

# Cromer Shoal Chalk Beds Byelaw 2023: Phase 1 permit conditions

## Introduction

The Cromer Shoal Chalk Beds Marine Conservation Zone ('the MCZ') was designated in 2016<sup>1</sup> and Eastern IFCA are responsible for managing fishing activity within the site. In 2020, the Authority received advice from Natural England to the effect that potting activity is hindering the conservation objectives of the site and that an Adaptive Risk Management (ARM) approach was appropriate for managing this impact.

ARM effectively means 'learning by doing'<sup>2</sup> and requires that proportionate management measures, which are adequately precautionary, are put into place to reduce the risk of impacting the MCZ. ARM necessitates flexible management mechanisms to implement, review and revise management measures as may be required. A key component of the ARM project for managing fishing is research into if and how potting activity hinders the conservation objectives of the site. Ultimately this research will go on to inform the management of the site, including any changes which may need to be made to management already in place including potentially adopting additional management measures.

To enable this the Authority made the Cromer Shoal Chalk Beds Byelaw in 2023<sup>3</sup>, which is a flexible permit byelaw that provides a framework for implementing management measures to deliver ARM.

The byelaw has been submitted to the Marine Management Organisation for formal quality assurance (QA) before it is sent to Defra for ministerial consideration and approval. This process can take several months.

## Permit Conditions – phase 1

Whilst the byelaw is going through the formal QA process, the Authority is developing some initial management measures to come into effect once the byelaw is confirmed. It is intended that there will be two phases of permit conditions developed prior to the byelaw being confirmed, although this is dependent on how long the byelaw takes to be confirmed.

Phase 1 permit conditions are informed primarily by the informal consultations held in 2022<sup>4</sup> which in part, sought to identify measures which could reduce the risk of

---

<sup>1</sup> Under the Cromer Shoal Chalk Beds Marine Conservation Order 2016 (4/2016) - <https://www.legislation.gov.uk/ukmo/2016/4/created>

<sup>2</sup> A more comprehensive consideration of ARM in the context of managing fishing activity is available here - <https://hub.jncc.gov.uk/assets/80152204-c084-4b5c-8516-c5cde4a63318>

<sup>3</sup> Action Item 13,51<sup>st</sup> Eastern IFCA meeting held on 8 arch 2023 – [https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/11/2023\\_03\\_08\\_Minutes.pdf](https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/11/2023_03_08_Minutes.pdf)

<sup>4</sup> The outcome reports for these consultations is available at - <https://www.eastern-ifca.gov.uk/outcome-report-published-informal-consultation-on-crab-lobster-management-phase-2/>

hindering the conservation objectives whilst research was ongoing to inform more specific measures.

### **An inshore potting vessel restriction**

This will prohibit the use of vessels fishing using pots within 3 nautical miles (inside the MCZ) unless the vessel is less than 10m in length or was 'beach launched' for that trip.

The measure originally proposed by the fishing industry was to restrict access within 3nm to beach launched vessels only. However, consideration of the potential impacts of this on present and future business models identified that there may be an unnecessary impact as a result. Restricting the size of the vessel but allowing vessels which are launched from harbours to utilise the fishery will have a similar effect, without excluding any current business models and provides inshore fishing industry with additional options for operating at sea.

The permit condition is intended to reduce risk in the following ways:

- The measure will restrict the inshore area to smaller business models and less capable vessels which operate less gear at a smaller scale. Typically, smaller beach launched vessels operate 200-300 pots within the inshore area. This will reduce the risk of larger operations, which can set 1000's of pots, from utilising the area causing a sudden and significant increase in effort and poses a risk to the sensitive 'rugged chalk' (see Box 1).
- Smaller vessels are more restricted in their range and as such will be more reliant on the inshore area and more dependent on the 'rugged chalk' area being well maintained to provide productive crab and lobster fisheries. It is intended therefore, that this will enhance a sense of husbandry for the site, leading to the adoption of best practice.

In addition, the measure will also support the maintenance of the tapestry of business models which fish for crab and lobster off the N. Norfolk coast. It is a concern of fishing industry that, giving the aging demographic of the current fleet of inshore fishermen operating within this area, larger business models (including nomadic vessels), will be more able to quickly occupy areas vacated by retired fishermen. This could result in further reduction in smaller-scale, artisanal fishing operations operating from the N. Norfolk Coast, which form part of the fabric of the coastal community and contribute to the area's sense of place.

### **Box 1 – Rugged Chalk**

Some of the chalk within the MCZ protrudes from the surface and is structurally complex. This is referred to as 'rugged chalk' and it is mostly found within the inshore most part of the site up to around 1 ½ nautical miles from the shore. Rugged chalk habitat is typically very diverse, supporting a wide range of plants and animals, including the commercial crab and lobsters targeted by potting fishermen.



### **A winter closure over 'rugged chalk'**

This will require all pots to be removed from the 'rugged chalk area management area' (see Box 2) during January and February and prohibit the setting of any further gear during those months. The area affected will include a buffer around the precautionary rugged chalk area (Box 2).

This measure was also proposed by the fishing industry during the informal consultations during 2022.

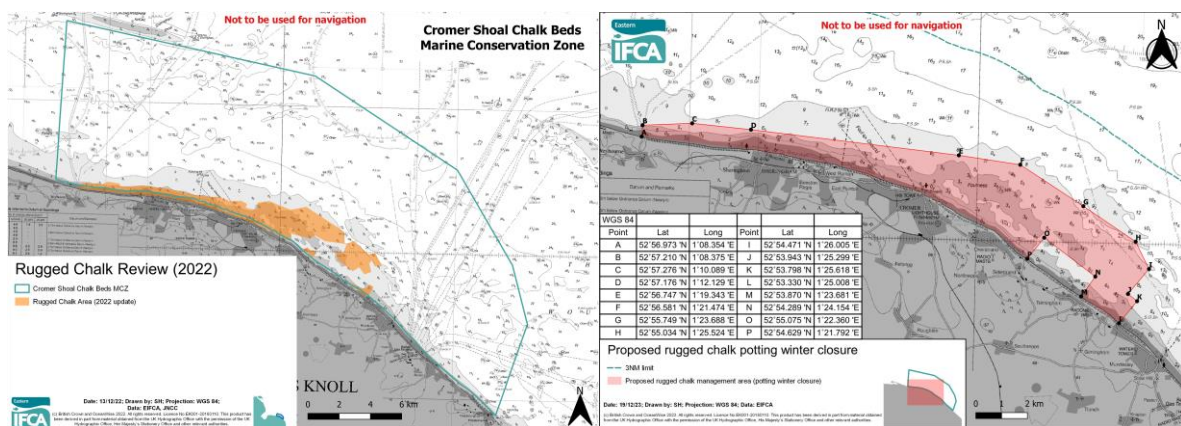
This permit condition is intended to reduce the risk in the following ways:

- Potting activity can damage rugged chalk features when pots become loose and strike raised chalk features and when the ropes between pots cut into raised chalk in a sawing motion. There are two key risk factors which are thought to increase the likelihood of such damage; the period of time pots are left at sea (the longer they are at sea, the higher the risk) and the strength of the weather while pots are at sea, with rougher and stormy weather increasing the risk.
- Consideration of weather data and fishing activity data has indicated that the highest risk period for this type of damage is January and February (See Box 3). Therefore, the prohibition will remove the potential for this damage to occur during the highest risk months of the year.

- The closure will also reduce the risk of pots becoming lost within the rugged chalk during periods of stormy weather – lost pots can remain in situ for a long time before being found and are considered to be of high risk to the chalk.
- The closure will also reduce the amount of interaction over the course of a year between pots and the rugged chalk by circa 7%.

## Box 2 - the Rugged Chalk Management Area

The extent of the rugged chalk has been the subject of surveys for three years. The current 'management area' is based on data collected in 2021 and analysed during 2022. Further data collected in 2022 and 23 will also be analysed to inform the extent of the area and further survey work may inform the area further. As such, the management area may change over time, but any change would be the subject of a consultation.



**Chart A** shows the area of the MCZ identified as 'rugged chalk' having considered the results of surveys conducted in 2021. **Chart B** shows the 'management area. Which encompasses the rugged chalk and a buffer of no less than 100m.

### Box 3 – Rugged chalk risk factors

Table 1 (below) highlights the risk factors for each month of the year. Analysis of the risk factors was carried out as follows:

*Soak time* - Fishing activity data from the MMO (data release 13 September 2023) was analysed to determine an estimate of ‘soak time’ for pots within the MCZ. This was determined as the duration in days between pot hauls. Excessively large soak times were excluded from the averages as these are likely to reflect periods where gear is stored ashore.

Historical weather data was obtained from visualcrossing.com for the Cromer area for the period 1 Jan 2001 to 1 Jan 2023. This was analysed to determine the following -

*Rough weather periods* – are defined as periods of two days or more where wind direction was northeasterly, and the Beaufort scale was 4 or more.

*Stormy weather periods* – are defined as any day where the Beaufort scale was 6 or more and the wind blew from a northeasterly direction.

Table 1. sets out average soak time, rough weather periods and stormy weather periods by month. The cells are shaded from white (being a low-risk month for that risk factor) to red (being high risk for that risk factor).

Month	Average ‘soak time’	Average number of ‘rough weather periods’	Average number of ‘stormy weather periods’
Jan	7.2	0.5	0.3
Feb	3.3	1.1	0.9
Mar	2.0	1.4	0.4
Apr	2.0	2.2	0.5
May	2.0	1.5	0.3
Jun	2.0	0.9	0.2
Jul	2.1	0.5	0.2
Aug	2.3	0.4	0.1
Sep	2.8	0.6	0.1
Oct	2.5	0.7	0.5
Nov	3.1	0.3	0.2
Dec	4.5	0.3	0.3

Rough weather appears to be more likely during spring, however the soak time of pots is low during this time which reduces risk because pots are less likely to impact chalk if they are regularly hauled and reset. The longest soak times are during January, December, and February but the likelihood of rough or stormy weather during December is low. Finally, whilst the sea conditions are not particularly high-risk during January, but the soak times are very high risk.

Consideration of these factors indicates that the **highest risk months** are therefore **January and February**.

## **Consultation**

Please provide your views on the proposed measures by **29 February 2024**

Your views will inform further development of the measures and a decision on whether to implement them. In particular, information on how the measures will impact commercial fishing is requested, as this is needed to inform an impact assessment. Views on how effective the measures are likely to be and ways to make them more effective are welcomed.

## **How to respond**

You can provide your views in any of the following ways:

- In writing to Eastern IFCA, Unit 6, North Lynn Business Village, Bergen Way, King's Lynn, Norfolk, PE30 2JG;
- Via email to [mail@eastern-IFCA.gov.uk](mailto:mail@eastern-IFCA.gov.uk)
- Call us on 01553 775321

In addition, the matter will be discussed at the next stakeholder group meeting in February, and we may be able to organise other meetings on request.