



**55<sup>th</sup> EIFCA  
Statutory Meeting**

**To Be Held at:**

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

**Wednesday  
13<sup>th</sup> March 2024**

**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: **55<sup>th</sup> Eastern IFCA Meeting**

Date: 13 March 2024

Time: 1030hrs

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

### Revised 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 54<sup>th</sup> Eastern IFCA Meeting, held on 13 December 2023 – *Chair. pg3*
- 5 Matters arising (including actions from previous meeting) – *Clerk*
- 6 To receive a report to consider Health and Safety risks and mitigation – *DCO. Pg13*
- 7 To receive a report on the meeting of the Finance and HR sub-committee held on 6 February 2024 – *CEO pg17*
- 8 Strategic Assessment and Business Plan 2024-29 – *ACO pg24*
- 9 Wash cockle & mussel mortality study update – *Senior MSO (Research) pg31*
- 10 Wash Mussel Fishery 2024 update – *ACO. Pg38*
- 11 Review of the Constitution and Standing Orders – *CEO pg68*
- 12 Quarterly review of annual priorities and risk register - *CEO pg77*

### Information items

- 13 CEO update (verbal) – *CEO*
- 14 Marine Protection Quarterly report – *DCO pg90*
- 15 Marine Science Quarterly report – *ACO pg100*

### Any other business

- 16 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  
27 February 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.



## 54<sup>th</sup> Eastern IFCA Meeting

A meeting of the Eastern IFCA took place on Wednesday 13<sup>th</sup> December 2023 at 1045 hours in the Assembly Rooms, King's Lynn Town Hall.

### Members Present:

|                           |         |                                |
|---------------------------|---------|--------------------------------|
| Cllr T FitzPatrick        | (Chair) | Norfolk County Council         |
| Cllr E Back               |         | Suffolk County Council         |
| Mr S Bagley               |         | MMO Appointee                  |
| Cllr Chenery of Horsbrugh |         | Norfolk County Council         |
| Mr K Copeland             |         | MMO Appointee                  |
| Cllr P Coupland           |         | Lincolnshire County Council    |
| Mr J Davies               |         | MMO Appointee                  |
| Mr L Doughty              |         | MMO Appointee                  |
| Mr P Garnett              |         | MMO Appointee                  |
| Mr P Gilliland            |         | 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:

|                 |                               |
|-----------------|-------------------------------|
| Jon Butler      | Head of Operations            |
| Ellie Collishaw | Project Officer               |
| Luke Godwin     | Senior IFCO (Regulation)      |
| Julian Gregory  | CEO (& Clerk)                 |
| Ron Jessop      | Senior Marine Science Officer |
| Emily Parsons   | Marine Science Officer        |
| Judith Stoutt   | Senior Marine Science Officer |

### Also present:

|             |                        |
|-------------|------------------------|
| Joanne Sams | Aston Shaw Accountants |
| Tim Smith   | Association of IFCAs   |

### Minute Taker:

Emma Godwin

### EIFCA23/53 Item 1: Welcome

The Chair welcomed members to the meeting. The Chair thanked Senior Marine Science Officer Judith Stoutt for 27 years

of service to Eastern IFCA, following the news she will be leaving the organisation at the end of January 2024.

**EIFCA23/54 Item 2: Apologies for Absence**

Apologies for absence were received from Ms I Smith (MMO Appointee), J Rowley (MMO Appointee), I Bowell (MMO Appointee), L Mogford (MMO Appointee), Cllr T Adams (Norfolk County Council)

**EIFCA23/55 Item 3: Declaration of Members Interests**

The Clerk advised the list of DPIs indicated there were members with an interest in items, 7, 10, 11 and 12 to which the guidance on voting and contributing to discussion would apply. All four items related to the management of the cockle and mussel fisheries in the Wash.

**EIFCA23/56 Item 4: Minutes of the 53rd Eastern IFCA Meeting held on Wednesday 13<sup>th</sup> September 2023**

The Chair went through each page of the minutes to confirm agreement. It was noted that references to Mr Skinner should be to Cllr Skinner on pages 8, 9 and 11.

**Members Resolved the minutes were a true record of proceedings.**

**Proposed: Cllr P Skinner**

**Seconded: Mr T Goldson**

**All Agreed**

**EIFCA23/57 Item 5: Matters arising.**

*EIFCA23/46 ANNUAL REPORT UPDATE: The CEO advised the Annual Report had been published and sent to DEFRA.*

*EIFCA23/13 CROMER SHOAL BYELAW: The Byelaw had been submitted to the MMO to start the formal QA process.*

*EIFCA23/51 CRAB AND LOBSTER BYELAW 2023: Further work undertaken that just needed to be quality assured before submission to the MMO. Likely to be December or early January.*

*Closed Area Byelaw 2021 also nearing submission to the MMO for quality assurance.*

*EIFCA23/05 WASH COCKLE AND MUSSEL BYELAW: The Byelaw was undergoing a final QA with the MMO, there had been one minor query regarding fees which would be resolved shortly.*

## **EIFCA23/58 Item 6: Health & Safety Risks and Mitigation**

Members were advised there had been two incidents since the previous report. One of the incidents involved an Officer falling part way through a quayside staging and sustaining a leg injury which led to seven days of absence. The incident was reported under RIDDOR, and the Officer had made a full recovery. Risk assessments relating to quayside operations were being reviewed as a result. The second incident involved an Officer cutting their hand when opening the stiff door of a storage container, the Officer has received a tetanus injection, and no further treatment was required. Stakeholder behaviour towards Officers had been monitored, and along with engagement, had improved in recent months. The MMO had recently shared a Risk Assessment regarding working from height which would be considered for adopting.

### **Members Agreed to:**

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

## **EIFCA23/59 Item 7: Wash Appeals Sub-Committee held on 16<sup>th</sup> October 2023**

The CEO advised that there were appeals relating to four of the permit eligibilities and following consideration three were granted by the Sub-Committee on the grounds of business continuity. The CEO and the Chair explained that due to the Local Government Act the minutes were redacted appropriately to protect individuals, and business interests. There would be no more appeals as there was a timescale attached to the process.

As the sub-committee was unlikely to meet again for some time the CEO advised that detailed minutes had been circulated to members for agreement outside the meeting. As the three members were present at this meeting the CEO asked if they were content with the redacted minutes. Cllr FitzPatrick, Cllr Back and Mr Goldson confirmed their agreement.

### **Members agreed to:**

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

## **EIFCA23/60 Item 8: Finance and HR Sub-Committee held on 7<sup>th</sup> November 2023**

The CEO referred members to the draft minutes set out in the report. He advised that the Sub-Committee considered the provisional budget for 2024-25 and had agreed to recommend it for approval by the full Authority. A small restructure of the organisation was also discussed, which would involve retaining the third executive post (previously Head of Finance & HR) but changing the responsibilities. The new post, Assistant Chief

Officer, would be responsible for the Marine Science and Projects and Policy teams, as well as business planning and delivery. The Head of Operations post would be renamed Deputy Chief Officer and have responsibility for the Marine Protection team, seagoing, facilities and support. Jon Butler, the current Head of Operations would become the Deputy Chief Officer and work was in progress to appoint an Assistant Chief Officer.

The CEO confirmed that licence fees for the forthcoming cockle season had been accounted for in the budget as it was hoped the Wash Cockle and Mussel Byelaw would be in place by then, but it was known what the shortfall would be if it was not. In answer to a question from Mr Doughty the CEO advised that consideration would be given to the applicability of fees next year dependent upon when the new management came into effect.

The CEO also advised that HR support will be outsourced to a private company.

**Members agreed to:**

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

**EIFCA23/61 Item 9: Budget and levies 2024-25 and Budget Forecast to 2028**

The CEO summarised the contents of the report and advised members that this was the first year the budget had been prepared without the internal Head of Finance and HR. This had resulted in significant input from the CEO along with the work done by Joanne Sams of Aston Shaw Accountants. Ms Sams advised that there had been lessons learned during the process, and some changes to the accounting methodology had been made.

It was noted that there is a shortfall in the proposed budget for 2024/25 but due to the Authority maintaining reserves this did not currently cause concern. In answer to questions, the Chair confirmed that should any of the funding councils ever be declared bankrupt they must still conform with their statutory obligations and pay any levies placed on them. The CEO confirmed that the New Burdens Funding had been included for 2024/25, and in projections for subsequent years and the Association of IFCAs would coordinate a bid for consideration at the time of the next spending review. It was likely that this would include a replacement for the project specific funding and Eastern IFCA would actively seek this.

**Members agreed to:**

- **Note the contents of the report.**
- **Approve the proposed Budget for 2024/25.**

- **Approve the Levies for 2024/25.**
- **Approve the Forecast for the following 4 years to 2028/29.**

**Proposed: Cllr P Skinner**

**Seconded: Mr P Gilliland**

**All agreed.**

## **EIFCA23/62 Item 10: Wash Fishery Order 1992 Transition**

Senior IFCO (Regulation) presented the report to members and advised that the interim management measures currently in place had enabled the successful administration of the 2023 Wash fisheries. The current closure of the Wash fisheries would expire on 4<sup>th</sup> January 2024 and the Authority were seeking to reissue this closure to maintain the status quo until the Wash Cockle and Mussel Byelaw was in place.

It was noted that the recommendation regarding revoking exemptions for the purpose of closing a fishery in accordance with management measures would be taken by the CEO in consultation with the Chair or Vice-Chair due to the current extenuating circumstances regarding the Vice-Chair.

**Members agreed to Note the contents of the report.**

**Members resolved to:**

- **Agree in principle and subject to consideration of the formal consultation on the matter to close the cockle and mussel fisheries in The Wash, as defined by the boundaries of the Wash Fishery Order 1992 (WFO) and the Wash Restricted Area, using Byelaw 8 (Temporary Closure of Shellfish Fisheries) and to issue exemptions in relation to 'entitlement' holders and lay holders. The period of the closure being for 12 months or until the replacement management mechanisms come into effect, whichever occurs first.**
- **Agree to delegate authority to the CEO in consultation with the Chair or Vice-Chair, having considered the results of the consultation on the matter, to close the cockle and mussel fisheries in The Wash, as defined by the boundaries of the (WFO) and the Wash Restricted Area, and to re-open the same when the new management systems are in place.**
- **Agree to delegate authority to the CEO to:**
  - **Grant exemptions to persons who held entitlements under the WFO or exemptions under the 2023 Interim Measures to fish wild cockle and mussel stocks within the Wash.**
  - **Grant exemptions to persons who held a lay under the Wash Fishery Order 1992 to fish within their lays.**

- **To issue conditions under which the exemptions (above) are granted that reflect WFO licence conditions and regulations and lay-holder lease conditions.**
- **To revoke exemptions in consultation with the Chair or Vice-Chair for the purpose of closing a fishery in accordance with agreed management measures.**

**Proposed: Cllr P Skinner**

**Seconded: Cllr Chenery of Horsburgh**

**All those able to vote were in favour.**

### **EIFCA23/63 Item 11: Wash Mussel Fishery**

Senior MSO presented the report to the Authority and highlighted that this year's mussel surveys had shown there had been very little mortality of mussels resulting in the highest recorded total stock biomass in the period from 2002 onwards. This had provided a good opportunity for a relaying fishery with a TAC of 3,031 tonnes, although the stock was still below the threshold for a harvestable fishery. It was anticipated that if mortality remained at a low level this threshold may be reached next year.

Having first declared that a family member had an interest in the mussel fishery Mr Garnett queried whether it would be possible to have both a harvestable, and relaying fishery this year. He suggested that the Lays and the North Norfolk Coast would not have capacity for the full 3,031 tonnes available and that a significant quantity of the TAC may be wasted. The point was made that mussels which were large juveniles at the time of the survey, with growth may become harvestable size adults at the time of the fishery opening. SMSO Jessop reported that there wasn't a large peak of the stock which were just under the minimum landing size of 45mm, but rather a whole range of different sizes, any bed open would thus include a high proportion of juveniles.

It was suggested that the fisheries management policies, established in 2007, had not yet been tested against a fishery of this size. However, it was also noted that the fisheries management policies were in place to facilitate fisheries in a climate where it could be difficult for them to open, particularly with respect to passing an HRA. These policies reassured that any measures taken have no effect on the conservation objectives, and it was reiterated that it would be much harder to get through an HRA if these objectives were not being met.

The CEO noted that reviewing the fisheries management plans would be a significant piece of work, particularly given the current staffing situation within the Marine Science team. He also noted his concern that there was no current explanation for the improvement in stocks this year, and harm may be caused if a harvestable fishery were to be opened.



The CEO would ensure the possibility of reviewing the fisheries management plan would be on the agenda at the next Fisheries Working Group meeting, and that industry views on a harvestable fishery would be included in the consultation regarding the opening of the mussel fishery.

**Members agreed to:**

- **Note the findings of the 2023 Autumn Mussel surveys and specifically that the Conservation Objective target for total mussel biomass has been achieved but the target for adult biomass (mussels  $\geq 45$ mm length) has not been achieved.**
- **Note 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 3,031 tonnes on the beds highlighted in Appendix 1 and with maximum exploitation rates for each bed as set out in table 2 of the below report.**
- **Agree to delegate authority to the CEO in consultation with the Chair or Vice-Chair to set and/or vary the TAC and / or the beds open to the fishery for both the dredged and hand-worked mussel re-laying fishery based upon the outcome of consultation and if judged to be necessary, during the period that the fishery is open.**

**Proposed: Cllr P Skinner**

**Seconded: Mr T Goldson**

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

**Members resolved to:**

- **Agree to delegate authority to the CEO in consultation with the Chair or 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 cockle fishery in the event that the byelaw comes into effect.**
- **Agree to delegate authority to the CEO in consultation with the Chair or 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. Agree that the dredge and hand-worked relaying fisheries would close on 31<sup>st</sup> August 2024 or when the respective quotas were exhausted, whichever was the sooner.**

**Proposed: Mr J Davies**

**Seconded: Mr T Goldson**

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

## **EIFCA23/64 Item 12: Cockle Fisheries Management Plan**

Tim Smith from the Association of Inshore Fisheries and Conservation Authorities (AIFCA) gave a presentation to members outlining how the AIFCA was preparing the draft cockle FMP. They were consulting with industry and stakeholders on the draft objectives for the FMP, exploring monitoring and reporting mechanisms, as well as developing relationships with policy colleagues. Members noted that they had concerns that changes at a national level may affect the local management of the cockle fishing industry. Tim Smith reassured members that collectively the IFCAs had identified this risk and recognised that cockle fisheries are best managed at a local level. The IFCA model is what the Fisheries Act 2020 is trying to achieve, and this can be highlighted in the case of cockles.

### **Members Agreed to:**

- **Note the contents of the presentation.**

*1310 Cllr Chenery of Horsburgh left the meeting.*

*1320 Ms J Love left the meeting.*

*At this point the meeting was suspended to allow members a break (1325)*

*The meeting reconvened at 1340 hrs.*

*At this point Mr P Gilliland and Cllr P Skinner both left the meeting*

## **EIFCA23/65 Item 13: Authority meeting dates 2024/25**

### **Members Agreed to Approve the calendar of meetings at Appendix 1**

**Proposed: Cllr E Back**

**Seconded: Mr J Davies**

**All agreed.**

## **EIFCA23/66 Item 14: Review of Annual Priorities and Risk Register**

The CEO updated members on the contents of the report and noted that staff turnover, particularly within the Marine Science team, was hampering the ability to make progress on some priorities. However, with a new cohort of officers starting in the new year this would improve. Completion of the amber/green gear/feature interactions was currently the highest priority workstream.

### **Members Agreed to:**

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

## **EIFCA23/67 Item 15: New vessel update – verbal**

**Protector IV:** Members were advised the vessel was virtually complete, she was taken out in rough conditions, with a number of IFCA Officers on board, for successful sea trials. Formal delivery was

due early in the new year. She would initially stay in Suffolk, with her tender arriving in the Spring.

**Potting vessel:** The order for the 9.6m catamaran potting vessel would be placed this month, it was anticipated she would be available in the spring.

#### **EIFCA23/68 Item 16: CEO update – verbal**

Defra would be publishing the response to the consultation on the forerunner FMPs the following day.

AIFCA Members Forum papers had been circulated to members and draft minutes would also be shared when available.

Members were reminded of the correspondence received some time ago from the North Sea Wildlife trusts regarding the ARM work in Cromer MCZ. The CEO advised that officers would be meeting with representatives from the Trusts on 20 December 2023.

#### **EIFCA23/69 Item 17: Operational update**

**Marine Protection report:** The Head of Operations advised that this report encompassed three months of activity, however this would now be reverting to the usual monthly format. In the week prior to the meeting three cases had been taken to court, with one being adjourned, a full update would be provided at the next Authority Meeting.

**Marine Science Report:** A paper had been provided to update members on the workstreams being carried out across the Marine Science team.

#### **EIFCA23/70 Item 18: Any other business**

**Water sampling/classification in the Wash:** Senior IFCO (Regulation) advised members that the Food Standards Agency (FSA) were responsible for monitoring levels of E.coli in the Wash, assistance was given by EIFCA to obtain water samples for this purpose. Recent poor results in the Wash had led to EIFCA further investigating the matter. Two sites within the Wash had been given seasonal classifications. The Ouse mouth would be downgraded to a category C from 1<sup>st</sup> March to 30<sup>th</sup> April, this time frame overlapped with the mussel relaying fishery, for which specific advice had been given. There would be no impact in this location on the cockle fishery. The Heacham and Hunstanton site which was usually class B limited, would have a prohibited period from 1<sup>st</sup> – 31<sup>st</sup> August, with two satisfactory samples required before regaining its B status. The public fishery had made limited use of this site in recent years, with approximately 3% of landings coming from this area. There would however be a significant effect on the Le Strange Estate cockle fishery. There was concern from

members about a pattern of poor water quality in the summer, at a time when the cockle fishery is open. The CEO advised that EIFCA would continue dialogue with the FSA to ensure beds were opened at the earliest opportunity.

There being no other business the Chair thanked members for attending, the meeting closed at 1420 hours.

## Vision

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## Action Item 6

### 55<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting

13 March 2024

#### Health and Safety update

**Report by:** Jon Butler, Deputy Chief Officer

#### **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 has been one reported incident since the last authority meeting.

#### **Risks/Mitigation**

Ongoing monitoring of stakeholder behaviours towards officers continues, refresher conflict training delayed until April 2024 due to staff and provider availability.

Working at Height training has been identified and officers will be undertaking this in the coming months.

**Appendix 1**

| <b>Date</b> | <b>Nature of incident</b>                                    | <b>Injury / damage occurred</b> | <b>Action Taken</b>            | <b>RIDDOR MAIB Y/N</b> | <b>Investigation complete Y/N</b> | <b>Name of investigating Officer</b> | <b>Follow-up action required Y/N. If Y then what?</b> |
|-------------|--|---------------------------------|--------------------------------|------------------------|-----------------------------------|--------------------------------------|---|
| 07/12/2023  | Vehicle Related – near miss whilst driving to training event | None                            | Officer continued with journey | N                      | Y                                 | Ron Jessop                           | None required   |

## Appendix 2

### Eastern IFCA Health and Safety risks

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

|                        |  |   |              |              |
|------------------------|--|---|--------------|--------------|
| undertake arduous duty | <ul style="list-style-type: none"> <li>• Management overview to ensure rostered duties are appropriate and achievable</li> <li>• Reasonable work adjustments</li> <li>• Routine periodic medical assessment (ML5)</li> </ul> |   |              |              |
| 5. Working at Height   | <ul style="list-style-type: none"> <li>• Staff briefing</li> <li>• Scoping of all quayside ladders</li> <li>• Risk Assessment</li> <li>• Training to be provided if required</li> </ul>                                      | <ul style="list-style-type: none"> <li>• Failure of quayside ladders</li> </ul> | <b>Treat</b> | <b>Treat</b> |

\*

|                    |
|--------------------|
| <b>Risk Rating</b> |
| High               |
| Medium             |
| Low                |

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



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## Action Item 7

### 55<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting

**Report by:** Julian Gregory, CEO

#### **Meeting of the Finance & HR Sub-committee held on 6 February 2024**

##### **Purpose of report**

To inform members of the key outputs and decisions from the Finance & HR Sub-Committee meeting held on 6 February 2024.

##### **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 6 February 2024. 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 6 February 2024.

**Appendix A – Unconfirmed** minutes of a meeting of the Finance & HR sub-committee held on 6 February 2024

**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.



**Finance & HR Sub-Committee**

A meeting of the Finance & HR Sub-Committee took place at the EIFCA Offices, King's Lynn on 6<sup>th</sup> February 2024 at 1030 hours.

**Members Present:**

|                             |       |                             |
|-----------------------------|-------|-----------------------------|
| Cllr T FitzPatrick          | Chair | Norfolk County Council      |
| Cllr T Adams                |       | Norfolk County Council      |
| Cllr M Chenery of Horsbrugh |       | Norfolk County council      |
| Cllr P Coupland             |       | Lincolnshire County Council |
| Cllr P Skinner              |       | Lincolnshire County Council |
| Ms I Smith                  |       | MMO Appointee               |
| Mr S Williamson             |       | MMO Appointee               |

**Eastern IFCA Officers Present:**

|           |                         |
|-----------|-------------------------|
| J Butler  | Deputy Chief Officer    |
| J Gregory | CEO                     |
| L Godwin  | Assistant Chief Officer |

**FHR23/36 Welcome**

The Chair welcomed members to the meeting.

**FHR23/37 Apologies for absence**

Apologies for absence were received from Joanne Sams (Aston Shaw Ltd).

**FHR23/38 Declarations of Members Interest.**

No Declarations of Interest were received.

**FHR23/39 Minutes of the Finance and Personnel Sub-committee meeting held on 7th November 2023**

The CEO advised there was a slight amendment needed at the end of Minute 23/28 – Suffolk Yacht Club should read Suffolk Harbour, Levington.

**Members Agreed to accept the minutes as a true record of proceedings.**

**FHR23/40 Matters Arising**

FHR23/30 PROVISIONAL BUDGET: Members were advised the Authority had approved the budget put forward by the sub-committee.

**FHR23/41 Quarter 3: Payments and Receipts**

Members were advised the payments and receipts were reasonably straight forward, with explanatory notes provided for the anomalies.

The large payment for legal fees was as a result of a longstanding debate about charging methods, which had been resolved.

**Members Agreed to Note the contents of the paper.**

**FHR23/42 Quarter 3 Management Accounts**

The CEO advised that looking at the end of quarter management accounts balances seemed to be on track.

Ms Smith queried some of the budget headings and what expenditure came under them. It was acknowledged they may not be obvious headings but to change them would make trying to compare them to previous years complicated, but they may be reviewed overtime.

**Members Agreed to note the content of the report.**

**FHR23/43 Appointment of Auditors**

Members were reminded the sub-committee annually agreed to appoint appropriate bodies to carry out the internal audit and to audit the Annual Return. Previously these had been carried out by Norfolk Audit Services and PKF Littlejohn respectively.

**Members Resolved to engage the services of Norfolk Audit Services to carry out the internal audit and the appointment of PKG Littlejohn to audit the Annual Return for the accounts relating to 2022/2023 Financial Year**  
**Proposed: Cllr Skinner**  
**Seconded: Cllr Chenery of Horsbrugh**  
**All Agreed**

**FHR23/44 Resolution**

**Members Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for:**

- a) Item 10 on the grounds that it involved the likely disclosure of information relating to the financial or business affairs of any particular person (including the authority holding that information)**

**which is exempt information as defined in Paragraph 3 of Schedule 12A of the Act; and**

- b) Item 11 and 12 on the grounds that it involved the disclosure of information which is likely to reveal the identity of an individual which was exempt information as defined in Paragraph 2 or Schedule 12A of the Act.**

**Proposed: Chairman  
Seconded: Cllr Skinner  
All Agreed**

## **FHR23/45 Vessel Procurement Update**

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

The Deputy CO updated members on the vessel procurement process and decisions made following the sale of John Allen. Having reached the decision that a potting vessel would future proof the Authority for activities across the District available options were investigated.

With the assistance of the Norfolk County Council Procurement Team the decision was made for separate tenders for the vessel and engines. Quotes for the vessel were received from five suppliers, having interviewed three suppliers the decision was made to buy a two-year-old second-hand vessel, a 9.6m Swiftcat, with the seller being commissioned to undertake the necessary modifications as they built the vessel.

Diesel outboard engines were identified as the most appropriate for the vessel. As diesel outboard engines were a relatively recent development there was only one supplier able to quote. It was anticipated the engines would be available by the end of March. A naval architect would ensure the vessel met the requirements of workboat code 3 once all modifications were completed.

Defra funding had been applied for to cover the cost of this vessel, whilst it was yet to be forthcoming the CEO believed all appropriate processes had been undertaken to be reasonably well assured funding would be forthcoming.

Members raised questions re the life expectancy of the outboard engines, which was believed to be a minimum of 10 years, and whether or not the Authority would be able to purchase the vessel without the Defra funding, to which the CEO advised that EIFCA did have sufficient reserves to cover the cost but that would inevitably impact upon future financial planning.

Members were advised the new vessel to replace Three Counties would be undergoing sea trials later in the week and it was anticipated handover would take place the following week.

Three Counties was on the market for sale. A purchaser based in Ireland had shown interest. Three Counties would undertake the EHO sampling the

following week after which the vessel would be taken to refit to ensure it could be sold as a coded vessel.

The CEO advised members that when the contract for the new vessel to replace *RV Three Counties* was cost increases up to 5% of the value of the build if necessary. During the course of the build there had been a number of minor variations which had resulted in additional funding totalling just over 5% being required. Whilst still under the 5% the CEO had liaised with the Chair about some of the expenditure. It was accepted this was a particularly uncertain time for building costs to be confidently quoted and that with a project of this nature some changes were inevitable.

**Members Agreed to note the content of the Report.**

## **FHR23/46 Structure Review Update**

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

Following the resignation of the Head of Finance and HR it had been identified that a like for like replacement was not in the best interest of the Authority. Initially the decision was made to use external financial support. Subsequently it was identified there was a need for the three executive positions to be retained, to ensure resilience within the Executive team. A long hard look was taken of the whole structure and where areas were identified as not operating at their best potential these had been addressed in the revised structure.

Each position had been carefully considered to ensure clarity of functions, as depicted in the revised job descriptions.

It was decided to rename the Head of Operations to Deputy CO, and title the third exec post as Assistant CO. Following an internal application and interview process an officer had been appointed to this position.

Following the resignation of a longstanding Senior Marine Science Officer the position had been filled internally. Both this and the position of Assistant CO were on a 6-month trial.

It was already apparent with the new structure, new staff and a new vessel there was a sense of optimism and team spirit amongst staff, which bodes well as the Authority addresses a number of challenging work streams.

**Members Agreed to note the content of the report.**

## **Role Changes Update**

The Assistant CO explained to Members the rationale behind the role changes. Moving the Project Team to work more closely with the Marine Science Team was intended to make the overlap of workstreams a more streamlined process.

Inclusion of Grade 6 Project Officer was to encourage a broader skill set required to provide leadership and co-ordination throughout the Team. The budget for the Role Changes was likely to be slightly less than the previous arrangement.

Councillor Coupland expressed concern that the revised structure had not been put to members prior to the budget, he felt this was the wrong way round. He did not feel it was good practice to increase the budget and then subsequently ask members for their approval for what the increase was for.

The CEO acknowledged the point and advised that this had been as a consequence of timing and the need to approve the budget to set timescales whereas the work on the structure review was still ongoing at that point. The CEO advised that he had briefed the sub-committee on the potential outcome of the review, which included the retention of the third Executive post and that provision had been made in the budget to accommodate it. Members had been supportive of the direction of travel and had approved the budget, including the provision for the potential changes to structure.

The Chair reminded members the positions were currently in place for 6 months, and there would be a review and revisions made if it was not working as anticipated.

Cllr Chenery of Horsbrugh added that the Chair and Vice Chair had been given the authority to consider and approve any changes to the structure.

Ms Smith enquired how long it would be before the four new Marine Science Officers would be in a position to contribute fully to the workload. Members were advised they had spent most of their first month completing comprehensive training but were starting to pick up work. The new structure provided them with clarity and support.

Members were advised that part of the role changes included the Deputy CO being given the HR portfolio but would be assisted by an outsourced HR consultant.

**Members Agreed to note the content of the report.**

## **FHR23/47 HR Update**

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

The Deputy CO advised members on HR activity since the last meeting:

- four Marine Science Officers had been appointed and began work on 4<sup>th</sup> January. All had begun a thorough induction process and were subject to a six-month probationary period.
- a Senior MSO had resigned after 27 years' service, which left a gap in terms of knowledge.

- 3 HR consultants were interviewed, the successful candidate had begun work with policies, contracts and staff handbooks. It was anticipated the incumbent would be able to support and upskill managers.
- sickness levels had increased slightly towards the end of December, largely attributed to covid and respiratory illnesses.
- one incident was reported, involving an Officer stepping from a vessel onto a pontoon which gave way causing significant bruising and several days off work. The incident had been reported to Riddor.
- The back dated pay award had been paid in November 2023.

Councillor Coupland questioned the cost of the HR Consultant and what was hoped to be achieved in 6 months.

The Deputy CO advised that HR requirements ebbed and flowed, there might be no requirements for months and then suddenly an issue might require 'on tap' HR advice. This arrangement had been agreed for an initial 6-month period. It was anticipated during the initial 6 months, time would be given to reviewing policies etc, once that work was complete time could be taken to review the necessity to retain HR support on a permanent basis.

Cllr Coupland questioned whether there would be a review of the provision at the end of the six-month period.

Members discussed the merits of ensuring HR and H&S policies and procedures are maintained and that Officers have read and understood them.

Members were assured all staff have regular supervisions, some in house training and some outsourced training.

Cllr Coupland advised it was essential new staff were signed off on competencies. Cllr Skinner reiterated this and emphasised it was important to be sure all requirements were met as investigations down the line could prove expensive.

**Members Agreed to note the content of the report.**

#### **FHR23/48 Any Other Business**

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

There being no other matters to discuss the meeting closed at 1144 hours, the Chair thanked members for attending.

### Vision

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



### Action Item 8

## 55<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting

13 March 2024

### Strategic Assessment 2023-24 & Business Plan 2024-29

**Report by:** Luke Godwin, ACO

#### **Purpose of report**

The purpose of this report is to present the Strategic Assessment for 2024 and the Business Plan for 2024-29 for consideration and approval.

#### **Recommendations**

It is recommended that members:

- **Note** the content of the Strategic Assessment, including the priorities for 2024-25
- **Approve** the draft Business Plan, including the priorities and plans for 2024-25

#### **Background**

Each year, Eastern IFCA has undertaken a strategic assessment of all commercial fisheries in the district to identify fisheries-related risks to stocks, the environment and industry viability. The assessment uses best available evidence to identify fisheries, environmental features and areas within the district which may require management and regulation to be implemented or reviewed to maintain an effective regulatory framework capable of ensuring sustainable fisheries, healthy seas, and a viable industry. This is used to identify priority workstreams for the financial year and to inform the rolling five-year Business Plan.

#### **Report**

##### The Strategic Assessment

Since 2016, an annual assessment has been undertaken to identify risks and prioritise workstreams which provide appropriate mitigation in relation to the key fisheries within the district.

The assessment includes analysis of available fisheries data, including data from the Marine Management organisation and the Authority's catch return data, and consideration of the strategic context including legislative and policy changes, external mitigative workstreams and the views of the Authority's stakeholders. The assessment outputs three categories of workstream based on risk as follows:



- 'high priority workstreams', which represent new or still to be completed mitigation against high risks;
- 'business critical' workstreams, which represent well-established, business-as-usual' workstreams which are crucial to mitigating risk; and
- 'future priorities' which represent workstreams which mitigate lesser risks or risks which may become 'high' in the future.

The Strategic Assessment has developed over time, and the 2024 assessment utilised a revised approach with the aim to produce a more accessible assessment. In summary risk is now considered in relation to key internal and external factors based on the PESTLE analysis model (i.e. Political, Economic, Social, Technological, Legal and Ecological) and analysis of the data is incorporated into the general assessment of risk. In addition, new categorisation of the key fisheries provides a more 'common sense' approach to the assessment and enables a more effective consideration of finfish fisheries in relation to commercial and recreational fishing. Importantly, the new method still enables comparison of risk over time to identify how workstreams have mitigated identified risks.

The key outputs of the 2024 Strategic assessment are as follows:

- Risk associated with key cockle and mussel fisheries are reduced by the current high priority workstreams which requires completion.
- Emerging risks were identified in relation to cockle and mussel die-off and the increased potential for these fisheries outside of the Wash where management is less well established.
- Fisheries Management Plans (FMPs) represent both an emerging risk and the key mitigation against established risks in relation to bass, crab and lobster and whelk fisheries – collaboration with partner organisations on the development and implementation of the plans is identified as a high priority again this year as it was in the previous assessment.
- The development of the second generation East Marine Plan also presents both a risk and an opportunity to seek to mitigate the spatial squeeze known to be impacting inshore fishers and a new high priority workstream is identified which ensures the Authority contributes and influences the new plan.
- Risks associated with impact to Marine Protected Areas, including delivery of Adaptive Risk Management in the Cromer Shoal Chalk Beds MCZ, represents a key risk across all fisheries and this has been well reflected in previous assessments for which a similarly well-established high priority workstream has been identified. Importantly, significant progress needs to be made in relation to the completion of 'amber and green' assessments (those remaining from work in relation to Defra's revised approach to managing fisheries in MPAs) within the 2024 calendar year in order to meet Government targets.

Overall, the work undertaken in the 2023-24 financial year mitigated risks but where workstreams still need completion, risk remains, and this is particularly true in relation to the protection of Marine Protected Areas. A summary of the

Strategic Assessment 2024 is at Appendix A and the full document is available on the Eastern IFCA website (Appendix B – link below)

### The Business Plan

The Business Plan provides the strategic framework within which Eastern IFCA operates and describes our ability to deliver against our vision and priorities. This is demonstrated by setting out factors such as effective leadership arrangements; the strength of the team in terms of experience, qualifications, and skills; being appropriately equipped; operating effectively and effective financial management. An important element of this approach is to demonstrate that the work of Eastern IFCA is an investment in the local marine environment and to develop a narrative that would lead contributing authorities to view funding in that context rather than simply being another demand on hard pressed finances.

The draft Business Plan 2024-29 is available on the Eastern IFCA website (Appendix C – link below). The plan shows a clear linkage to Defra's vision and strategy, including relation to the 25-Year Environment Plan, the Environment Act 2021, the Fisheries Act 2020 (including via development and implementation of Fisheries Management Plans), Environmental Improvement Plan 2023 and the continued commitment to sustainable development highlighted by development of the second-generation Marine Plans (under the Marine and Coastal Access Act 2009).

The plan identifies that the coming period is a continuation of a period of change as Government seeks to deliver its ambitious goals post EU-Exit, and the opportunity this represents for the Authority to ensure that the inshore fisheries are recognised for their contribution to coastal communities and beyond.

Key elements of note within the 2024-29 Business Plan relate to the anticipated delivery of replacements of key sea-going assets (*FPV Protector IV* and *FPV Thunderstruck*), a revised organisational structure which seeks to enhance the Authority's ability to deliver its high priority workstreams and financial forecasting and planning which highlights the steps which may be needed to ensure financial security over the next five years.

In addition, the risk matrix has been updated to reflect changes in risk during the last financial year, in particular, the progress in relation to the replacement of the Wash Fishery Order 1992.

### **Financial implications**

None

### **Legal implications**

None

### **Appendices**

Appendix 1 – Summary of Strategic Assessment 2024

Appendix 2 - Strategic Assessment 2024 available online at [https://www.eastern-ifca.gov.uk/wp-content/uploads/2024/03/2024\\_02\\_02\\_SA\\_Ver2.pdf](https://www.eastern-ifca.gov.uk/wp-content/uploads/2024/03/2024_02_02_SA_Ver2.pdf)

Appendix 3 - Draft Eastern IFCA 5-year Business Plan 2024-2029 available online at :  
[https://www.eastern-ifca.gov.uk/wp-content/uploads/2024/03/2024\\_02\\_25\\_Business\\_Plan\\_ver2.pdf](https://www.eastern-ifca.gov.uk/wp-content/uploads/2024/03/2024_02_25_Business_Plan_ver2.pdf)

**Background documents**

N/A

| Fishery                    | Key Risk Factors   | Key Mitigants   |
|----------------------------|--|---|
| <b>General</b>             | Fisheries Management Plans: measures likely to impact fisheries  | Contribution to development of FMPs to ensure regional and local context of inshore fisheries accounted for.  |
|                            | Review of the East Marine Plan: changes could result in special squeeze  | Contribution to review of East Marine Plan to ensure inshore fisheries are recognised.  |
|                            | Conservation of Habitats and Species Regs: risk of unassessed interactions damaging MPAs   | Completion of Habitat Regulation Assessments for all fishing / feature interactions.<br><br>Implementation of measures to protect 'red-risk' features via confirmation of the Closed Areas Byelaw 2021. |
|                            | IVMS: uncertainty regarding exact measures and interaction with IFCA powers  | Engagement with I-VMS development process.<br><br>Implement measures through IFCA byelaws as required.  |
| <b>Cockle &amp; Mussel</b> | WFO Replacement: necessary to manage Wash Fisheries  | Continue delivery of management mechanisms to replace the Wash Fishery Order 1992 including confirmation of the Wash Cockle and Mussel Byelaw 2021 and the Wash Severa Order 2021.                      |
|                            | Wash die-off: threat to sustainability   | Investigation and monitoring of cockle & mussel die-off (including through contribution to the Coastal Health Initiative).  |
|                            | Wash bird and seal species: evidence of population decline   | Contribution to the Coastal Health initiative pilot in The Wash.  |
|                            | Management outside the Wash: inherited byelaws must remain appropriate   | Review of inherited byelaws to provide management framework for fisheries throughout the district.  |
| <b>Whelk</b>               | Stock sustainability and permit conditions review: permit conditions require review in 2024. Concerns exist regarding stock sustainability and monitoring        | Continue to monitor the fishery and develop measures to address the sustainability of whelk stocks as needed.   |
| <b>Crab &amp; Lobster</b>  | Management of fishing activity within the Cromer Shoal Chalk Beds MCZ: potential need for a precautionary approach with significant impacts on fishery viability | Continue Adaptive Risk Management (ARM) workstream to protect the MCZ while enabling fishing.   |
| <b>Shrimp</b>              | Habitat impacts: towed gear typically considered more likely to damage the environment   | Continue to contribute to Marine Stewardship Council accreditation scheme and the Effort Limitation Scheme to mitigate impacts in relation to The Wash Marine Protected Areas.                          |

|                    |   |   |
|--------------------|---|---|
| <b>Key Finfish</b> | Due to the diversity of this fishery, the risk profile is very broad. Key risks revolve around marginalisation or lack of consideration of small-scale fisheries and Recreational Sea Angling activity. | Contribution to FMPs & completion of gear interaction work to inform and highlight local fisheries. |
|--------------------|---|---|

## Strategic Assessment 2024

### **Summary of Key Fisheries, Risks, and Mitigants**

This document is intended to summarise the key outputs form the 2024 Strategic assessment.

## High Priority Workstreams

These workstreams must be completed to eliminate high risks identified in relation to fisheries. These workstreams are the key focus of the Authority's work over the 2024-25 financial year and represent continuation of existing high priorities identified in previous years, revised priorities to reflect progress made and new priorities to mitigate emerging risks.

These workstreams are in addition to 'business critical' workstreams, which represent established 'business-as-usual' workstreams required to prevent risk increasing in relevant fisheries and 'future priorities' which relate to lesser risks, potential future risks or added value workstreams.

1. **To ensure that the conservation objectives of Marine Protected Areas in the district are furthered through:**
  - a. Implementation of management measures for 'red risk' gear/feature interactions (**carried over**).
  - b. Continued implementation of Adaptive Risk Management of fishing activity within the Cromer Shoal Chalk Beds Marine Conservation Zone (**carried over**).
  - c. Completion of 'amber/green' gear/fishing interaction assessments and development and implementation of management measures as required (**carried over**).
  - d. Participation in the 'Coastal Health' pilot of The Wash (**new priority**).
  
2. **Management of cockle and mussel fisheries (wild capture and private) through:**
  - a. Confirmation of the Wash Cockle and Mussel Byelaw 2021 to enable management of wild capture fisheries (**carried over**).
  - b. Implementation of Wash Cockle and Mussel Byelaw access policies (transition) (**carried over**).
  - c. Develop appropriate management of private shellfish aquaculture within The Wash (**carried over**).
  - d. A review of relevant byelaws inherited from Eastern Sea Fisheries Joint Committee (**new priority**).
  
3. **Obtaining better fisheries data through:**
  - a. Facilitating and contributing to the roll-out of I-VMS by the Marine Management organisation (**revised priority**).
  - b. Development of measures (through byelaws and / or permit conditions) to implement standardised reporting rates across of VMS units (**revised priority**).
  
4. **Contribute to the development and implementation of Fisheries Management Plans though:**
  - a. Supporting the planning / preparation phase (**revised priority**).

- b. Supporting the publication phase including by reviewing and evaluation plans (**revised priority**).
- c. Supporting post-publication phase including implementation (**revised priority**).

5. **Contribute to the development of second-generation Marine Plans through:**

- a. Collaboration with the Marine Management Organisation to seek opportunities to improve data and evidence for inshore fishing activities (**new priority**).
- b. Stakeholder engagement to raise awareness of marine planning and identify key issues (**new priority**).
- c. Contributing to policy development by providing expert advice and relaying information from our stakeholders (**new priority**).

### Vision

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## Action Item 9 (addendum)

### 55<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting

13 March 2024

Addendum date: 26 March 2024

### Wash Cockle and Mussel Mortality Study Update

**Report by:** Luke Godwin, Assistant Chief Officer

#### **Purpose of Report**

To provide additional context to references made within Action Item 9.

#### **Background**

This is an addendum to Action Item 9 (Wash Cockle and Mussel Mortality Study Update) of the 55<sup>th</sup> Eastern IFCA Meeting which has been added to the meeting papers subsequent to the 55<sup>th</sup> Eastern IFCA meeting.

Following the 55<sup>th</sup> Eastern IFCA meeting, some industry members raised concerns regarding the use of the term 'cancer' within the report for Action Item 9. In particular, they were concerned that the term could cause unwarranted and disproportionate concern amongst industry and the general public.

This addendum is intended to clarify the reference and concludes that there is little, or no risk associated with the current findings of the ongoing study into cockle mortalities in the Wash.

#### **Report**

Reference in the report to 'cancer' refers to 'disseminated neoplasia' (DN) which was identified in cockles at one site in The Wash and is known to be transmissible between cockles (Collins & Mulcahy, 2003). A particular type of DN, known as Bivalve Transmissible Neoplasia (or BTN) was identified in a recent study (Bruzos et al. 2023) which appears to be consistent with the DN identified in The Wash. As the name suggests, the disease affects, and is transmissible between, bivalves.

The relevance of this from a fisheries management perspective is in relation to impacts on Wash cockle stocks rather than a risk to public health from the disseminated neoplasia, hence its inclusion in the report.

BTN does not appear to cross species barriers (Fernandez Robeldo et al. 2019). Research has identified that, of the very few forms of BTN identified, only one has been found to be transmissible to organisms other than the species it originated in,



and this was a closely related species within the same 'family' as the original (Metzger et al. 2015, Metzger et al. 2016).

BTN is spread via mutated cells of the shellfish itself (Bruzos et al. 2023) rather than a virus, bacteria or parasite. Such cells would be subject to immune recognition and destruction in vertebrates, notably via the 'major histocompatibility complex' which is a part of the immune system that cockles do not have (Fernandez Robeldo et al. 2019).

It is also noteworthy that the same disease has been found in a number of commercial fisheries, including for example the 'soft-clam' (*Mya arenaria*) fisheries in New England which was first discovered in the 1970's (Brown et al. 1978).

No scientific literature was identified that considered the possibility of transmission of BTN to species beyond bivalves and this is considered likely to reflect the theoretical impossibility of the transmission as described above (i.e. because vertebrate immune systems would detect and destroy cockle cells).

Whilst BTN is a form of 'cancer' and it is transmissible between bivalves, the risk of spread beyond cockles (even to other bivalve species) appears to be very low, both theoretically (because human immune systems would reject cockle cells) and in practice (because the disease has been present globally for some time). The common consensus therefore appears to be that BTN poses no risk to human health, and references are made to this effect throughout online literature including reputable sources (e.g. The Algarve Centre of Marine Sciences and the Wellcome Sanger Institute) <sup>1,2,3,4</sup>.

More broadly, it is important to recognise that cancers have been detected in many animal species. Although we associate the word 'cancer' primarily with humans, it is actually a fact of life and death for most animal species, often originating early in their evolutionary history. However, most wild animals will succumb to other causes (e.g. predation) before cancers have their effects or are seen.

Further advice is being sought from the Food Standards Agency via Cefas to confirm this assessment. This reflects the concern to public confidence rather than to public health, which based on the available literature appears to be very low.

It is also noteworthy that Cefas advise that the *Marteilia* parasite and the virus found in the cockles are not a threat to humans. Both are pathogens of invertebrates (or all their relatives are) and which are not transferable to humans.

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<sup>1</sup> <https://eurofish.dk/news/spain-new-research-sheds-light-on-transmission-of-cancers-in-cockle-populations/>

<sup>2</sup> <https://medicalxpress.com/news/2023-10-contagious-cancers-cockles-sequenced-unexpected.html>

<sup>3</sup> <https://www.ccmarmar.ualg.pt/en/news/transmissible-cancers-cockles>

<sup>4</sup> [https://www.sanger.ac.uk/news\\_item/contagious-cancers-in-cockles-sequenced-showing-unexpected-instability/#:~:text=These%20animals%20can%20catch%20transmissible,bivalve%20transmissible%20neoplasia%20\(BTN\).](https://www.sanger.ac.uk/news_item/contagious-cancers-in-cockles-sequenced-showing-unexpected-instability/#:~:text=These%20animals%20can%20catch%20transmissible,bivalve%20transmissible%20neoplasia%20(BTN).)

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José A. Fernández

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### Vision

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## Action Item 9

### Eastern Inshore Fisheries and Conservation Authority Meeting

13 March 2024

### Wash Cockle and Mussel Mortality Study Update

**Report by:** Ron Jessop, Senior MSO (Research)

#### **Purpose of Report**

To update members on development in the ongoing study by Cefas and Eastern IFCA into cockle mortalities in the Wash.

#### **Recommendations**

It is recommended that members:

**Note** the content of the report, including Eastern IFCA's participation in the Coastal Health project.

#### **Background**

Cockle and mussel populations in The Wash have suffered unusually high ongoing mortality rates since 2008 (cockles) and 2010 (mussels). Cefas and Eastern IFCA commenced a project in 2020 to investigate the cause of these die-offs.

At the 51<sup>st</sup> meeting of the full Authority held on 9 March 2023 officers from Cefas briefed members on the findings of the joint project at that time. A key development had been the identification of a parasite closely related to *Marteilia cocosarum* that was thought to be the main pathogenic agent contributing to the "atypical" cockle mortalities in The Wash.

#### **Report**

##### "Atypical" cockle mortality

Unusually high cockle mortalities were first noticed in The Wash during the early summer of 2008 and have been a regular occurrence each year since then. Unlike "ridging-out" events, in which high-density beds of cockles competing for available space ridge-out and are lost over a relatively short period of time, these "atypical" mortalities have a much lower mortality rate of about 1-2% of the population per day, which are typified by weak, gaping cockles remaining unburied on the surface of the sands. Although daily "atypical" mortality rates tend to be relatively low, they generally last for a protracted period while the temperatures are warm. This can result in overall mortalities being high, often resulting in 40-90% of the cockles within certain cohorts dying.

When the initial die-off in 2008 was followed by further widespread mortalities in 2009, cockle samples were collected and delivered to Cefas for analysis. Initially, no pathogens were identified in these samples that could be attributed to the die-off events. However, when examining the histopathology samples further for evidence of possible viral infection, *haplosporidian* parasites were found to be present within inflamed lesions in the cockles. This was reported in 2010, but differences in *haplosporidian* infection between moribund and healthy cockles was not investigated.

Following these findings, it was assumed that the *haplosporidians* identified in the samples from The Wash were cause of the die-off events, so no further sampling was conducted until a new study was instigated in 2020, primarily investigating the high mussel mortalities that had been occurring in The Wash since 2010. During this recent sampling, comprehensive sample sets of cockles were taken to investigate any differences between moribund and healthy cockles. Samples of both healthy and moribund cockles had not been previously taken and have enabled the identification of additional pathogens and potential pathogens affecting moribund cockles.

#### Mussel mortalities

The 2010 mussel surveys revealed there had been a significant increase in mussel mortalities on several of the beds that seemed to have primarily affected young mussels (2-3 years old). Samples sent to Cefas identified a high incidence of an intestinal copepod parasite, *Mytilicola intestinalis*. This parasite, which is very common in mussel beds, has been attributed with some die-off events. However, scientific literature has mixed opinions on whether it was truly the contributory factor in those die-offs or merely coincidental.

High mortalities among young mussels have continued to be a regular annual occurrence. Coinciding with poor recruitment, these have led to the decline of the majority of the inter-tidal mussel beds in The Wash. Most beds are now in poor condition, only supporting relatively low densities of mussels among lots of dead shell. Officers continued a number of studies between 2010-2019 to monitor the incidence of *Mytilicola intestinalis*, including a joint project with the University of Kingston upon Hull in 2018. Although these studies continued to find a high incidence of the parasite in the mussels, no definite correlation was found between their presence and the beds affected by the die-offs.

Officers presented the results of the *Mytilicola* studies to the Fisheries and Conservation Management Working Group in January 2020. A scientist from Cefas's pathogen team was present at that meeting, who felt *Mytilicola* was not the cause of the die-offs. He felt that it would be useful to understand the reproductive and general condition of mussels from the Wash. Accordingly, histology was used to investigate (a) whether reproductive maturation follows what would be considered typical for mussel populations, and (b) whether mussels were meeting their energy requirements for reproduction through the qualitative quantification of adipogranular (ADG) tissue, including whether mussels could sufficiently restore their ADG energy cells following reproduction. A joint project was proposed to look further into the issue.

### Cockle and mussel mortality study

Although initial meetings were conducted in January 2020 to commence a joint project with Cefas, due to Covid-19 lockdown restrictions, it was not possible to commence the sampling until October 2020. Once sampling did commence, though, the study incorporated both cockle and mussel samples.

### Mussels

Studying samples collected in October 2020 and January, April and July 2021, no significant differences were found between the proportion of ADG cells present in samples taken from the control site at Welland Bank and the test inter-tidal beds at Mare Tail and Trial Bank. However, assessments of gonadal tissue identified atypical development including increased apoptosis and necrosis of gametes. It was thought possible that these observations might be associated with a putative *haplosporidian* parasite that was found in the gonad follicle periphery and lumen.

Molecular screening of mussels from populations in The Wash, Southwest England and sites across Scotland show that DNA from an uncharacterised *haplosporidian* is very prevalent in mussels, particularly within the mantle tissue. However, no correlation has yet been found between molecular detection of *haplosporidians* and histological observations in Wash mussels. This putative *haplosporidian* (observed via histology) did not elicit a host response and similar cells have now been observed in other host species with a similar presentation. Accordingly, it is still inconclusive whether these cells are indeed parasite or host related e.g. similar to Sertoli cells that offer a support role in fish testes.

Studies are still ongoing, but to date, the cause of the mussel die-offs has not been identified. However, mussel die-offs and reduction in recruitment have not been limited to The Wash. The Blue Mussel Group reported similar occurrences happening to beds throughout the North Atlantic in recent years.

### Cockles

When comparing samples of moribund and healthy cockles collected from three sands (Dills, Mare Tail and IWMK) in 2021, Cefas identified a *Marteilia* parasite that had a significantly higher prevalence in moribund cockles than healthy ones, indicating it was a causal or contributory agent to the cockle mortalities. Molecular characterisation of this parasite identified it as being closely related to *Marteilia cocosarum*, which had previously been found in samples collected from the Burry Inlet, where similar die-offs have been occurring since 2004. *Marteilia cocosarum* is also related to *Marteilia cochillia*, which has been attributed to high mortalities in Spain. Histopathology has found evidence of systemic infection of *Marteilia cocosarum* in the cockles, with infections in the connective tissues of the gill and mantle, surrounding the digestive gland and within the sinus of the adductor muscle. Evidence of immunological response towards the parasite has also been observed in the histopathology, indicating the *Marteilia* is causing disease in the host cockles.

Further samples were collected in 2022 and 2023 to better understand the *Marteilia* infections. The latter included samples from a wider selection of sites, which found *Marteilia cocosarum* was also present at Horseshoe Point, a site in which mortalities had first been observed in 2010. Cefas have also revisited the histopathology

conducted on the Wash samples in 2009 and positively identified *Marteilia* to be present in those samples, too.

While *Marteilia cocosarum* was thought to be the main pathogenic agent contributing to the “atypical” cockle mortalities in The Wash, some recent discoveries have shown the situation to be more complex. In late 2023, while isolating *Marteilia* parasites from the moribund cockle samples collected in 2021, a virus was also identified in the samples. Although its presence follows a similar incidence pattern to that of *Marteilia* in moribund and healthy samples, the evidence suggests that it is the cockles and not the *Marteilia* that is the host of the virus. However, as viruses are so small, they are difficult to identify by histopathology, so further work is required to determine what impact, if any, this virus has on the cockle health.

In January 2024, Cefas informed officers that in the samples from the IWMK site, the histopathology was also showing the cockles had disseminated haemocytic neoplasia. In laymen’s terms, these cockles have cancer. In most cases, cancers are not transmissible between individuals. However, in the case of cockles, cancers can be transmissible. In October 2023, the Wellcome Sanger Institute released a news article concerning contagious cancers that infect cockles<sup>5</sup>. In this article, they report:

- *These animals can catch transmissible cancers that are spread by living cancer cells, passing from one cockle to the next through seawater.*
- *These are cancers of the cockle’s immune cells, causing a disease similar to leukaemia. Bivalve transmissible cancers spreads throughout the body and is usually lethal to the infected animal.*
- *Sometimes transmissible cancers can combine with multiple other factors including pollution, rising sea temperatures, and viral outbreaks, to trigger episodes of mass mortality, killing more than 90% of cockles in a given area.*

The Cefas studies have identified at least two serious diseases (*Marteilia cocosarum* and transmissible cancer) affecting the cockles in The Wash, plus a viral infection, the effects of which are currently unknown. It is still not known whether the *Marteilia* parasite and disseminated neoplasia are the primary cause of mortalities, or whether the cockles have been weakened first by other, possibly environmental, factors.

Some stakeholders have suggested that the prop-washing activities associated with the hand-worked cockle fishery could be the cause of the die-offs, possibly by exposing the anoxic layer. However, the facts that die-offs with similar aetiologies also occur in hand-worked fisheries where there is no prop-washing (Burry Inlet) and where there haven’t been any fisheries for over 20 years (Horseshoe Point) do not support this theory.

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<sup>5</sup> Contagious cancers in cockles sequenced, showing unexpected instability - [https://www.sanger.ac.uk/news\\_item/contagious-cancers-in-cockles-sequenced-showing-unexpected-instability/#:~:text=The%20contagious%20cancers%20that%20infect,lethal%20to%20the%20infected%20animal.](https://www.sanger.ac.uk/news_item/contagious-cancers-in-cockles-sequenced-showing-unexpected-instability/#:~:text=The%20contagious%20cancers%20that%20infect,lethal%20to%20the%20infected%20animal.)

Cefas are committed to continuing investigating the die-offs with Eastern IFCA. Last year Cefas proposed and won a Treasury-funded Shared Outcome Fund project, referred to as the Coastal Health project, which aims to coordinate information and activities across Defra, its agencies and arms-length bodies, and other government departments to better understand and ultimately manage adverse animal health situations in our coastal ecosystems. This requires a systems approach, integrating multiple data types, including animal health, environmental quality, human activities, climate change, etc. The shellfish die-offs in The Wash are one of the case studies used in this project, which will greatly benefit furthering our understanding of the situation.

Workgroups involving officers from EIFCA, Cefas, Natural England, and other partners have been set up to coordinate further sampling through the coming year. A peer reviewed scientific publication focusing on *Marteilia* infecting cockles from The Wash is also in the final stages of preparation by Cefas.

### Biosecurity implications

Although neither *Marteilia cocosarum* or the disseminated neoplasia detected in the Wash cockles are classified as being notifiable diseases, the high levels of mortality associated with them strongly suggests they are both highly contagious among cockle stocks. These die-offs have had a profound impact on the Wash regulated cockle fishery since first occurring in 2008, not only reducing stock levels, but also reducing the size and quality of cockles being harvested and placing an ever-increasing reliance on successful recruitment to replace losses.

It is important, therefore, that as responsible fisheries managers, the Authority does not deliberately, or inadvertently, export either disease to other fisheries. Vectors for transmission could include boots, clothes, vehicles, boats, fishing gear or any other contaminated item that is taken to another fishery. Relaying of shellfish has also been long recognised as a high-risk vector for the transmission of diseases and invasive non-native species between infected and non-infected areas.

Cefas have carried out a risk assessment of the impact of *Marteilia cocosarum* on cockles in the UK. Currently, a “keep watch” brief has been assigned to the parasite, with a further assessment to be carried out once investigations have been completed. These investigations involve assessment of environmental factors that lead to infection with *Marteilia*, and the role of any other pathogens or potential pathogens in the system.

Although the cause of the mussel mortalities in The Wash has not been identified and could be due to a combination of environmental factors rather than disease, the mussel beds are contiguous with and overlap with cockle beds. As such, there is a high risk that mussels harvested in bulk could also have infected cockles among them. If those mussels are subsequently relayed, there is a risk that any infected cockles among them would infect local populations.

To date, *Marteilia cocosarum* has only been identified in The Wash, Burry Inlet and other Welsh estuaries, and Horseshoe Point. Relaying mussels to any other UK fishery would risk introducing the disease, and its damaging impacts, to their local

cockle stocks. Even less is currently known about the distribution of disseminated neoplasia in UK cockles, with The Wash and two sites in Ireland being the only cases we are currently aware of.

Cefas plan further work in the coming year to better understand the distribution of both diseases in the UK. Should other fisheries already have these diseases present, relaying mussels to them wouldn't carry the same risk of introducing a new infection. However, until the distribution of these diseases is known, and we have a better understanding of them, the export of mussels for relaying into other fisheries is not recommended.

### **Financial Implications**

The mortality events described in this paper have significant ongoing impacts on the resilience and financial value of two of the District's largest fisheries. Whilst moving seed mussel from the Wash for re-laying elsewhere had not been permitted in recent years there has been interest from industry in doing so this year and not enabling it may represent a lost opportunity for income creation.

The Cefas study seeks to better understand what may be causing these die-offs and the participation of Eastern IFCA will entail some cost, but it is anticipated that this will be absorbed as business as usual within existing budgets. There is also potential for some activities to be funded by the Coastal Health project.

### **Legal Implications**

None identified.

### **Conclusion**

With regard to mussels, the ongoing studies have not identified the cause of the mussel die-offs, but it is known that mussel die-offs and reduction in recruitment have not been limited to The Wash.

With cockles, the studies have identified at least two serious diseases (*Marteilia cocosarum* and transmissible cancer) affecting the cockles in The Wash, plus a viral infection, the effects of which are currently unknown. It is still not known whether the *Marteilia* parasite and disseminated neoplasia are the primary cause of mortalities, or whether the cockles have been weakened first by other, possibly environmental, factors. To date, *Marteilia cocosarum* has only been identified in The Wash, Burry Inlet and other Welsh estuaries, and Horseshoe Point

The described developments in the studies have raised concerns about biosecurity and the issues associated with allowing live shellfish harvested from the Wash being re-laid in other fisheries. This issue is addressed at agenda item 10 of this meeting insofar as it relates to seed mussel.

### **Background Documents**

Papers and minutes of the 51<sup>st</sup> meeting of the full Authority held on 9 March 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 10

### Eastern Inshore Fisheries and Conservation Authority Meeting

13 March 2024

#### Wash Mussel Fishery 2024 Update

**Report by:** Luke Godwin, ACO

#### **Purpose of Report**

The purpose of this report is to update members on the work to open a mussel re-laying fishery including a presentation on the outcomes of the associated consultation and revisions to management measures and to seek agreement to maintain the provision which requires mussel 'seed' to be re-laid within the Wash and North Norfolk Coast Special Area of Conservation.

#### **Recommendations**

It is recommended that members:

- **Note** the proposed management measures at Appendices 1 and 2, the outcomes of the consultation including the potential for impacts on fishing activities and any revisions to management measures (to be presented at the meeting).
- **Agree** to the management measures for the hand-work and dredged mussel seed fisheries proposed at the meeting, which will include maintenance of the provision which prohibits mussel seed being re-laid outside of the Wash and North Norfolk Coast Special Area of Conservation.

#### **Background**

At the 50<sup>th</sup> Eastern IFCA meeting, members agreed to delegate authority to the CEO to issue conditions attaching to exemptions to fish within Wash cockle and mussel fisheries. The conditions reflect the management measures which had previously been implemented through Wash Fishery Order Regulations and licence conditions, until the expiry of the Order in January 2023.

At the 54<sup>th</sup> Eastern IFCA meeting, members were presented with the results of the 2023 intertidal mussel survey and agreed, subject to consultation, to open a mussel re-laying fishery (i.e. the removal of undersize mussels for the purpose of cultivation via aquaculture) with a maximum Total Allowable Catch (TAC) of 3,031 tonnes. A suggestion, originating from industry members, was made to allow harvested seed mussel to be re-laid outside the Wash and North Norfolk Coast SAC. Whilst this is contrary to usual practice officers agreed to include the suggestion in the consultation and to take the response into account when finalising management measures. Members also provided delegated authority to the CEO, in consultation

with the Chair and Vice-Chair, to vary the TAC of the fishery and / or the areas open to the fishery.

## **Report**

A consultation seeking the views of fishery stakeholders on the proposed management measures for the mussel relaying fishery opened on 22 February 2024 and closed on 11 March 2024. A key component of the consultation was gathering views on the potential to allow mussel seed to be re-laid outside of the Wash and North Norfolk Coast Special Area of Conservation (hereafter, 'the SAC').

It was intended that, following a consultation, the CEO would use the delegated authority provided at the 50<sup>th</sup> Authority meeting (*ante*) to revise management measures (via conditions attaching to exemptions) to enable a mussel re-laying fishery within environmental parameters.

Following the opening of the consultation Cefas provided updated evidence from the ongoing study into cockle and mussel a-typical mortality in the Wash, as per Action Item 9 of this meeting. Officers discussed consequential concerns about the potential for the disease found in cockles and mussels to be spread to other areas of the UK should mussel seed be re-laid outside of the SAC. There was agreement that on the basis that all vectors for disease transmission are not fully understood and the possible inclusion of small quantities of cockles in dredged mussels cannot be excluded, it would not be advisable for a responsible fisheries manager to allow live shellfish stock harvested from the Wash to be introduced into other fisheries or aquaculture areas.

It should be noted that there is no legal requirement to prohibit the removal of seed in relation to spreading disease unless it relates to a 'notifiable disease' i.e. a disease on a register compiled by the Fish Health Inspectorate (FHI). Written advice was received from the FHI to that effect.

However, the presence of disease within the Wash cockles in particular, and the lack of a full understanding of how it is affecting cockle stocks, its interaction with other environmental factors and no known 'cure' for the diseases presents a significant risk to other fisheries.

It is therefore recommended that the provision which requires that seed must be re-laid within the SAC is maintained.

It was felt appropriate to bring the matter to the Authority's attention, noting that the CEO had delegated authority to issue conditions as provided at a previous meeting, because of the potential for the decision to have an economic impact on fishery stakeholders. The scale of this impact, along with the views of fishery stakeholders, is the subject of a presentation provided under this agenda item because it is primarily informed by the results from the consultation which will not close until after the required publication of papers for this meeting.

Given that the Authority is being asked to consider this matter, it was felt that the decision with regards to the full suite of management measures should also be taken by the full Authority for the sake of expedience and transparency.

Proposed management measures for the hand-worked and dredged mussel re-laying fisheries are at Appendix 1 and 2 respectively. Any revisions proposed to the management measures therein, as a consequence of the consultation, will be highlighted in the presentation to members under this agenda item also, including any potential impacts on fishery stakeholders.

### **Financial Implications**

None identified

### **Legal Implications**

There is an inherent risk of challenge in relation to any decision taken by the Authority, but which is mitigated by adherence to best practice, including careful consideration of stakeholder views and the potential for impacts to the environment, fisheries and the viability of industry.

### **Appendices**

Appendix 1 – Proposed conditions attaching to exemptions issued for fishing by hand-working within the Wash mussel re-laying fishery 2024.

Appendix 2 – Proposed conditions attaching to exemptions issued for fishing by mussel dredge within the Wash mussel re-laying fishery 2024.

### **Background Documents**

Papers and minutes for Action Item 10 of the 50<sup>th</sup> Authority meeting, held 14 December 2022.

Papers and minutes for Action Item 10 of the 54<sup>th</sup> Authority meeting, held 13 December 2023.

Paper for Action Item 9 of the 55<sup>th</sup> Authority meeting, held 13 March 2024.

## **Proposed Wash Interim Measures: Mussel Relaying Fishery 2024**



### **Hand-work mussel Exemption conditions**

Persons operating under an exemption to the temporary closure of the Wash under Byelaw 8 must undertake fishing activities in strict accordance with the following conditions.

#### **Exemption Condition 1: Wash Fishery Order Regulations**

It is prohibited to fish other than in strict accordance with the Wash Fishery Order 1992 Regulations 3 to 17 in Schedule 1.

For the purpose of these conditions, the Regulations at Schedule 1 should be read as follows:

- a) Reference to 'Regulated Fishery' or 'Several Fishery' should be read as fisheries managed under the interim measures; and
- b) Reference to 'licences' should be read as exemptions issued by the Authority to the Temporary Closure in The Wash.

#### **Exemption condition 2: Re-laying Mussel Fishery**

It is prohibited to fish for, take or remove from the fishery mussels unless such are redeposited on private shellfish beds within the area of the Wash and North Norfolk Coast Special Area of Conservation.

For the purpose of this exemption condition, the 'Wash and North Norfolk Coast Special Area of Conservation' is the area set out in Schedule 2 of these exemption conditions.

#### **Exemption Condition 3: Open/Closed areas**

It is prohibited to fish for, take or remove from the fishery mussels from any area except those areas marked out in charts produced by Eastern IFCA and designated as open to the 'mussel relaying fishery 2024', as set out in Schedule 3. Areas designated as open may be subject to closure and Eastern IFCA will provide a minimum of 12 hours' notice of such via text or email to Exemption Holders, Nominated Representatives and Nominated Deputies.

#### Exemption Conditions 4: Operating times

It is prohibited to fish for, take or remove from the fishery any mussels except between the published opening date and the published closed date for the mussel re-laying fishery.

Exemption holders, Nominated Representatives and Nominated Deputies will be notified of the closure of the fishery with no less than 12 hours' notice via text or e-mail using the contact details provided under Exemption Condition 5.

#### Exemption Condition 5: Contact Details

It is prohibited to fish for, take or remove from the fishery mussels unless a valid email address or mobile telephone number which is capable of receiving text messages has been provided to Eastern IFCA.

#### Exemption Condition 6: Fishing methods (hand-work Exemption)

It is prohibited to fish for, take or remove from the fishery mussels unless:

1. By hand; or
2. By hand rakes.

#### Exemption condition 7: Requirement to have vessel holds inspected

It is prohibited to fish for, take or remove from the fishery any mussels using a vessel unless:

- a) the dimensions of the hold have been recorded by an Inshore Fisheries and Conservation Officer;
- b) a 'certificate of hold inspection' has been issued which will record the dimensions as per 6(a) above which will be invalid if the hold is modified in any way which would alter its volume or capacity after the certificate has been issued.

#### Exemption Condition 8: Requirement to notify

It is prohibited to fish for, take or remove from the fishery any mussels unless the Exemption Holder, Nominated Representative or Nominated Deputy has notified Eastern IFCA of the estimated time of commencement of mussel harvesting at least 12 hours prior to such commencement.

For the purpose of this Exemption Condition, such notification must include the vessel name and port letter numbers, the intended fishing method and the name of the mussel bed intended to be fished and such notification must be in the form of a text message to the designated mobile phone number or email to the designated email address.

The designated mobile phone number is: 07748182025

The designated email address is: [enforcement@eastern-ifca.gov.uk](mailto:enforcement@eastern-ifca.gov.uk)

### Exemption Condition 9: Catch Returns Data

Fishers must submit the 'required catch data' to Eastern IFCA via 'text message' to a designated mobile telephone number or via email to a designated email address no later than 2 hours after fishing has finished on any given day of fishing.

The required catch data is as follows: the name and port letter numbers of the vessel used to fish for mussels, the fishing method, the estimated weight of mussels removed from the Fishery, the name of the bed from which the mussels were removed and the destination of the mussels.

The designated mobile phone number is: 07748182025

The designated email address is: [enforcement@eastern-ifca.gov.uk](mailto:enforcement@eastern-ifca.gov.uk)

*Failure to comply with an exemption condition is an offence under section 163(2) of the Marine and Coastal Access Act 2009. The master, owner and charterer (if any) of a vessel used in the commission of an offence shall each be guilty of any such offence and liable to a fine on summary conviction.*

Exemption conditions are subject to change and fishers will be notified of any amendments to the exemption conditions.

## Schedule 1 - Wash Fishery Order 1992 Regulations



### Eastern Inshore Fisheries and Conservation Authority

#### Wash Fishery Order 1992

#### Wash Fishery Order 1992 Regulations

The Authority for the Eastern Inshore Fisheries and Conservation District in exercise of its powers under Article 7 of the Wash Fishery Order 1992 under the Sea Fisheries (Shellfish) Act 1967, as amended, has made the following regulations;

#### 1. Interpretation

In these Regulations:

- 1) “the Order” means the Wash Fishery Order 1992 (SI 1992/3038);
- 2) “Regulated Fishery” means a fishery as described by Eastern IFCA in accordance with Article 8(5) of the Order and undertaken under the authority of a licence issued under Article 8(1) of the Order;
- 3) “Several Fishery” means fishing under the authority of a lease granted under Article 6(1) of the Order;
- 4) “prescribed species” means any of the species specified in the Wash Fishery Order 1992 as prescribed species.
- 5) “cockle” means any bivalve mollusc belonging to the genus *Cerastoderma*;
- 6) “mussel” means any of the species belonging to the genus *Mytilus*;
- 7) “harvestable mussel fishery” means a mussel fishery, the licence conditions for which, allow for mussels fished for, taken or removed from the fishery to be sold directly to a market;

8) “relaying mussel fishery” means a mussel fishery, the licence conditions for which do not allow mussels to be sold directly to market but instead, must be relayed for the purpose of aquaculture;

9) “licence” means a licence granted under Article 8(1) of Order;

10) “bottom-towed-gear” means any fishing gear designed to be towed, dragged or pushed through the water whilst in contact with the seabed;

11) “prop-washing” means the practice of turning a vessel in tight circles to aid the fishing of cockles;

## **2. Application**

The following Regulations apply to persons fishing under the authority of a licence.

## **3. Bottom-towed-gear restrictions**

1) A person must not fish for, take or remove from the fishery any of the prescribed species using bottom-towed-gear unless a written certificate of approval for that bottom-towed-gear has been provided by the Authority in accordance with Regulation 4.

2) A person must not fish for, take or remove from the fishery, cockles using;

a) more than one instrument of bottom-towed-gear; or

b) a hydraulic suction dredge with an aggregate dredge head width of more than 76cm.

3) Without written authorisation from the Authority, a person must not fish for, take or remove from the fishery, mussels using a mussel dredge with an inside opening of more than one meter in width.

4) A person must not fish for, take or remove from the fishery any of the prescribed species other than cockles using more than two instruments of bottom-towed-gear.

## **4. Bottom-towed-gear - Approval**

1) A provisional certificate of approval may be issued which will be valid for one month.

2) A full certificate of approval may be issued, which will be valid until 31 December following the date the certification is issued, where bottom-towed-gear meets the following conditions:



- a) The bottom-towed-gear does not result in more than 10% by weight of the target species being visibly damaged;
- b) The Authority has been advised by scientists who appear to them to be suitably qualified that the bottom-towed-gear does not cause unacceptable damage to habitats or species;
- c) Bottom-towed-gear and associated catch sorting equipment is of a specification required by the Authority for reasons relating to fisheries management or are pursuant of meeting 4(2)(a) and 4(2)(b) above.

3) For the purpose of this regulation, an organism is considered visibly damaged when on examination it is seen that there are visible cracks, chips or there is other damage to the shell. The damage rate will be determined using representative samples of shellfish retained and rejected by the operation of the bottom-towed-gear.

## **5. Vessel restrictions**

- 1) A person must not use a vessel exceeding 14 meters in overall length to fish for, take or remove from the fishery any of the prescribed species unless authorised by the Authority in accordance with sub-paragraph 2.
- 2) The Authority may exempt vessels from sub-paragraph 1 where evidence is provided that the owner or skipper of the vessel has used the vessel to fish for, take or remove from the fishery any of the prescribed species from within the Regulated Fishery prior to the date of the advertisement of the Order.
- 3) Exemption in accordance with sub-paragraph 2 shall cease if the vessel changes ownership.

## **6. Tenders**

A vessel must not carry or tow a tender which is greater than six metres in overall length.

## **7. Sorting of catch**

Any material rejected through the sorting of catch of any of the prescribed species must be returned immediately to the sea or seabed, as nearly as possible to the place from which it was taken and spread thinly and evenly over that area.

## **8. Daily catch restrictions (cockles)**

- 1) A person must not, in any one calendar day, fish for, take (save for doing so with the intention of riddling or otherwise sorting catch in

accordance with regulation 7) or remove from the fishery more than the maximum weight of cockles specified in the licence conditions by hand.

2) A person must not, in any one calendar day, fish for or take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with regulation 7) or remove from the fishery more than 4000 kilograms of cockles by dredge.

3) For the purpose of determining the weight of catch no allowance will be given for the weight of any containers or sand or other material.

4) A person must not fish for, take or remove from the fishery any cockles by hand if, during the same calendar day, that person has fished for, taken or removed any cockles by dredge.

5) A person must not fish for, take or remove from the fishery any cockles by dredge if, during the same calendar day, that person has fished for, taken or removed any cockles by hand.

#### **9. Daily catch restrictions (mussels)**

1) A person must not, in any one calendar day, fish for or take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with regulation 7) or remove from the fishery:

a) More than 4000 kilograms of mussels during a harvestable mussel fishery; or

b) More than 8000 kilograms of mussels during a relaying mussel fishery.

2) For the purpose of determining the weight of catch no allowance will be given for the weight of any containers or sand or other material.

3) A person must not fish for, take or remove from the fishery any mussels from a harvestable mussel fishery if, during the same calendar day, that person has fished for, taken or removed from the fishery mussels from a relaying mussel fishery.

4) A person must not fish for, take or remove from the fishery any mussels from a relaying mussel fishery if, during the same calendar day, that person has fished for, taken or removed from the fishery mussels from a harvestable mussel fishery.

#### **10. Mussels (*Mytilus edulis*) minimum size**

1) A person must not remove from the boundary of the Wash Fishery Order 1992 any mussels (*Mytilus edulis*) from within the Regulated Fishery which are less than 45mm in length but must return such immediately to the sea in accordance with sub-paragraph 2 (below)

unless they are being fished for, taken or removed as part of a relaying mussel fishery.

2) Mussels and any material arising from the sorting of mussels must be returned immediately to the sea or seabed, as nearly as possible to the place from which it was taken and spread thinly and evenly over that area.

### **11. Seed movement**

Without prejudice to the Article 12 of the Wash Fishery Order 1992, a person must not transport any shellfish under an authorisation granted by said article by road unless an application for such is completed which will require the following information:

- a) Destination of the shellfish; and
- b) The date of the proposed transport.

### **12. Weekly catch returns**

An accurately completed weekly catch return form, supplied by Eastern IFCA, must be returned for each week of fishing, to Eastern IFCA offices by no later than Friday of the calendar week following any fishing activity.

### **13. Transhipping prohibition**

A person must not tranship or otherwise relocate any of the prescribed species, or containers of any description containing any of the prescribed species, fished from the Regulated Fishery from one vessel to another.

### **14. Requirement to land (cockles)**

- 1) A person fishing for cockles must:
  - a) take any cockles fished for from the Regulated fishery straight to port;
  - b) land such cockles immediately; and
  - c) not leave cockles on the sand or deposited in the water in bags or any other container for later collection.
- 2) A person must not land cockles fished for from the Regulated fishery on more than one occasion during one calendar day.

### **15. Dual fishing prohibition**

- 1) A person must not fish for, take or remove from the fishery any of the prescribed species from the Regulated Fishery on the same

calendar day as fishing for, taking or removing from the fishery the same prescribed species from outside of the Regulated Fishery or from a Several Fishery.

2) A person must not have on board any bottom-towed-gear which could be used to fish for, take or remove from the fishery any of the prescribed species when fishing for, taking or removing from the fishery any of the prescribed species from a hand-work fishery.

## **16. Standard bags**

A person must not land mussels or cockles fished from the Regulated Fishery unless such are contained in a bag which must:

1) be of the following dimensions:

- a) 120 centimetres or 60 centimetres in height;
- b) 97 centimetres in depth;
- c) 97 centimetres in width: and

2) have the words 'Wash Fishery Order' written on at least two sides with lettering which is at least 10 centimetres tall.

## **17. Prop-washing**

1) A person fishing for cockles must not:

- a) use an anchor which affixes the vessel to the bottom of the seabed during the practice of prop-washing;
- b) conduct prop-washing in such a manner as to cause more than one ring to be formed in the seabed;

2) A person must spread any cockles dislodged from prop-washing thinly and evenly over the ground, as nearly as possible to the area from which they were dislodged before leaving the bed.

## **18. Revocations**

The Wash Fishery Order 1992 Regulations in force immediately before the date on which these Regulations come into force, are hereby revoked.

### **Schedule 2 - Wash and North Norfolk Coast Special Area of Conservation**

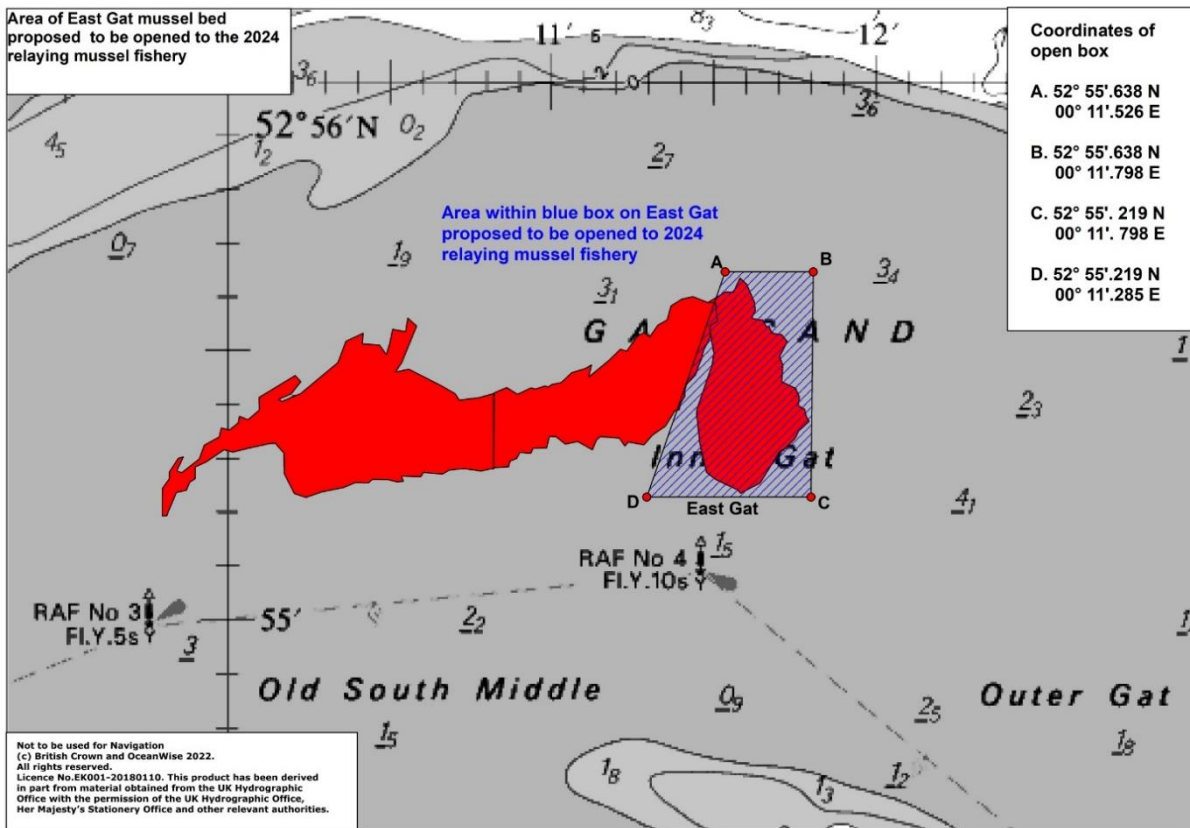
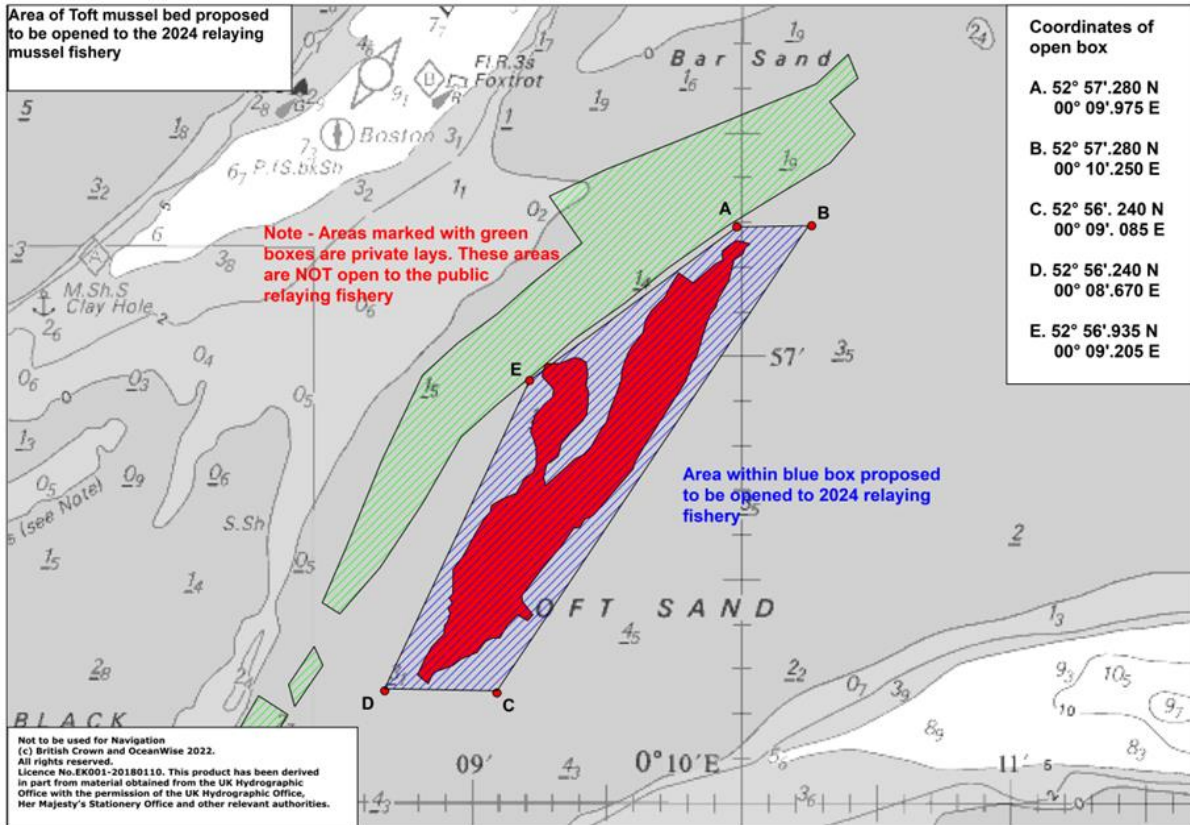
The following table sets out the co-ordinates of the Wash and North Norfolk Coast Special Area of Conservation as Exemption condition 2 above.

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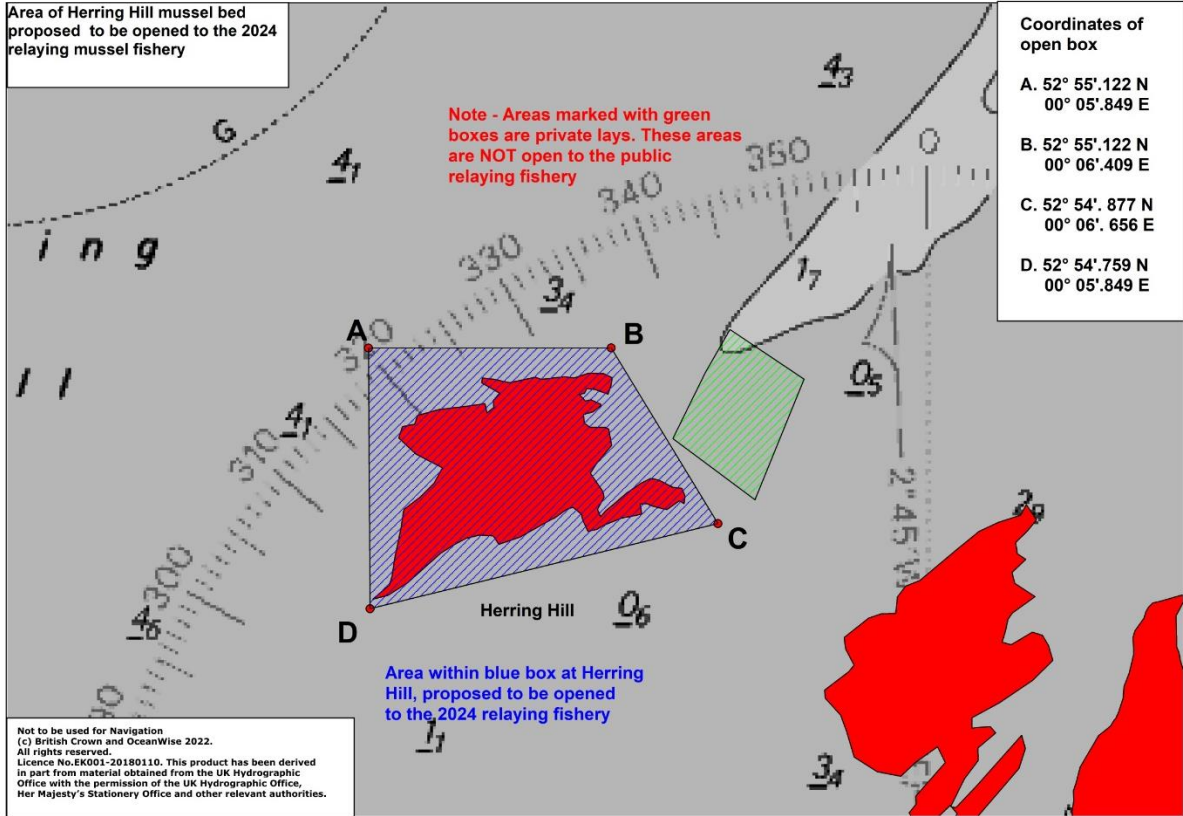
| <b>Point</b> | <b>Latitude</b> | <b>Longitude</b> |
|--------------|-----------------|------------------|
| A            | 53° 07'.69 N    | 00° 20'.55 E     |
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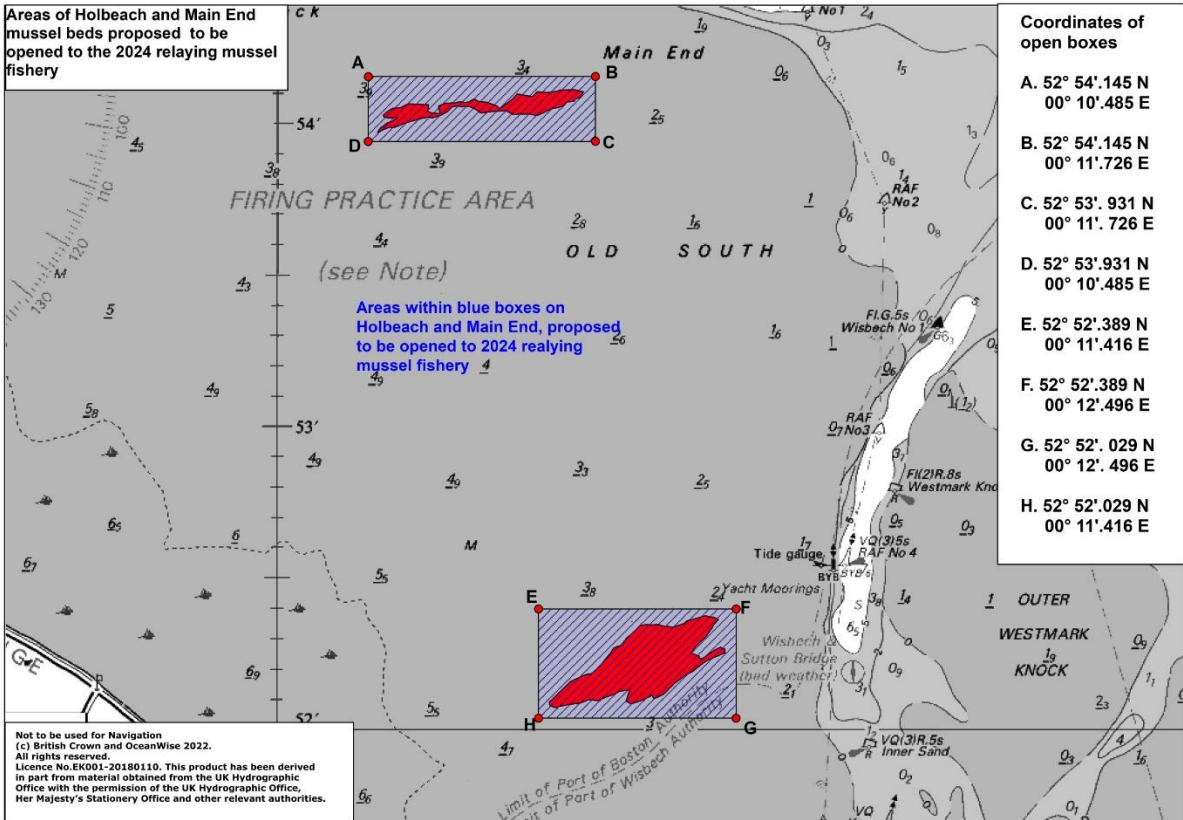
### Schedule 3:- Charts showing the beds open to the 2024 mussel relaying fishery



Area of Herring Hill mussel bed proposed to be opened to the 2024 relaying mussel fishery

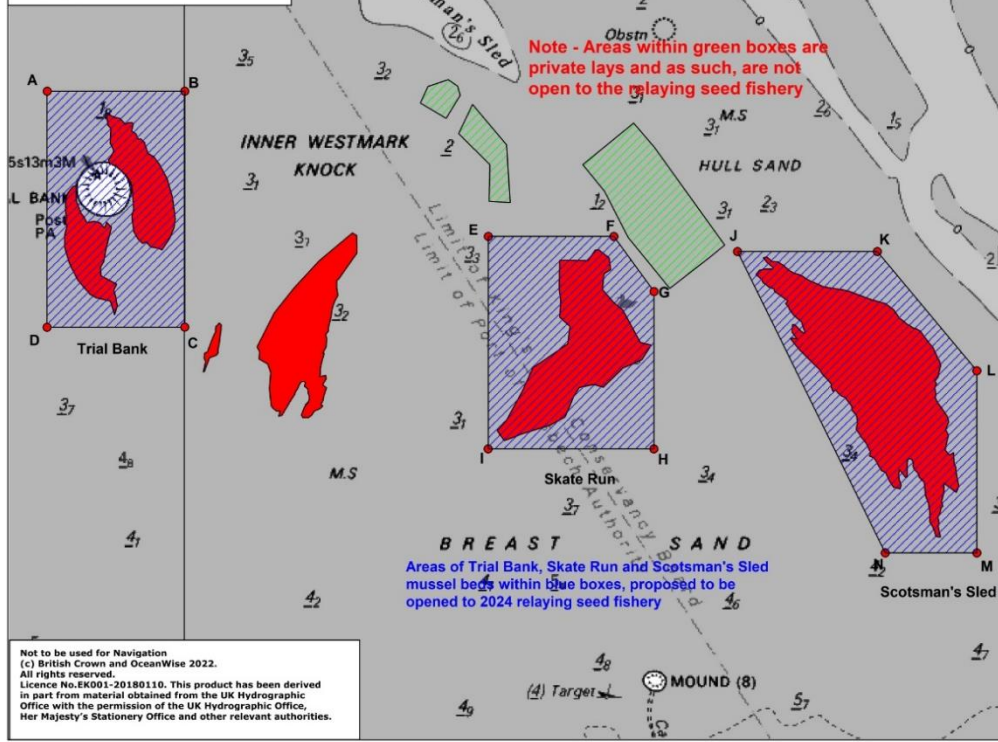


Areas of Holbeach and Main End mussel beds proposed to be opened to the 2024 relaying mussel fishery





Areas of Trial Bank, Skate Run and Scotsman's Sled mussel beds proposed to be opened to the 2024 relaying mussel fishery

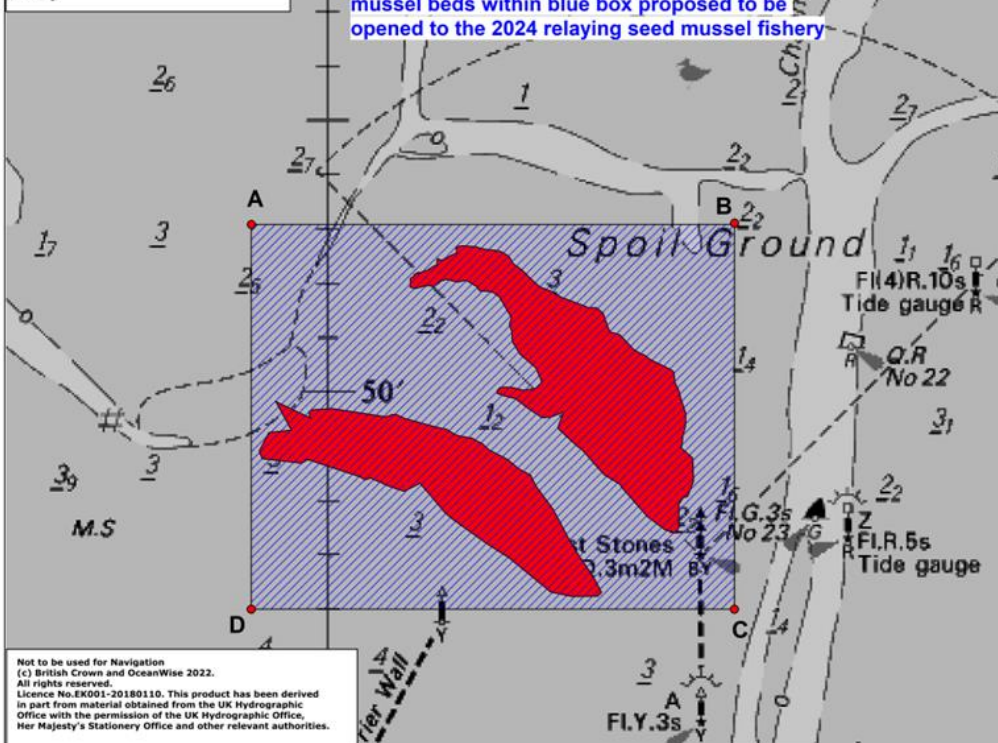


Coordinates of open boxes

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00° 14'.343 E
- B. 52° 50'.805 N  
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Area of Blackshore and Back of the Wall mussel beds proposed to be opened to the 2024 relaying mussel fishery



Coordinates of open box

- A. 52° 50'.300 N  
00° 19'.770 E
- B. 52° 50'.300 N  
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## **Proposed Wash Interim Measures: Mussel Relaying Fishery 2024**

### **Mussel Dredge Exemption conditions**

Persons operating under an exemption to the temporary closure of the Wash under Byelaw 8 must undertake fishing activities in strict accordance with the following conditions.

#### **Exemption Condition 1: Wash Fishery Order Regulations**

It is prohibited to fish other than in strict accordance with the Wash Fishery Order 1992 Regulations 3 to 17 in Schedule 1.

For the purpose of these conditions, the Regulations at Schedule 1 should be read as follows:

- a) Reference to 'Regulated Fishery' or 'Several Fishery' should be read as fisheries managed under the interim measures; and
- b) Reference to 'licences' should be read as exemptions issued by the Authority to the Temporary Closure in The Wash.

#### **Exemption condition 2: Re-laying Mussel Fishery**

It is prohibited to fish for, take or remove from the fishery mussels unless such are deposited on private shellfish beds within the area of the Wash and North Norfolk Coast Special Area of Conservation.

For the purpose of this exemption condition, the 'Wash and North Norfolk Coast Special Area of Conservation' is the area set out in Schedule 2 of these exemption conditions.

#### **Exemption Condition 3: Open/Closed areas**

It is prohibited to fish for, take or remove from the fishery mussels from any area except those areas marked out in charts produced by Eastern IFCA and designated as open to the 'mussel relaying fishery 2024', as set out in Schedule 3. Areas designated as open may be subject to closure and Eastern IFCA will provide a minimum of 12 hours' notice of such via text or e-mail to Exemption Holders, Nominated Representatives and Nominated Deputies.

#### Exemption Conditions 4: Operating times

It is prohibited to fish for, take or remove from the fishery any mussels except between the published opening date and the published closed date for the mussel relaying fishery.

Exemption holders, nominated representatives and Nominated Deputies will be notified of the closure of the fishery with no less than 12 hours notice via text or e-mail using the contact details provided under Exemption Condition 5.

#### Exemption Condition 5: Contact Details

It is prohibited to fish for, take or remove from the fishery mussels unless a valid e-mail address or mobile telephone number which is capable of receiving text messages has been provided to Eastern IFCA.

#### Exemption condition 6: Fishing methods (dredge Exemption)

- a) It is prohibited to fish for, take or remove from the fishery any mussels using bottom-towed-gear except a 'mussel dredge'.
- b) For the purpose of this Exemption condition, a 'mussel dredge' is a dredge consisting of a mesh or net held open by a frame the bottom edge of which consists of a bar, blade or teeth which dislodges mussels from the surface of the mussel bed.
- c) Mussel dredges must not have any mechanism or device which enable the continuous lift of mussels from the dredge to the vessel.
- d) Certification of the mussel dredge under Regulation 4 (bottom-towed-gear Approval) is invalid if the mussel dredge is modified in any way after the 'certificate of approval' has been issued.

#### Exemption condition 7: Requirement to have vessel holds inspected

It is prohibited to fish for, take or remove from the fishery any mussels using a vessel unless:

- a) the dimensions of the hold have been recorded by an Inshore Fisheries and Conservation Officer; and
- b) a 'certificate of hold inspection' has been issued which will record the dimensions as per 6(a) above which will be invalid if the hold is modified in any way which would alter its volume or capacity after the certificate has been issued.

#### Exemption Condition 8: Requirement to notify

It is prohibited to fish for, take or remove from the fishery any mussels unless the Exemption Holder, Nominated Representative or Nominated Deputy has notified Eastern IFCA of the estimated time of commencement of mussel harvesting at least 12 hours prior to such commencement.

For the purpose of this Exemption Condition, such notification must include the vessel name and port letter numbers, the intended fishing method and the name of the mussel bed intended to be fished and such notification must be in the form of a text message to the designated mobile phone number or email to the designated email address.

The designated mobile phone number is: 07748182025

The designated email address is: [enforcement@eastern-ifca.gov.uk](mailto:enforcement@eastern-ifca.gov.uk)

#### Exemption Condition 9: Catch Returns Data

Fishers must submit the 'required catch data' to Eastern IFCA via 'text message' to a designated mobile telephone number or via email to a designated email address no later than 2 hours after high-water of any given day of fishing.

The required catch data is as follows: the name and port letter numbers of the vessel used to fish for mussels, the fishing method, the estimated weight of mussels removed from the Fishery, the name of the bed from which the mussels were removed and the destination of the mussels.

The designated mobile phone number is: 07748182025

The designated email address is: [enforcement@eastern-ifca.gov.uk](mailto:enforcement@eastern-ifca.gov.uk)

*Failure to comply with an exemption condition is an offence under section 163(2) of the Marine and Coastal Access Act 2009. The master, owner and charterer (if any) of a vessel used in the commission of an offence shall each be guilty of any such offence and liable to a fine on summary conviction.*

Exemption conditions are subject to change and fishers will be notified of any amendments to the exemption conditions.

## Schedule 1 - Wash Fishery Order 1992 Regulations



### Eastern Inshore Fisheries and Conservation Authority

#### Wash Fishery Order 1992

#### Wash Fishery Order 1992 Regulations

The Authority for the Eastern Inshore Fisheries and Conservation District in exercise of its powers under Article 7 of the Wash Fishery Order 1992 under the Sea Fisheries (Shellfish) Act 1967, as amended, has made the following regulations;

#### **19. Interpretation**

In these Regulations:

- 1) “the Order” means the Wash Fishery Order 1992 (SI 1992/3038);
- 2) “Regulated Fishery” means a fishery as described by Eastern IFCA in accordance with Article 8(5) of the Order and undertaken under the authority of a licence issued under Article 8(1) of the Order;
- 3) “Several Fishery” means fishing under the authority of a lease granted under Article 6(1) of the Order;
- 4) “prescribed species” means any of the species specified in the Wash Fishery Order 1992 as prescribed species.
- 5) “cockle” means any bivalve mollusc belonging to the genus *Cerastoderma*;
- 6) “mussel” means any of the species belonging to the genus *Mytilus*;

7) “harvestable mussel fishery” means a mussel fishery, the licence conditions for which, allow for mussels fished for, taken or removed from the fishery to be sold directly to a market;

8) “relaying mussel fishery” means a mussel fishery, the licence conditions for which do not allow mussels to be sold directly to market but instead, must be relayed for the purpose of aquaculture;

9) “licence” means a licence granted under Article 8(1) of Order;

10) “bottom-towed-gear” means any fishing gear designed to be towed, dragged or pushed through the water whilst in contact with the seabed;

11) “prop-washing” means the practice of turning a vessel in tight circles to aid the fishing of cockles;

## **20. Application**

The following Regulations apply to persons fishing under the authority of a licence.

## **21. Bottom-towed-gear restrictions**

1) A person must not fish for, take or remove from the fishery any of the prescribed species using bottom-towed-gear unless a written certificate of approval for that bottom-towed-gear has been provided by the Authority in accordance with Regulation 4.

2) A person must not fish for, take or remove from the fishery, cockles using;

- a) more than one instrument of bottom-towed-gear; or
- b) a hydraulic suction dredge with an aggregate dredge head width of more than 76cm.

3) Without written authorisation from the Authority, a person must not fish for, take or remove from the fishery, mussels using a mussel dredge with an inside opening of more than one meter in width.

4) A person must not fish for, take or remove from the fishery any of the prescribed species other than cockles using more than two instruments of bottom-towed-gear.

## **22. Bottom-towed-gear - Approval**

- 1) A provisional certificate of approval may be issued which will be valid for one month.
- 2) A full certificate of approval may be issued, which will be valid until 31 December following the date the certification is issued, where bottom-towed-gear meets the following conditions:
  - a) The bottom-towed-gear does not result in more than 10% by weight of the target species being visibly damaged;
  - b) The Authority has been advised by scientists who appear to them to be suitably qualified that the bottom-towed-gear does not cause unacceptable damage to habitats or species;
  - c) Bottom-towed-gear and associated catch sorting equipment is of a specification required by the Authority for reasons relating to fisheries management or are pursuant of meeting 4(2)(a) and 4(2)(b) above.
- 3) For the purpose of this regulation, an organism is considered visibly damaged when on examination it is seen that there are visible cracks, chips or there is other damage to the shell. The damage rate will be determined using representative samples of shellfish retained and rejected by the operation of the bottom-towed-gear.

### **23. Vessel restrictions**

- 1) A person must not use a vessel exceeding 14 meters in overall length to fish for, take or remove from the fishery any of the prescribed species unless authorised by the Authority in accordance with sub-paragraph 2.
- 2) The Authority may exempt vessels from sub-paragraph 1 where evidence is provided that the owner or skipper of the vessel has used the vessel to fish for, take or remove from the fishery any of the prescribed species from within the Regulated Fishery prior to the date of the advertisement of the Order.
- 3) Exemption in accordance with sub-paragraph 2 shall cease if the vessel changes ownership.

### **24. Tenders**

A vessel must not carry or tow a tender which is greater than six metres in overall length.

### **25. Sorting of catch**

Any material rejected through the sorting of catch of any of the prescribed species must be returned immediately to the sea or seabed, as nearly as possible to the place from which it was taken and spread thinly and evenly over that area.

## **26. Daily catch restrictions (cockles)**

- 1) A person must not, in any one calendar day, fish for, take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with regulation 7) or remove from the fishery more than the maximum weight of cockles specified in the licence conditions by hand.
- 2) A person must not, in any one calendar day, fish for or take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with regulation 7) or remove from the fishery more than 4000 kilograms of cockles by dredge.
- 3) For the purpose of determining the weight of catch no allowance will be given for the weight of any containers or sand or other material.
- 4) A person must not fish for, take or remove from the fishery any cockles by hand if, during the same calendar day, that person has fished for, taken or removed any cockles by dredge.
- 5) A person must not fish for, take or remove from the fishery any cockles by dredge if, during the same calendar day, that person has fished for, taken or removed any cockles by hand.

## **27. Daily catch restrictions (mussels)**

- 1) A person must not, in any one calendar day, fish for or take (save for doing so with the intention of riddling or otherwise sorting catch in accordance with regulation 7) or remove from the fishery:
  - a) More than 4000 kilograms of mussels during a harvestable mussel fishery; or
  - b) More than 8000 kilograms of mussels during a relaying mussel fishery.
- 2) For the purpose of determining the weight of catch no allowance will be given for the weight of any containers or sand or other material.
- 3) A person must not fish for, take or remove from the fishery any mussels from a harvestable mussel fishery if, during the

same calendar day, that person has fished for, taken or removed from the fishery mussels from a relaying mussel fishery.

4) A person must not fish for, take or remove from the fishery any mussels from a relaying mussel fishery if, during the same calendar day, that person has fished for, taken or removed from the fishery mussels from a harvestable mussel fishery.

## **28. Mussels (*Mytilus edulis*) minimum size**

1) A person must not remove from the boundary of the Wash Fishery Order 1992 any mussels (*Mytilus edulis*) from within the Regulated Fishery which are less than 45mm in length but must return such immediately to the sea in accordance with subparagraph 2 (below) unless they are being fished for, taken or removed as part of a relaying mussel fishery.

2) Mussels and any material arising from the sorting of mussels must be returned immediately to the sea or seabed, as nearly as possible to the place from which it was taken and spread thinly and evenly over that area.

## **29. Seed movement**

Without prejudice to the Article 12 of the Wash Fishery Order 1992, a person must not transport any shellfish under an authorisation granted by said article by road unless an application for such is completed which will require the following information:

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## **32. Requirement to land (cockles)**

2) A person fishing for cockles must:



- a) take any cockles fished for from the Regulated fishery straight to port;
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- 1) A person must not fish for, take or remove from the fishery any of the prescribed species from the Regulated Fishery on the same calendar day as fishing for, taking or removing from the fishery the same prescribed species from outside of the Regulated Fishery or from a Several Fishery.
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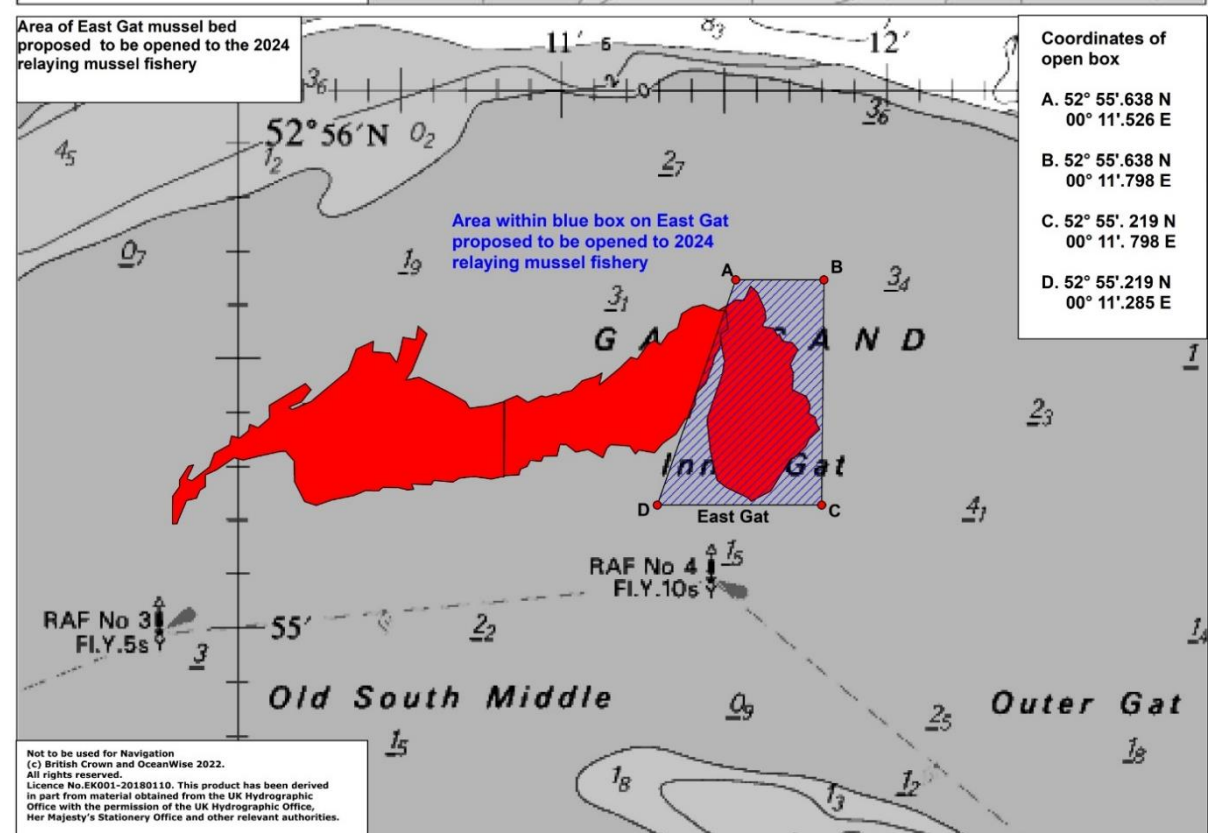
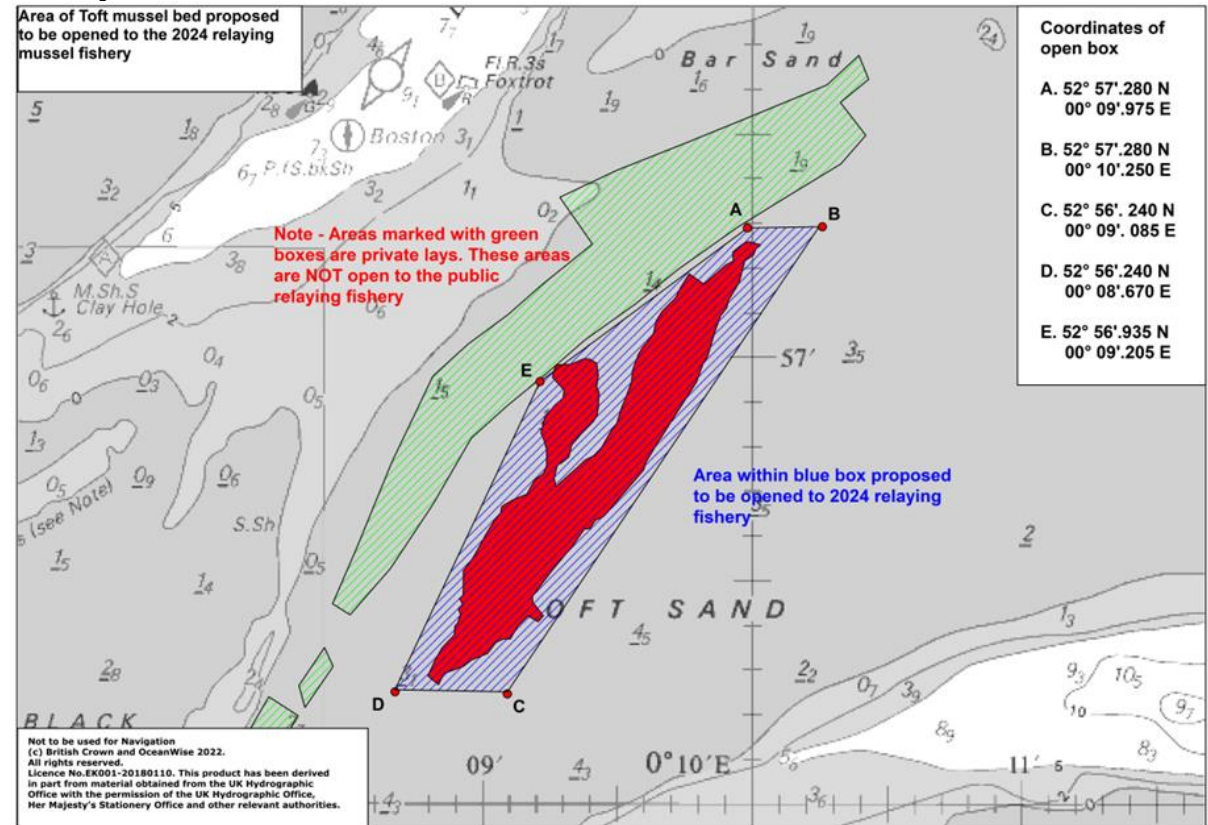
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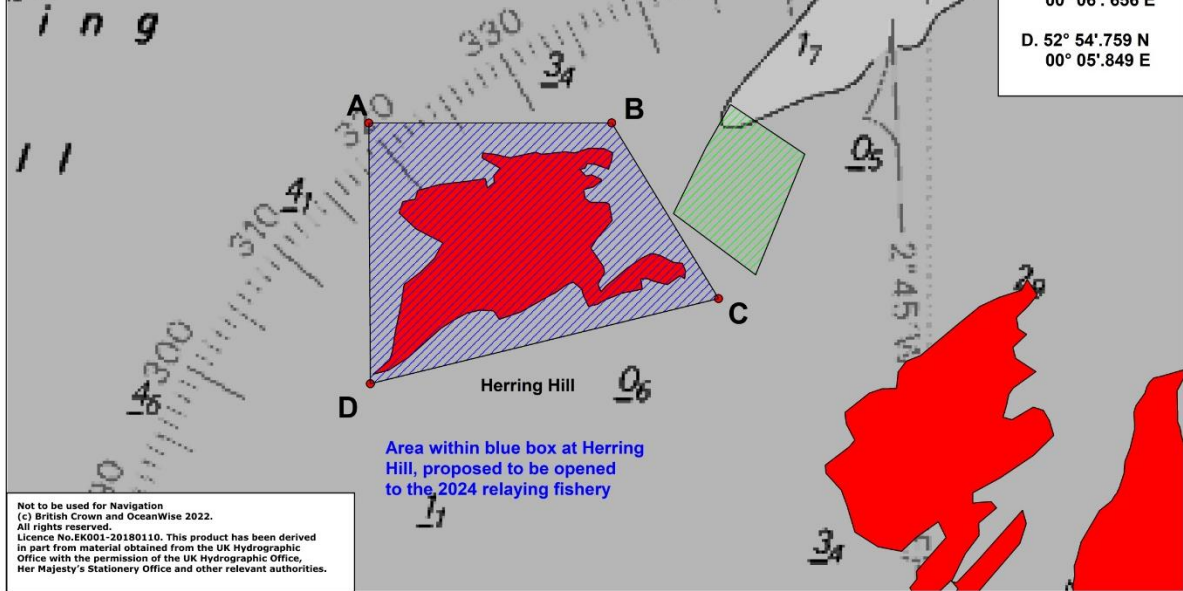
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Area of Herring Hill mussel bed proposed to be opened to the 2024 relaying mussel fishery

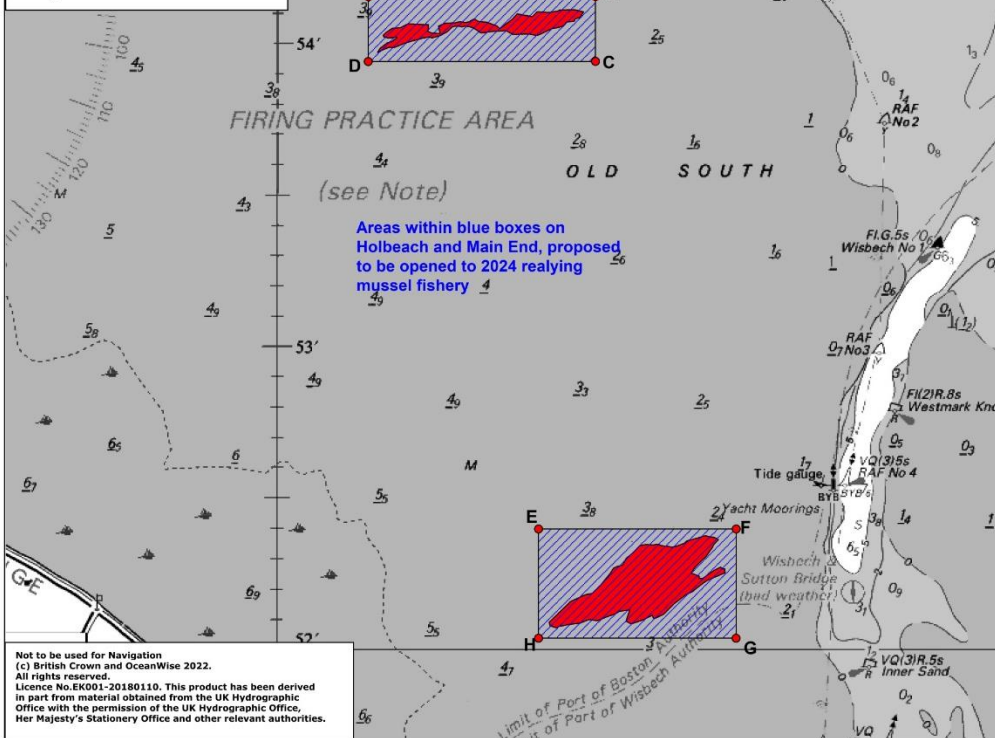
Note - Areas marked with green boxes are private lays. These areas are NOT open to the public relaying fishery



- Coordinates of open box
- A. 52° 55'.122 N  
00° 05'.849 E
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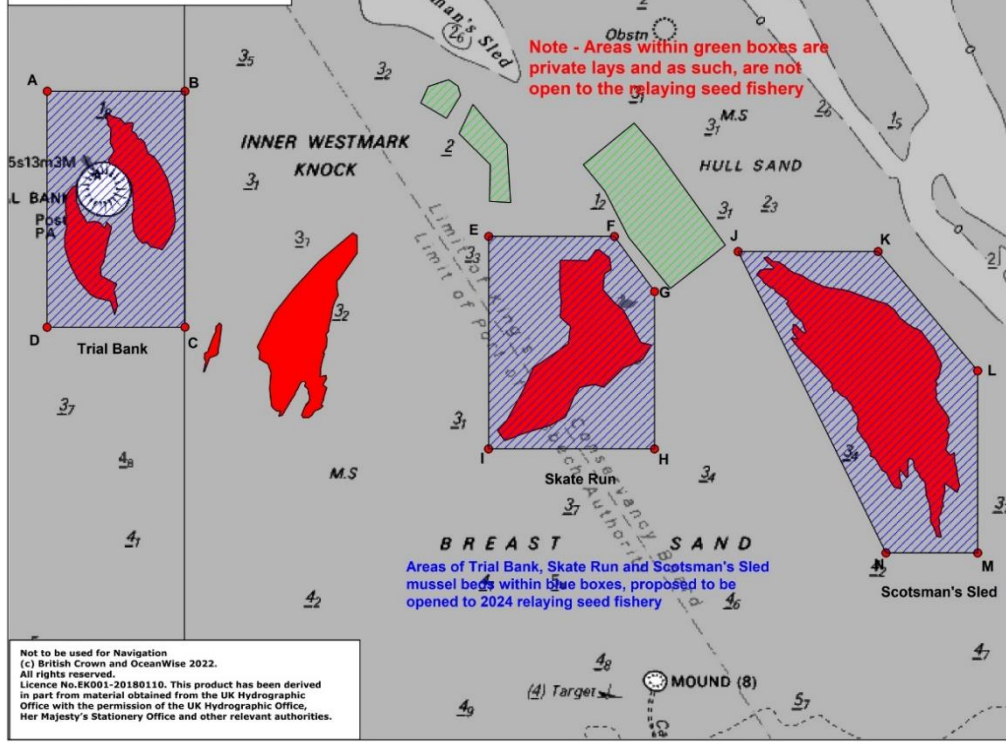


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  - H. 52° 52'.029 N  
00° 11'.416 E

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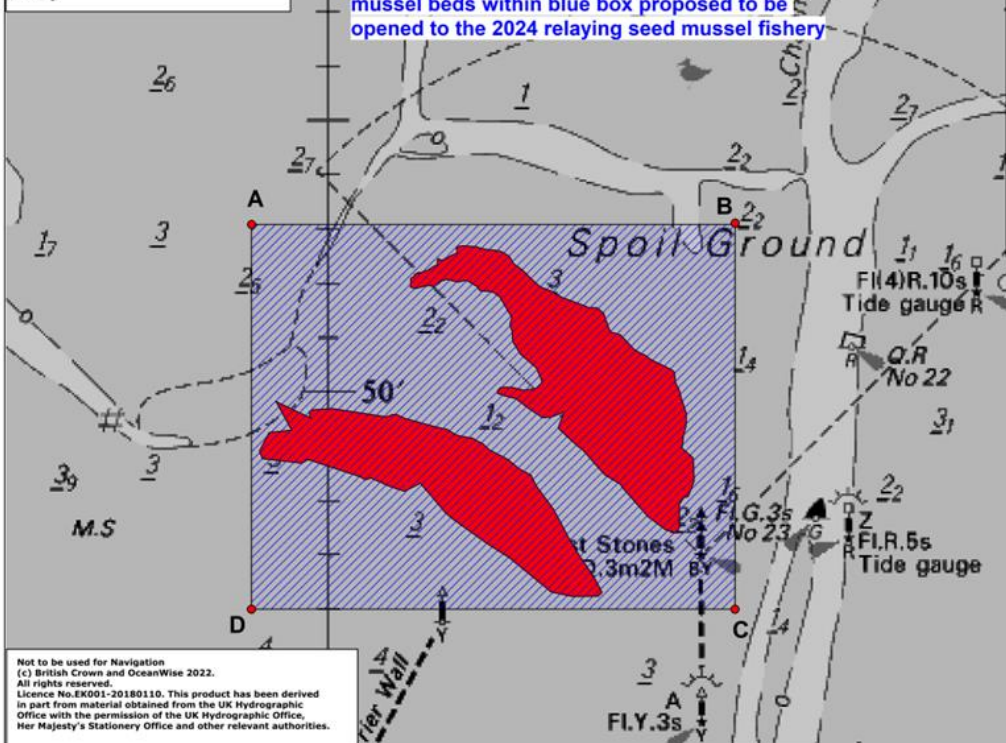


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## Vision

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.



## 55<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority meeting

13 March 2024

### **Review of Eastern Inshore Fisheries and Conservation Authority (IFCA) Constitution and Standing Orders**

**Report by:** J. Gregory, CEO

#### **Purpose of report**

The purpose of this report is to report the outcome of the annual review of the Eastern IFCA constitution and to seek approval for relatively minor changes.

#### **Recommendations**

It is recommended that members:

- **Agree** to the proposed changes to the Constitution and Standing Orders at Appendix A.

#### **Background**

Eastern IFCA adopted the current Constitution and Standing Orders on 31<sup>st</sup> October 2012 with a requirement for it to be reviewed annually. The Constitution and Standing Orders are the embodiment of the requirement for the Authority to ensure that it has sound governance.

A full review of the structure of the Authority and the Constitution and Standing Orders was undertaken during 2018-19, which resulted in a number of recommendations, which were all approved at the 39<sup>th</sup> meeting of the full Authority held in March 2019.

The overall objectives were to provide a more coherent approach to dealing with Authority business, to make best use of the skills, experience and accountabilities of members and to make meetings more meaningful and productive.

The changes included discontinuing three sub-committees and moving functions to the full Authority in order to engage the full Authority membership in the core business of the Authority, such as the strategic policy and planning framework and fisheries and conservation management decisions.

In order to remove duplication, the functions undertaken by the Finance and HR sub-committee were expanded to include all financial matters with the exception of approving the annual budget and levy, which remained the preserve of the full Authority on recommendation from the Finance and HR sub-committee. In recognition of the expanded remit of this sub-committee it was agreed that the Chair and Vice-Chair of the Authority undertake the same functions on the sub-committee.

The Fisheries and Conservation Working Group was established to enable greater participation of members in the development of management measures. This enables issues to be identified and more discussion before formal proposals are prepared for consideration by the full Authority.

In 2022 a Wash Fishers Transition sub-committee was established to address the transition to a new management regime following the expiry of the Wash Fishery Order 1992.

In 2023 some relatively minor amendments were approved. The most notable of these are revisions to provisions in the scheme of delegations to enable business continuity and changes in the name and functions of the Wash Fisheries Transition sub-committee to the Wash Fisheries sub-committee and the creation of the Wash Appeals sub-committee.

### **Report**

The Constitution and Standing Orders have been reviewed by the Authority's legal advisors, nPlaw, and various amendments, which are primarily administrative in nature, are proposed as set out at Appendix A. In addition to the proposed amendments a number of grammatical revisions have been made, together with some corrections to references to legislation, none of which affect the intention of the document and as such they are not listed in Appendix A.

### **Financial implications**

The only financial implications are charges for the assistance and advice drawn from nplaw.

### **Legal implications**

It is a legal requirement for the Authority to keep abreast of revised legislation for the operation and conduct of public business. Nplaw have advised on the current status of the Constitution and Standing Orders.

### **Conclusion**

The Constitution and Standing Orders as adopted remains fit for purpose does not require any amendments at this time. The Clerk will continue to hold them under review and will bring any futures changes to the Authority meeting in March annually unless there is a pressing need to make changes more urgently.

### **Appendices**

Appendix A - Proposed Revisions to the Constitution and Standing Orders



**Background documents**

Papers and minutes of the 39<sup>th</sup> meeting of the full Authority held on 11 March 2019.

Papers and minutes of the 47<sup>th</sup> meeting of the full Authority held on 9 March 2022

Papers and minutes of the 49<sup>th</sup> meeting of the full Authority held on 14 September 2022.

Papers and minutes of the 51<sup>st</sup> meeting of the full Authority held on 8 March 2023.

Eastern IFCA Constitution and Standing Orders

[https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/07/2023\\_03\\_09\\_EIFCA\\_Constitution\\_2023\\_Approved.pdf](https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/07/2023_03_09_EIFCA_Constitution_2023_Approved.pdf)

## Appendix A

| <b>Proposed Revisions to the Constitution and Standing Orders 2024</b> |   |   |  |
|--|---|---|--|
| <b>Ref</b>   | <b>Original Text</b>  | <b>Revised Text</b>   | <b>Rationale</b>   |
| P.1<br>Introduction  | In this Constitution, the Eastern IFCA sets out how it will operate, how its decisions will be made and the procedures that it will follow to ensure efficient, transparent and accountable decision-making in line with its purpose and vision, its policies and legal requirements. The Constitution will be reviewed annually at the Eastern IFCA's April meeting. | In this Constitution, the Eastern IFCA sets out how it operates, how its decisions are made and the procedures that it follows to ensure efficient, transparent, and accountable decision-making in line with its purpose and vision, its policies and legal requirements. The Constitution will be reviewed annually at the Eastern IFCA's March meeting.            | As the Authority is well established the text is revised to present tense as opposed to future tense.  |
| Chapter 1<br>Para 1.11   | If the council member's suspension ends, it will be up to the relevant county council to decide whether to re-appoint the member to the Eastern IFCA.   | Where the member of the Eastern IFCA, who holds membership as a member of a County Council and whose membership of both bodies has been suspended as described in paragraph 1.10, has their suspension as a member of the County Council ended, the suspension of their membership of the Eastern IFA shall also end unless that County Council determines otherwise. | Previous wording did not align with legislation.   |
| Chapter 1<br>Para 1.12 b   | the member receives a fine under fisheries legislation, nature conservation legislation or marine licensing legislation   | the member receives a monetary penalty under fisheries legislation, nature conservation legislation or marine licensing legislation   | To align with commonly used wording in relation to a Financial Administrative Penalty and avoid the implication that a 'fine' is imposed by a court. |
| Chapter 1<br>Para 3.1  | At the June meeting of the Authority, members will elect a Chair who will serve for the year beginning with the   | At the first meeting of the Authority in each financial year, members will elect a Chair who will serve for the year beginning with the   | To provide clarity and avoid any further revisions should meeting dates be revised.  |

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| Similar wording also at paras 4.1, 9.3 & 9.4 | meeting at which they are elected and ending with the June meeting the following year   | meeting at which they are elected and ending with the first meeting of the Authority the following financial year.<br>Wording of 4.1, 9.3 & 9.4 also revised to the same effect.   |  |
| Chapter 1<br>Para 3.4                        | The Chair may stand for re-election for further years and whilst their term in office will ordinarily be for a maximum of two years, this may be extended if re-elected.  | The Chair may stand for re-election for further years and whilst their term in office, if re-elected, will ordinarily be for a maximum of two years, this may be extended if re-elected for a further term or terms.   | To provide clarity on the term of office.  |
| Chapter 1<br>Para 4.4                        | The Vice-Chair may stand for re-election for further years and whilst their term in office will ordinarily be for a maximum of two years, this may be extended if re-elected.   | The Vice-Chair may stand for re-election for further years and whilst their term in office, if re-elected, will ordinarily be for a maximum of two years, this may be extended if re-elected for a further term or terms.  | To provide clarity on the term of office.  |
| Chapter 1<br>Para 5.1                        | Meetings of the full Authority will ordinarily take place quarterly in March, June, September and December each year. Where circumstances require it, this may be varied by the Clerk in consultation with the Chair.                               | Meetings of the full Authority will ordinarily take place quarterly in June, September, December and March each financial year. Where circumstances require it, this may be varied by the Clerk in consultation with the Chair.  | To clarify that the Authority operates on a financial year (April to March) as opposed to a calendar year. |
| Chapter 1<br>Para 5.5                        | The full Authority may delegate any of the Eastern IFCA's functions to a sub-committee, member or employee of the Authority if it considers it expedient to do so   | The full Authority may delegate any of the Eastern IFCA's functions to a sub-committee who are members of the authority, member or employee of the Authority if it considers it expedient to do so.  | To align with legislation.   |
| Chapter 1<br>Para 7.8                        | The author of a paper relating to an item on the agenda for a meeting will set out, at the end of the paper, a list of background documents which contain facts or matters on which the report, or an important part of it, was based and which the | The author of a paper relating to an item on the agenda for a meeting will set out, at the end of the paper, a list of background documents which contain facts or matters on which the report, or an important part of it, was based and which the author has relied on in preparing the report. The list of background | To provide clarity.  |

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|                         | author has relied on in preparing the report. The list of background papers should exclude published works and must exclude documents which disclose exempt or confidential information.   | papers should exclude published works and must exclude documents which disclose exempt or confidential information. For the avoidance of doubt, academic and scientific references already included in a report attached to or included in an Authority paper do not fall within this exclusion but need not also be listed under 'Background Documents' in the Authority paper.                               |   |
| Chapter 1<br>Para 9.3   | At the June meeting of the full Authority, the first item on the agenda will be the election of the Chair of the Authority. For this item, the Clerk will take the chair to conduct the election.  | At the first meeting of the full Authority in each financial year, the first item on the agenda will be the election of the Chair of the Authority. For this item, the Clerk will take the chair to conduct the election. Once elected the chair will take the chair for the rest of the meeting. If the newly elected Chair is absent from the meeting, then the arrangements set out in para 5.4 will apply. | To provide clarity on who Chairs the meeting in the event that a newly elected Chair is not present at the meeting. See also earlier amendment relating to how meetings dates are referenced. |
| Chapter 1<br>Para 9.15  | If an amendment is not carried, further amendments to the original resolution may be moved.  | If an amendment is not carried, further amendments to the form of the resolution it was proposed to amend may be moved.  | To also cater for a situation where the proposed amendment may have been to a previously amended version.   |
| Chapter 1<br>Para 11.17 | For sub-committees other than Finance and HR, where the office of Chair or Vice-Chair becomes vacant, members of the sub-committee will elect a Chair or Vice-Chair at the next meeting following the vacancy. The Clerk will take the meeting to conduct the election of a Chair. | For sub-committees other than Finance and HR, where the office of Chair or Vice-Chair becomes vacant, members of the sub-committee will elect a Chair or Vice-Chair at the next meeting following the vacancy. The Clerk will take the meeting to conduct the election of a Chair but once elected the chair will chair the remainder of the meeting.  | To provide clarity.   |
| Chapter 1               | The CEO, in consultation with the Chair of the meeting, may allow  | The CEO may also make provision in advance of a meeting for representatives of   | To align with the preceding para (13.7) and better reflect  |

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| Para 13.8              | representatives of other partner agencies to present information.   | other partner agencies to present information if appropriate and relevant.  | what is intended i.e. meeting planning falls to the CEO. Enabling additional contributions proposed during a meeting automatically fall to the Chair.            |
| Chapter 2<br>Section 6 | I will notify the Clerk in writing of my interests as described in Section 4 within 28 days of the adoption of this Code of Conduct by the Eastern IFCA or of my appointment/re-appointment to the Authority (whichever is later).  | I will notify the Clerk in writing of my interests as described in Section 4 within 28 days of my appointment/re-appointment to the Authority (whichever is later).   | To reflect that the Code of Conduct has been established for some time.  |
| Chapter 4<br>Para 2    | Within this framework all members have agreed that it is the role of Authority members to concentrate upon broad strategy and policy decisions and that it is essential that the CEO and subordinate managers have clear control and authority to operate within those parameters.  | Within this framework it is the role of Authority members to concentrate upon broad strategy and policy decisions and it is essential that the CEO and subordinate managers have clear control and authority to operate within those parameters.  | Original wording appears to reflect what was agreed at the inception of Eastern IFCA where it is now well established practice that should be expressed as such. |
| Chapter 4<br>Para 3    | It is part of the role of Authority members to raise concerns, particularly those of stakeholders, and bring to the attention of the CEO matters of concern on any element of Eastern IFCA business. Members agree that their involvement in day to day management beyond this is unlikely to promote the most effective service. In exercising their delegated powers, the CEO shall | It is part of the role of Authority members to raise concerns, particularly those of stakeholders, and bring to the attention of the CEO matters of concern on any element of Eastern IFCA business. The involvement of Members in day to day management beyond this is unlikely to promote the most effective service. In exercising their delegated powers, the CEO shall consider the concerns and comments of Members whilst recognising their responsibility to manage delivery of | As previous amendment.   |

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|  | consider the concerns and comments of Members whilst recognising their responsibility to manage delivery of Eastern IFCA outputs in accordance with the Authority's policy framework.  | Eastern IFCA outputs in accordance with the Authority's policy framework.  |   |
| Chapter 4<br>Point 6 of the table showing matters that fall to the full Authority to discharge | 6. Managing an environmentally acceptable, sustainable and viable fishery under the Wash Fishery Order 1992, including:<br>a) Agreeing Management Plans and Policies for each fishery<br>b) Agreeing the licence structure and associated fees<br>c) Agreeing the allocation of licences<br>d) Making, varying and revoking Regulations under the WFO 1992<br><br>Agreeing annual management measures for each fishery | 6. Managing an environmentally acceptable, sustainable and viable fishery under the Wash fisheries Interim Management Measures or the Wash Cackle and Mussel Byelaw 2021 (WCMB 2021) when it comes into effect, including:<br><br>a) Agreeing Management Plans and Policies for each fishery<br>b) Agreeing the Eligibility Policy and associated permit fees<br>c) Making, varying and revoking permit conditions under the WCMB 2021<br><br>Agreeing annual management measures for each fishery | To reflect the current situation regarding under what regulation the fisheries are managed and reflecting the changes to delegations as a result of the introduction of the Wash Fisheries sub-committee. |
| Chapter 5<br>Insertion of new para 8.3   |  | All investments are to be made subject to The Subsidy Control Act 2022.  | Legal advice to the effect that the Authority should consider the Act for each contract or award made.  |
| Chapter 5<br>Para 9.4  | All sums received on behalf of the Authority shall either be paid to the RFO for banking or be banked by the officer collecting the money as   | All sums received on behalf of the Authority shall either be paid to the RFO for banking or be banked by the officer collecting the money as directed by the RFO. In all cases, except   | To more accurately reflect where cash receipts should be recorded.  |

|                                       |   |   |  |
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|                                       | directed by the RFO. In all cases, except cash, all receipts shall be deposited with the Authority's bankers as soon as possible. Where cash to a maximum of £500 is received, it should be reported to the RFO, appropriately recorded on the Sage   | cash, all receipts shall be deposited with the Authority's bankers as soon as possible. Where cash to a maximum of £500 is received, it should be reported to the RFO and appropriately recorded on the Authority's accounting system (Sage).   |  |
| Chapter 6<br>Section 1<br>para 2      | The policy applies to all Members of the Authority, and to all Authority staff whether permanent, temporary, fixed term, full- or part-time, casual employees or volunteers, as well as to any consultants, contractors, agents or intermediaries engaged to work for the Authority or on its behalf. | The policy applies to all Members of the Authority, and to all Authority staff whether permanent, temporary, fixed term, full- time, part-time or casual employees, workers as defined in current legislation or volunteers, as well as to any consultants, contractors, agents or intermediaries engaged to work for the Authority or on its behalf. | To reflect current legislative definition of 'workers' |
| Chapter 6<br>Section 5<br>Second para | <u>Executive Officers</u><br>The CEO, Head of Operations and Head of Finance & HR are responsible for:  | <u>Executive Officers</u><br>The CEO, Deputy Chief Officer and Assistant Chief Officer are responsible for:   | To reflect the current structure of the organisation.  |

### 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

### 55<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting

13 March 2024

#### 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 December 2023 to end of February 2024.

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 – December 2023 to February 2024 (inclusive)

Four key priorities are established for 2023-24.

| Financial Year 2023-24   |          |  |
|--|----------|--|
| Priorities 2023-24   | Progress | Comment  |
| <b>1. To ensure that the conservation objectives of Marine Protected Areas (MPA) in the district are furthered by:</b> |          |  |
| a) Implementation of management measures for 'red-risk' gear/feature interactions.                                     |          | <b>1.a) Delayed</b> – The Closed Area Byelaw 2021 (CAB21), which will implement management measures for the protection of the remaining 're-risk' sites, was anticipated to be sent to the MMO for formal QA before the end of 2023 but was delayed in favour of submitting the Wash Cockle and Mussel Byelaw 2021 and the Cromer Shoal Chalk Beds Byelaw 2023. It is intended that the CAB21 will be sent before Q1 of 2024-25.   |
| b) Continued implementation of the Adaptive Risk Management approach for the Cromer Shoal Chalk Beds MCZ               |          | <b>1.b) Ongoing</b> – Key developments during the reporting period include the following: <ul style="list-style-type: none"> <li>• The project board agreed the Adaptive Risk Management (ARM) plan which has been published on the Authority's website.</li> <li>• The Cromer Shoal Chalk Beds Byelaw 2023 was submitted to the MMO for formal QA (N.B. the MMO have yet to respond with commentary on the byelaw and are at the time of writing one month past the expected return date).</li> <li>• A consultation has been undertaken (closed 29 February 2024) to inform a decision on two permit conditions to come into effect under the Cromer Shoal Chalk Beds Byelaw 2023 which reduce risk to the MCZ.</li> <li>• A stakeholder Group meeting was held on 21 February 2024 and the associated outcome document is anticipated to be published before Q1 of 2024-25.</li> <li>• Agents of Change (a project funded by Marine Conservation Society (MCS) to facilitate stakeholder input into managing the</li> </ul> |

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|---|--|--|
|   |  | <p>MCZ) funding ended during 2023-24 and MCS has since withdrawn from involvement in the project having previously led on the Stakeholder Group. The project's communications strategy is being revised and a plan developed which reflects the reduction in resource available for engagement and the Authority will dedicate resource to make up that lost.</p> <ul style="list-style-type: none"> <li>• Survey work to inform the first phase of the 'natural disturbance study' was not undertaken, primarily as a result of weather inhibiting vessel-based activities and marker buoys to identify closed areas (controls for the purpose of the study) are yet to be installed however, collaborative working with the industry has mitigated risk of incursion into the areas.</li> </ul>  |
| <p>c) Completion of amber/green gear/feature interactions and development / Implementation of management measures where required.</p> |  | <p><b>1c). Delayed</b> - This workstream has been significantly delayed during 2023-24 due to a number of factors. In Q3 and 4 of 2023-24, the workstream became further delayed as a consequence of the departure of four members of the team, including the manager leading on the workstream, from the Authority. The extent of the disruption caused was significant, however, new starters have received dedicated training and additional resource has been allocated towards completing the assessments as a high priority. It is noteworthy that Government targets (within the Environmental Improvement Plan 2023) require management to be in place to address any damaging activities by the end of 2024 and that the assessments are needed to determine if any such management is required. Whilst it is intended that the assessments will be completed by year end, management, if required, will not be in place by then.</p> |
| <p><b>2. Management of Wash cockle and mussel fisheries (wild capture and private)</b></p>  |  |  |
| <p>a) Confirmation of the Wash Cockle and Mussel Byelaw to enable management of wild capture fisheries</p>                            |  | <p><b>Delayed:</b> The formal QA process continued through Q3 and into Q4, with commentary received from the MMO in February 2024. It is anticipated that on the next submission, the byelaw will be passed to Defra for consideration by the Secretary of State.</p>  |

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| b) Implementation of Wash Cockle and Mussel Byelaw access policies (transition).  |  | <b>Complete:</b> The full transition process has been undertaken with decisions made in principle pending the confirmation of the associated byelaw.  |
| c) Develop appropriate management of private shellfish aquaculture within The Wash.   |  | <b>Delayed:</b> The workstream is currently dependant on Defra completing a final draft of the Wash Several Order to be put to consultation and on written legal advice from the Authority's legal advisor. Defra have indicated that there will be capacity during February and March of 2024 to finalise to draft Order.  |
| <b>3. Obtaining better fisheries data</b>   |  |   |
| Implementation of I-VMS for all fisheries specifically the Wash Shrimp fishery (dependent on partnership working with MMO led project). |  | <b>Delayed.</b> The situation remains that until the I-VMS Statutory Instrument (SI) has been laid the potential to implement permit conditions to require VMS within any of the Authority's fisheries would be challenging, in particular because the provisions and their application are unknown and because such could detrimentally impact the national roll-out. The SI is anticipated to be laid during the next financial year. |
| <b>4. Fisheries Management Plans</b>  |  |   |
| a) Contributing to the development of Fisheries Management Plans.   |  | <b>Ongoing:</b> Three FMPs were published after the consultation in February and have been analysed internally, with key outputs included within the Strategic Assessment. Additional FMPs are being consulted on (informally at the time of writing) and the Authority remains in touch with the process for development and implementation of the plans.  |

**Key:**

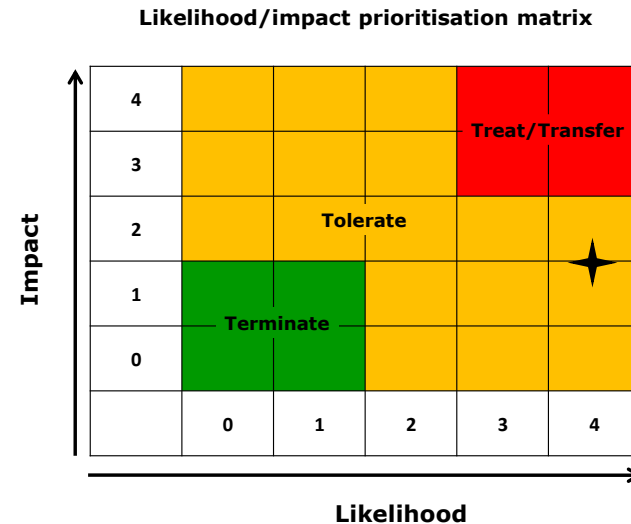
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|  | <b>Complete</b>    |  | <b>Progress stalled / delayed</b> |
|  | <b>In progress</b> |  | <b>Not started</b>                |

## 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:

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



### Risk matrix with worked example

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

50

| Description  | Owner | Implications  | Organisational impact<br>(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"> <li>Current level of reserves provides sufficient funding to cover replacement of <i>RV Three Counties</i></li> <li>The open RHIB, FPV Seaspray, was procured using EMFF funding</li> <li>Seek efficiencies and promote cost effectiveness.</li> <li>Demonstrate value for money.</li> <li>Advertise/promote Eastern IFCA output and effectiveness to funding authorities through regular engagement with Council leaders and Financial Directors.</li> <li>Engage with partner agencies to identify alternative funding sources</li> <li>Explore asset sharing initiatives</li> <li>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 19<sup>th</sup> November 2021</li> <li>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;</li> <li>Assets managed and maintained to reduce the likelihood of early retirement or unexpected depreciation.</li> <li>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</li> </ul> | Tolerate |
|  |       |   | Reputation  | Financial |  |      |   |          |
|  |       |   | 4   | 4         | Drive for savings may impact County Councils' decisions regarding Eastern IFCA funding. Visible presence reduced, enforcement and survey activities compromised. |      |   |          |

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

| 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"> <li>Fishing activities authorised by Eastern IFCA are assessed per Habitats Regulations and MaCAA; management routinely includes mitigation to prevent adverse effects on MPA integrity.</li> <li>Eastern IFCA is fully engaged in national fisheries/MPA project, prioritising management of highest risk fisheries in MPAs and implementing new management measures</li> <li>Effective monitoring of fishing activity and enforcement of measures</li> <li>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</li> <li>Ongoing, close liaison with Natural England regarding conservation matters</li> <li>Review of management in accordance with Defra guidance</li> <li>Utilising I-VMS as a management tool by the Authority.</li> <li>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.</li> <li>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.</li> </ul> | Tolerate |
|   |       |   | Reputation   | Financial  |            |      |  |          |
|   |       |   | 4  | 3  |            |      |  |          |
|   |       |   | Eastern IFCA is not meeting statutory duties under conservation legislation. Eastern IFCA not achieving vision as champion of sustainable marine environment. Degradation of marine habitats which lead to economic, social or cultural impacts. | Legal challenge brought against Eastern IFCA for failing to meet obligations under environmental legislation (including MaCAA) |            |      |  |          |



| Description                        | Owner | Implications   | Organisational impact<br>(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"> <li>Annual stock assessments of bivalve stocks in The Wash</li> <li>Annual review of the level of threat via the Strategic Assessment</li> <li>Ability to allocate sufficient resources to monitoring and effective enforcement</li> <li>Consultation with industry on possible management measures</li> <li>Review of management measures in accordance with Defra guidance.</li> <li>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</li> <li>SWEEP research into primary productivity levels within the Wash</li> <li>Regular engagement with the industry to discuss specific matters</li> <li>Continued research into the cockle and mussel mortality events</li> <li>Whelk research is ongoing to identify level of risk posed and potential mitigation for sustainability concerns.</li> <li>Introduce shrimp management measures</li> <li>Annual surveys of Wash cockle and mussel stocks alongside innovative approach to management of the cockle fishery.</li> <li>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.</li> <li>General engagement with FMP programme</li> </ul> | Treat  |
|                                    |       |  | Reputation   | Financial | Possible - Bivalve stocks have high natural variation; "atypical mortality" affecting stocks despite application of stringent fishery control measures<br>Crustacean stocks not currently subject to effort control<br>Bass stocks nationally and internationally under severe pressure<br>Regional whelk and shrimp fisheries effort becoming unsustainable.<br>Regional crab and lobster stocks being exploited beyond maximum sustainable yield.<br>Active monitoring of 2021 cockle fishery identified small cockles being landed with potential impact on stock sustainability. |      |  |        |
|                                    |       |  | 3  | 3         |  |      |  |        |
|                                    |       | 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<br>Additional resources applied to research into the cause of collapsed stocks and increased engagement and discussion with partners |           |  |      |  |        |

| 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"> <li>All computers are password protected. Individuals only have access to the server through their own computer.</li> <li>Secure wireless internet</li> <li>Remote back up of electronic files</li> <li>Access to electronic files is restricted</li> <li>Up to date virus software installed on all computers</li> <li>Important documents secured in safes</li> <li>ICT equipment and policies provided by public sector provider – including encrypted laptops/secure governmental email system</li> <li>All Eastern IFCA personnel undergo DPA training</li> <li>Electronic backup of all Eastern IFCA documents held by ICT provider offsite</li> <li>Policies and processes developed to ensure data security and compliance with data protection legislation.</li> </ul> | Tolerate |
|                                  |       | Prosecution casefiles compromised   | Reputation   | Financial   | Possible - Limited staff access to both electronic and paper files, Office secure with CCTV, keypad entry system and alarm                   |      |  |          |
|                                  |       | Loss of data in the event of fire or theft  | 4  | 4   |  |      |  |          |
|                                  |       | Breakdown in dissemination of sensitive information between key delivery partners   | Partners no longer believe that confidential information they have supplied is secure<br>Personnel issues arise over inability to secure information | Eastern IFCA open to both civil and criminal action regarding inability to secure personal information                          |  |      |  |          |
| New Burdens Funding discontinued | CEO   | Substantial reduction in Eastern IFCA capability with consequential inability to fulfil full range of duties or additional burden on funding authorities. | 4  |   | 2  |      | <ul style="list-style-type: none"> <li>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.</li> <li>County Council Finance Directors representatives have been kept appraised of the situation and the potential for increased levies in the event that funding from Defra is discontinued.</li> </ul>  | Tolerate |
|                                  |       |   | Reputation   | Financial   | Defra have continued to roll over new Burdens funding in recognition of the value that IFCA's 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"> <li>• Early decision taken to replace the WFO 1992 with a byelaw</li> <li>• Engagement with industry to address concerns about the use of a Byelaw</li> <li>• Engagement with industry to develop policies that will sit under the Byelaw</li> <li>• Byelaw has been 'made' by the Authority (Sept 2021) and submitted for QA to MMO and Defra legal teams.</li> <li>• Dialogue maintained with Defra teams about short-term solutions for the replacement Several Order.</li> </ul> |        |
|   |       |   | <b>Reputation</b>                                | <b>Financial</b> |  |      |   |        |
|   |       |   | 4  | 4                | <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</p> |      |   |        |

### Appendix 3 – Risk Register Update October 2023 to end of February 2024

| Risk Description  | Change in risk-rating / update   |
|---|--|
| Eastern IFCA fails to secure funding to replace assets                              | <b>No change</b> in risk rating or mitigation since publication in Business Plan 2023-28. Continuation of the capital contributions for 2024-25 was confirmed at a meeting with the Heads of Finance (or their representatives) from the three county councils in October 2023.  |
| Eastern IFCA fails to maintain relevance amongst partners                           | <b>No change</b> 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  | <b>No change</b> in risk rating or mitigation since publication in Business Plan 2023-28   |
| Degradation of MPAs due to fishing activity   | <b>No change</b> in risk compared to last update. However, the departure of a significant proportion of the Marine Science team potentially increased the likelihood associated with this risk which has been mitigated by the appointment of new staff, a restructure of the Marine Science team and emphasis placed in completing the ‘amber and greens’ workstream in particular. |
| Shellfish and fish stocks collapse  | <b>No change</b> in risk rating or mitigation since publication in Business Plan 2023-28 although developments in the research study into cockle mortality in the Wash has yielded further information, which is the subject of an update at agenda item 9 of this meeting.  |
| Failure to secure data  | <b>No change</b> in risk rating or mitigation since publication in Business Plan 2023-28   |
| New Burdens funding discontinued  | <b>No change</b> in risk rating or mitigation since publication in Business Plan 2023-28   |
| The Wash Fishery Order 1992 is not replaced in time when it expires in January 2023 | <b>No change</b> 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 legacy byelaws.  |

### **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 15**

### **55<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting**

13 March 2024

#### **Marine Protection Quarterly Report**

**Report by:** Jon Butler, Deputy Chief Officer

#### **Purpose of Report**

To provide members with an overview of the work carried out by the Marine Protection team during the period of December 2023 to February 2024 inclusive.

#### **Recommendations**

It is recommended that members:

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

#### **Financial Implications**

None

#### **Legal Implications**

None

#### **Appendices**

Appendix 1 – Marine Protection Quarterly Report

#### **Background Documents**

Not Applicable

## Appendix 1: Marine Protection Report December 2023 – February 2024

### Enforcement and engagement priorities throughout the district: December 2023

**Area 1 (Hail Sand Fort to Gibraltar Point)** – Gather intelligence, with specific reference to crab fishing activity. Coastal patrols including a visit to Horseshoe Point and a joint patrol with MMO/NE IFCA to Grimsby. Vessel patrol of Lincolnshire coast including Donna Nook. Commercial landings with compliance inspections of gear and catch, and patrols and engagement with recreational fishers.

**Area 2 (The Wash and North Norfolk Coast to Brancaster)** – Gather intelligence following patrols. Landing inspections of vessels participating in the shrimp and cockle fisheries, and maintain a vessel presence at sea.

**Area 3 (Brancaster to Great Yarmouth)** – Gather intelligence following patrols, with specific reference to recreational bass fishing activity both on the coast and inland. Boardings of recreational and commercial fishers, with landing inspections of lobster fishers, and all whelk fishing vessels inspected once per month. Evening and weekend shore patrols, engaging with, and educating recreational fishers.

**Area 4 (Suffolk Coast)** – Gather intelligence following patrols, specifically related to recreational bass fishing. Compliance inspections of commercial and charter vessels targeting bass, engagement and education of recreational anglers. Shore patrols along the rivers and Southwold area. Landing inspection of all active whelk fishing vessels once per month.

### Enforcement Outcomes:

| Enforcement metric                           | Number completed |        |        |        |
|--|------------------|--------|--------|--------|
|  | Area 1           | Area 2 | Area 3 | Area 4 |
| Shore Patrols                                | 1                | 6      | 14     | 7      |
| Port visits                                  | 5                | 8      | 51     | 27     |
| Catch inspections<br>(landings observed)     | 0                | 3      | 2      | 1      |
| Catch Inspections<br>(Landings not observed) | 0                | 2      | 0      | 0      |
| Vehicle Inspections                          | 0                | 0      | 0      | 0      |
| Premises inspections                         | 0                | 1      | 1      | 3      |
| Enforcement<br>actions/Offences              | 0                | 1      | 0      | 0      |
| Intelligence reports<br>submitted            | 5                | 1      | 2      | 1      |
| Fishers engaged                              | 0                | 7      | 35     | 29     |
|  |                  |        |        |        |
| Vessel Patrols                               | 0                | 2      | 1      | 1      |
| Boardings                                    | 0                | 0      | 0      | 0      |
| Gear Inspections                             | 0                | 0      | 0      | 0      |

## **EMS monitoring:**

Monitoring of 'restricted areas' under the Marine Protected Areas Byelaw 2018 was conducted throughout the reporting period. The following monitoring occurred:

| Protected Feature | <i>Intertidal biogenic reef</i> | <i>Subtidal biogenic reef: Sabellaria spp. (Ross worm), subtidal stony reef, subtidal mixed sediments, subtidal mud.</i> | <i>Intertidal seagrass beds, subtidal mixed sediments, subtidal mud.</i> | <i>Eelgrass beds (Humber)</i> |
|-------------------|---------------------------------|--|--|-------------------------------|
| Protected Areas   | 1-13                            | 14-29  | 30-35  | 36                            |
|                   | <b>2</b>                        | <b>2</b>   | <b>10</b>  | <b>1</b>                      |

## **Enforcement messages received:**

### Lincolnshire

None

### The Wash

- Mussel fisherman suggested that preferred opening time of a relaying fishery would be March/April as this fits well with business model for mussel resale, and a potential cockle fishery opening in June.
- Four vessels are still partaking in the cockle fishery and working on the Ferrier sand, landing approximately 1500-1800kg per day. Yield is good, and price holding steady. Fishers interested in cockle fishery being opened for 3 to 4 weeks after the new year.
- Shellfish processor suggesting that fishermen have had a good year, yet still want more money.
- Wash fishermen implied that poor management had ruined all the fisheries and there are none to work.

### North Norfolk

- Fisher caught gear in some abandoned gear off East Runton/Weybourne, one pot unable to recover. Details of pot provided should it be recovered by EIFCA.
- Possible new potting boat at Brancaster, interested in obtaining a whelk permit for 500 pots.
- Buoyage for the seaweed farm located north of Wells Harbour. Farm to mark its location and then start getting the infrastructure in place. Aiming to push ahead with the full scale of the operation in 2024.

### Suffolk

- Commercial fishers from Lowestoft have stated that the sprat fishery has been ended by net regulations. You can now only drift with a minimum mesh size of

50mm which is too big to catch sprats. Sprat nets are made with a 27mm mesh size and the only fish they catch is sizable sprats, all others bounce off.

- Commercial fisher, selling the license off his commercial FV and retiring from commercial fishing, the license is going on to a new built vessel out of district. He is looking to keep the boat and just fish for pleasure.
- Fishing vessel kept on Sizewell beach has been bought by two people who are currently undergoing their Seafish skippers' tickets. Contacted EIFCA for information regarding commercial fishing, IFCOs have discussed net geometry and shrimp fishing, both links to the LO and EIFCA shrimp permit bylaw were emailed. They are looking to add long line bass to FV as they only have nets.

### **Fishing trends:**

#### **Area 1: (Hail Sand Fort to Gibraltar Point).**

Whelks – expected increase in activity as new FV starting to fish, other FV only fishing small amounts to fill orders

Lobster – catches decreased

Crab – crab catches down, reports of hen crabs dying after being caught

#### **Area 2: (Wash and North Norfolk Coast to Brancaster).**

Shrimps - price remains high (~£5.20-£5.60 kg), but catches are low (approx. 200-400kg) per 24 hour trip.

Whelk - some vessels will be shifting to whelk soon, only two vessels currently whelking £1.60 kg being achieved.

Cockles – handful of vessels going w/c 27/11, only one Wash based processor taking cockles.

#### **Area 3: (Brancaster to Great Yarmouth).**

Crab - lots of processors buying crab from the Wells fleet as they are getting large quantities of good size crab offshore, £1.75 kg. Inshore fleet have moved their gear ashore for Winter. Whelk - talk of vessels starting to target Whelk soon.

Very few RSA on the beaches.

#### **Area 4: (Great Yarmouth to Harwich).**

Commercially fishing is not turning to winter species like WHE and weather is keeping boats in. RSA fishing is dominated by WHG throughout Suffolk.

Bass - starting to drop off from shore, still being caught in large numbers offshore, £6-£10 kg

Crab - numbers landed have decline, fishers struggling to sell catch, price unknown

Lobster – landings reported to be slowing, demand increasing as Christmas nears, price unknown

Cod – numbers low but picking up slowly, charter vessels seeing offshore and some caught from shore, price unknown

Skate and ray – low numbers

Sole – fishery almost stopped for the year with landings for a while, £7-£8 kg

Whelk – most fishers outside 6nm, fishery not getting into its flow for winter

Dogfish – commercially caught for bait

Whiting – huge numbers of whiting, 50 to 60 caught in session by RSA, most undersized and returned



## **Enforcement and engagement priorities throughout the district: January 2024**

**Area 1 (Hail Sand Fort to Gibraltar Point) –** Coastal patrols visiting key ports including Grimsby and Horseshoe Point, prioritise a joint patrol with MMO/NE IFCA. Carry out vessel patrol of Lincolnshire coast including Donna Nook. Compliance inspections of gear and catch of commercial fishermen and investigate bass landings by recreational anglers at Tetney. Re-engagement with Lincs based fishermen through phone calls and face-to-face contact. Gather intelligence with specific reference to crab fishing activity.

**Area 2 (The Wash and North Norfolk Coast to Brancaster) –** Gather intelligence through patrols. Landing inspections of vessels participating in the shrimp and cockle fisheries and maintain a vessel presence at sea.

**Area 3 (Brancaster to Great Yarmouth) –** Shore patrols with evening and weekend inspections of recreational anglers, focusing on engagement and education. Joint working to inspect and educate recreational anglers on inland waterways. Intelligence gathered through patrols. Boardings and engagement with commercial fishers, including gear compliance inspections. Vessel patrol focusing on whelk gear inspections, as per recent intelligence relating to tagging of gear. Landing inspection of all active whelk vessels once per month.

**Area 4 (Suffolk Coast) –** Gather intelligence with specific reference to recreational bass fishing, and the southern area. Compliance inspections of commercial and charter vessels targeting bass, educate and engage with fishers. Shore patrols along rivers, educating and engaging with recreational anglers. Landing inspections of all active whelk vessels once per month.

### **Enforcement Outcomes:**

| Enforcement metric                           | Number completed |        |        |        |
|--|------------------|--------|--------|--------|
|  | Area 1           | Area 2 | Area 3 | Area 4 |
| Shore Patrols                                | 3                | 7      | 19     | 7      |
| Port visits                                  | 9                | 9      | 69     | 34     |
| Catch inspections<br>(landings observed)     | 0                | 0      | 1      | 0      |
| Catch Inspections<br>(Landings not observed) | 0                | 3      | 0      | 2      |
| Vehicle Inspections                          | 0                | 0      | 0      | 0      |
| Premises inspections                         | 1                | 1      | 0      | 0      |
| Enforcement<br>actions/Offences              | 0                | 0      | 0      | 0      |
| Intelligence reports<br>submitted            | 2                | 3      | 5      | 1      |
| Fishers engaged                              | 4                | 6      | 30     | 19     |
|  |                  |        |        |        |
| Vessel Patrols                               | 0                | 1      | 3      | 0      |
| Boardings                                    | 0                | 0      | 0      | 0      |
| Gear Inspections                             | 0                | 0      | 1      | 0      |

## EMS monitoring:

Monitoring of 'restricted areas' under the Marine Protected Areas Byelaw 2018 was conducted throughout the reporting period. The following monitoring occurred:

| Protected Feature | <i>Intertidal biogenic reef</i> | <i>Subtidal biogenic reef: Sabellaria spp. (Ross worm), subtidal stony reef, subtidal mixed sediments, subtidal mud.</i> | <i>Intertidal seagrass beds, subtidal mixed sediments, subtidal mud.</i> | <i>Eelgrass beds (Humber)</i> |
|-------------------|---------------------------------|--|--|-------------------------------|
| Protected Areas   | 1-13                            | 14-29  | 30-35  | 36                            |
|                   | <b>1</b>                        | <b>1</b>   | <b>10</b>  | <b>1</b>                      |

## Enforcement messages received:

### Lincolnshire

- A pick-up truck, belonging to fishermen, backed up to a forklift truck driven by another fisherman whilst turning into a yard in Grimsby, the fork lift truck driver panicked and caught lift lever with sleeve which resulted in pick-up truck being lifted off the ground then dropped back down. There were no injuries.
- Crab, lobster and whelk pots inside 6nm have been lifted and taken and are being used outside 12nm by other vessels.

### The Wash

- Two mitten crabs caught in the East Channel 52 .51 707N 22 .47 3E
- Concern from Boston fishermen regarding the extension of the temporary closure. Calls made to fishermen to explain the extension of the temporary closure, following the expiry of the WFO and prior to the WCMB being introduced. Explained that fishing access is open to those with a valid exemption. All Wash entitlement holders and nominated representatives were sent a letter prior to Christmas to explain this.
- Request from one whelk fishermen to lift whelk fishing gear belonging to other vessels (with their permission) to bring them ashore and replace the tags with his own in order to fish using them under his associated whelk permit.
- Sublittoral cockles found off Brancaster in the Le Strange fishery. Cockles are being found in shrimp nets.

### North Norfolk

- Fishers at Sizewell discussed Fishing News article about herring and sprat mesh size, (recently the MMO began enforcing the tech con that no pelagic drift net may be below 50mm). It is now being looked at by Minister and should change back, doesn't help those who have given nets away or sold licenses. Similar frustrations have been reported at Caister where multiple vessels have since sold their vessels or licenses from their vessels to continue fishing unlicensed.

- Fisherman told IFCO that IFCA offices would be blockaded by fishermen in retaliation to the proposed byelaw conditions, also planning to submit an FOI on how IFCA officers spend their time, and how much each authority fund the IFCA.
- Confirmed to fisherman that will not lose shrimp permit next year if not fishing for shrimps this year.

### Suffolk

- Lots of John Dory washed up on Dunwich beach, first time IFCOs aware of John Dory in Suffolk.

### **Fishing trends:**

#### **Area 1: (Hail Sand Fort to Gibraltar Point).**

None to report.

#### **Area 2: (Wash and North Norfolk Coast to Brancaster).**

Whelks £1.60kg

Shrimp £5.30 - £5.70kg

#### **Area 3: (Brancaster to Great Yarmouth).**

Weather has kept many in, most of Sea Palling crab and lobster potters have halved their effort, but are still going for the Christmas market and price increase, the Wells offshore fleet are just turning over gear. Sporadic herring fishing from Caister. In land water ways have been active with RSA as seen on social media. Mussel fishing is occurring at Wells and Brancaster, and the Le Strange cockle fishery will be fished until March.

Bass – minimal commercial activity, still being caught inland when pike fishing.

Crab – Low effort as usual for time of year, some have half pots ashore going less frequently but landing decent amounts, £1.75kg.

Lobster – Increase in price for Christmas market, but low effort due to time of year, £20kg.

Cod – low numbers, charter vessels catching odd one.

Sole – stopped for winter.

Whiting – huge numbers of small whiting.

Dab – numbers of very small fish increasing.

Whelk – most being caught from outside 6nm, one inspected at 4nm as catch not separated, activity when weather permits.

Herring – being targeted for use as pot bait, also at Caister for local and BFP market but price low, 45-70p kg.

#### **Area 4: (Great Yarmouth to Harwich).**

Commercially winter fishing is in effect, very little activity. Whelk is being caught, and small whiting are abundant as they were last year. The weather has kept most of the fleet in, RSA fishing has tailed off in the run up to Christmas.

Bass – activity very slow, nothing of size. RSA catching the odd very small bass, £6-£10kg.

Crab & lobster – fishing stopped over winter, high demand for lobster over Christmas, frozen stock used.

Cod – low numbers, charter vessels catching odd one.

Sole – fishing stopped over winter.

Whelk – most fishing occurring outside 6nm, catch not separated.  
Herring – reports of herring about, but weather is keeping fishers ashore.  
Whiting – RSA catching between 50 and 60 in a session, mostly undersize.

**Enforcement and engagement priorities throughout the district: February 2024**

**Area 1 (Hail Sand Fort to Gibraltar Point) –** Coastal patrols visiting key ports including Grimsby and Horseshoe Point, prioritise a joint patrol with MMO/NE IFCA. Carry out vessel patrol of Lincolnshire coast including Donna Nook. Compliance inspections of gear and catch of commercial fishermen and investigate bass landings by recreational anglers at Tetney. Re-engagement with Lincs based fishermen through phone calls and face-to-face contact. Gather intelligence following patrols.

**Area 2 (The Wash and North Norfolk Coast to Brancaster) –** Gather intelligence through patrols. Landing inspections of vessels participating in the shrimp, whelk and cockle fisheries and maintain a vessel presence at sea.

**Area 3 (Brancaster to Great Yarmouth) –** Shore patrols with evening and weekend inspections of recreational anglers, focusing on engagement and education. Joint working to inspect and educate recreational anglers on inland waterways. Intelligence gathered through patrols. Boardings and engagement with commercial fishers, including gear compliance inspections. Vessel patrol focusing on whelk gear inspections, as per recent intelligence relating to tagging of gear. Landing inspection of all active whelk vessels once per month.

**Area 4 (Suffolk Coast) –** Gather intelligence following patrols. Shore patrols along rivers, educating and engaging with recreational anglers. Landing inspections of all active whelk vessels once per month.

**Enforcement Outcomes:**

| Enforcement metric                        | Number completed |        |        |        |
|---|------------------|--------|--------|--------|
|   | Area 1           | Area 2 | Area 3 | Area 4 |
| Shore Patrols                             | 2                | 5      | 20     | 9      |
| Port visits                               | 3                | 8      | 84     | 33     |
| Catch inspections (landings observed)     | 1                | 4      | 6      | 3      |
| Catch Inspections (Landings not observed) | 1                | 7      | 4      | 1      |
| Vehicle Inspections                       | 0                | 0      | 0      | 0      |
| Premises inspections                      | 0                | 1      | 4      | 2      |
| Enforcement actions/Offences              | 0                | 0      | 0      | 0      |
| Intelligence reports submitted            | 1                | 0      | 2      | 4      |
| Fishers engaged                           | 4                | 9      | 74     | 48     |
|   |                  |        |        |        |
| Vessel Patrols                            | 0                | 1      | 3      | 1      |
| Boardings                                 | 0                | 6      | 0      | 0      |
| Gear Inspections                          | 0                | 0      | 3      | 0      |

## **EMS monitoring:**

Monitoring of 'restricted areas' under the Marine Protected Areas Byelaw 2018 was conducted throughout the reporting period. The following monitoring occurred:

| Protected Feature | <i>Intertidal biogenic reef</i> | <i>Subtidal biogenic reef: Sabellaria spp. (Ross worm), subtidal stony reef, subtidal mixed sediments, subtidal mud.</i> | <i>Intertidal seagrass beds, subtidal mixed sediments, subtidal mud.</i> | <i>Eelgrass beds (Humber)</i> |
|-------------------|---------------------------------|--|--|-------------------------------|
| Protected Areas   | 1-13                            | 14-29  | 30-35  | 36                            |
|                   | <b>1</b>                        | <b>2</b>   | <b>16</b>  | <b>0</b>                      |

## **Enforcement messages received:**

### Lincolnshire

- Fisherman praised Julian Gregory and EIFCA for their work on the Wash Cockle and Mussel Byelaw.

### The Wash

- Fisherman enquired about obtaining new whelk permit tags as many pots have been lost or damaged, confirmed to fisherman that requests for replacement tags need to be in writing from the permit holder.
- Fisherman expressed frustration at the fishing industry for blaming EIFCA for the current state of the cockle fishery. EIFCA advised fishermen on consequences of opening fishery when stocks were low, and cockles were small, industry still blamed EIFCA for bad management. Fisherman stated that industry doesn't take responsibility for their own actions.
- Le Strange cockle fishery not experiencing any die-off, and cockles are best they have seen.

### North Norfolk

- RSA thinking of making own bait cannon, discussed relevant regulations with IFCO.
- Fisher enquired as to how to pre-emptively obtain a licence to fish for tuna, directed to MMO.
- Fisherman to provide some buoys so other fishermen can mark any of his gear which is lost/stored at sea.
- MCZ engagement with Sea Palling fisherman who had concerns about marking pots with end markers, also has concerns about EIFCA hauling pots. MCZ engagement with other fishermen indicated objections to various points, logged and advised fishers that they need to add their views to the consultation online.

## Suffolk

- Enquiry from fisherman regarding sprat net, IFCO explained change in legislation for pelagic drift nets only applies to commercial vessels, also discussed other relevant legislation.
- IFCO met fisherman to discuss shrimp permit and gear, gave details of how to apply for permit and will arrange subsequent visit to inspect and measure net.
- Fishermen have complained that seal predation situation is getting worse, some haven't been fishing as no longer viable.
- Spurdog fishery is now open but not benefitting fishermen. Price is very low and there is no infrastructure to process the fish. Customers also want large fish but restricted to max size of 100cm.
- Message from whelk fishers in the south of the district is that whelks are smaller, with more than half of all caught being returned, and the whelk are wider in relation to their length.

### **Fishing trends:**

#### **Area 1: (Hail Sand Fort to Gibraltar Point).**

One boat fishing for crab, lobster and whelk, selling direct to the public. Whelks not feeding as well currently, catches dropped off. Haddock being caught when trawling for sole or cod.

#### **Area 2: (Wash and North Norfolk Coast to Brancaster).**

Four boats landing cockles to Lake Shellfish, landing on average 1100kg per trip, will likely stop end of January. Shrimp fishery has seen a decline in effort and landings. Whelk activity increasing, 3 permits applied for from King's Lynn in January.

#### **Area 3: (Brancaster to Great Yarmouth).**

Minimal patrols carried out, commercial activity also less than usual for time of year limited by weather many not active. Main fishery commercially is whelk (£1.70/kg) with 2 active vessels, with some potting for crab/ lobster and netting for herring/ skate. Recreationally catching mostly whiting, various engagement and education around MCRS and bass closed season, bass now no longer present.

#### **Area 4: (Great Yarmouth to Harwich).**

Minimal patrols carried out, commercial activity also less than usual for time of year limited by weather many not active. Main fishery commercially is whelk (£1.70/kg) with 4 active vessels carrying out 2 trips per week also some trawling/netting for herring/ skate. Recreationally catching mostly whiting, various engagement and education around MCRS and bass closed season, bass now no longer present.

### **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 15**

### **55<sup>th</sup> Eastern Inshore Fisheries and Conservation Authority Meeting**

13 March 2024

#### **Marine Science Quarterly Report**

**Report by:** Luke Godwin, Assistant Chief Officer

#### **Purpose of Report**

To provide members with an overview of the work carried out by the Marine Science team during the period of December 2023 to February 2024 inclusive.

#### **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

## **Appendix 1: Marine Science report December 2023 – February 2024**

### Overview

The main focus of the period was the induction of four new members of the team and implementation of a new structure following the departure of three MSOs and the Senior MSO (Environment).

Capacity within the team was reduced during this period whilst senior members of the team committed significant resource to an effective induction programme to ensure that key workstreams could continue to progress as quickly as possible.

There was limited research activity during the period which is typical for the time of year given the unreliability of weather to facilitate effective surveys.

### Ambers & Greens assessments

Following appointment to the role, the ACO immediately took to review the ‘amber & greens’ workstream to determine how to ensure it progresses along required timescales in the context of the departure of MSOs who were leading on the work. A new way of working has been established which includes the development of a template to facilitate the progression of assessments and utilisation of Policy and Projects officer resources to contribute to the assessments.

Work on the assessments has begun again in earnest following induction of the new team members.

### Cromer Shoal Chalk Beds Marine Conservation Zone (MCZ)

The Adaptive Risk Management (ARM) plan was finalised and agreed by the Cromer Shoal Project Board and published during this period. The plan sets out the approach taken to reduce risk of damage to the MCZ and a timeline for doing so. Importantly, the plan acknowledges that there are a number of internal and external dependencies which will affect meeting the proposed timescales. A copy of the ARM plan can be found online [here](#)

The natural disturbance study, which seeks to determine the extent to which pot-based fishing activity is impacting rugged chalk features in the context of natural disturbance, is a critical component of the project. Unfortunately, the first round of survey work was not completed during the anticipated timescales primarily as a consequence of poor weather inhibiting the vessel-based monitoring at sea. In addition, certain areas are closed to potting activity for the purpose of the study but marker buoys to highlight these areas are yet to be installed although, collaboration with fishing industry appears to have been effective in bringing the closures into effect. The closed sites are the subject of monitoring which will be enhanced by the implementation of national Inshore Vessel Monitoring System requirements.

The Cromer Shoal Chalk Beds Byelaw 2023 has been through the first round of formal QA with the Marine Management organisation, and officers are reviewing the associated feedback. In addition, consultation on permit conditions which are intended to reduce risk to the rugged chalk has been undertaken and the associated ‘outcome document’, which details the results of the consultation, is being produced.

The Agents of Change project, which sought to facilitate management of the MCZ through stakeholder and community-based dialogue and actions, was wrapped up during the financial year. This project had been leading the Stakeholder group which, on the



cessation of the project, was taken over by the Marine Conservation Society (MCS). Unfortunately, MCS are no longer able to provide support for the project and the stakeholder group will therefore be managed the Authority's officers going forward.

#### Fisheries Management Plans (FMPs)

Three of the four FMPs relevant to the Authority were published in December and have been considered via the annual planning process. Some measures therein are likely to have an impact on the local fisheries, most notably, the increase in lobster MCRS to 90m (short-term measure).

Work on the cockle FMP is ongoing as is work to contribute to the development of further FMPs and the implementation of those now in place.

#### Wash cockle fishery investigations

A broad partnership of organisations including the Authority, Cefas, Natural England, British Trust for Ornithology are collaborating to investigate atypical mortality in cockles in The Wash and interactions with oystercatcher populations as part of a pilot for the 'Coastal Health' project. A meeting was attended by Eastern IFCA in this regard which included consideration of cockle and mussel die-off, high E-Coli levels in The Wash and higher than expected mortality of oystercatchers. Progress on this research will be reported when available.

#### District-wide input to consultations on marine developments

16 requests for responses have been received during the period including in relation to windfarm cabling making landfall in Suffolk, compensatory measure proposals in relation to impacts on MPAs from windfarms and dialogue with the MMO on development of management measures in MCZs.

#### Derogations from Eastern IFCA Byelaws

Four requests for exemptions from Eastern IFCA byelaws were received during the period.