



**53<sup>rd</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> September 2023**

**1030 hours**



### Vision

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



Meeting: **53<sup>rd</sup> Eastern IFCA Meeting**

Date: 13 September 2023

Time: 1030hrs

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

### Agenda

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

### Action items

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

### Information items

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

b. Marine Science Quarterly report

**Any other business**

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

J. Gregory  
Chief Executive Officer  
29 August 2023

## Eastern IFCA Meeting



*"Eastern IFCA will lead, champion and manage a sustainable marine environment and inshore fisheries, by successfully securing the right balance between social, environmental and economic benefits to ensure healthy seas, sustainable fisheries and a viable industry".*

A meeting of the Eastern IFCA took place on Wednesday 14<sup>th</sup> June 2023 at 1030 hours in the Assembly Rooms, King's Lynn Town Hall.

### Members Present:

Cllr T FitzPatrick	(Chair)	Norfolk County Council
Cllr M Vigo di Gallidoro	(Vice Chair)	Suffolk County Council
Cllr E Back		Suffolk County Council
Mr S Bagley		MMO Appointee
Mr I Bowell		MMO Appointee
Cllr Chenery of Horsbrugh		Norfolk County Council
Mr K Copeland		MMO Appointee
Cllr P Coupland		Lincolnshire County Council
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
Mr J Rowley		MMO Representative
Cllr P Skinner		Lincolnshire County Council
Mr S Williamson		MMO Appointee

### Eastern IFCA (EIFCA) Officers Present:

Jon Butler	Head of Operations
Judith Stoutt	Senior Marine Science Officer
Luke Godwin	Senior IFCO (Regulation)
Julian Gregory	CEO (& Clerk)
Ron Jessop	Senior Marine Science Officer
James Teasdale	Project Officer

### Minute Taker:

Jodi Hammond

### EIFCA23/20 Item1: Election of the Chair of the Authority

As this was the annual meeting where a new Chair and Vice Chair would be elected members were welcomed by the Clerk. A brief resume of the historic nature of elections for Chair and Vice-Chair was given, explaining that as Elected members Councillors do not have an affiliation to the fishing sectors the role is usually filled by one such members with the task being passed between County Councils.

**It was Resolved that the Cllr FitzPatrick would continue in the role of chair.**

**Proposed: Cllr Skinner**

**Seconded: Cllr Vigo-Di-Gallidoro**

**EIFCA23/21 Item 2: Welcome**

The Chair thanked members for attending the meeting and welcomed Mr Gilliland a new MMO Appointee. Mr Gilliland briefly outlined his interest in EIFCA, advising he had spent much of his working life involved in Marine Management, with his current role being head of Marine Planning for the MMO, however he did add he was very much attending in the role of a general member with a lot to learn.

**EIFCA23/22 Item 3: Apologies for Absence**

Apologies for absence were received from Cllrs Adams (NCC) and Mr Hirst (EA Representative), Mr Davies and Ms Smith (MMO Appointees).

**EIFCA23/23 Item 4: Election of Vice-Chair of the Authority**

**It was Resolved that Cllr Vigo Di Gallidoro would continue in the role of Vice-chair.**

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Mr Williamson**

**EIFCA23/24 Item 5: Declaration of Members Interests**

Members were reminded that any member with a Disclosable Pecuniary Interest in a matter during a meeting could not take part in associated discussion or vote. In order to enable participation in the discussion the Authority were able to grant dispensations under Section 33 of the Localism Act 2011. To this end members were asked to declare any matters which required a dispensation. As a new interest had been raised at the previous meeting a revised list of Disclosable Pecuniary Interests had been drawn up and provided for members.

**It was Resolved to:**

- **Note the revised list of Disclosable Pecuniary Interest (DPIs) for MMO appointees and the assessment of DPI conflicts with Authority Business.**
- **Agree to grant dispensation from s31(4) of the Localism Act 2011 (c.20) to MMO Appointees to allow participation in discussions of matters for which they have a DPI for the period**

of four years or until their term of service is expired, whichever is first.

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

**EIFCA23/25 Item 6: Minutes of the 51<sup>st</sup> Eastern IFCA Meeting held on 8<sup>th</sup> March 2023**

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

**Proposed:** Mr Goldson  
**Seconded:** Cllr Skinner  
**All Agreed**

**EIFCA23/26 Item 7: Matters Arising**

The CEO updated members on a matter from the 50<sup>th</sup> Authority meeting:

*EIFCA22/66 WASH FISHERY ORDER 1992 TRANSITION:* The Wash Fisheries sub-committee met for the first time on 11 April 2023, when it considered applications under Phase 1 and Phase 2 of the transition section of the Eligibility Policy under the Wash Cockle and Mussel Byelaw. A report on the outputs would be provided at the next Authority meeting but in summary:

*Phase 1 applications*

- 51 applications received.
- 47 of the applications approved.
- 3 applications rejected due to extenuating circumstances,
- 1 application had its decision deferred to a later meeting, to allow for further time to provide evidence.
- 13 permits would be available for non-entitlement holders under Phase 2.

*Phase 2 Applications*

- 17 Applications
- 13 highest-scoring applicants were granted eligibility.

Because of an issue identified during the process the following decision was taken on 20 April 2023 by the Chair, Vice-Chair and CEO in accordance with the provisions of the Constitution and Standing Orders:

*Where an application under phase 1 was not made, or was declined on the grounds that the Entitlement Holder was not the beneficial owner of the vessel dedicated to that Entitlement, and the Nominated*

*Representative or Deputy associated with that Entitlement successfully secured eligibility for a permit through phase 2 on the grounds of beneficial ownership of the same vessel, the following policy applies:*

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

In simple terms this would enable business continuity as either Entitlement Holder, Nominated Representative and Deputy (if applicable) will be able to fish using the vessel.

The decisions of the Wash Fisheries sub-committee would effectively result in the transfer of licences from WFO Entitlement holders to beneficial owners, and such would be notified of these outcomes shortly. For the time being, the Interim Measures remain in force, so only WFO entitlement holders can apply for an exemption allowing them to fish.

This poses a problem, because as a result, beneficial owners approved by the Wash Fisheries sub-committee under Phase 2 will need the WFO Entitlement holder to apply for an exemption on their behalf. A clear possibility exists for the WFO Entitlement holder to not apply, either in protest at the Wash Fisheries sub-committee's decision, or simply because they feel they should no longer be involved with the vessel. This would threaten the relevant vessels' ability to continue fishing (and business continuity as a result).

Attention was then turned to the 51<sup>st</sup> Authority Meeting Minutes:

*EIFCA23/08 STRATEGIC ASSESSMENT AND BUSINESS PLAN:*  
Members were advised the Plan had been published online and a copy sent to Defra.



*EIFCA23/09 ITEM 9: WASH COCKLE AND MUSSEL MORTALITY STUDY:* It was noted that the study was ongoing – Cefas and officers undertook further sampling during the previous week. Access to ‘fresher’ cockles has resulted in Cefas seeing reaction to the parasite when dissecting cockles.

At this point Mr Garnett advised he needed to clarify some information he had given at the previous meeting regarding A-typical mortality in cockles. Whilst he had stated he had samples tested from Heacham and had seen evidence of it in Wells-next-the-Sea, it was in fact he had the two sites confused. The tested samples were from Wells-next-the-Sea and there was only visible evidence at the private fishery at Heacham. Mr Garnett apologised for this confusion.

*EIFCA23/10 ITEM 10: WASH MUSSEL FISHERY 2023:* The fishery had opened on Monday 12 June 2023. Samples taken from the Ouse Mouth have resulted in the water categorisation of some beds being downgraded to C. As a result, the affected beds: Blackshore, Skate Run and Back of the Wall were not opened. Subsequent sampling meant the downgraded status was removed so the beds could be opened.

*EIFCA23/13 ITEM 13: CROMER SHOAL CHALK BEDS BYELAW 2023:* Formal consultation was undertaken with an extended closing date of 31 May 2023 instead of 8 May to enable input from the Cromer MCZ Stakeholder Group.

A formal position statement between Eastern IFCA and Natural England on NE’s latest advice was in development at the time of the last meeting and was finalised at the end of March. Due to pressing stakeholder engagement issues it was not practical to delay agreement of the statement until this meeting and so it was agreed with the Chair and Vice-Chair in accordance with the provisions of the Constitution and Standing Orders and was circulated to members on 30 March 2023 and re-circulated the previous day.

*EIFCA23/14 ITEM 14: CRAB AND LOBSTER BYELAW 2023:* Extended formal consultation had taken place which was being analysed at the time of the meeting.

## **EIFCA23/27 Item 8: Health & Safety Risks and Mitigation**

The Head of Operations advised members there appeared to be an increase in the number of reported incidents since the last meeting, however, the Officers had undergone H&S training during which they had been encouraged to report ‘near-misses’ which explained the increase in reported incidents.

Monitoring of engagement with stakeholders was ongoing.

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

**EIFCA23/28 Item 9: Finance & HR Sub-Committee held on 5<sup>th</sup> May 2023**

The CEO gave an overview of discussion which had taken place. Members were reminded that Mr Bakewell was retiring and advised an external accountant had been engaged, this would be a significant change as up to now the service had always been provided 'in-house'.

**Mr Goldson requested that a vote of thanks to Mr Bakewell be recorded for the first class job he had done over the years**

**Proposed: Cllr Goldson**

**Seconded: Cllr Vigo Di Gallidoro**

**All Agreed**

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

**EIFCA23/29 Item 10: Wash Several Order Application: Due Diligence Assessment**

Members were advised this paper was to ensure due diligence had been followed prior to applying for a Several Order for Lays in the Wash. It was apparent that if the industry pursued a Several Order on their own the smaller business models could be priced out of owning lays.

Project Officer Teasdale gave a presentation which highlighted the Social, Historical and Environmental benefits as well as the Economic potential for the industry.

The presentation showed a breakdown of the potential cost to EIFCA which overtime would likely increase. It was also noted there was a risk liability to the Authority if lease holders were to act inappropriately.

Risks of taking out the Several Order were explained in detail to members which included a reputational risk if the Authority did not take out the Several Order as it could be seen as EIFCA not supporting the industry. The positives were also explained which included the development of aquaculture.

Mr Gilliland accepted the paper was comprehensive but questioned why there was no recommendation to select. The CEO advised that on this occasion it was up to members to decide whether or not to support the industry or whether the expense and associated risks were too great to take on. Some of the industry were in support of the Several Order others were quite adversarial so members needed to be aware of the potential issues and make a decision.

Mr Doughty advised that he did not think the industry had any issue with the Several Order but they did have issues with fishery management, they wanted a Several Order and a balanced fishery management plan not a threat that leases could be taken away. Senior IFCA Godwin advised that EIFCA could recall a lease if NE advice changed, even if the industry had their own order there was no guarantee of a lease for 20 years. Cllr Goldson felt there should be a way to give fishers some sort of security to base their business plans on and this needed to be in place before a decision could be made. The CEO fully understood the points being made and hoped that the next item on the agenda might allay some of the concerns.

It was questioned what NEs current view on a Several Fishery was, to which Ms Love responded that they were relatively happy at the moment but it was possible in future there would need to be a HRA done for the site. However, Ms Love felt NE would not change their current stance without evidence to support a change.

Mr Doughty questioned whether the NE policy was to restore or maintain the Wash, Ms Love advised some habitats fell under restore whilst other fell under maintain, there was a link which could be circulated to members.

Mr Gililand questioned whether the raised concerns were necessary as if the rights to a lay were conferred to the holder surely they would be responsible for the lay, the CEO advised the responsibility remained with the Authority. There was a particular risk associated with non-compliance around reporting movement of stock, he felt the only option to prevent offending would be to have the ability to take the lease away which could be enabled under a byelaw.

Mr Garnett felt there was a lot of responsibility for leases which was not passed on to layholders, particularly around bio-security, he also felt there had been no real enforcement by either the ESFJC or EIFCA regarding stock brought into the Wash which could have been considered non-native. Mr Garnett felt EIFCA would be left with legal responsibilities relating to a Several Order.

**Debate resulted in the Members Resolving to:**

- **Note the content of the report.**
- **Reconfirm the decision to apply for a Several Order made at the 39<sup>th</sup> Eastern IFCA Meeting.**

**Proposed: Cllr Skinner**

**Seconded: Cllr Chenery of Horsbrugh**

**9 votes in favour, 1 abstention, the motion was carried.**

*At this point the meeting was adjourned for lunch.  
Ms Love left the meeting 1300 hrs.*

## **EIFCA23/30 Item 11: Wash Several Order Update**

Members had been provided with a draft copy of the Wash Several order 2022 and were given a presentation which included a brief background and a draft Fisheries Management Plan. It had only been possible to apply for a 20 year order, not the 30 years originally requested. It was noted leases could be both renewed and removed. Initial consultation had produced some slight amendments to the FMP, all of which were run through for the Members' benefit.

It was felt the most effective way to manage a lay was via a Business Plan, review of lays needed to be realistic and EIFCA would need to bear in mind there was a duty to those with lays and also those who would like lays, with this in mind the requirement for maintaining a lay would be reviewed. It was anticipated extra security in the form of a 5 year lease would be added – it was noted some industry felt this was not sufficient time to allow seed to grow on, but it was added there would be a timeframe to remove stock for anyone who failed to maintain their lease correctly, so there was less risk to investment.

Species specific leases were being considered, the key concern being lay holders benefitting from settlement of wild shellfish.

It was noted a new Several Order would not have a CEC lease so the total cost would be down to EIFCA to recoup, although the arrival of a new patrol vessel may result in a cost reduction.

The next steps would be for Defra to agree to the wording, formal consultation on the Revised FMP and delegated authority to be granted to the CEO, Chair and Vice Chair.

Mr Doughty questioned who would hold the lease for the lays, it was advised that the lease for a lay would be between the Authority and a lay holder.

### **Members Resolved to:**

- **Agree to the draft wording of the Wash Several Order 2022**
- **Note the outputs from the additional informal consultation**
- **Agree to the revised draft Fisheries Management Plan for managing aquaculture under a Several Order in The Wash**
- **Agree to delegate authority to the CEO in consultation with the Chair and Vice-Chair to agree a final draft of the Wash Several Order 2022 pending such being provided by Defra**
- **Direct Officers to undertake a formal consultation on the application for a Several Order on receipt of the final draft of the Wash Several order 2022**
- **Agree to delegate authority to the CEO in consultation with the Chair and Vice-Chair to make changes to the draft Wash Several Order 2022 and associated Fisheries Management plan as informed by the formal consultation**

- **Direct officers to update members on progress towards agreeing a final version for confirmation at subsequent Authority Meetings**
- **Direct officers to seek a decision from the Authority on whether to proceed with the application in the event the Minister calls a local enquiry to resolve objections.**

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Mr Bowell**

**All Agreed**

## **EIFCA23/31 Item 12: Wash Cockle & Mussel Byelaw 2021 amendments**

Senior IFCO Godwin advised members that the latest comments from the MMO and been received, indication was that iVMS needed to be reviewed and there was a potential issue with fees.

Fees were set out in the byelaw but it needed to be considered whether they should be at EIFCA's discretion, in line with inflation or capped. Legal advice on this issue was being sought.

Mr Doughty had noted the byelaw included fees due to inflation and a lengthy list of other costs with an implication they could rise by 50% annually.

The CEO added, to keep it in context, EIFCA could cost recover up to 50% of costs, however to ensure the Authority did not increase the cost too steeply any increase was restricted to 50%, this did not mean it would definitely go up by 50% each year.

Mr Doughty questioned whether surveys could go out to tender, in an attempt to keep the cost down, the CEO advised this had previously been considered but was not felt appropriate.

Mr Doughty then questioned why EIFCA were still asking for iVMS when MMO were not until the technology was working properly. Senior IFCO Godwin advised iVMS was necessary to enforce the byelaw, and EIFCA needed the mechanism to request reporting rates, however iVMS would not be a condition for the 2023 fishery.

Mr Goldson questioned whether EIFCA could ask MMO for a reimbursement for any units which had already been purchased which had subsequently been found to be ineffective. Mr Rowley responded that he hoped no fisher would be out of pocket due to iVMS.

### **Members Resolved to:**

- **Note the report and rationale for potential amendments to the Wash Cockle and Mussel Byelaw**
- **Agree to delegate authority to the CEO, in consultation with the Chair and Vice-chair, to amend the Wash Cockle and Mussel Byelaw 2021 taking into account consultation responses, MMO advice and legal advice on the matter**
- **Direct officers to submit a final version of the Wash Cockle and Mussel Byelaw 2021 to the MMO once these amendments had been made.**

**Proposed: Cllr Vigo Di Gallidoro**

**Seconded: Mr Goldson**  
**1 abstention the motion was carried**

*Councillor Coupland left the meeting (1400 hours)*

### **EIFCA23/32 Item 13: Fishery Management Plans**

Members were advised Defra were developing Fisheries Management Plans, the consultation for which had been brought forward. In order to enable Authority Members to express their views, it was suggested the FCMWG meeting could be the most appropriate method of discussion. AIFCA were working with KEIFCA, using a method similar to Community Voice, to capture the perspective of Authority Members.

#### **Members Resolved to:**

- **Agree to hold a FCMWG to consider and provide feedback on upcoming FMP consultations, the dates of which would be determined by the timing of the consultation.**
- **Agree to delegate responsibility to the CEO in consultation with the Chair and Vice-Chair, to formally respond on behalf of the Authority having taken into account the views provided by members.**
- **Agree to delegate responsibility to the CEO to decide if a FCMWG meeting was to take place in accordance with the schedule agreed at Action Item 14 of the 50<sup>th</sup> EIFCA meeting or should be re-arranged to fit with the FMP Consultation schedule.**

**Proposed: Mr Goldson**

**Seconded: Cllr Skinner**

**All Agreed**

### **EIFCA23/33 Item 14: Wash Cockle Fishery 2023**

Senior MSO Jessop reminded members they had been made aware of additional information available on the website. He then proceeded to give summary of the process and finding of the 2023 cockle surveys. The result of which was an indication there was a high population of juveniles and very low stock of adults. Historically the adult stock would determine the TAC. Members were reminded that since 2008 mortality had affected older cockles and there was a higher reliance on successful recruitment to replace these losses. A variety of options to protect small cockle stocks had been sent to the industry for consultation.

Senior MSO Jessop reminded members that since 2008 one third of the adult biomass had been allocated as the TAC for fishers. Subsequently the bird food model had introduced a minimum threshold of cockle stock that must be maintained to provide feed for overwintering birds. Mortality had meant there was a shift from 65%

adult stock to 47% adult stock which meant that smaller cockles were being targeted before they died.

Despite the Atypical mortality each year there was a good spatfall, which was widespread and not easy to fish. The following year this provided a stock of year 2 cockles, that despite being fishable, did not make the TAC. With this in mind Senior MSO Jessop put forward the option of using 1/6 of all stock to determine a TAC rather than 1/3 of only adult stock.

Having listened to Senior MSO Jessops' presentation members discussed the findings. Mr Garnett noted from the charts that there seemed to be a strong stock biomass in a concentrated area which was most fished, which he felt suggested that fishing the ground was encouraging for future fisheries.

Ms Love acknowledged that whilst there were only 3000 tonnes of adult stock which would grow but she expressed concern about the predicted growth taking the stock to 8,000 tonnes and the certainty that they had already spawned.

Senior MSO Jessop accepted it was difficult to be certain but the good settlement of 2021 and 2022 spat left him confident the adult biomass would increase.

Ms Love enquired whether the change to 1/6 of all stock was a study for the current year only, and what measure would be used to consider whether or not it was a success? The CEO acknowledged that if it wasn't deemed successful then a return to 1/3 adult stock would be made. Senior MSO Jessop advised that a lot would depend on the behaviours on the sands and feedback from fishers.

Ms Love pointed out that with a lot of year 1 stock this year small cockle may be more important next year and a 1/6 TAC may mean a lower TAC. Mr Doughty felt it important to note that if we were looking to change the way the fishery is managed then there is a need to look at the way we work as currently tonnes of stock are being lost to die off so it would be prudent to take advantage of spatfalls.

Mr Williamson noted that the industry want to fish larger cockles but Atypical mortality has changed the fishery, consequently he felt there needed to be a change in the way the fishery was managed in order for the cockle fishery to survive. Mr Williamson felt it would not be possible to answer Ms Loves questions around using 1/6 of the total stock until results from next year's surveys were known.

Mr Bagley wanted to be sure lessons were learned from mistakes, he put forward the suggestion that there should be a season with no management measures other than protecting year 0 stock, on the understanding that once all adult stock was taken the fishery would be closed. Senior MSO Jessop felt that by taking all the adult stock it could affect future fisheries.

Once the results of the surveys had been well aired by those present Senior IFCO Godwin gave a presentation on the proposed

management measures. It was noted there was consultation for additional management measures including a proposal for a larger closed area, protection of smaller cockles through the use of rakes and nets, and slightly different operating hours.

Ms Love enquired how effective rakes would be in protecting year 0 cockles, it was believed if used properly it was a very effective method of sorting cockles.

Mr Bagley felt the surveys had been done at the coldest time of the year which did not account for growth, he felt 12mm cockle should be considered adult as by the time the fishery opened they would have reached 14mm in size. Senior MSO Jessop advised there was no data to support this assumption, he had looked at growth and found over a 2 month period some grow and some die, with no set growth rate it was difficult to work out mortality.

Mr Garnett noted there were closures to protect seals which were not included in the management measures, this added another level of work for officers and legislation, which Mr Garnett felt was not needed as seals get left alone. The CEO advised EIFCA have a duty to consider seals and work closely with NE and SMRU and must go with best available scientific evidence to protect seals during the moult.

**Following extensive debate Members Resolved to:**

- **Note the contents of the report including the stock survey, the assessment on TAC calculations and the outcomes of the Wash Forum.**
- **Agree in principle to adopt the revised TAC calculation presented in Appendix 2 on a trial basis for the 2023 Wash Cockle Fishery, subject to favourable conservation advice and consideration of a consultation on the matter.**
- **Agree to delegate authority to the CEO in consultation with the Chair and Vice-Chair to make a final decision on adopting the revised TAC calculation.**
- **Agree to delegate authority to the CEO in consultation with the Chair and Vice-Chair to introduce, vary or revoke flexible management measures referred to in Schedule 4 of the Wash Cockle and Mussel Byelaw 2021 to manage a cockle fishery in the event that the byelaw comes into effect.**
- **Agree to delegate authority to the CEO in consultation with the Chair and Vice-Chair to introduce, vary or revoke flexible management measures with less than 12 hours notice as may be required, in accordance with the provisions of the Wash Cockle and Mussel Byelaw 2021 should the byelaw come into effect.**

**Proposed: Cllr Vigo Di Gallidoro**

**Seconded: Cllr Chenery**

**2 abstentions, 0 votes against – the motion was carried**

**EIFCA23/34 Item 15: Quarterly Review of Annual Priorities and Risk Register**



The paper was provided to show progress against priorities and to review the Risk Register.

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

#### **EIFCA23/35 Item 16: CEO Update - verbal**

**Letter from North Sea Wildlife Trusts:** A letter had been received expressing concern at the effectiveness of management measures put in place to protect the MCZ's listed features. The main concern being the speed at which any management measure were being implemented. The letter contained three priorities they would like to see in place in the near future. These were:

- Reduction/removal of pot fishing effort across the chalk reef feature and other sensitive features within the MCZ
- Trialling and adoption of potting gear adaptation/modification to reduce evidenced impacts on the features
- Understanding the nature and extent of the potting fishery across the EIFCA district

The CEO advised the Officers would liaise with NE to compose a response.

**Wash Forum:** The CEO advised members the Wash Forum had produced some useful outcomes, however, it was disappointing to report the conduct of some attendees had not been acceptable, he felt it was time to re-cast the line and move on to develop new links and a mutual working relationship

**AIFCA Members Forum:** Draft minutes would be circulated once available. The Forum had included a presentation entitled 'Developing a theory of change which explores existing contributions and further potential of the IFCA model to deliver industry engagement and effective co-management of marine resources' which was a project being carried out by Newcastle University. The CEO felt the project might be useful given relations with some elements of the industry.

**Protector IV:** Build was progressing with completion anticipated around August. Bridge repairs in Great Yarmouth remained an issue as egress to the sea would not be possible until they completed the bridge work, it was hoped Breydon Bridge work would be completed in September 2023.

**National Cackle FMP:** This project would be led by AIFCA with IFCA's providing the information. The plan is intended to be an overarching plan so it will require general member input.

**Members Agreed to note the verbal report.**

*There was some concern re sound quality when not using the table microphones. Cllr Vigo Di Gallidoro asked if meetings could return to being held at the Boathouse.*

## **EIFCA23/36 Item 17: Head of Operations Update**

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

Main enforcement activity had continued to be whelk and bass fishing both recreationally and commercially.

Marine Science Team paper provided information on workstreams being carried out across the Science Team. Ongoing work included the assessment of Amber and Green MPAs, Cromer Shoal MCZ, Monthly collection of EHO samples, annual cockle surveys and the mussel relaying fishery.

Mr Doughty questioned whether there was anything EIFCA could do about Ecoli levels. The Head of Operations advised that once a negative result had been found enquiries had been made into any events that may have caused it but so far nothing had been reported.

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

## **EIFCA23/37 Item 19: Any Other Business**

There were no other matters to discuss.

There being no other business the Chair thanked members for attending, the meeting closed at 1419 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.



## Action Item 6

### 53<sup>rd</sup> Eastern Inshore Fisheries and Conservation Authority meeting

13 September 2023

#### Health and Safety update

**Report by:** Jon Butler, Head of Operations

#### **Purpose of report**

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

#### **Recommendations**

It is recommended that members:

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

#### **Background**

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

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

#### **Incidents**

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

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

#### **Risks/Mitigation**

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

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

## Appendix 1

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

## Appendix 2

### Eastern IFCA Health and Safety risks

Risk	Intervention	Residual Risk	Risk rating* (Current)	Risk rating* (Previous)
1. Whole Body Vibration	<ul style="list-style-type: none"> <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>	<b>Tolerate</b>	<b>Treat</b>
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>	<b>Treat</b>	<b>Treat</b>
3. Damage to vehicles, trailers and/or equipment through	<ul style="list-style-type: none"> <li>Formal trailer training for unqualified officers</li> </ul>	<ul style="list-style-type: none"> <li>Failure to adhere to training</li> </ul>	<b>Tolerate</b>	<b>Treat</b>

inappropriate operation.	<ul style="list-style-type: none"> <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>• Mechanical failure of vehicle or trailer</li> </ul>		
4. Physical fitness of personnel to undertake arduous duty	<ul style="list-style-type: none"> <li>• Staff briefing</li> <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>	<ul style="list-style-type: none"> <li>• Individual health fragilities</li> <li>• Individual lifestyle choice</li> </ul>	<b>Tolerate</b>	<b>Tolerate</b>
5. COVID 19	<ul style="list-style-type: none"> <li>• Information</li> <li>• Guidance</li> <li>• Staff Briefing</li> <li>• Risk Assessments</li> </ul>	<ul style="list-style-type: none"> <li>• Developing understanding of COVID 19 and rapidly changing guidance</li> </ul>	<b>Terminate</b>	<b>N/A</b>

6. 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>
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\*

Risk Rating
High
Medium
Low

Risk Treatment	
<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

### 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 7

## 53<sup>rd</sup> Eastern Inshore Fisheries and Conservation Authority meeting

**Report by:** Julian Gregory, CEO

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

#### **Purpose of report**

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

#### **Recommendations**

Members are asked to:

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

#### **Background**

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

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

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

#### **Report**

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

#### **Appendices**

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



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

### **Finance & HR Sub-Committee**

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

#### **Members Present:**

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

#### **Eastern IFCA Officers Present:**

J Butler	Head of Operations
J Gregory	CEO

Joanne Sams – Aston Shaw Accountants

#### **FHR23/13 Welcome**

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

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

#### **FHR23/14 Apologies for absence**

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

#### **FHR23/15 Declarations of Members Interest.**

No Declarations of Interest were received.

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

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

**FHR23/17 Matters Arising**

There were no matters arising.

**FHR23/18 Quarter 1 Payments and Receipts**

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

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

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

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

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

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

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

**FHR23/19 Quarter 1 Management Accounts**

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

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

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

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

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

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Mr Williamson**

**All Agreed**

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

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Mr Williamson**

**All Agreed**

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

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

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

**FHR23/21 Resolution**

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

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

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

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

#### **FHR23/22 HR Update**

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

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

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

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

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

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

#### **FHR23/23 New Vessels Update**

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

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

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

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

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

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

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

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

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

**Members Agreed to note the verbal report.**

#### **FHR23/12 Any Other Business**

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

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

### Vision

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## Action Item 8

### Eastern Inshore Fisheries and Conservation Authority Meeting

13 September 2023

#### Wash Fisheries sub-committee update

**Report by:** Jon Butler, Head of Operations

#### **Purpose of Report**

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

#### **Recommendations**

It is recommended that members:

- **Note** the content of the report

#### **Background**

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

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

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

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

#### **Report**

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

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

### Alteration to Wash Interim Measures

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

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

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

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

### **Financial Implications**

None Identified.

**Legal Implications**

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

**Appendices**

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



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

### **Wash Fisheries Sub-Committee**

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

#### **Members Present:**

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

#### **Eastern IFCA Officers Present:**

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

#### **WSC23/01 Election of Chair and Vice-Chair**

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

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

**Proposed: Cllr Chenery of Horsbrugh**

**Seconded: Mr Mogford**

**All Agreed**

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

**Proposed: Cllr Adams**

**Seconded: Cllr Skinner**

**All Agreed**

#### **WSC23/02 Apologies for Absence**

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

#### **WSC23/03 Declaration of Members' Interests**

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

## **WSC23/04 Summary of Transition Process & Objectives**

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

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

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

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

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

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

## **WSC23/05 Resolution**

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

***Proposed: Mr Mogford  
Seconded: Cllr Chenery***

## **WSC23/06 Phase 1 Applications**

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

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

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

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

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

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

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

#### **Members Resolved**

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

**Proposed: Cllr Adams**

**Seconded: Cllr Chenery of Horsbrugh**

**All Agreed**

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

#### **WSC23/07 Phase 2 Applications**

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

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

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

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

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

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

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

**Member Resolved**

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

**Proposed: Mr Mogford**

**Seconded: Cllr Chenery of Horsbrugh**

**All Agreed.**

**WSC23/08 Any Other Business**

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

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

### Vision

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 9

### 53<sup>rd</sup> Eastern Inshore Fisheries and Conservation Authority Meeting

13 September 2023

#### **Annual Report 2022-23**

**Report by:** Julian Gregory, CEO

#### **Purpose of Report**

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

#### **Recommendations**

It is recommended that members:

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

#### **Background**

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

#### **Report**

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

#### **Financial Implications**

N/A

#### **Legal Implications**

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

#### **Appendices**

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

[https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/09/2023\\_09\\_13\\_Item\\_9\\_Appendix\\_1\\_Annual\\_Report\\_2022-2023\\_draft2.pdf](https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/09/2023_09_13_Item_9_Appendix_1_Annual_Report_2022-2023_draft2.pdf)

### Vision

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## Action Item 10

### 53<sup>rd</sup> Eastern Inshore Fisheries and Conservation Authority Meeting

13 September 2023

#### Review of Annual Priorities and Risk Register

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

#### **Purpose of Report**

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

#### **Recommendations**

It is recommended that members:

- **Note** the content of this report

#### **Background**

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

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

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

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

#### **Report**

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

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

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

### **Appendices**

Appendix 1 – Update on priorities set for 2023-24

Appendix 2 – Risk Register

Appendix 3 – Update on Risk Register

### **Background Documents**

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



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

Four key priorities are established for 2023-24.

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

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

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

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

**Key:**

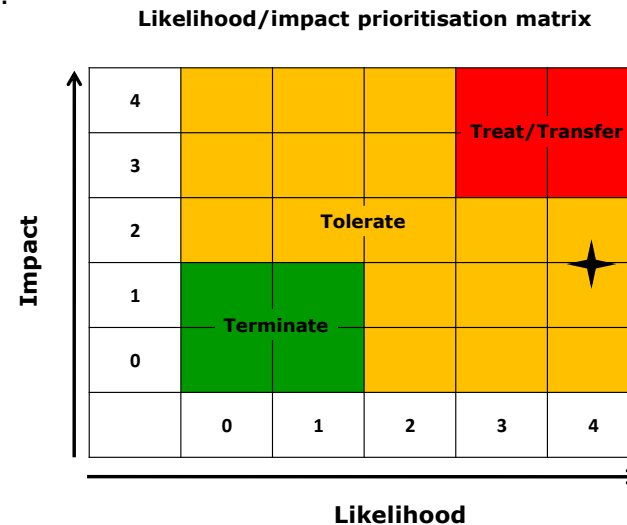
Complete	
In progress	
Progress stalled / delayed	
Not started	

## APPENDIX 2 – Risk Register

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

The four actions that can be applied are:

<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.



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### Risk matrix with worked example

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

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Eastern IFCA fails to secure funding to replace assets	CEO	Substantial reduction in Eastern IFCA mobility particularly seaborne activities with consequential inability to fulfil full range of duties	4		2		<ul style="list-style-type: none"> <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	Finance Directors agreed to annual capital contributions from 2019-20 onwards to cater for the cost of asset replacement as an alternative to requests for a lump sum amounts as assets are replaced. No guarantees were given or implied. Eastern IFCA will explore all avenues for funding.			
			Drive for savings may impact County Councils' decisions regarding Eastern IFCA funding. Visible presence reduced, enforcement and survey activities compromised.	Inability to generate sufficient reserves to meet asset replacement schedule would threaten Eastern IFCA's ability to function.  Closure costs could result.				



Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Eastern IFCA fails to maintain relevance amongst partners	CEO	If Eastern IFCA fails to maintain relevance amongst partners Eastern IFCA's utility will come under scrutiny potentially resulting in re-allocation of duties	4		2	High	<ul style="list-style-type: none"> <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	Possible – Whilst positive relationships have been established the existence of disparate partner aspirations introduces complexities which may drive perceptions of bias or inefficiency.			
			4	4				
			Loss of confidence in the organisation	Withdrawal of LA and Defra funding for the organisation				
Negative media comment	CEO	Negative perceptions of Eastern IFCA utility and effectiveness created at MMO/Defra  Loss of Partner confidence  Media scrutiny of individual Authority members	3		3	High	<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	Possible – disenfranchised partners seek to introduce doubt as to Eastern IFCA professionalism, utility, and effectiveness			
			4	2				
			Eastern IFCA perceived to be underperforming	Negative perceptions introduce risk to continued funding				
		Eastern IFCA considered poor value for money						
		Eastern IFCA perceived as irrelevant						

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Degradation of MPAs due to fishing activity	CEO	Loss or damage of important habitats and species within environmentally designated areas.	3.5		2		<ul style="list-style-type: none"> <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	Possible – Eastern IFCA’s approach to managing sea fisheries resources actively addresses our environmental obligations			
			4	3				
			Eastern IFCA is not meeting statutory duties under conservation legislation.	Legal challenge brought against Eastern IFCA for failing to meet obligations under environmental legislation (including MaCAA)				
			Eastern IFCA not achieving vision as champion of sustainable marine environment.					
			Degradation of marine habitats which lead to economic, social or cultural impacts.					

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Shellfish and fish stocks collapse	CEO	Risk of significant negative impact upon industry viability with associated social and economic problems	<b>3</b>		<b>3</b>		<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>	<b>Treat</b>
			<b>Reputation</b>	<b>Financial</b>	Possible - Bivalve stocks have high natural variation; "atypical mortality" affecting stocks despite application of stringent fishery control measures			
			<b>3</b>	<b>3</b>	Crustacean stocks not currently subject to effort control  Bass stocks nationally and internationally under severe pressure			
			Loss in confidence of the Eastern IFCA ability to manage the sea fisheries resources within its district	Resources directed at protecting alternative stocks from displaced effort  Additional resources applied to research into the cause of collapsed stocks and increased engagement and discussion with partners	Regional whelk and shrimp fisheries effort becoming unsustainable.  Regional crab and lobster stocks being exploited beyond maximum sustainable yield.  Active monitoring of 2021 cockle fishery identified small cockles being landed with potential impact on stock sustainability.			

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Failure to secure data	CEO	Non-compliance with UK General Data Protection Regulations (GDPR)	4		2	High	<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,			
		Loss of data in the event of fire or theft	4	4	Office secure with CCTV, keypad entry system and alarm			
		Breakdown in dissemination of sensitive information between key delivery partners	Partners no longer believe that confidential information they have supplied is secure	Eastern IFCA open to both civil and criminal action regarding inability to secure personal information				
New Burdens Funding discontinued	CEO	Substantial reduction in Eastern IFCA capability with consequential inability to fulfil full range of duties or additional burden on funding authorities.	4		2	High	<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 apprised 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 IFCAs provide in meeting national policy objectives.			
			4	4				
			Inability to meet all obligations would have a significant impact upon reputation.	Circa 25% of the annual budget is provided by Defra under the New Burdens doctrine so its loss would have a significant impact.				

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

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

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

<p>The Wash Fishery Order 1992 is not replaced in time when it expires in January 2023</p>	<p><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 byelaws.</p>
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### Vision

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



## Action Item 11

### 53<sup>rd</sup> Eastern Inshore Fisheries and Conservation Authority Meeting

13 September 2023

#### Wash Cockle Fishery 2023

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

#### **Purpose of Report**

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

#### **Recommendations**

It is recommended that members:

- **Note** the contents of the report

#### **Background**

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

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

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

#### **Report**

##### Consultation with Wash fishing industry

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

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



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

The full consultation outcome document<sup>1</sup> is available on the Authority's website.

#### Initial opening of the fishery and additional surveys

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

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

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

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

#### Amendments to management measures

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

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

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<sup>1</sup> [https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/06/2023\\_Wash\\_Cockle\\_Fishery\\_Consultation\\_Outcome\\_Report.pdf](https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/06/2023_Wash_Cockle_Fishery_Consultation_Outcome_Report.pdf)

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

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

#### Uptake in the fishery

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

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

#### **Financial Implications**

None identified

#### **Legal Implications**

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

#### **Appendices**

Not Applicable

#### **Background Documents**

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

#### Vision

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



## Action Item 12

### 53<sup>rd</sup> Eastern Inshore Fisheries and Conservation Authority Meeting

13 September 2023

#### Horseshoe Point Closure

**Report by:** James Teasdale (Project Officer)

#### **Purpose of Report**

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

#### **Recommendations**

It is recommended that members:

- **Note** the contents of the report

#### **Background**

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

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

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

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

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

### **Report**

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

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

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

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

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

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

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

### **Financial Implications**

None identified.

### **Legal Implications**

None identified.

### **Appendices**

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

Appendix 2 – Letter to industry dated 27 July 2023

### **Background Documents**

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

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

## **Appendix 2 – Letter sent to Industry on 27 July 2023**

### **Horseshoe Point Cockle fishery**

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

#### Background

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

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

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

#### Current state of the cockle stock

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

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

#### Complications

There are a number of challenges to opening the fishery:

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

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

#### Potential for a fishery


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

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

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

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

Yours sincerely



Julian Gregory  
Chief Executive Officer

### Vision

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



## Action Item 13

### 53<sup>rd</sup> Eastern Inshore Fisheries and Conservation Authority Meeting

13 September 2023

#### Changes to the Cromer Shoal Chalk Beds Byelaw 2023

**Report by:** Kristina Gurova, Project Officer

#### **Purpose of Report**

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

#### **Recommendations**

It is recommended that members:

- **Note** the content of this report

#### **Background**

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

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

#### **Report**

A formal consultation on the draft Cromer Shoal Chalk Beds Byelaw 2023 and its impact assessment ran from the 30<sup>th</sup> of March 2023 until the 31<sup>st</sup> of May 2023.<sup>3</sup>

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Next steps

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

#### **Appendices**

Appendix 1 – Formal Consultation Outcome Document (Cromer Shoal Chalk Beds Byelaw 2023) – available online at [https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/09/2023\\_09\\_13\\_Item\\_13\\_Appendix\\_1-1.pdf](https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/09/2023_09_13_Item_13_Appendix_1-1.pdf)

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

#### **Background Documents**

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

## Appendix 2 – Draft Cromer Shoal Chalk Beds Byelaw 2023



### Eastern Inshore Fisheries and Conservation Authority

#### MARINE AND COASTAL ACCESS ACT 2009

#### Cromer Shoal Chalk Beds Byelaw 2023

The Eastern Inshore Fisheries and Conservation Authority in exercise of its powers under section 155(1) of the Marine and Coastal Access Act 2009<sup>5</sup> makes the following byelaw for the District:-

#### **Interpretation**

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

<sup>5</sup> Marine and Coastal Access Act 2009 c.23

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

- f. “eligibility policy” means the documents which are issued under paragraph 17 and which describe how the Authority will issue permits and endorsements and manage access to the fisheries under this byelaw to fulfil the Authority’s duties and which:
  - i. are created and agreed by the Authority;
  - ii. reviewed, issued, varied and revoked in accordance with Schedule 3 of this byelaw;
  - iii. are published on the Authority’s website;
  - iv. are deposited at, and available on request from, the Authority’s offices;
  
- g. “electronic monitoring systems” means equipment attached to a vessel or fishing gear which records fishing activity information, which may be remotely accessible to the Authority, including:
  - i. deployment or recovery of fishing gear;
  - ii. vessel position, speed and bearing information;
  - iii. vessel identification information;
  - iv. date and time information.
  
- h. “Cromer Shoal Chalk Beds” means the Marine Conservation Zone designated in The Cromer Shoal Chalk Beds Marine Conservation Zone Designating Order 2016;<sup>7</sup>
  
- i. “Cromer Shoal Chalk Beds area” means the area defined in Schedule 1 of this byelaw;
  
- j. “fishing” means digging for bait; the shooting, setting, towing and hauling of fishing gear; gathering sea fisheries resources by hand or using a hand operated implement; and catching, taking or removing sea fisheries resources;
  
- k. “fishing for commercial purposes” means fishing for sea fisheries resources for sale or reward;
  
- l. “fishing for recreational purposes” means fishing for sea fisheries resources except for sale or reward;
  
  
- m. “fishing gear” means any nets, pots, ropes, anchors, surface markers, lines, dredges, grabs, rakes or other implements used for the purposes of, or facilitating, fishing;

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

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

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

### **Commencement**

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

### **Prohibitions**

4. A person must not fish using pots within the Cromer Shoal Chalk Bed area unless that person is:
  - a) The holder of a valid Permit and any relevant endorsement attaching to that permit; or
  - b) The nominated deputy of the holder of a valid Permit and any relevant endorsement attaching to that permit.
  
5. A person must not fish using pots unless;
  - a) a valid permit pot tag that is capable of being read and provided by the Authority at cost, is affixed to each pot; and
  
  - b) where a single pot is being used to fish, unattached to other pots, it is marked with a single buoy in accordance with paragraph 6; or
  
  - c) where more than one pot is being used to fish which are attached in a string, each end of the string is marked with a buoy in accordance with paragraph 6.
  
6. A Buoy or buoys used to mark pots in accordance with paragraph 5 must be:
  - a) of sufficient size and shape to be clearly visible and remain fully afloat at all times;
  
  - b) where a recreational fishing vessel is named on the permit, marked with the number of the permit associated with the pots on that string in such a way that is it clearly visible and capable of being read;
  
  - c) where a registered fishing vessel is named on the permit, marked with either the port letters and number of that vessel or the permit number associated with the pots, in such a way that is it clearly visible and capable of being read.
  
7. Subject to paragraph 8, a person must not fish using pots from a vessel, or to carry on board any sea fisheries resources caught using pots from within the Cromer Shoal Chalk Bed area unless:
  - a) that vessel is named on a permit with the same permit number as the pots being fished from that vessel; and
  
  - b) either the permit holder or nominated deputy is the skipper of that vessel.
  
8. Paragraph 7 does not apply where a person is fishing under the written agreement of the Authority and in accordance with any conditions of that

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

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

### **Permits and endorsements**

10. The Authority may authorise fishing using pots by way of issuing:
  - a) a category one permit to fish from a registered fishing vessel and fishing for commercial purposes within the Cromer Shoal Chalk Beds area; or
  - b) a category two permit to fish other than from a registered fishing vessel or for recreational purposes; or
  - c) an endorsement attaching to a permit to fish where access is restricted under a flexible permit condition.
  
11. Permits and endorsements are:
  - a) created, issued and cancelled at the discretion of the Authority under this byelaw, subject to the eligibility policy and accordingly no legal title is created or implied by the issue of a permit or endorsement; and
  - b) issued to a named person, who shall be a natural person only and the permit holder; and
  - c) issued in relation to a single vessel only; and
  - d) valid from the date of issue for the remainder of that calendar year; and
  - e) not transferable between persons or vessels.
  
12. The Authority may restrict the number of permits and endorsements attaching to permits issued under this byelaw in accordance with the procedure in Schedule 2 of this byelaw.
  
13. A permit holder may nominate persons to fish under the authority of a permit, who may, subject to eligibility policy issued under paragraph 17, be named on the permit as the nominated deputy.

### **Permit fees**

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



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

### **Eligibility for permits, endorsements, and eligibility policy**

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

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

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

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

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

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

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

### **Flexible permit and endorsement conditions**

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

- a) vessel design restrictions;
- b) catch restrictions;
- c) fishing gear and fishing gear use restrictions;
- d) spatial restrictions;
- e) temporal restrictions;
- f) electronic monitoring systems requirements.

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

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

### **Fishing information**

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

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

- a) spatial information;
- b) information on fishing operations including the shooting, setting, towing and hauling of fishing gear;
- c) information on fishing effort;

- d) catch data;
- e) gear information;
- f) date and time information
- g) vessel information.

### **Retrieval of Fishing Gear When Notified**

- 24. Persons fishing under the authority of a permit or endorsement issued under paragraph 10 of this byelaw must use fishing gear in such a way as to minimise the likelihood of it becoming lost.
- 25. The Authority may require a permit holder by way of notification, to retrieve, or cause to be retrieved, fishing gear located at sea or ashore.
- 26. When notified under paragraph 25 of this byelaw, a permit holder must retrieve, or cause to be retrieved, fishing gear at sea or ashore within the timeframes specified in the notification, or where this is not possible, as soon as is reasonably practicable.
- 27. If it is not reasonably practicable to retrieve the fishing gear that is the subject of the notification under paragraph 25 of this byelaw, the permit holder must notify the Authority and provide reasons as to why it is not reasonably practicable to do so.

### **Pots and pot tags**

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

### **Exemptions**

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

## Amendments

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

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

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

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

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

Chief Executive Officer

Eastern Inshore Fisheries and Conservation Authority

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

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

Date:

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

### **Explanatory Note**

(this note does not form part of the byelaw)

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

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

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

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

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

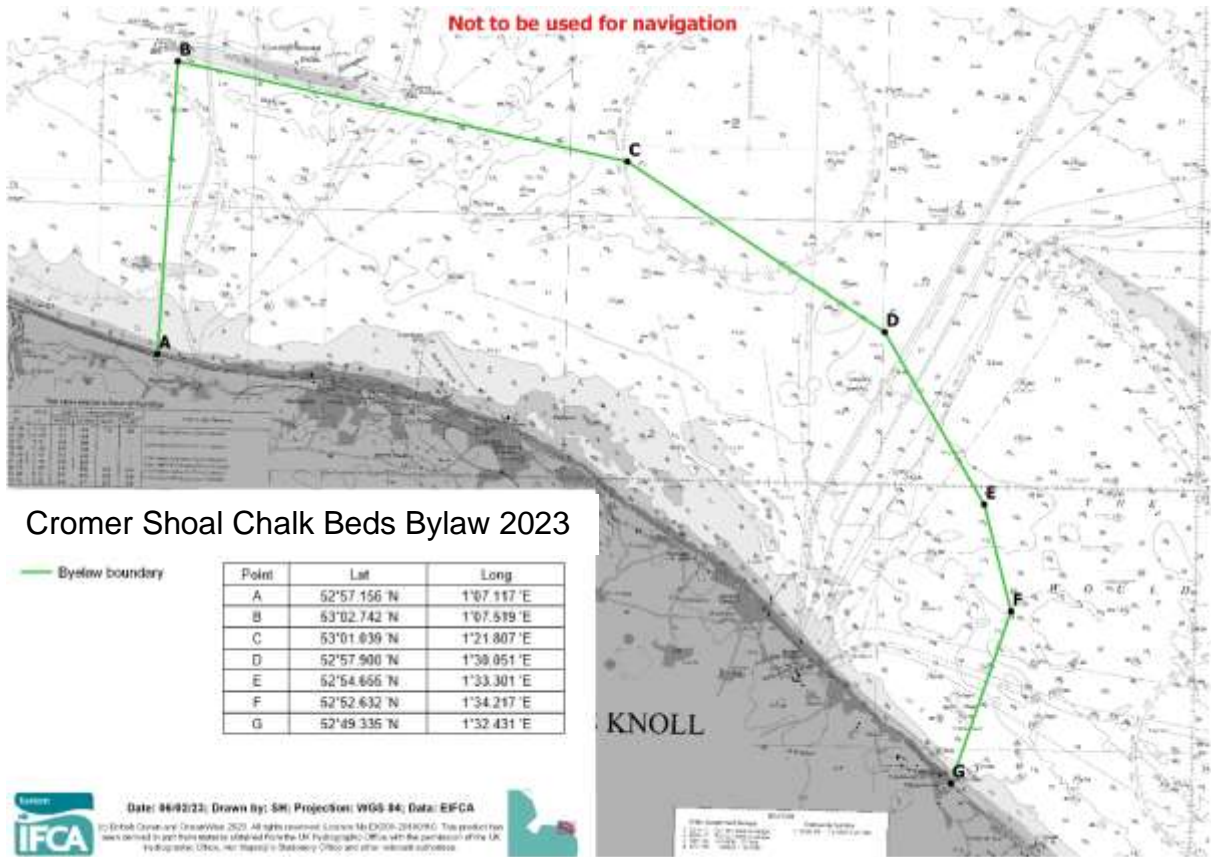
## Schedule 1

### The Cromer Shoal Chalk Beds area

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

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

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



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## Schedule 2

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

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

### Schedule 3

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

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

## Schedule 4

### Fees

1. The fees referred to in paragraph 14 of this byelaw are, subject to paragraphs 2 and 3 of this schedule, as follows:
  - a) the category one permit fee is £53.38
  - b) the category two permit fee is £53.38
  
2. The fees set out in paragraph 1 of this schedule may vary on 1 April each year in accordance with latest release available of the Consumer Prices Index, including the occupiers' housing costs 12-month inflation rate issued by the Office of National Statistics.
  
3. The Authority may vary fees otherwise than in accordance with paragraph 2 of this schedule, subject to the following conditions and procedures:
  - a) the Authority must consult in writing with permit holders;
  - b) the fee as varied may not be changed for any permit already issued;
  - c) the fee being varied must not be increased more than the equivalent value of 50 per cent; and
  - d) the Authority must make a decision whether to vary the permit fee taking into account:
    - i. any responses from the consultation under sub-paragraph 3 (a);
    - ii. expenditure arising from the administration of permits and processing permit holder data required by the Authority;
    - iii. any regulatory impact assessments associated with this byelaw;
    - iv. Authority expenditure to conduct any survey activities that support the implementation of permits;
    - v. Authority costs associated with arranging and attending meetings with permit holders; and
    - vi. any relevant Authority expenditure incurred by implementation of this byelaw.

### Vision

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



## Action Item 14

### 53<sup>rd</sup> Eastern Inshore Fisheries and Conservation Authority Meeting

13 September 2023

#### Changes to the Crab and Lobster Byelaw 2023

**Report by:** Kristina Gurova, Project Officer

#### **Purpose of Report**

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

#### **Recommendations**

It is recommended that members:

- **Note** the content of this report

#### **Background**

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

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

#### **Report**

A formal consultation on the draft Crab and Lobster Byelaw 2023 and its impact assessment ran from the 30<sup>th</sup> of March 2023 until the 31<sup>st</sup> of May 2023.<sup>10</sup> Despite the extended deadline for responses, only two written responses were received during the consultation although this was supported by informal dialogue with fishery stakeholders. The draft (pending confirmation by the CEO under delegated

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

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

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

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

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

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

#### Next steps

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

#### **Appendices**

Appendix 1 – Draft Formal Consultation Outcome Document (Crab and Lobster Byelaw 2023) [https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/09/2023\\_09\\_13\\_Item\\_14\\_Appendix\\_1.pdf](https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/09/2023_09_13_Item_14_Appendix_1.pdf)

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

#### **Background Documents**

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

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



### Eastern Inshore Fisheries and Conservation Authority

#### MARINE AND COASTAL ACCESS ACT 2009

#### Crab and Lobster Byelaw 2023

The Eastern Inshore Fisheries and Conservation Authority in exercise of its powers under section 155(1) of the Marine and Coastal Access Act 2009<sup>11</sup> makes the following byelaw for the District:-

#### Interpretation

35. In this byelaw:

- a) “the Authority” means the Eastern Inshore Fisheries and Conservation Authority as defined in Articles 2 and 4 of the Eastern Inshore Fisheries and Conservation Order 2010<sup>12</sup>;
- b) “berried” means an organism carrying spawn or eggs attached to its tail or some other exterior part, or which is in such a condition as to show that, at the time when it was taken, it was carrying eggs so attached;
- c) “the District” has the meaning given by Article 3 of the Eastern Inshore Fisheries and Conservation Order 2010;
- d) “edible crab” means the marine organism with the scientific name *Cancer Pagurus*;
- e) “lobster” means the marine organism with the scientific name *Homarus gammarus*;
- f) “the minimum size” means the width of the carapace of an edible crab as specified in the Minimum Sizes Byelaw 2020 which was made by the Authority ;
- g) “recreational purposes” means fishing other than for financial gain and includes fishing from a charter vessel;

<sup>11</sup> Marine and Coastal Access Act 2009 c.23

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

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

## Prohibitions

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

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

### **Returning catch to sea**

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

### **Exemptions**

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

### **Revocations**

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

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

Chief Executive Officer

Eastern Inshore Fisheries and Conservation Authority

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



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

Date:

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

### **Explanatory Note**

(this note does not form part of the byelaw)

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

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

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

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

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

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

### **Vision**

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



## **Information Item 16**

### **53rd Eastern Inshore Fisheries and Conservation Authority Meeting**

13 September 2023

#### **Operational Update**

**Report by:** Jon Butler Head of Operations

#### **Purpose of Report**

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

#### **Recommendations**

It is recommended that members:

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

#### **Financial Implications**

None

#### **Legal Implications**

None

#### **Appendices**

Appendix 1 – Marine Science Report

#### **Background Documents**

Not Applicable

## Marine Science Report

### Marine Science overview

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

### Managing Fisheries in Marine Protected Areas (MPA)

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

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

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

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

### MCZ management

#### Cromer Shoal Chalk Beds Byelaw 2023

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

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

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

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

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

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

### [MCZ Research](#)

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

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

and discusses the focus for further work over the next couple of years. This work is available on our website and can be accessed here: [https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/05/2023\\_CSCB\\_MCZ\\_ARM\\_Interim\\_report\\_Final.pdf](https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/05/2023_CSCB_MCZ_ARM_Interim_report_Final.pdf).

At the end of last year (2022) officers completed a review of the extent of the rugged chalk in Cromer Shoal Chalk Beds MCZ which incorporated all new available data sources at that time. This review is now available online alongside interactive maps which show how different evidence has been incorporated into the review: [https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/04/2023\\_04\\_Rugged\\_chalk\\_extent\\_review\\_FINAL.pdf](https://www.eastern-ifca.gov.uk/wp-content/uploads/2023/04/2023_04_Rugged_chalk_extent_review_FINAL.pdf). The collection of habitat data to inform the rugged chalk extent is ongoing and the rugged chalk extent will be reviewed again in 2023 to incorporate any further sources of habitat data which have since been made available or arise during the upcoming year. Habitat surveys using the BlueROV2 have continued this summer, targeting peat and clay exposures as well as rugged chalk and all planned habitat surveys have now been completed.

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

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

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

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

### Ambers & Greens" assessments

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

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

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

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

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

### Wash Cockle Fishery assessment

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

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

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

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

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

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

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

### [Seal disturbance mitigation](#)

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

### [Drone Habitats Regulations Assessment](#)

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

### [EIFCA Intertidal Activities assessment](#)



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

## Fisheries Sustainability

### The Wash Cockle Fishery

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

### Fisheries Management Plans

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

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



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

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

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

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

### [Whelk stock assessment](#)

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

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

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

## [Environmental Monitoring](#)

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

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

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

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

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

## Sustainable Development

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

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

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

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

Additional consultation work included finalisation of a Statement of Common Ground with the SEP & DEP<sup>14</sup> wind farm developers. Officers highlighted the need to avoid damage to chalk in the Marine Conservation Zone and to account for fishing activities along the export cable route, that is planned to connect the offshore wind farm array to land at Weybourne. Comments were also made on potential compensatory measures, that could include the establishment of a Native oyster reef within the MCZ.

### Derogations from Eastern IFCA Byelaws

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

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<sup>14</sup> Sheringham Extension Project and Dudgeon Extension Project