sub-committee.

Report

The Wash Fisheries sub-committee meets as required and held its first meeting on 11 April 2023. The purpose of the meeting was to consider the allocation of permits under the WCMB, when it comes into effect, in transition phases 1 and 2.

Unconfirmed minutes of the meeting can be found at Appendix A.

Alteration to Wash Interim Measures

Subsequent to the meeting, a potential issue was identified, as until the implementation of the Wash Cockle and Mussel Byelaw 2021, the Wash Interim Measures will remain in place, which are intended to maintain access to Wash fisheries as under the Wash Fishery Order 1992. As a result, beneficial owners approved by the Wash Fisheries sub-committee under Phase 2 would still need the WFO Entitlement holder to apply for an exemption on their behalf. A clear possibility exists for the WFO Entitlement holder to not apply, either in protest at the Wash Fisheries sub-committee's decision, or simply because they feel they should no longer be involved with the vessel. This would threaten the relevant vessels' ability to continue fishing, and business continuity as a result.

To prevent this, a decision was taken with immediate effect on 20/04/2023 by the CEO, Chair, and Vice Chair, to adopt the following new policy with regards to the Wash Interim Measures:

Where an application under phase 1 was not made, or was declined on the grounds that the Entitlement Holder was not the beneficial owner of the vessel dedicated to that Entitlement, and the Nominated Representative or Deputy associated with that Entitlement successfully secured eligibility for a permit through phase 2 on the grounds of beneficial ownership of the same vessel, the following policy applies:

- 1. exemptions to fish for cockles and mussels within the Wash Temporary closure will be issued jointly to the Entitlement Holder, Nominated Representative and Deputy (if applicable) to fish using the vessel which was dedicated to that Entitlement only within any open fisheries; and*
- 2. the persons and vessel associated with the exemption will be 'frozen' in accordance with that which was named on the last licence issued immediately preceding the expiry of the Wash Fishery order and Nominated Representative or Deputy of such will not be changed except in exceptional circumstances where the Nominated Representative and Deputy is not able to put to sea due to circumstances outside of their control; and*
- 3. the exemption shall be conditional on any person wishing to fish under its authority completing and returning a declaration form provided by the Authority prior to undertaking any fishing activity in addition to any other conditions including fisheries management measures.*

Financial Implications

None Identified.

Legal Implications

There is potential for decisions of the sub-committee to be challenged, which may ultimately result in litigation. However, there is an appeals process with such appeals being considered by the Wash Appeals sub-committee which is comprised of members not previously involved in decision making.

Appendices

Appendix A – Unconfirmed minutes of the meeting of the Wash Fisheries sub-committee held on 11 April 2023

Appendix A - Unconfirmed minutes of the meeting of the Wash Fisheries sub-committee held on 11 April 2023

Wash Fisheries Sub-Committee

A meeting of the Wash Sub-Committee took place at the EIFCA Offices in King's Lynn on 11th April 2023 at 1000 hours.

Members Present:

Cllr P Skinner	Sub-Committee Chair	Lincolnshire County Council
Mr L Mogford	Sub-Committee Vice Chair	MMO Appointee
Cllr T Adams		Norfolk County Council
Cllr M Chenery of Horsbrugh		Norfolk County Council

Eastern IFCA Officers Present:

Jon Butler	Head of Operations (Deputy Clerk)
James Teasdale	Project Officer
Jodi Hammond	Minute Taker

WSC23/01 Election of Chair and Vice-Chair

Cllr Skinner was put forward to take on the role of Chairman, there were no other nominations.

It was Resolved to elect Cllr Skinner to the position of Chairman

Proposed: Cllr Chenery of Horsbrugh

Seconded: Mr Mogford

All Agreed

As there was only one nomination for the role of Vice Chair it was Resolved to appoint Mr Mogford to the post.

Proposed: Cllr Adams

Seconded: Cllr Skinner

All Agreed

WSC23/02 Apologies for Absence

Apologies for absence were received from, Cllr Coupland (LCC), Messrs Bowell and Copeland (MMO Appointees)

WSC23/03 Declaration of Members' Interests

There were no amendments to those Declarations of Interest already recorded.

WSC23/04 Summary of Transition Process & Objectives

Project officer Teasdale briefed members on the process that had been followed to arrive at the current position. Members were reminded the objective was part of the transition from the WFO 1992 to the Wash Cockle and Mussel Byelaw 2021. The element being discussed was management of access to the cockle and mussel fisheries in The Wash. To enable a smooth transition the Access Policy included a process to cover the move from a Licensing system to becoming a permit system under the new byelaw.

A large part of the process was the applicants' ability to prove they were the beneficial owner of a vessel, which was intended to remove the ability to 'rent out' a licence.

Phase 1 of the process applied to those applicants who held an Entitlement at the point the WFO 1992 expired. The majority of applications received included a good level of evidence to support the application.

Phase 2 was for applicants who were not Entitlement holders to whom a points system was applied on which allocation of permits would be based. Members were provided with the basis on which points would be allocated.

Following allocation of permits under Phases 1 and 2 there would be an Appeals Process for any applications which had not been successful. Whilst there was a preferred upper limit to the number of permits available if the Appeals panel felt there was a very strong case to allocate a permit and none were available an additional permit could be allocated. The Appeals Panel would comprise 3 members who had not been part of the Wash Fisheries sub-committee decision and the CEO would undertake the role of Clerk.

Members Agreed to Note the contents of the report and presentation.

WSC23/05 Resolution

Members Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for items 6 & 7 on the grounds that they involve the likely disclosure of exempt information as defined in Schedule 12A of the Act.

Proposed: Mr Mogford

Seconded: Cllr Chenery

WSC23/06 Phase 1 Applications

Members were advised of the evidence provided by applicants and the process applied when working through the evidence. Not all applications were clear due to the complex nature of fishing businesses, consequently the applications were put into three categories after the evidence was examined. The categories were 'strongly recommended', 'low evidence' and 'contested applications'. In order for members to make a decision a summary of each application was provided for their consideration.

It was noted that some vessels appeared twice, members were advised that some processors held multiple entitlements and claim to be the beneficial owner whilst the individuals listed as skippers were also claiming to be the beneficial owner.

Members considered each application summary of the 46 which fell under the 'strongly recommended' category. Project Officer Teasdale presented a revised paper in relation to one of these applications and made members aware of additional evidence having been received subsequent to the submission of the original paper to members. Having carefully considered each application summary, it was agreed to issue a permit to 45 of them. It was noted there were extenuating circumstances attached to the remaining applicant so the decision was made to ask for more evidence which would be considered at a future sub-committee meeting. Members were aware this may affect fishing opportunity for the individual, but it was possible to grant a dispensation to fish so the individual was not stopped from fishing until a sub-committee could be convened.

In the 'low evidence' category there were two applications, both of which were well known members of the fishing industry. Having considered the evidence that had been provided as well as Officer knowledge of the individuals it was agreed to issue both with a permit.

The 'contested applicants' category contained 3 applications where another applicant had applied as the beneficial owner of the same vessel in Phase 2. All three Phase 1 applications had not produced sufficient evidence to support the owner being a genuine beneficial owner. The Sub-Committee were shown supporting letters that had been submitted along with these applications. Project Officer Teasdale also brought a corrected paper for one application in this category, and made members aware of the remaining error therein being the recommendation of a direct referral to the Appeals Sub-Committee, which was not possible under the Transition Policy. The replacement paper instead recommended to not grant on the basis of lack of evidence.

It was agreed not to grant permits to these three applications.

Considering there had been 61 'active Entitlements in place when the WFO 1992 expired and this process had allocated 47 permits plus 1 held in abeyance, this left 13 permits to be allocated to maintain the level of exploitation that was in place under the WFO 1992.

Members Resolved

- **To Note the recommendations at Appendices A, B and C and supporting rationale;**
- **To Decide that the evidence to support per each application at Appendix A, B and C was satisfactory to grant eligibility, with the exception of one which would be reconsidered at a future sub-committee meeting.**
- **To Decide the maximum number of permits to be issuable under Phase 2 would be 13, with one remaining for the disputed applicant in Phase 1**

Proposed: Cllr Adams

Seconded: Cllr Chenery of Horsbrugh

All Agreed

Summary in accordance with Section 100(c)(2) of the Local Government Act 1972

WSC23/07 Phase 2 Applications

Phase 2 of the process was open to all fishers regardless of whether they had previously held an entitlement. In this phase there were 17 applicants but only 13 permits available. Project Officer Teasdale provided members with an overview of how points had been allocated to each application, which subsequently determined their placing in terms of being recommended for a permit.

A summary of each Application in this phase were also provided for members consideration, and again divided into three categories.

The first category 'uncontested beneficial owners' had a total of 8 applicants within it, all of whom had provided significant evidence that they were the genuine beneficial owner of the vessel.

The second category was 'Nominated Representative Applications'. Project Officer Teasdale provided members with a revised paper within this category and made members aware of additional evidence having been provided subsequent to the original being provided to members. All of these had appeared as a nominated representative on licences issued under the WFO 1992. Some had been on a waiting list for an Entitlement under the WFO and all could be evidenced as having fished within The Wash fisheries as nominated representatives.

The final category 'other Phase 2 applications' had four applicants still to be considered. All applicants could provide evidence of fishing in

some capacity within the Wash fisheries. The points allocated to each of them ranged between +10 to -11 which did not put them in a position to contest any of the applications considered under the previous two categories.

Members decided the 13 highest scoring applications should be allocated the remaining 13 permits. Leaving one permit for consideration at a future meeting and three with sufficient points to be offered to be added to the register of interests for future permits.

Member Resolved

- **To Note** the recommendations at Appendices A, B and C and supporting rationale;
- **To Decide** that the evidence to support each application was satisfactory to grant the proposed points;
- **To Decide** there were no permit applications under Phase 2 which needed to be deferred to a future meeting

Proposed: Mr Mogford

Seconded: Cllr Chenery of Horsbrugh

All Agreed.

WSC23/08 Any Other Business

No other matter of business had been notified to the Deputy Clerk.

There being no further items of business to discuss the meeting closed at 1135 hours.

Vision

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Action Item 9

53rd Eastern Inshore Fisheries and Conservation Authority Meeting

13 September 2023

Annual Report 2022-23

Report by: Julian Gregory, CEO

Purpose of Report

To present the Annual Report 2022-23 for consideration by members.

Recommendations

It is recommended that members:

- **Approve** the Annual Report 2022-23.
- **Direct** the CEO to publish the report and distribute to Defra.

Background

The Marine and Coastal Access Act 2009 requires Eastern IFCA to produce an Annual Report at the end of each financial year and that a copy of the report be sent to the Secretary of State (via Defra).

Report

Officers have prepared a draft Annual Report, which is at Appendix 1 (available online). The report details the Authority's work over the last financial year, progress against the priorities set for that year and other organisational metrics.

Financial Implications

N/A

Legal Implications

It is a legal requirement for the Authority to produce and publish an Annual Report.

Appendices

Appendix 1 – Eastern IFCA Annual Report 2022-23 available online at:

https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/09/2023_09_13_Item_9_Appendix_1_Annual_Report_2022-2023_draft2.pdf

Vision

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



Action Item 10

53rd Eastern Inshore Fisheries and Conservation Authority Meeting

13 September 2023

Review of Annual Priorities and Risk Register

Report by: J. Gregory, CEO

Purpose of Report

The purpose of this report is to update members on progress against 2023-24 priorities and to review the Risk Register.

Recommendations

It is recommended that members:

- **Note** the content of this report

Background

The Authority is mandated to produce an annual plan each year to lay out the expected business outputs for the year ahead.

The Authority has a rolling five-year Business Plan that incorporates annual priorities informed by the annual Strategic Assessment. The plan also includes the high-level objectives agreed with Defra.

The rolling five-year business plan reflects the need to engage in longer term planning in the context of high levels of demand and the requirement to be flexible with priorities to reflect the dynamic nature of inshore fisheries, the marine environment and the policy landscape.

The Risk Register is contained within the Business Plan, and it captures key issues that are judged to pose potential risks to the organisation. The matrix sets out the magnitude of the risk to Eastern IFCA from an organisational viewpoint, incorporating amongst others reputational and financial risks. It also sets out the likelihood of an identified risk occurring.

Report

This update encompasses the period April 2023 to end of August 2023 (inclusive).

The tables at Appendix 1 detail the progress against the key priorities for 2023-24, as set in the Business plan for 2023-28.

The Risk Register is set out at Appendix 2 and the current status of each risk area is shown at Appendix 3.

Appendices

Appendix 1 – Update on priorities set for 2023-24

Appendix 2 – Risk Register

Appendix 3 – Update on Risk Register

Background Documents

Eastern Inshore Fisheries and Conservation Authority Business Plan 2023-28.

APPENDIX 1 - Progress against Annual Priorities – April 2023 to August 2023 (inclusive)

Four key priorities are established for 2023-24.

Financial Year 2023-24		
Priorities 2023-24	Progress	Comment
1. To ensure that the conservation objectives of Marine Protected Areas in the district are furthered by:		
a) Implementation of management measures for 'red-risk' gear/feature interactions.		<p>1.a) Delayed. The Marine Protected Areas byelaw 2018 is in place. It protects the most sensitive habitats in Marine Protected Areas across the Eastern IFCA district from damage from fishing activities (i.e., it manages “red-risk” gear/feature interactions). Further iterations of the byelaw have been agreed in 2019, 2020 and 2021, to create additional restricted areas to manage the remaining red-risk interactions. The Authority agreed the Closed Areas Byelaw 2021 in December 2021. This consolidates all the previous protected area byelaws. Formal consultation on the byelaw identified a need to review two small closures within The Wash; both areas were re-surveyed in May 2023, resulting in amendments to these closures. The byelaw will be forwarded to MMO for final QA and Defra sign-off as soon as there is capacity to do so.</p> <p><u>Inner Dowsing, Race Bank & North Ridge SAC</u>: Measures to protect red risk features (<i>Sabellaria</i> reef) in this site are included in the Closed Areas Byelaw 2021. Natural England’s feature extent advice includes an additional area for management as <i>Sabellaria</i> reef. Officers have reviewed the evidence and concluded <i>Sabellaria</i> reef was not present. In addition, an Eastern IFCA acoustic (side-scan sonar) survey was undertaken in May 2022, and associated video ground-truthing in July 2022. Analysis of these survey data showed no evidence of <i>Sabellaria</i> reef to be present, meaning there is no intention to amend the Closed Areas Byelaw 2021 at this stage. These findings have been reported to Natural England; a formal report and recommendation is to be developed.</p>

<p>b) Continued implementation of the Adaptive Risk Management approach for the Cromer Shoal Chalk Beds MCZ</p>		<p>Ongoing - Since 2021, EIFCA has been applying an Adaptive Risk Management (ARM) approach, in line with Natural England advice, for the assessment and management of interactions between potting fisheries and MCZ site features. This approach requires the application of management measures alongside research to better understand interactions and assess effectiveness of interventions. Under the direction of a Project Board, two Task and Finish groups oversee the research and management workstreams, an Evidence Group considers available evidence, and a Stakeholder Group enables wider engagement.</p> <p>A number of ongoing research workstreams have been undertaken since the project commenced. These include:</p> <ul style="list-style-type: none"> (i) Mapping the extent of the sensitive rugged chalk feature: external contractors Envision have finalised their assessment of 2022 survey data, funded by NE. Once reviewed by Natural England, their report will be published on the Authority’s website. The information gained from the 2022 surveys will be used to update the current chart of the rugged chalk extent. Further habitat mapping surveys have been conducted at the site during 2023. These include a side scan and ROV survey to help inform the placement of experimental sites for the Natural Disturbance Study (see vi below) and further ROV surveys to help fill in gaps in the current map. (ii) Assessing interactions between deployed potting gear and rugged chalk. This has involved deploying the ROV along shanks of gear to record in situ interactions. Analysis of videos from 18 shanks of gear that were surveyed in 2022 annotation using Biigle software has been conducted in-house. The types of features seen to be most susceptible to damage during this study has helped to inform the placement of sites for the Natural Disturbance Study.
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		<p>(iii) Trackers have been carried voluntarily by 12 vessels that pot regularly within the MCZ to help improve our understanding of the spatial and temporal fishing activities within the site. This ongoing workstream enables us to monitor potting activities on and around the rugged chalk features with high precision. The resulting information will enable us to demonstrate the value of the rugged chalk features to the fishery and also to demonstrate during fishery assessments that not all of the fishing activity is conducted purely on the sensitive features.</p> <p>(iv) Regular bio-sampling has been conducted by officers since 2022 aboard a commercial fishing vessel. This workstream helps improve our understanding of the economic importance of the rugged chalk by comparing crab and lobster catches from on and off the rugged chalk area. Data collected from 2022 has been analysed and reported in an interim report. Further surveys conducted during 2023 will add to this dataset, enabling any temporal changes to be seen.</p> <p>(v) It was initially planned in 2022 to test the effectiveness of two gear adaptations at reducing potting impacts on rugged chalk features. Logistical difficulties meant it was not possible to conduct this workstream as planned in 2022 and this aspect of the research has been superseded by a project to study the impacts of natural disturbance compared to potting interactions (see below). Over time, the adapted potting gear will nevertheless be used to support aspects of the Natural Disturbance Study by using electronic sensors on the pots and ground rope to study gear movements over the tidal cycle.</p> <p>A Natural Disturbance Study has been developed with various partners including, Blue Marine Foundation, Natural England, University of Essex, local fishermen and</p>
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		<p>other stakeholders. This study, which plans to monitor changes to the chalk features within 3 fished and 3 closed areas over a 3-year period, aims to differentiate any potting impacts from natural disturbance. Surveys have been coupled with industry liaison to locate 6 suitable sites for the study. Work is currently in progress to mark the closed sites with bespoke buoys but the shallow water and exposed nature of the site, together with the need for their anchorage to cause no damage to the rugged chalk features, has created several difficulties. It is nevertheless hoped to have the sites buoyed during September. Baseline monitoring surveys are also planned for September. These will include using a combination of dive surveys and ROV tows.</p> <p>Officers have submitted an Adaptive Risk Management Plan to Natural England that provides an overview of the research and management being undertaken / planned, with timelines and milestones. Officers have also drafted an Interim Report that details the research activities and outcomes associated with the ARM approach since 2021. The Interim Report is available on the EIFCA website at https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/05/2023_CSCB_MCZ_ARM_Interim_report_Final.pdf.</p>
<p>c) Completion of amber/green gear/feature interactions and development / Implementation of management measures where required.</p>		<p>1c). Delayed Management has been agreed for the highest risk amber/green gear/feature interactions, i.e. towed demersal fishing on subtidal sediment habitats (Closed Areas Byelaw 2021 and previous iterations). Amber/green assessments (and subsequent management if required) are yet to be completed for more recently designated MPAs, including three straddling sites that extend beyond 6nm, for which the offshore areas will be assessed and managed by MMO. The task of reviewing and updating Eastern IFCA's original suite of amber/green assessments (produced in 2015-16) has been a priority within the Marine Science team since March 2023, but progress has been delayed because of vacancies in the team and the need to prioritise MCZ research and management, and the production of HRAs for the Wash mussel fishery, the Wash cockle fishery, Eastern IFCA drone usage and Eastern IFCA intertidal activities. A new Marine Science Officer was recruited in August 2023, which should partially relieve capacity issues. Further, the decision</p>

		was taken to explore outsourcing some of the amber/green assessments in order to accelerate progress with this long-standing priority.
2. Management of Wash cockle and mussel fisheries (wild capture and private)		
a) Confirmation of the Wash Cockle and Mussel Byelaw to enable management of wild capture fisheries		Delayed: As a consequence of advice from the MMO via the formal QA, The Wash Cockle and Mussel Byelaw 2021 underwent an additional consultation between 25 April and 15 May 2023. The purpose of the consultation was to seek views on the changes made to the byelaw since the original formal consultation. Further amendments to the byelaw have been made as a consequence of the MMO formal QA and the formal consultation. The revised byelaw is being considered by the Authority's independent legal advisor and will be re-submitted to the MMO. It is anticipated that the byelaw will then be submitted to Defra for ministerial confirmation.
b) Implementation of Wash Cockle and Mussel Byelaw access policies (transition).		On track: Phase 1 and 2 of the transition have been completed. An Appeals Sub-Committee meeting is set for 16 October which will consider four appeals against decisions made under the transition.
c) Develop appropriate management of private shellfish aquaculture within The Wash.		Delayed: The draft Several Order is yet to be finalised by Defra. Once provided, the draft Order will be the subject of a formal consultation. Interim measures are still in place to protect aquaculture in The Wash.
3. Obtaining better fisheries data		
Implementation of I-VMS for all fisheries specifically the Wash Shrimp fishery (dependent on partnership		Ongoing. National roll-out of I-VMS is again underway (led by the MMO) and national legislation requiring such is now anticipated in Spring of 2024. Issues with one particular device were identified that has resulted in the withdrawal of type approval, these units will now be replaced at no cost to industry. The MMO

working with MMO led project).		<p>now have a revised planned roll out of devices which should see the majority of devices fitted before the end of 2023.</p> <p>Installation of devices on Wash based Shrimp based vessels has been requested as a matter of priority.</p>
4. Fisheries Management Plans		
a) Contributing to the development of Fisheries Management Plans.		<p>Ongoing: Fisheries Management Plans are undergoing consultation and the contribution of members is being sought via a Fisheries and Conservation Management Working Group meeting. The deadline for consultation responses is 1 October 2023.</p>

Key:

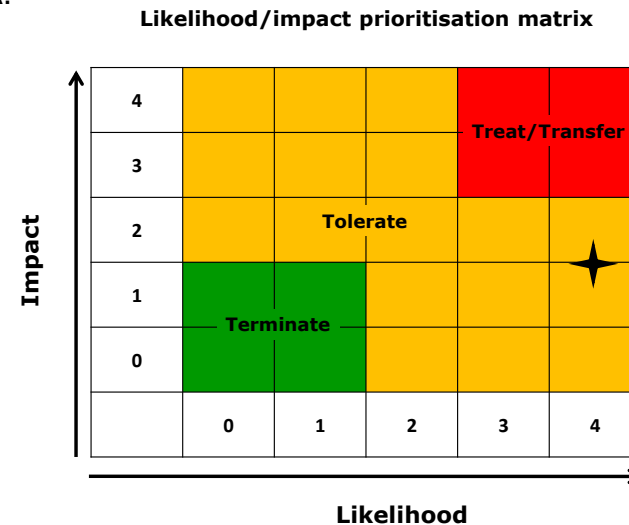
Complete	
In progress	
Progress stalled / delayed	
Not started	

APPENDIX 2 – Risk Register

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

The four actions that can be applied are:

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



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Risk matrix with worked example

Risk A poses a financial threat (2) to the organisation and a reputation threat (1) generating a combined impact level of 1.5. The likelihood of the threat occurring is determined as 4. The resultant risk to Eastern IFCA is therefore plotted using the matrix and is identified as a risk that should be tolerated.

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Eastern IFCA fails to secure funding to replace assets	CEO	Substantial reduction in Eastern IFCA mobility particularly seaborne activities with consequential inability to fulfil full range of duties	4		2		<ul style="list-style-type: none"> Current level of reserves provides sufficient funding to cover replacement of <i>RV Three Counties</i> The open RHIB, FPV Seaspray, was procured using EMFF funding Seek efficiencies and promote cost effectiveness. Demonstrate value for money. Advertise/promote Eastern IFCA output and effectiveness to funding authorities through regular engagement with Council leaders and Financial Directors. Engage with partner agencies to identify alternative funding sources Explore asset sharing initiatives Agreement in place with funding authorities for capital funding contributions each year. Confirmed at the annual meeting with representatives of the Finance Directors on Friday 19th November 2021 Scheduled asset replacement takes into account expected lifespan of assets which is reviewed regularly to account for unexpected depreciation and alignment of capital funding contributions; Assets managed and maintained to reduce the likelihood of early retirement or unexpected depreciation. Alternative sources of funding sought where appropriate e.g. capital funding is available from Defra with indicative amounts nominally allocated to Eastern IFCA for a daughter RIB for the new build vessel and a 'potting vessel' to replace FPV John Allen 	Tolerate
			Reputation	Financial				
			4	4	Finance Directors agreed to annual capital contributions from 2019-20 onwards to cater for the cost of asset replacement as an alternative to requests for a lump sum amounts as assets are replaced. No guarantees were given or implied. Eastern IFCA will explore all avenues for funding.			
			Drive for savings may impact County Councils' decisions regarding Eastern IFCA funding. Visible presence reduced, enforcement and survey activities compromised.	Inability to generate sufficient reserves to meet asset replacement schedule would threaten Eastern IFCA's ability to function. Closure costs could result.				

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Eastern IFCA fails to maintain relevance amongst partners	CEO	If Eastern IFCA fails to maintain relevance amongst partners Eastern IFCA's utility will come under scrutiny potentially resulting in re-allocation of duties	4		2	High	<ul style="list-style-type: none"> Provide a leadership function. Be proactive and identify issues early. Engage with all partners routinely. Operate transparently and utilise effective communications approaches. Use Business Plan to prioritise and communicate outputs, Measure progress/deliver outputs Represent community issues to, and support their engagement with, higher authorities Recent revisions undertaken to the ARM project for the MCZ to address wider stakeholders concerns about engagement Effective business planning process in place. Leading role where appropriate e.g. Op Blake. Proactive approach to raising issues with Defra (e.g. Bass management, proposals for effort management trial). Participation in Parliamentary Review 2019. 	Tolerate
			Reputation	Financial	Possible – Whilst positive relationships have been established the existence of disparate partner aspirations introduces complexities which may drive perceptions of bias or inefficiency.			
			4	4				
			Loss of confidence in the organisation	Withdrawal of LA and Defra funding for the organisation				
Negative media comment	CEO	<p>Negative perceptions of Eastern IFCA utility and effectiveness created at MMO/Defra</p> <p>Loss of Partner confidence</p> <p>Media scrutiny of individual Authority members</p>	3		3	High	<ul style="list-style-type: none"> Actively and regularly engage with all partners including media outlets. Review use of social media and web-based information noting its unavoidable use to misinterpret and spread misinformation. Embed professional standards and practices. Deliver change efficiently and effectively. Promulgate successful outcomes Assure recognition and understanding through clear and concise publications and effective promulgation of such as appropriate Routine updating of news items on website. Monitor media presence and engage where appropriate. Targeted and meaningful dialogue with stakeholders which caters for intended audiences to reduce likelihood of misinterpretation or misrepresentation. 	Treat
			Reputation	Financial	Possible – disenfranchised partners seek to introduce doubt as to Eastern IFCA professionalism, utility, and effectiveness			
			4	2				
			Eastern IFCA perceived to be underperforming	Negative perceptions introduce risk to continued funding				
		Eastern IFCA considered poor value for money						
		Eastern IFCA perceived as irrelevant						

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Degradation of MPAs due to fishing activity	CEO	Loss or damage of important habitats and species within environmentally designated areas.	3.5		2		<ul style="list-style-type: none"> Fishing activities authorised by Eastern IFCA are assessed per Habitats Regulations and MaCAA; management routinely includes mitigation to prevent adverse effects on MPA integrity. Eastern IFCA is fully engaged in national fisheries/MPA project, prioritising management of highest risk fisheries in MPAs and implementing new management measures Effective monitoring of fishing activity and enforcement of measures Adaptive approach to fisheries management – i.e. engagement with fishing and conservation interests in the development of management measures, and appropriate review of measures to respond to changing environmental and socio-economic factors Ongoing, close liaison with Natural England regarding conservation matters Review of management in accordance with Defra guidance Utilising I-VMS as a management tool by the Authority. Continue to progress research into the impact of fishing activities on MPA features to ensure the Authority has an up-to-date evidence base to inform its management decisions. MPA management has been a high priority since 2012 with substantial progress made. Current workstreams (e.g. Cromer Shoal MCZ, remaining ‘red risk’ sites and Closed Areas Byelaw 2021) are a high priority and are being progressed. 	Tolerate
			Reputation	Financial	Possible – Eastern IFCA’s approach to managing sea fisheries resources actively addresses our environmental obligations			
			4	3	<p>Eastern IFCA is not meeting statutory duties under conservation legislation.</p> <p>Eastern IFCA not achieving vision as champion of sustainable marine environment.</p> <p>Degradation of marine habitats which lead to economic, social or cultural impacts.</p>			

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Shellfish and fish stocks collapse	CEO	Risk of significant negative impact upon industry viability with associated social and economic problems	3		3		<ul style="list-style-type: none"> Annual stock assessments of bivalve stocks in The Wash Annual review of the level of threat via the Strategic Assessment Ability to allocate sufficient resources to monitoring and effective enforcement Consultation with industry on possible management measures Review of management measures in accordance with Defra guidance. Develop stock conservation measures as required for crab, lobster and whelk fisheries through engagement with the FMP programme and fishing industry and continue support for industry led Fisheries Improvement Plan SWEEP research into primary productivity levels within the Wash Regular engagement with the industry to discuss specific matters Continued research into the cockle and mussel mortality events Whelk research is ongoing to identify level of risk posed and potential mitigation for sustainability concerns. Introduce shrimp management measures Annual surveys of Wash cockle and mussel stocks alongside innovative approach to management of the cockle fishery. Consideration given to an engagement plan to educate and inform about small cockles, including engagement with processors for officers to better understand the market context. General engagement with FMP programme 	Treat
			Reputation	Financial	Possible - Bivalve stocks have high natural variation; "atypical mortality" affecting stocks despite application of stringent fishery control measures			
			3	3	Crustacean stocks not currently subject to effort control Bass stocks nationally and internationally under severe pressure			
			Loss in confidence of the Eastern IFCA ability to manage the sea fisheries resources within its district	Resources directed at protecting alternative stocks from displaced effort Additional resources applied to research into the cause of collapsed stocks and increased engagement and discussion with partners	Regional whelk and shrimp fisheries effort becoming unsustainable. Regional crab and lobster stocks being exploited beyond maximum sustainable yield. Active monitoring of 2021 cockle fishery identified small cockles being landed with potential impact on stock sustainability.			

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Failure to secure data	CEO	Non-compliance with UK General Data Protection Regulations (GDPR)	4		2		<ul style="list-style-type: none"> All computers are password protected. Individuals only have access to the server through their own computer. Secure wireless internet Remote back up of electronic files Access to electronic files is restricted Up to date virus software installed on all computers Important documents secured in safes ICT equipment and policies provided by public sector provider – including encrypted laptops/secure governmental email system All Eastern IFCA personnel undergo DPA training Electronic backup of all Eastern IFCA documents held by ICT provider offsite Policies and processes developed to ensure data security and compliance with data protection legislation. 	Tolerate
		Prosecution casefiles compromised	Reputation	Financial	Possible - Limited staff access to both electronic and paper files,			
		Loss of data in the event of fire or theft	4	4	Office secure with CCTV, keypad entry system and alarm			
		Breakdown in dissemination of sensitive information between key delivery partners	Partners no longer believe that confidential information they have supplied is secure	Eastern IFCA open to both civil and criminal action regarding inability to secure personal information				
New Burdens Funding discontinued	CEO	Substantial reduction in Eastern IFCA capability with consequential inability to fulfil full range of duties or additional burden on funding authorities.	4		2		<ul style="list-style-type: none"> AIFCA engagement with Defra has led to an indicative three year settlement with 'New Burdens' funding continuing at the same level and additional funding of £150k for each IFCA to address three specific work-streams. County Council Finance Directors representatives have been kept apprised of the situation and the potential for increased levies in the event that funding from Defra is discontinued. 	Tolerate
			Reputation	Financial	Defra have continued to roll over new Burdens funding in recognition of the value that IFCAs provide in meeting national policy objectives.			
			4	4				
			Inability to meet all obligations would have a significant impact upon reputation.	Circa 25% of the annual budget is provided by Defra under the New Burdens doctrine so its loss would have a significant impact.				

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
The Wash Fishery Order 1992 is not replaced in time when it expires in January 2023	CEO	Inability to manage the fishery with consequential impact upon industry viability and associated social and economic issues	4		3		<ul style="list-style-type: none"> • Early decision taken to replace the WFO 1992 with a byelaw • Engagement with industry to address concerns about the use of a Byelaw • Engagement with industry to develop policies that will sit under the Byelaw • Byelaw has been 'made' by the Authority (Sept 2021) and submitted for QA to MMO and Defra legal teams. • Dialogue maintained with Defra teams about short-term solutions for the replacement Several Order. 	
			Reputation	Financial				
			4	4	<p>The Authority agreed to replace the WFO 1992 with a byelaw in March 2020 and work is underway to introduce such a byelaw. There is judged to be sufficient time to get a byelaw approved but industry opposition may adversely affect this. If a replacement Regulating Order were applied for then the likelihood rating would increase to 4 and it is thought that it would be very unlikely that a new Order would be in place in time.</p> <p>The risk associated with the development of the Several Order is more prescient. Development of the several order and the FMP has been delayed.</p>			
			The effective management of all fisheries within the Wash is important in terms of industry viability, sustainability of stocks and managing the impact of fishing activity in a heavily designated MPA. Loss of confidence in Eastern IFCA's ability to manage the cockle and mussel fisheries is likely to be significant if the WFO 1992 is not replaced in a timely way	Potential for legal challenge against Eastern IFCA				

Appendix 3 – Risk Register Update April 2023 to end of August 2023

Risk Description	Change in risk-rating / update
Eastern IFCA fails to secure funding to replace assets	No change in risk rating or mitigation since publication in Business Plan 2023-28
Eastern IFCA fails to maintain relevance amongst partners	No change in risk rating since publication in Business Plan 2023-28. Participation in the Development of Fisheries Management Plans is likely to function as mitigation of this risk and to that end, a proactive approach is taken to engaging with such.
Negative media comment	No change in risk rating or mitigation since publication in Business Plan 2023-28
Degradation of MPAs due to fishing activity	<p>An additional risk is identified in failure to have completed assessments of so called ‘amber/green’ interactions (Habitat Regulation Assessments) of fishing activities within MPAs. This workstream is a priority, however where management is needed there is a risk that this will not be in place in accordance with Defra timescales to meet the targets in the 25 Year Environment Plan. By way of mitigation, a risk-based approach has been taken to assess and manage fishing interactions with MPA features and the highest risk ‘amber/green’ interactions (e.g. Shrimp fishery in The Wash) have been assessed and management is in place. It is therefore unlikely that the remaining assessments reflect a risk to MPAs as a result of fishing activity.</p> <p>The above does not change the associated risk rating however.</p>
Shellfish and fish stocks collapse	No change in risk rating or mitigation since publication in Business Plan 2023-28
Failure to secure data	No change in risk rating or mitigation since publication in Business Plan 2023-28
New Burdens funding discontinued	No change in risk rating or mitigation since publication in Business Plan 2023-28

<p>The Wash Fishery Order 1992 is not replaced in time when it expires in January 2023</p>	<p>No change in risk rating since publication in Business Plan 2023-28. Implementation of interim measures to enable fishing in the public fisheries and protect stocks in private fisheries is in place via Eastern IFCA byelaws.</p>
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Vision

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



Action Item 11

53rd Eastern Inshore Fisheries and Conservation Authority Meeting

13 September 2023

Wash Cockle Fishery 2023

Report by: L. Godwin (Senior IFCO – Regulation)

Purpose of Report

The purpose of this report is to update members on the Wash cockle fishery 2023.

Recommendations

It is recommended that members:

- **Note** the contents of the report

Background

At the 50th Eastern IFCA meeting members agreed to delegate authority to the CEO to manage Wash cockle and mussel fisheries under interim measures including by issuing exemptions to enable access and conditions to implement management measures.

At the 52nd Eastern IFCA meeting, members were provided with the 2023 spring cockle stock survey and an assessment relating to changing the method for determining the Total Allowable Catch (TAC) for the cockle fishery. Members agreed in principle to adopting the new method (calculating the TAC as 1/6 of the total stock as opposed to 1/3 of adult stock) pending favourable advice from Natural England and a final decision made by the CEO in consultation with the Chair and Vice-Chair.

Members were also provided provisional management measures for the fishery based upon the well-established management of the fishery under the Wash Fishery Order 1992. These measures were provisional pending a consultation with Wash fishermen and a final decision by the CEO.

Report

Consultation with Wash fishing industry

108 Letters were sent to persons involved in the Wash Cockle fishery including 'entitlement holders' and skippers.

22 people responded (20%), 12 of which were 'entitlement holders' (31% of Entitlement holders) representing 30 separate 'entitlements' (49% of all entitlements)

to a licence). In summary, the vast majority of respondents were in agreement with the proposed management measures and the adoption of the new TAC method. Wash fishermen were also asked to indicate their preference for management of the Thief cockle bed in particular. Three options were provided for potential management; option 1 represented the fullest possible opening of the bed, option 2 representing a partial closure of the bed and option 3 representing total closure. Preferences of respondents were split evenly between options 1 and 3. On balance it was decided that because the bed contained a high proportion of young cockles which were likely to be an important component of the 2024 fishery, the bed would initially be closed to fishing but that the decision would be kept under review.

The full consultation outcome document¹ is available on the Authority's website.

Initial opening of the fishery and additional surveys

Natural England raised concerns regarding the biomass of adult cockles identified in the spring cockle survey and in particular that the estimated biomass was only 500 tonnes above the conservation target of 3000 tonnes. Initially, this prevented Natural England from providing favourable advice to open a full fishery.

With the agreement of Natural England, the fishery opened initially for a period of 5 days (from 3 July to 8 July) to enable fishing at the earliest opportunity whilst additional assessment and dialogue was ongoing. This was considered important in the context that cockle die-off as a result of atypical mortality had been observed and delaying the opening of the fishery could consequently result in a loss of fishing opportunities.

An additional survey was undertaken to explore the extent that growth of cockles since the spring survey would have increased the adult biomass to enable a full fishery. The survey and subsequent assessment identified that growth had been significant, and the adult biomass was sufficient to enable a fishery with a full TAC without reducing biomass below the conservation target.

Natural England provided favourable advice to enable the full opening of the fishery and the adoption of the new TAC method (providing a TAC of 2937 tonnes) on 10 July 2023 and the fishery was re-opened on 16 July.

Amendments to management measures

During the course of the cockle fishery the operating times have been revised. Such revisions have been as a consequence of feedback from Wash fishermen and primarily address issues around fishing in darkness and on 'back-to-back' tides without a break.

In addition, representation was received to the effect that the Thief cockle bed should be opened. A short consultation was undertaken to gather the views of Wash fishermen and the response was overwhelmingly in favour of opening the bed. The key reasons given were that growth on the bed had been unexpectedly high and many of the cockles were now at risk of atypical mortality despite being a younger

¹ https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/06/2023_Wash_Cockle_Fishery_Consultation_Outcome_Report.pdf

year-class than is ordinarily affected. This concern was confirmed as a risk during an additional survey of the bed. In addition, others felt that the pressure on other beds was too high and that opening the Thief would alleviate this pressure.

Whilst the bed was initially closed to protect stock for the 2024 fishery, the unexpectedly high growth of cockles on the bed meant that many would likely be unavailable to next year's fishery as a result of atypical mortality. On balance, it was therefore decided that the bed should be opened as of 20 August.

Uptake in the fishery

Uptake of the fishery has been below average, with an average of 42 vessels operating in the fishery during July reducing to an average of 30 during August.

The majority view of industry is positive, with the vast majority reporting good cockle densities, yields and prices. However, several vessels which would have ordinarily operated in the cockle fishery have switched to fishing for shrimp early. The fishery is presently projected to exhaust the TAC on 19 September based on the current estimate of remaining TAC and number of vessels active in the fishery.

Financial Implications

None identified

Legal Implications

Various revisions to management measures have been made during the course of the fishery in addition to consideration of other requests which did not result in any such a change. In all cases, decisions were in accordance with delegated authority, carefully considered, documented and consulted on with industry as considered appropriate. Therefore, risk of legal challenge is considered adequately mitigated.

Appendices

Not Applicable

Background Documents

- Papers and minutes for Action Item 10 of the 50th Eastern IFCA meeting, 14 December 2023
- Papers and minutes for Action Item 14 of the 52nd Eastern IFCA meeting, 14 June 2023

Vision

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



Action Item 12

53rd Eastern Inshore Fisheries and Conservation Authority Meeting

13 September 2023

Horseshoe Point Closure

Report by: James Teasdale (Project Officer)

Purpose of Report

To update members regarding the status of the potential cockle fishery at Horseshoe Point (HSP) and the obstacles to opening the fishery.

Recommendations

It is recommended that members:

- **Note** the contents of the report

Background

Horseshoe Point is located in the vicinity of Donna Nook in the north of the district. The area is comprised of intertidal sandbanks and has historically hosted a hand worked cockle fishery that has been exploited from landward by fishers on foot and employing land-based vehicles. The fishery is within an area inherited from North Eastern Sea Fisheries Committee and is covered by a similarly inherited byelaw; Byelaw XXIV: Humber Estuary Cockle Fishery Byelaw. The most recent fishery is understood to have taken place in 2002.

Water and Shellfish Quality Assessments are necessary to classify waters for a fishery to take place. These are undertaken by East Lindsey District Council (ELDC) and following the last fishery in 2002, were stopped in 2004. In 2015 a survey identified increased stock and efforts were made to open a fishery and assessments were undertaken and the fishery was re-classified.

However, access to the fishery required crossing land that was privately leased, as well as saltmarshes protected under the Humber SAC. Natural England raised concerns about the damage caused by vehicular access across the salt marshes. Projections suggested that land-based access to the fishery would be highly expensive with analysis of potential options suggesting that laying of a temporary metal trackway across the marsh, would cost £10,000 - £26,000 depending on length, potentially alongside the use of trackways that would likely need reinstatement, projected at £4,000 - £5,000. Further, these figures did not factor considerations for landowners nor liability in the event of damage to the site.

No suitable arrangement for access was found, and so the fishery remained closed. In light of this, ELDC stated they did not intend to take samples again so as to provide a classification unless the fishermen were to produce a clear plan for accessing the fishery. The water classification therefore lapsed again in 2019.

In the absence of any classification, the bed is being kept closed using section 10 of Byelaw XXIV.

Report

A survey was undertaken in May 2023 (report at Appendix 1), which found the total stock to be 441 tonnes, with 309 tonnes above 16mm in length. Whilst this would be adequate to support a limited fishery it appears unlikely that a fishery would be viable in the near future for a variety of reasons. A letter was sent to industry members on 27 July 2023 (Appendix 2 refers) to advise them of the results of the survey, the challenges involved in opening a fishery and inviting them to make contact if they wished to make a case for addressing the identified issues and opening the fishery.

Appendices 1 and 2 together fully detail the issues and obstacles facing a potential fishery, but in summary:

- The area currently does not have a water classification, which is legally necessary to harvest cockles.
- A classification would need to be undertaken by ELDC, who are unlikely to commit to do so without being presented a plausible business case, having previously classified the waters only for no fishing to take place.
- If ELDC were to undertake classification, the process takes at least 16 weeks.
- Limited stocks and the possibility of atypical mortality potentially would likely render the fishery unviable within this timeframe.
- Access to the fishery by land would require negotiation for access from local landowners, and approval from Natural England regarding protected areas. These are likely to both present high costs.
- Access by the sea is understood to be difficult.
- Byelaw XXIV was intended to facilitate a hand worked fishery with access from shore and does not allow the same degree of flexibility such as is present in the Wash fisheries, increasing the difficulty of implementing any controlled fisheries to facilitate current conditions. For example, no mechanism for limiting the number of permits exists under the byelaw, limiting the Authority's ability to control effort should a fishery be opened.

Attempting to open the fishery will require investment of time and public money and, due to the obstacles above, has a high risk of failure. A business case from industry is therefore required to ensure that the will and capacity is in place to overcome those obstacles and utilise the fishery.

The letter to industry members elicited a single response. A contributory factor in this may be that cockle prices in the Wash fishery have been good this year and early indications are that the brown shrimp fishery appears to be very productive, with good prices being achieved.

The response received, although critical of the content of the letter to industry and suggesting that illegal fishing had taken place in 2022, did not contain a firm proposal to open the fishery. It was suggested that a dredge fishery could be opened but that would not resolve all of the issues identified.

In the absence of a strong case from industry to open the fishery a closure has therefore been maintained at the site.

Financial Implications

None identified.

Legal Implications

None identified.

Appendices

Appendix 1 – Horseshoe Point Cockle Stock Assessment and Review of Challenges Associated With Opening a Fishery, May 2023, Available on the Authority's website at: [Research Papers - Eastern IFCA \(eastern-ifca.gov.uk\)](https://www.eastern-ifca.gov.uk/research-papers)

Appendix 2 – Letter to industry dated 27 July 2023

Background Documents

Minutes and papers for item 25 of the 18th Eastern IFCA Meeting, 29 April 2015

Minutes and papers for item 7 of the 21st Eastern IFCA Meeting 28, October 2015

Appendix 2 – Letter sent to Industry on 27 July 2023

Horseshoe Point Cockle fishery

I am writing to inform you of the results of the latest Horseshoe Point cockle survey and the potential for opening a fishery.

Background

A small cockle fishery exists at Horseshoe Point in Lincolnshire. The Authority inherited this area on becoming an IFCA in 2011 and it is managed under an inherited byelaw – Byelaw XXIV: Humber Estuary Cockle Fishery Byelaw.

The cockle stocks in the area have fluctuated significantly over the years and provided little opportunity for a fishery. The last fishery is understood to have been in 2002.

In 2015 there were sufficient stocks to enable a fishery, however a number of challenges led to the fishery remaining closed. The main obstacles were the difficulties and costs associated with gaining access by land and the relative inaccessibility of the fishery by sea.

Current state of the cockle stock

At present, the cockle stocks in the area could support a limited fishery. A full survey report is available on our website (www.eastern-ifca.gov.uk/publications). In summary, the total stock at the time of the survey was 441 tonnes, with 309 tonnes above 16mm in length (the approximate minimum size under the byelaw).

Cockle mortality was observed within the site, and it is likely that this will have diminished cockle stocks since the survey.

Complications

There are a number of challenges to opening the fishery:

- The area has no water classification to enable a commercial cockle fishery and a minimum period of 16 weeks is required to gain water classification.
- Without a clear intent and business case from industry to exploit the fishery, it is unlikely that the relevant local authority would commit to undertaking the sampling required to achieve water classification.
- Access to the fishery via the land will require negotiation with the landowners and the lessees of the land as well as Natural England, who will need to be satisfied that the activity will not impact site integrity of the associated Marine Protected Areas. This would need to be undertaken by industry and it proved to be insurmountable in 2015.
- Access to the fishery by sea is understood to be difficult and possibly not a realistic option.

- The byelaw to manage a fishery in the area is old and does not enable the same level of flexible management as is the case in Wash cockle fisheries.
- Atypical mortality at the site may reduce the stock to levels to non-viable levels whilst the above challenges are resolved.
- Whilst only a minor factor this year given the challenges above, the byelaw also only permits the opening of a fishery from 1 September to 30 April.

Potential for a fishery


Given the extent of the challenges identified above, it appears unlikely that a fishery could be opened prior to the stocks reducing as a result of die-off.

It should be noted that there is the potential to alter the daily catch restrictions to enable access via vessels (e.g. replace the 500kg per person restriction with a 2-tonne per vessel restriction). Whilst this may alleviate some of the challenges around access by land it is noted that safe access to the fishery by vessel is questionable and a strong case would need to be made to deviate from the restrictions in the byelaw.

In summary, whilst the Authority would be prepared to facilitate the opening of a fishery, a strong case would be required from industry in light of the challenges outlined above. In particular industry would need to address the issues relating to access via land.

If you wish to make a case for addressing the identified issues and opening the fishery, please contact us to discuss as soon as possible.

Yours sincerely



Julian Gregory
Chief Executive Officer

Vision

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



Action Item 13

53rd Eastern Inshore Fisheries and Conservation Authority Meeting

13 September 2023

Changes to the Cromer Shoal Chalk Beds Byelaw 2023

Report by: Kristina Gurova, Project Officer

Purpose of Report

The purpose of this report is to update members on changes made to the Cromer Shoal Chalk Beds Byelaw 2023 following the formal consultation on the byelaw and its impact assessment.

Recommendations

It is recommended that members:

- **Note** the content of this report

Background

The Authority made the Cromer Shoal Chalk Beds Byelaw 2023 at its 51st statutory meeting on the 8th of March 2023. The intention of the byelaw is to support the delivery of an Adaptive Risk Management approach to the crab and lobster potting fisheries that take place within Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ) to mitigate risks to the site's conservation objectives.

Officers were directed to undertake a formal consultation on the byelaw and its impact assessment and to present the results and any recommended changes to the byelaw at a subsequent Authority meeting. Members delegated authority to the CEO to make amendments to the byelaw which do not significantly alter its intended effects.²

Report

A formal consultation on the draft Cromer Shoal Chalk Beds Byelaw 2023 and its impact assessment ran from the 30th of March 2023 until the 31st of May 2023.³

Following a consideration of the responses received, officers recommended that the wording of the draft byelaw be amended in places. As none of the amendments proposed significantly alter the byelaw's intended effects, the amendments are

² Papers and minutes for Action Item 12, 51st Eastern IFCA Meeting, 8th March 2023.

³ There was an extension to the original deadline of 8th May 2023 due to limited responses being received.

intended to be made using the authority delegated to the CEO at the 51st Eastern IFCA meeting.

The amendments and the rationale behind them are outlined below. The full wording of the byelaw, as amended, can be found at Appendix 1. The draft (pending a final decision by the CEO under delegated authority) formal consultation outcome can be found at Appendix 2.

a) Removal of the provision on 'urgent' flexible conditions from the byelaw

The byelaw as made by the Authority included a provision (paragraph 21) on 'urgent' flexible conditions which enabled the Authority to issue, vary or revoke a flexible permit condition giving no less than 12 hours' notice in writing if in the view of the Authority there is a risk to the achievement of the conservation objectives within the MCZ or there are other urgent and compelling reasons requiring such action to be taken.

This provision was carried over from a similar provision in the Wash Cockle and Mussel Byelaw 2021. The rationale for inclusion at the time was that the intention of the provision aligns closely with the flexibility and responsiveness requirements of Adaptive Risk Management.

During the formal consultation, this provision attracted significant scrutiny and concern, with stakeholders querying the circumstances which would trigger its use. It is recommended that the provision be removed from the byelaw based on the following key considerations:

- The normal procedure for introducing, varying and revoking flexible permit conditions would ordinarily take a minimum of three months. This is considered to be responsive enough for the purposes of the Cromer crab and lobster potting fishery, taking into account the nature of the fishery and Eastern IFCA's 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 the 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.

Accordingly, it is intended that the byelaw is amended to remove the provision on 'urgent' flexible conditions. It was determined that this action would not significantly alter the intended effects of the byelaw to enable flexible and adaptable management of fishing activity in the MCZ as the procedure on standard flexible

conditions has been assessed to be sufficiently robust to support Adaptive Risk Management.

b) Extension of the requirement to report lost tags to include lost pots and reduction of the period for reporting from 21 days to 10 days

The byelaw as made by the Authority required lost tags to be reported within 21 days of the loss. The wording of the provision was carried over from Eastern IFCA's Whelk Byelaw 2016.

Feedback during the formal consultation was received to the effect that a 21-day period is excessive and that the provisions on lost gear could benefit from being strengthened.

It was considered appropriate that loss of pots be included in the reporting requirement to build upon and strengthen existing voluntary management measures under the Code of Best Practice (Lost and Stored Gear). It was assessed that this amendment would not significantly alter the intended effects of the byelaw which include lost gear management.⁴

c) Amendment to give discretion to permit holders to mark surface markers with either PLN or permit number

The byelaw as made by the Authority required buoys or markers to be marked with the permit number associated with the pots and, where a registered fishing vessel is named on the permit, with the port letters and numbers (PLN) of the vessel.

Feedback was received during the formal consultation to the effect that this is too much information, and that PLN are more than sufficient to enable gear to be traced to its owner.

It was suggested that the provision be amended to give discretion to the permit holder over whether to mark buoys with their PLN, permit number or both.

It is intended that the byelaw is amended accordingly. It is assessed that the amendment would not significantly alter the intended effect of the byelaw or this provision, which is to enable gear to be traced back to individuals.

d) Enforcement of the provision which prohibits vessels from hauling and using pots assigned to another vessel

Paragraph 7 of the byelaw prohibits a person from fishing with pots other than those assigned to them. This provision is carried over from a similar provision within the Whelk Permit Byelaw 2016 and is required to prevent circumvention of the whelk pot limitation in place under that byelaw.

Feedback was received to the effect that often, inshore fishermen within the MCZ will allow each other to lift and set each other's gear, often because they cannot attend gear themselves due to breakdowns or illness. Importantly, there is no proposal for pot limitation at this time, and as such, the provision as it stands could have a

⁴ For example, paragraph 26 of the byelaw requires fishing gear to be used in such a way as to minimise the likelihood of it becoming lost.

disruptive impact on normal fishing practices with no appreciable benefit to the management of the fishery at this time. Further, preventing the sharing of gear in the way described by fishery stakeholders could result in pots being left in situ on the rigged chalk which could increase the risk of damage.

Options to address this are being considered including adoption of an enforcement policy setting out how and when the provision will be enforced (e.g. not until a pot limitation comes into effect) or removal of the provision from the byelaw such that a similar provision could be developed as a permit condition should pot limitation be required in the future.

Next steps

Once the CEO has made a final decision on the byelaw and consultation outcome, the Byelaw will be submitted to the MMO for formal QA and the outcome document will be published online.

Appendices

Appendix 1 – Formal Consultation Outcome Document (Cromer Shoal Chalk Beds Byelaw 2023) – available online at https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/09/2023_09_13_Item_13_Appendix_1-1.pdf

Appendix 2 – Cromer Shoal Chalk Beds Byelaw 2023 (as amended)

Background Documents

Papers and minutes for Action Item 12, 51st Eastern IFCA Meeting, 8th March 2023

Appendix 2 – Draft Cromer Shoal Chalk Beds Byelaw 2023



Eastern Inshore Fisheries and Conservation Authority

MARINE AND COASTAL ACCESS ACT 2009

Cromer Shoal Chalk Beds Byelaw 2023

The Eastern Inshore Fisheries and Conservation Authority in exercise of its powers under section 155(1) of the Marine and Coastal Access Act 2009⁵ makes the following byelaw for the District:-

Interpretation

1. In this byelaw:
 - a. “the Authority” means the Eastern Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Eastern Inshore Fisheries and Conservation Order 2010;⁶
 - b. “the District” means the Eastern Inshore Fisheries and Conservation District as defined in Articles 2 and 3 of the Eastern Inshore Fisheries and Conservation Order 2010;
 - c. “Category One Permit” means a permit issued under paragraph 10(a) which authorises fishing for commercial purposes or from a registered fishing vessel;
 - d. “Category Two Permit” means a permit issued under paragraph 10(b) which authorises fishing for recreational purposes;
 - e. “permit” means a Category One Permit or a Category Two Permit issued under this byelaw;

⁵ Marine and Coastal Access Act 2009 c.23

⁶ Eastern Inshore Fisheries and Conservation Order 2010, SI 2010/2189

- f. “eligibility policy” means the documents which are issued under paragraph 17 and which describe how the Authority will issue permits and endorsements and manage access to the fisheries under this byelaw to fulfil the Authority’s duties and which:
 - i. are created and agreed by the Authority;
 - ii. reviewed, issued, varied and revoked in accordance with Schedule 3 of this byelaw;
 - iii. are published on the Authority’s website;
 - iv. are deposited at, and available on request from, the Authority’s offices;

- g. “electronic monitoring systems” means equipment attached to a vessel or fishing gear which records fishing activity information, which may be remotely accessible to the Authority, including:
 - i. deployment or recovery of fishing gear;
 - ii. vessel position, speed and bearing information;
 - iii. vessel identification information;
 - iv. date and time information.

- h. “Cromer Shoal Chalk Beds” means the Marine Conservation Zone designated in The Cromer Shoal Chalk Beds Marine Conservation Zone Designating Order 2016;⁷

- i. “Cromer Shoal Chalk Beds area” means the area defined in Schedule 1 of this byelaw;

- j. “fishing” means digging for bait; the shooting, setting, towing and hauling of fishing gear; gathering sea fisheries resources by hand or using a hand operated implement; and catching, taking or removing sea fisheries resources;

- k. “fishing for commercial purposes” means fishing for sea fisheries resources for sale or reward;

- l. “fishing for recreational purposes” means fishing for sea fisheries resources except for sale or reward;

- m. “fishing gear” means any nets, pots, ropes, anchors, surface markers, lines, dredges, grabs, rakes or other implements used for the purposes of, or facilitating, fishing;

⁷ The Cromer Shoal Chalk Beds Marine Conservation Zone Designation Order 2016, Ministerial Order 2016/4

- n. “flexible permit conditions” means any of the conditions attached to permits or endorsements in accordance with paragraph 19 of this byelaw;
- o. “pot” means any folding or rigid cage device or structure with one or more openings or entrances capable of capturing any sea fisheries resources;
- p. “permit holder” means the person who is eligible to hold the permit under eligibility policy;
- q. “nominated deputy” means a person who is not the permit holder but has been nominated to fish under the authority of a permit by the permit holder in accordance with paragraph 13 of this byelaw;
- r. “vessel” means:
 - i. a ship, boat, raft or watercraft of any description and includes non-displacement craft, personal watercraft, seaplanes and any other thing constructed or adapted for floating on or being submerged in water (whether permanently or temporarily) and;
 - ii. a hover craft or any other amphibious vehicle, used or capable or being used as a means of transportation on water;
- s. “registered fishing vessel” means a vessel registered under Part II of The Registry of Shipping and Seaman as governed by the provisions of the Merchant Shipping Act 1995 and the Merchant Shipping (Registration of Ships) Regulations 1993, or in the Channel Islands or Isle of Man; and in respect of which there is a valid fishing licence issued under the Sea Fish (Conservation) Act 1967 (c.84);
- t. “WGS 84” means the World Geodetic System as revised in 1984 and 2004.

2. Co-ordinates used in this byelaw are measured from WGS 84 datum.

Commencement

- 3. This byelaw comes into force on the date on which it is confirmed by the Secretary of State.

Prohibitions

4. A person must not fish using pots within the Cromer Shoal Chalk Bed area unless that person is:
 - a) The holder of a valid Permit and any relevant endorsement attaching to that permit; or
 - b) The nominated deputy of the holder of a valid Permit and any relevant endorsement attaching to that permit.

5. A person must not fish using pots unless;
 - a) a valid permit pot tag that is capable of being read and provided by the Authority at cost, is affixed to each pot; and

 - b) where a single pot is being used to fish, unattached to other pots, it is marked with a single buoy in accordance with paragraph 6; or

 - c) where more than one pot is being used to fish which are attached in a string, each end of the string is marked with a buoy in accordance with paragraph 6.

6. A Buoy or buoys used to mark pots in accordance with paragraph 5 must be:
 - a) of sufficient size and shape to be clearly visible and remain fully afloat at all times;

 - b) where a recreational fishing vessel is named on the permit, marked with the number of the permit associated with the pots on that string in such a way that is it clearly visible and capable of being read;

 - c) where a registered fishing vessel is named on the permit, marked with either the port letters and number of that vessel or the permit number associated with the pots, in such a way that is it clearly visible and capable of being read.

7. Subject to paragraph 8, a person must not fish using pots from a vessel, or to carry on board any sea fisheries resources caught using pots from within the Cromer Shoal Chalk Bed area unless:
 - a) that vessel is named on a permit with the same permit number as the pots being fished from that vessel; and

 - b) either the permit holder or nominated deputy is the skipper of that vessel.

8. Paragraph 7 does not apply where a person is fishing under the written agreement of the Authority and in accordance with any conditions of that

agreement. Such agreement may be given in circumstances where the permit holder, nominated deputy or the named vessel, are unable to put to sea.

9. A person must not fish under the authority of a permit or endorsement except in accordance with any conditions attaching to that permit or endorsement.

Permits and endorsements

10. The Authority may authorise fishing using pots by way of issuing:
 - a) a category one permit to fish from a registered fishing vessel and fishing for commercial purposes within the Cromer Shoal Chalk Beds area; or
 - b) a category two permit to fish other than from a registered fishing vessel or for recreational purposes; or
 - c) an endorsement attaching to a permit to fish where access is restricted under a flexible permit condition.

11. Permits and endorsements are:
 - a) created, issued and cancelled at the discretion of the Authority under this byelaw, subject to the eligibility policy and accordingly no legal title is created or implied by the issue of a permit or endorsement; and
 - b) issued to a named person, who shall be a natural person only and the permit holder; and
 - c) issued in relation to a single vessel only; and
 - d) valid from the date of issue for the remainder of that calendar year; and
 - e) not transferable between persons or vessels.

12. The Authority may restrict the number of permits and endorsements attaching to permits issued under this byelaw in accordance with the procedure in Schedule 2 of this byelaw.

13. A permit holder may nominate persons to fish under the authority of a permit, who may, subject to eligibility policy issued under paragraph 17, be named on the permit as the nominated deputy.

Permit fees

14. A person must pay to the Authority the category one or category two permit fee and any fee relating to tags in accordance with paragraph 5 of this byelaw prior to their issue.

15. The amount payable will be determined by the Authority in accordance with Schedule 4.

Eligibility for permits, endorsements, and eligibility policy

16. An application for a permit or endorsements attaching to permits must be made by completing forms available from the Authority's office or website and must provide all required information and evidence specified in the relevant form, including:

- a) applicant details;
- b) details of any nominated deputy;
- c) vessel details, documentation and certification; and
- d) relevant business or financial information.

17. The Authority may, in accordance with the procedure set out in Schedule 3, issue, vary or revoke eligibility policy separately in relation to permits and endorsements issuable under paragraph 10 in order to set the conditions for the:

- a) eligibility to hold a permit;
- b) eligibility for a permit to be endorsed;
- c) eligibility to be a nominated deputy on a permit;
- d) the maximum number of persons who may fish under the authority of a permit or endorsement attaching to a permit;;
- e) eligibility to fish under the authority of a permit or endorsement attaching to a permit;
- f) eligibility to skipper a vessel named on a permit for the purposes of fishing under the authority of that permit or endorsement attaching to a permit;
- g) eligibility to name a vessel on a permit;

18. For the purposes of paragraph 17, 'the Authority' means either

- a) members at a meeting of the Authority which is quorate in accordance with Article 13(1) of the Eastern Inshore Fisheries and Conservation Order 2010; or

- b) members at an appropriately delegated sub-committee of the Authority.

Flexible permit and endorsement conditions

19. The Authority may, in relation to any permit or endorsement issued under paragraph 10 of this byelaw, impose flexible permit conditions within one or more of the following categories and with which a person fishing under the authority of a permit or an endorsement must comply:

- 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.

20. The Authority may, in accordance with the procedure in Schedule 2 of this byelaw, issue, vary or revoke flexible permit conditions.

21. Failure to comply with a flexible permit condition constitutes a contravention of this byelaw.

Fishing information

22. The Authority may require persons fishing under the authority of a permit or endorsement issued under paragraph 10 to provide fishing information where such information is considered by the Authority to be necessary to further the conservation objectives of Cromer Shoal Chalk Beds MCZ, by such means and with such regularity as are considered appropriate by the Authority for that purpose, including through the use of electronic monitoring systems.

23. The information referred to in paragraph 24 may include:

- 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.

Retrieval of Fishing Gear When Notified

- 24. 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.
- 25. 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.
- 26. When notified under paragraph 25 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.
- 27. If it is not reasonably practicable to retrieve the fishing gear that is the subject of the notification under paragraph 25 of this byelaw, the permit holder must notify the Authority and provide reasons as to why it is not reasonably practicable to do so.

Pots and pot tags

- 28. Lost or illegible pot tags are no longer valid pot tags.
- 29. Any pot or tag that becomes lost must be reported to the Authority within 10 days of the loss.
- 30. The holder of a permit may apply for replacement pot tags which have been lost or are illegible.
- 31. The Authority may issue replacement pot tags.
- 32. The replacement of pot tags will be at the cost of the permit holder.

Exemptions

33. A person is exempt from paragraphs 4, 5, 6, 7 and 9 of this byelaw if they are fishing for whelk under the authority of a whelk permit issued under the Whelk Permit Byelaw 2016, made by the Authority on 17 November 2015 and confirmed by the Secretary of State on 1 November 2016.

Amendments

34. The Whelk Permit Byelaw 2016, made by the Authority on 17 November 2015 and confirmed by the Secretary of State on 1 November 2016 is amended as follows:

- a. after paragraph 1(q), insert: “r) “electronic monitoring systems” means equipment attached to a vessel or fishing gear which records fishing activity information, which may be remotely accessible to the Authority, including: i) deployment or recovery of fishing gear; ii) vessel position, speed and bearing information; iii) vessel identification information; or iii) date and time information.”
- b. in paragraph 2(a) insert after “the holder of a whelk permit”: “and any relevant endorsement attaching to that permit”;
- c. in paragraph 2(b) insert after “the holder of a whelk permit”: “and any relevant endorsement attaching to that permit”;
- d. in paragraph 4 insert after “such agreement may be given”: “subject to conditions”;
- e. in paragraph 6, for “not set whelk pots” substitute “fish for whelks”;
- f. for sub-heading “Permits” substitute “Permits and endorsements”;
- g. after paragraph 9(b) insert the sub-paragraph “9 (c) issue an endorsement attaching to a permit to fish where access is restricted under a flexible permit condition”.
- h. in paragraph 15 insert after “The Authority may restrict the number of whelk permits”, “or endorsements”;
- i. in paragraph 19, insert after “The Authority may attach to permits”, “or endorsements”;
- j. in paragraph 20 (c), for “fishing gear”, substitute “fishing gear and fishing gear use”;
- k. after paragraph 20 (f) insert sub-paragraphs:
 - i. “g) vessel design restrictions;” and
 - ii. “h) electronic monitoring system requirements”;
- l. For paragraph 21, substitute: “The Authority may a) issue, vary or revoke flexible permit conditions following a review conducted in accordance with the procedure set out in Schedule 1; b) giving no less

than 12 hours' notice in writing, issue, vary or revoke a flexible condition if; i) in the view of the Authority there is a risk to the achievement of conservation objectives within Cromer Shoal Chalk Beds MCZ; or ii) in the view of the Authority there are other urgent and compelling reasons requiring such action to be taken; and c) where an action taken by the Authority under sub-paragraph 21 (b) is intended to have effect for more than three months, it must be reviewed in accordance with the procedure in Schedule 1 no later than three months after the date on which such action was taken;

- m. in paragraph 22, after "...in relation to that permit" insert "unless under the written agreement of the Authority."
- n. in paragraph 30, substitute "Replacement whelk permit tags will not be issued until the Authority has received payment at cost for the replacement tags".

I hereby certify that the Cromer Shoal Chalk Beds Byelaw 2023 was made by Eastern Inshore Fisheries and Conservation Authority at their meeting on 8 March 2023.

Chief Executive Officer

Eastern Inshore Fisheries and Conservation Authority

6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk PE30 2JG

The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 155 (3) and (4) of the Marine and Coastal Access Act 2009 confirms the Wash Cockle and Mussel Byelaw 2021 made by the Eastern Inshore Fisheries and Conservation Authority on 10 March 2021.

Date:

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs.

Explanatory Note

(this note does not form part of the byelaw)

This byelaw regulates fishing using pots within an area of the sea which includes Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ). A permit is required to fish using pots commercially and recreationally within the MCZ. The permit holder, vessel and skippers must be named on the permit and fishing activity must be in accordance with any permit conditions or the conditions of any endorsement attaching to the permit. It is also prohibited to use pots for fishing unless they are marked according to the requirements under the byelaw.

The byelaw enables the Authority to implement flexible manage measures including setting; a limit on the number of permits or endorsements issued, separate permit and endorsement conditions and separate eligibility policy in relation to the allocation of permits and endorsements.

Introduction, variation or revocation of the flexible measures includes a requirement to consult with affected stakeholders and undertake an impact assessment. With the exception of eligibility policy, flexible measures can also be introduced with no consultation where there is a risk to the conservation objectives of the MCZ or in response to other compelling and urgent reasons. However, such measures require review unless they are temporary (not intended to last longer than three months, per the byelaw).

The byelaw enables the Authority to request any information relating to fishing which is considered necessary to further the conservation objectives of the MCZ and gives the Authority discretion as to the means and frequency by which such information may be requested so long as these are appropriate for the purpose.

Fishing gear must be used in such a way as to minimise the likelihood of it becoming lost and the Authority may issue notifications for the retrieval of gear either at sea or ashore within timescales that are reasonably practicable.

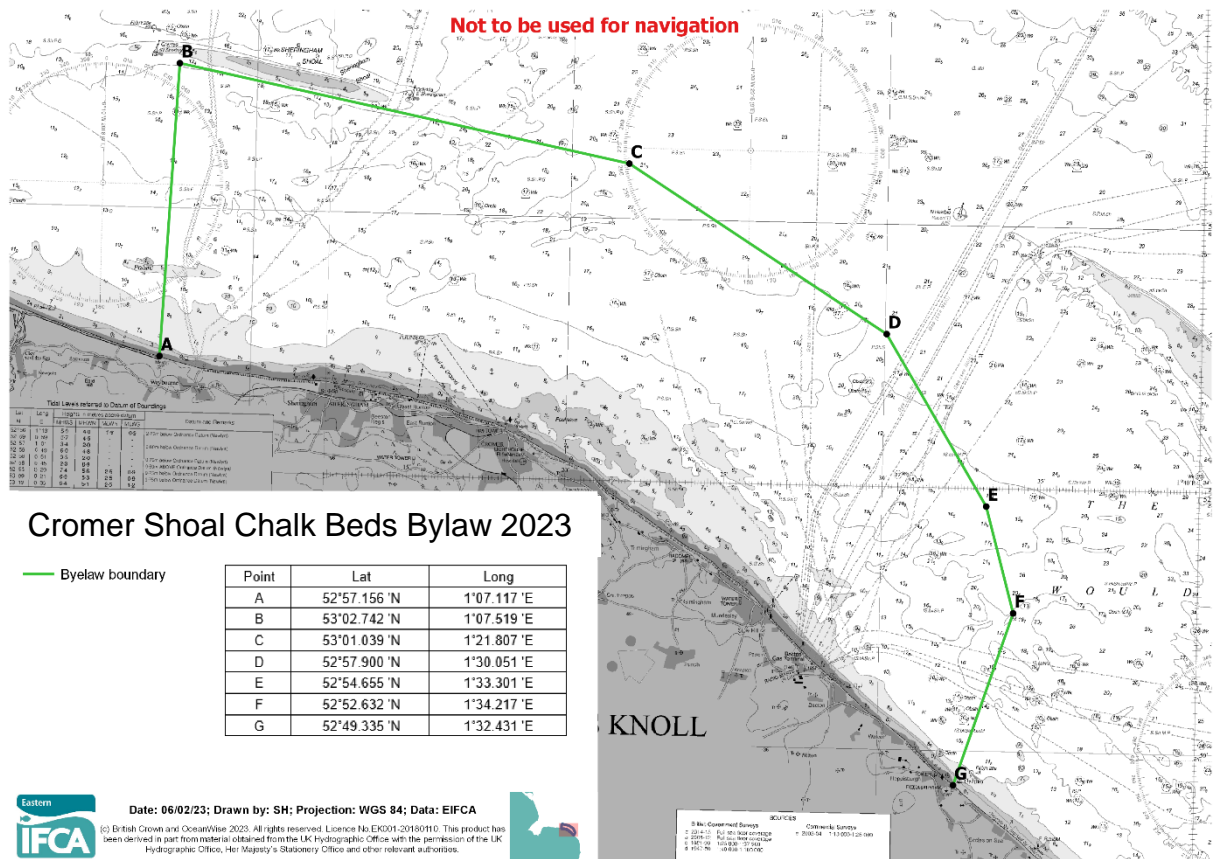
Schedule 1

The Cromer Shoal Chalk Beds area

The Cromer Shoal Chalk Beds area is defined as the area of the District landward of the line drawn by a contiguous series of points listed in the table below and as set out in figure 1 for illustrative purposes.

Point	Latitude	Longitude
A	52°57.156 'N	1°07.117 'E
B	53°02.742 'N	1°07.519 'E
C	53°01.039 'N	1°21.807 'E
D	52°57.900 'N	1°30.051 'E
E	52°54.655 'N	1°33.301 'E
F	52°52.632 'N	1°34.217 'E
G	52°49.335 'N	1°32.431 'E

Figure 1 – chart indicating the area of sea referred to in this byelaw as the Cromer Shoal Chalk Beds area



Schedule 2

Procedure for flexible management measures: limiting the number of permits issued, endorsements issued and flexible conditions

1. The procedure referred to in paragraphs 12 and 20 of the byelaw (in this Schedule, 'the proposed changes') must include the following steps:
 - a. acquisition of relevant available evidence including:
 - i. scientific and survey data, and scientific advice provided by the Authority, the Centre for Environment, Fisheries and Aquaculture Sciences or such other persons as the Authority thinks fit;
 - ii. advice given by Natural England or other external authorities, organisations, persons or bodies as the Authority thinks fit; and
 - iii. information from any other relevant source including that which is relevant to effective enforcement;
 - b. consultation by such methods as the Authority considers appropriate with such stakeholders, organisations and persons as appear to the Authority to be representative of the interests likely to be substantially affected by the proposed changes; and
 - c. undertaking an impact assessment relating to the proposed changes.
2. The Authority must review a flexible condition or a restrictions on the issuing of permits or endorsements at least once every six years from after the date on which a flexible condition or restriction on the issuing of permits or endorsements has taken effect.
3. The review of flexible conditions or restrictions on the issuing of permits or endorsements must be in accordance the steps set out in paragraph 1 of this schedule.
4. The Authority must notify all permit holders when restrictions on the issuing of permits or endorsements or flexible conditions are issued, maintained, varied or revoked.

Schedule 3

Procedure for flexible management measures: setting eligibility policy for permits and endorsements

1. The procedure referred to in paragraph 17 of the byelaw (in this Schedule, 'the proposed changes') must include the following steps:
 - a) Consultation, including:
 - a) inviting comment on proposals for no less than four weeks; and
 - b) advertisement by such means as the Authority considers appropriate and through written means (either letter or email) to existing permit holders.
 - b) undertaking an impact assessment relating to the proposed changes having particular regard to the following:
 - i. the stability, continuity and succession of businesses of the permit holders;
 - ii. the continuing ability of permit holders to finance their businesses; and
 - iii. the impacts to potential young entrants or recruits
2. The Authority must not review eligibility criteria more than once every six years from the date that an eligibility criterion has taken effect unless, in the view of the Authority, there are compelling reasons to do so which would include a risk to the conservation objectives of Cromer Shoal Chalk Beds MCZ, the sustainability of a fishery, or the viability of fishery stakeholders.
3. The review of eligibility criteria must include the steps set out in paragraph 1 of this schedule.
4. The Authority must notify all permit holders when eligibility criteria are issued, maintained, varied or revoked.

Schedule 4

Fees

1. The fees referred to in paragraph 14 of this byelaw are, subject to paragraphs 2 and 3 of this schedule, as follows:
 - a) the category one permit fee is £53.38
 - b) the category two permit fee is £53.38

2. The fees set out in paragraph 1 of this schedule may vary on 1 April each year in accordance with latest release available of the Consumer Prices Index, including the occupiers' housing costs 12-month inflation rate issued by the Office of National Statistics.

3. The Authority may vary fees otherwise than in accordance with paragraph 2 of this schedule, subject to the following conditions and procedures:
 - a) the Authority must consult in writing with permit holders;
 - b) the fee as varied may not be changed for any permit already issued;
 - c) the fee being varied must not be increased more than the equivalent value of 50 per cent; and
 - d) the Authority must make a decision whether to vary the permit fee taking into account:
 - i. any responses from the consultation under sub-paragraph 3 (a);
 - ii. expenditure arising from the administration of permits and processing permit holder data required by the Authority;
 - iii. any regulatory impact assessments associated with this byelaw;
 - iv. Authority expenditure to conduct any survey activities that support the implementation of permits;
 - v. Authority costs associated with arranging and attending meetings with permit holders; and
 - vi. any relevant Authority expenditure incurred by implementation of this byelaw.

Vision

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



Action Item 14

53rd Eastern Inshore Fisheries and Conservation Authority Meeting

13 September 2023

Changes to the Crab and Lobster Byelaw 2023

Report by: Kristina Gurova, Project Officer

Purpose of Report

The purpose of this report is to update members on changes made to the Crab and Lobster Byelaw 2023 following the formal consultation on the byelaw and its impact assessment.

Recommendations

It is recommended that members:

- **Note** the content of this report

Background

The Authority made the Crab and Lobster Byelaw 2023 at its 51st statutory meeting on the 8th of March 2023. The intention of the byelaw is to consolidate into one byelaw the measures under four crab and lobster management byelaws inherited from Eastern Sea Fisheries Joint Committee.⁸

Officers were directed to undertake a formal consultation on the byelaw and its impact assessment and authority was delegated to the CEO to make amendments to the byelaw which do not significantly alter its intended effects.⁹

Report

A formal consultation on the draft Crab and Lobster Byelaw 2023 and its impact assessment ran from the 30th of March 2023 until the 31st of May 2023.¹⁰ Despite the extended deadline for responses, only two written responses were received during the consultation although this was supported by informal dialogue with fishery stakeholders. The draft (pending confirmation by the CEO under delegated

⁸Byelaw 5: Prohibition on the use of edible crab (*Cancer pagurus*) for bait; Byelaw 6: Berried (egg-bearing) or soft-shelled crab (*Cancer pagurus*) or lobster (*Homarus gammarus*); Byelaw 7: Parts of Shellfish; Byelaw 10: Whitefooted edible crab (*Cancer pagurus*).

⁹ Papers and minutes for Action Item 12, 51st Eastern IFCA Meeting, 8th March 2023.

¹⁰ There was an extension to the original deadline of 8th May 2023 due to limited responses being received.

authority) consultation outcome can be found at Appendix 1. In summary, the key objection related to the byelaw allowing the use edible crab cooked offal as bait. It was also suggested that the wording of the byelaw would inadvertently prohibit the landing of crabs which were missing limbs.

Following careful consideration of the responses, it was recommended that an amendment be made to the provision prohibiting the landing of parts of shellfish. The wording of this provision, as originally drafted, had the effect of unintentionally prohibiting the landing of a single-clawed crab or lobster. The actual intended effect of the provision is to prohibit the landing of parts of shellfish such that would prevent checking compliance with minimum landing sizes.

The provision was amended accordingly and the draft byelaw, as amended, can be found at Appendix 2. As the proposed amendment did not significantly alter the byelaw's intended effects, it is intended that such is agreed using the authority delegated to the CEO at the 51st Eastern IFCA meeting.

Next steps

Once the CEO has made a final decision on the byelaw and consultation outcome, the Byelaw will be submitted to the MMO for formal QA and the outcome document will be published online.

Appendices

Appendix 1 – Draft Formal Consultation Outcome Document (Crab and Lobster Byelaw 2023) https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/09/2023_09_13_Item_14_Appendix_1.pdf

Appendix 2 – Crab and Lobster Byelaw 2023 (as amended)

Background Documents

Papers and minutes for Action Item 12, 51st Eastern IFCA Meeting, 8th March 2023

Appendix 2 – Draft Crab and Lobster Byelaw 2023 (as amended)



Eastern Inshore Fisheries and Conservation Authority

MARINE AND COASTAL ACCESS ACT 2009

Crab and Lobster Byelaw 2023

The Eastern Inshore Fisheries and Conservation Authority in exercise of its powers under section 155(1) of the Marine and Coastal Access Act 2009¹¹ makes the following byelaw for the District:-

Interpretation

35. In this byelaw:

- a) “the Authority” means the Eastern Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Eastern Inshore Fisheries and Conservation Order 2010¹²;
- b) “berried” means an organism carrying spawn or eggs attached to its tail or some other exterior part, or which is in such a condition as to show that, at the time when it was taken, it was carrying eggs so attached;
- c) “the District” has the meaning given by Article 3 of the Eastern Inshore Fisheries and Conservation Order 2010;
- d) “edible crab” means the marine organism with the scientific name *Cancer Pagurus*;
- e) “lobster” means the marine organism with the scientific name *Homarus gammarus*;
- f) “the minimum size” means the width of the carapace of an edible crab as specified in the Minimum Sizes Byelaw 2020 which was made by the Authority ;
- g) “recreational purposes” means fishing other than for financial gain and includes fishing from a charter vessel;

¹¹ Marine and Coastal Access Act 2009 c.23

¹² Eastern Inshore Fisheries and Conservation Order 2010 (SI 2010/2189)

- h) “relevant fishing vessel” means a vessel registered under Part II of The Registry of Shipping and Seaman as governed by the provisions of the Merchant Shipping Act 1995 and the Merchant Shipping (Registration of Ships) Regulations 1993, or in the Channel Islands or Isle of Man; and in respect of which there is a valid fishing licence issued under the Sea Fish (Conservation) Act 1967 (c.84);
- i) “soft-shelled” means edible crab, velvet crab or lobster which has recently cast its shell;
- j) “velvet crab” means the marine organism with the scientific name *Necora puber*;
- k) “whitefooted” means an edible crab the claw pincers of which are grey or white rather than black.

Prohibitions

- 36. A person must not remove from the fishery, retain on board, land or tranship any whitefooted edible crab caught within the district between 1 November and the following 30 June.
- 37. A person must not remove from the fishery, retain on board, land or tranship:
 - a) any edible crab, velvet crab or lobster claws, tails or other appendages that are separated from the body of the organism;
 - b) any edible crab, velvet crab or lobster where the organism cannot be measured as follows:
 - a) for edible crabs or velvet crabs, the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace;
 - b) for lobsters; the length of the carapace, parallel to the midline from the back of either eye socket to the distal edge of the carapace.
- 38. A person must not remove from the fishery, retain on board, land or tranship any soft-shelled edible crab or lobster which was caught within the district.
- 39. A person must not remove from the fishery, retain on board, land or tranship any berried edible crab which was caught within the district.
- 40. A person must not:
 - a) remove from the fishery;
 - b) retain on board;
 - c) land; or
 - d) tranship
 any berried lobster.
- 41. A person must not use edible crab for bait unless the edible crab comprises cooked offal only.

42. A person is not liable to an offence under paragraph 7 if that person:
- a) is using edible crab as bait to fish for recreational purposes; and
 - b) is fishing by hook and line; and
 - c) provides evidence to the satisfaction of the Authority that the edible crab was not removed from the fishery within the district or was purchased as bait in which case such evidence must include details of the seller.

Returning catch to sea

43. Any edible crab, velvet crab or lobster which falls within the prohibitions in sections paragraphs 2 to 7, subject to paragraphs 9 and 10, must be returned immediately to the sea or foreshore and as close to the position of capture as is reasonably practicable.

Exemptions

44. Sub-paragraph 6 (c) does not apply to a person fishing from a relevant British fishing boat.

Revocations

45. The following byelaws are revoked:
- a) The byelaw with the title 'prohibition on the use of edible crab (*Cancer pagurus*) as bait', which was made by the Eastern Sea Fisheries Joint Committee on 31 January 1996 and was confirmed by the Minister on 10 April 1997;
 - b) The byelaw with the title 'berried (egg bearing) or soft shelled crab (*Cancer pagurus*) or lobster (*Homarus gammarus*)' which was made by the Eastern Sea Fisheries Joint Committee on 31 January 1996 and confirmed by the Minister on 10 April 1997;
 - c) The byelaw with the title 'parts of shellfish' which was made by the Eastern Sea Fisheries Joint Committee on 31 January 1996 and confirmed by the Minister on 10 April 1997; and
 - d) The byelaw with the title 'whitefooted crab' which was made by the Eastern Sea Fisheries Joint Committee on 29 April 1998 and confirmed by the Minister on 29 January 1999.

I hereby certify that the Crab and Lobster Byelaw 2023 was made by Eastern Inshore Fisheries and Conservation Authority at their meeting on 8 March 2023.

Chief Executive Officer

Eastern Inshore Fisheries and Conservation Authority

6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk PE30 2JG

The Secretary of State for Environment, Food and Rural Affairs in exercise of the power conferred by section 155 (3) and (4) of the Marine and Coastal Access Act 2009 confirms the Crab and Lobster byelaw 2023 made by the Eastern Inshore Fisheries and Conservation Authority on 8 March 2023.

Date:

A Senior Civil Servant for, and on behalf of, the Secretary of State for Environment, Food and Rural Affairs.

Explanatory Note

(this note does not form part of the byelaw)

This byelaw prohibits the removal of species crabs and lobsters as follows:

‘White footed’ edible crabs, individuals which have recently hardened shells but with white or grey tips to their claws and legs, cannot be removed from the fishery, landed, transhipped or retained on board between 1 November and 30 June in any given year.

Claws or other appendages of edible crabs, velvet crabs and lobsters cannot be removed from the fishery, landed, transhipped or retained on board separately from the body of the organism and, any such organism landed must be ‘whole’ to the extent that it can be measured to determine compliance with minimum size legislation.

Berried (egg bearing) and soft-shelled edible crabs, velvet crabs and lobsters cannot be removed from the fishery, landed, transhipped or retained on board.

The prohibition on landing berried lobster in this byelaw does not apply to commercial fishing vessels.

This byelaw also prohibits the use of edible crab as bait within the district unless it is cooked offal. In addition, recreational hook and line fishing (including from a charter vessel) may use edible crab for bait but doing so requires the user to provide evidence that the crab did not come from within the Eastern IFC district or that it was bought as bait.

Vision

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



Information Item 16

53rd Eastern Inshore Fisheries and Conservation Authority Meeting

13 September 2023

Operational Update

Report by: Jon Butler Head of Operations

Purpose of Report

To provide members with an overview of the work carried out by the Marine Protection (verbal) and Marine Science teams during the period of June, July and August 2023.

Recommendations

It is recommended that members:

- **Note** the content of the reports.

Financial Implications

None

Legal Implications

None

Appendices

Appendix 1 – Marine Science Report

Background Documents

Not Applicable

Marine Science Report

Marine Science overview

This period has seen a particular focus on Marine Science work to support the opening of The Wash cockle fishery, further practical research and collaborative work for the Cromer Shoal Marine Conservation Zone, ongoing “Ambers & Greens” fisheries assessment reviews for Marine Protected Areas (MPA) across the Eastern IFCA district, and contributions to the developing national Fisheries Management Plans (FMP). In addition, Habitats Regulations Assessments have been progressed for Eastern IFCA’s use of drones within MPAs and for Eastern IFCA’s own intertidal activities. Consultation and partnership work has been continued where possible but with ongoing capacity issues this has been a lower priority than the core MPA and FMP work. One vacancy was filled with the Marine Science team welcoming a new sea-going officer in August 2023.

Managing Fisheries in Marine Protected Areas (MPA)

The main focus of MPA work continues to be assessment and management of the impacts of the potting fishery on subtidal chalk in Cromer Shoal Chalk Beds Marine Conservation Zone. Multiple research and management workstreams are ongoing, as summarised below. Other MPA work is summarised thereafter.

Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ)

Officers submitted Eastern IFCA’s Adaptive Risk Management Plan to Natural England in April 2023. In June, Natural England provided feedback on the structure of the plan, potential byelaw permit conditions, gear adaptation trials, the ARM timeline and updates to the potting assessment. Officers have been addressing the points raised; once the plan is finalised the intention is to publish it on the website.

The North Sea Wildlife Trusts raised concerns to the Authority in June 2023 about the slow pace of developing management of the potting fishery in the MCZ, and potential impacts on the chalk feature as a result. In particular, the Trusts called for effort restrictions on potting activities, adapted gear trials, and improved evidence on potting fishery activities across the Eastern IFCA district. Officers intend to provide a written response to the Trusts; furthermore, regular updates on the Authority’s research and management work are provided via the established research and management groups as well as wider stakeholder communications. Officers are confident that it can be demonstrated that the Authority is following Natural England’s statutory conservation advice with the ARM approach. Importantly, Natural England have stated that although the potting fishery poses a risk to the condition of the MCZ, it is not the reason for the recorded “unfavourable” condition status, which is attributed to infrastructure such as pipelines and cables in the site.

MCZ management

Cromer Shoal Chalk Beds Byelaw 2023

Applying the agreed “Adaptive Risk Management” approach for the MCZ¹³ relies on the Authority having a regulatory management mechanism in place. The Cromer Shoal Chalk Bed Byelaw 2023 provides this mechanism. The byelaw includes requirements for permits, marking of potting gear, recovering lost gear as well as the ability to attach conditions, endorsements or eligibility policy to permits. After the byelaw was agreed at the 51st Authority meeting on 8th March 2023, officers undertook a formal consultation. Officers have recommended certain amendments to be made to the byelaw prior to submission to the Marine Management Organisation (MMO) for formal quality assurance (Item 13 and associated paper). Once the CEO has made a final decision, the byelaw will be submitted to the MMO and the outcome document will be published online. A consultation on the first suite of permit conditions will follow.

Cromer Shoal Chalk Beds Byelaw 2023 is a flexible permitting byelaw, designed to deliver agile management of the historic crab and lobster potting fisheries that take place within the MCZ. The intention is to have a flexible framework which can adapt to changes in best available evidence by the application of various permit conditions as deemed necessary, informed through research and consultation.

[Voluntary Management: Code of Best Practice \(Lost & Stored Gear\)](#)

The Code of Best Practice continues to be in place since in implementation in May 2022. It is endorsed by both major fishing associations operating within the MCZ. Officers have developed a plan for monitoring options. This is included in the overall Adaptive Risk Management Plan that will be made publicly available once Natural England’s feedback has been taken into account and the Plan updated. The current focus is on further developing the provisions of the Code on removing gear to shore or making it safe prior to forecasted storms. Officers have engaged in dialogue with fishers to understand the types of conditions and other factors that influence the decision to move gear. The intention is to agree firmer thresholds on when such action would be expected and to update the Code accordingly.

[Pot Tagging Feasibility Study with WWF and East of England Plastics Coalition](#)

Officers are applying for funding through the WWF to support a feasibility study that aims to trial different pot tags for the Cromer potting fishery. The intention is to use this study as a basis for selecting the tags that will be rolled out under the Cromer Shoal Chalk Beds Byelaw 2023. Tags will be assessed based on cost, durability, practicality and feedback from fishers participating in the trial. The proposal is currently being finalised.

[MCZ Research](#)

In April 2023, Officers published the 2023 Interim Research Report which provides a detailed summary of the research work being undertaken by the Authority to inform adaptive management of the potting fisheries in the MCZ. The report covers the progress made over the last two years, shares findings that have been made so far

¹³ Eastern IFCA was advised in 2020 by Natural England to take an Adaptive Risk Management approach (i.e., applying management and research then adapting management as needed) to manage the potting fishery in Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ). This ARM approach is ongoing.

and discusses the focus for further work over the next couple of years. This work is available on our website and can be accessed here: https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/05/2023_CSCB_MCZ_ARM_Interim_report_Final.pdf .

At the end of last year (2022) officers completed a review of the extent of the rugged chalk in Cromer Shoal Chalk Beds MCZ which incorporated all new available data sources at that time. This review is now available online alongside interactive maps which show how different evidence has been incorporated into the review: https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/04/2023_04_Rugged_chalk_extent_review_FINAL.pdf. The collection of habitat data to inform the rugged chalk extent is ongoing and the rugged chalk extent will be reviewed again in 2023 to incorporate any further sources of habitat data which have since been made available or arise during the upcoming year. Habitat surveys using the BlueROV2 have continued this summer, targeting peat and clay exposures as well as rugged chalk and all planned habitat surveys have now been completed.

A core part of the ARM research is a study to assess the impacts of potting activities on chalk features and compare these impacts with natural erosion. Officers are working with the Blue Marine Foundation, Natural England and University of Essex on this project. Work this quarter has included identification of study areas through habitat surveys and analysis, applications for licences to deploy marker buoys from The Crown Estate and the MMO, which required a supporting MCZ assessment, and engagement with local fishing industry to agree locations and the voluntary exclusion of gear from the study areas. Officers have welcomed support from the industry in this key work to support a sustainable future for the potting fishery. Baseline surveys are planned for September 2023 and include seabed surveys using the BlueROV2, multibeam surveys and dive surveys lead by the University of Essex.

In addition, officers are continuing to collect valuable spatial data on potting activities from trackers distributed across the fleet. Engagement is continuing and further trackers are being provided to fishers to assist with avoidance of the natural disturbance study areas.

Further bio sampling (measuring catches of crab and lobster) was undertaken in June and July to inform Eastern IFCA's chalk value study. The fieldwork was paused during August 2023 because of capacity issues, but it is planned to resume work in September.

No progress has been made with the social value study of the crab and lobster fishery in the MCZ because of capacity issues at the Marine Conservation Society. Options to use Masters students for this work are being explored.

[Ambers & Greens" assessments](#)

Officers have continued to progress work to review the Authority's assessments of these lower risk fishing activities across seventeen marine protected areas throughout the Authority district. Five updated assessments have been drafted so far (awaiting internal review before submission to Natural England); these are for: Inner Dowsing,

Race Bank & North Ridge SAC, Haisborough, Hammond & Winterton SAC, Breydon Water SPA, Alde & Ore Estuaries SPA, and Alde, Ore & Butley SAC.

A core part of this work is the review of the type and intensity of fishing activities within MPAs. Eastern IFCA's catch returns for shrimp and whelk provide valuable spatial data on these fisheries. Collaboration with MMO has proved invaluable, in terms of accessing fishing activity catch returns / landings data and Vessel Monitoring System data.

Officers have maintained dialogue with MMO in relation to the three MPAs that straddle the 6nm EIFCA district boundary (Greater Wash SPA, Outer Thames Estuary SPA and Southern North Sea SAC). MMO are completing their own assessments for the offshore sections of these sites and have drafted Impacts Evidence documents for stakeholder review in Autumn 2023. EIFCA Marine Science officers plan to assess the inshore sections of these sites as part of the Ambers & Greens workstream and will continue to liaise with MMO to avoid duplication of effort but ensure that relevant differences between inshore and offshore parts of these sites are accounted for in any resultant management.

Ongoing capacity issues have limited progress with the Amber & Green assessments, which remain core priority work. In July 2023, therefore, it was decided to seek external support for this assessment work. However, at time of writing (late August 2023) no external companies had responded to the invitation for expressions of interest in this work. The Marine Science team will continue to prioritise this workstream.

Wash Cockle Fishery assessment

Officers completed the Habitats Regulations Assessment (HRA) for the Wash cockle fishery in June 2023. The assessment concluded that, with mitigation in place (including spatial closures to protect juvenile cockles and to protect Harbour seals, daily catch limit and total fishery quota, bird food requirement considerations, restrictions to a hand-working-only fishery and continuation of the agreed Code of Best Practice), the fishery would not adversely affect site integrity.

However, in light of the low stock of adult cockles in the site, identified in Eastern IFCA's spring 2023 cockle surveys, Natural England initially did not agree with this conclusion, but supported opening the fishery with a reduced quota. Natural England sought additional evidence to support EIFCA officer predictions that growth of the large cohort of year-0 cockles would boost the adult cockle population by the time of the fishery. This evidence was gathered during additional Eastern IFCA surveys in early July 2023, and Natural England subsequently agreed "no adverse effect", meaning the full quota could be applied. As a precaution, officers had started the formal process of opening the full quota cockle fishery against Natural England's initial advice, to minimise losses from cockle mortalities identified during late June/early July (resulting from a warm weather period). However, officers were able to withdraw the notice of authorising the fishery against NE advice before the end of the statutory notice period, because NE provided swift updated advice upon receipt of the cockle growth evidence.

Concerns had also been raised regarding reported mortalities in oystercatchers in The Wash during winter 2022-23. The Wash Wader Research Group had reported 30-40

oystercatchers found dead in the Snettisham (East Wash) area, following severe cold weather in January 2023. They also reported underweight oystercatchers before and after this period, which suggested a potential lack of food. Officers have requested the bird count figures to be able to ascertain whether there was a decline in the overall oystercatcher population, but the 2022-23 figures were not available at the time of the cockle fishery assessment. Therefore, officers were required to use the most recent available oystercatcher figures provided to Natural England in the bird food model calculations. These calculations showed there was no shortage of cockles and mussels available for dependent avian predators, so “bird food” was not a limiting factor in the cockle quota for 2023. In light of the malnourished oystercatchers, Natural England has indicated that the bird food model might need further re-evaluation ahead of future fisheries.

The quota (TAC) agreed for the 2023 cockle fishery was set at 1/6 of total cockle stocks, rather than the usual 1/3 of adult cockle stocks. The rationale was discussed at length at the previous Authority meeting. Please see Agenda Item 11 for a full report on the 2023 cockle fishery.

Officers applied an updated approach to minimise potential for the cockle fishery to cause disturbance to hauled-out Harbour seals. Consideration of haul-out locations is based upon aerial images of the use of haul-out sites over three years (previously just the latest year’s results had been used). Sites consistently used by greater numbers of seals and coinciding with high-density cockle areas were prioritised for closure during the most sensitive months (June, July and August), with a 100m buffer zone applied (previously a 600m buffer zone around a central point in the haul-out zone had been used).

Officers paused work on the long-term (multi-annual) HRA for the Wash cockle fishery, to focus on the 2023 cockle fishery and Ambers & Greens work. The long-term HRA work is planned to be resumed in September 2023.

[Seal disturbance mitigation](#)

Harbour seal (*Phoca vitulina*) is a protected feature of The Wash & North Norfolk Coast Special Area of Conservation (SAC). Officers are continuing discussions with Natural England and the Sea Mammal Research Unit regarding a proposed bespoke study to observe reactions of hauled-out Harbour seals to intertidal fishing activities in The Wash. The intention is to obtain site-specific evidence that will inform the need or otherwise for precautionary closures of seal haul-out areas.

[Drone Habitats Regulations Assessment](#)

Officers have updated the Habitats Regulations Assessment previously submitted to Natural England in April 2023 following receipt of NE advice in June 2023, and are continuing discussions in relation to obtaining authorisation for use of drones for research and enforcement purposes. Key considerations are the flying height of the drone and avoidance of use near key nesting sites for more vulnerable bird species.

[EIFCA Intertidal Activities assessment](#)

Officers updated the Authority's 2018 assessment (HRA) of the impacts of its own activities in intertidal areas (and features they support) of the Wash & North Norfolk Coast SAC. This considered potential disturbance to seals and birds, and the impacts of survey activities such as walking and sampling on the designated habitats and species. Particular consideration was made of activities in periods of severe winter weather when birds are particularly vulnerable to impacts from disturbance. In August 2023, Natural England agreed that with the outlined mitigation in place, Eastern IFCA's intertidal activities will not have an adverse effect on site integrity and granted Eastern IFCA a five-year assent for these activities.

Fisheries Sustainability

The Wash Cockle Fishery

The cockle stocks in The Wash have suffered high annual mortalities since 2008. The mussel beds have suffered similar high levels of mortality and poor recruitment since 2010. In 2020 the Authority began a joint study with Cefas to investigate the causes of these die-offs, which together have had a large impact on the local fisheries. In 2021, Cefas identified a new species of *Marteilia* protozoa that had a significantly higher prevalence in moribund cockles than healthy ones. In June, a team of scientists from Cefas visited The Wash for week to collect and process further cockle and mussel samples from a range of different beds to further our understanding of this pathogen's role in the die-offs. These included cockle samples from IWMK, East Breast, Butterwick, The Dills and Mare Tail, plus mussel samples from the Trial Bank and Mare Tail. Cockle samples were also collected from Horseshoe Point, which has suffered similar mortalities since 2010. This latter bed has not been fished for almost 20 years, so its inclusion in the project will help to answer whether fishing practices could be responsible for the die-offs. Full analysis of the samples will take time but preliminary results from the eDNA screening has again found a prevalence of the *Marteilia* parasite within the moribund cockles, including those collected from Horseshoe Point. Further results will be shared as and when available.

Fisheries Management Plans

Fishery Management Plans (FMPs) are being developed by partners for DEFRA and aim to deliver collaborative fishery management (Further information: Fisheries management plans - GOV.UK (www.gov.uk)). Eastern IFCA are stakeholders, not the owners of FMP, so we are actively broadcasting opportunities for stakeholders and the wider public to contribute to the FMPs through social media posts and IFCO engagement/outreach to stakeholders. Officers are using the opportunity to learn more about the proposals for national management measures and to hear industry's view.

This quarter officers attended evidence group meetings and provided expert advice to the proposed cockle FMP and received the final proposed whelk and crab and lobster FMP documents. Officers have condensed the whelk and crab & lobster FMP documents into summary reports and have shared these with members. Officers have subsequently created FMP presentations based on these documents which will be presented to The Authority at the Fisheries and Conservation Management Working Group meeting on the 7th of September 2023.

Officers continue to liaise with FMP leads to make sure we are informed of upcoming FMP stakeholder events and continue to share these on our social media and website.

The Authority will continue be involved in the FMP process by:

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

To learn more about FMPs visit [Fisheries Management Plans \(FMPs\) | Seafish](#).

[Whelk stock assessment](#)

Having relatively poor mobility and no planktonic larval phase to aid dispersal and recolonisation, whelk are extremely vulnerable to localised over-fishing. Officers are monitoring monthly whelk returns data in 2023 in conjunction with data for 2015-2022 to assess long-term trends, overall health of the fishery and correct reporting practices.

[Shrimp effort monitoring in The Wash and North Norfolk Coast](#)

Officers continue to monitor the Brown Shrimp Fishery in the district, primarily through the shrimp returns system required under the Shrimp Permit Byelaw 2016. The 2022/23 “shrimp effort year” ended on 31st July 2023. Effort remained low in June and early July but increased later in July 2023. The very low effort throughout most of 2022/23 means the Total Allowable Effort (TAE) for 2023/24 is set at the maximum (1746 trips).

[Environmental Monitoring](#)

[The Wash EHO/biotoxin & SWEEP sampling](#)

Officers collect cockle and mussel samples on The Wash intertidal flats on behalf of local authorities (King’s Lynn, Boston and Fenland) and Cefas to maintain shellfish classification ratings, which are required to allow fisheries to take place in The Wash. The classification rating given to an area dictates what must be done to harvested produce before it can be consumed. More information is available at [Shellfish monitoring results - Cefas \(Centre for Environment, Fisheries and Aquaculture Science\)](#). Currently, The Wash is a class B area, with a long-term B classification.

All sites EIFCA collect samples for received results within “normal” limits during this period with the exception of the Ouse Mouth site which received a high *E.coli* count in August, triggering an investigation state. The Ouse was temporarily downgraded to a class C area in May 2023 due to multiple consecutive high *E.coli* results (often

associated with heavy rainfall periods resulting in storm overflow events), but was re-upgraded to a Class B zone in June.

Officers also collect three SWEEP (study of The Wash embayment, environment and Productivity) samples; this is required as mitigation for The Wash several fishery and these samples encompass 1kg of mussels that are cooked and used to calculate mussel meat yields. Meat yields are then compared to a threshold value for each site. Yields above this threshold trigger the “business as usual” management for the fishery, whilst an action plan begins if yields fall below the thresholds. Multiple consecutive samples below the threshold would result in the closure of lays in certain areas, however this is unlikely and monitoring to date has found that results are yet to come anywhere close to this outcome. Environmental data is collected in conjunction with the mussel samples which is then analysed with the meat yield data to better understand any potential changes observed and may explain why meat yields were to fall below the threshold, for example. No SWEEP samples were missed during this quarter and none fell below threshold values.

Sustainable Development

District-wide input to consultations on marine developments

Officers have responded to nine consultation requests since the last quarterly report. These includes applications for marine licences for coast protection works at Cromer to Mundesley (North Norfolk District Council). The proposed works were supported, with the inclusion of a Fisheries Liaison Officer, and on the condition that the potential impacts of anchoring on the chalk feature of the MCZ are considered, and avoidance of anchoring within the EIFCA natural disturbance study trial areas. Further, it was commented that cumulative effects of the works should be duly considered.

In response to a scoping report from Tarmac Marine Dredging Ltd proposing a renewal of Aggregate Area (430) off the Suffolk Coast, officers were confident that the Environmental Impact Assessment will consider nature conservation and fisheries impacts. Officers raised a general concern about cumulative impacts of this activity on seabed habitats – in particular, fish spawning areas – and suggested that all proposed and licensed aggregate activity in East Coast and Thames Estuary regions, plus wind farms and subsea cables, and towed demersal fisheries, be included in cumulative / in-combination impact assessment.

In July 2023 the Secretary of State announced it had approved the proposed Boston Alternative Energy Facility. Eastern IFCA had previously questioned the potential for impacts on shellfish beds in The Wash (via airborne pollution) and highlighted that fishing interests should be directly involved in conversations about navigation in the Haven. Through the formal examination process, the Secretary of State was satisfied that these issues had been appropriately dealt with. Officers had also commented that [more recent] proposals for compensatory measures to include nesting areas near the mouth of the Haven needed full consideration with fisheries interests.

Additional consultation work included finalisation of a Statement of Common Ground with the SEP & DEP¹⁴ wind farm developers. Officers highlighted the need to avoid damage to chalk in the Marine Conservation Zone and to account for fishing activities along the export cable route, that is planned to connect the offshore wind farm array to land at Weybourne. Comments were also made on potential compensatory measures, that could include the establishment of a Native oyster reef within the MCZ.

Derogations from Eastern IFCA Byelaws

Since the last quarterly report, Eastern IFCA has received five exemption requests, of which one has been officially granted with one not requiring an exemption. The exemption was granted to the University of Essex to conduct a seine netting survey from shore to conduct a study examining fish populations and fish abundance in the Stour and Orwell Estuaries MPA. This survey is set to occur between the 1st of July to the 31st of October 2023. A maximum of 50 samples will be taken, 25 from each site and will target those in the age class 0-2 years old. The application that didn't require an exemption was similarly a netting survey in the river Deben. However, all caught individuals are to be released and none retained, as such the activity does not come into conflict with any byelaws. There are currently three applications pending, all from the Environment Agency for various surveys around the district, all of which occur within MPAs. As such, conservation advice has been sought from Natural England; upon receiving that advice, it is likely the derogations will be granted.

¹⁴ Sheringham Extension Project and Dudgeon Extension Project