58th EIFCA
Statutory Meeting

To Be Held at:
Council Chambers, King's Lynn Town Hall, Saturday Marketplace,
King's Lynn, Norfolk PE30 5DQ

Wednesday
11th December 2024

1030 hours

Meeting: **58th Eastern IFCA Meeting**

Date: 11 December 2024

Time: 1030hrs

Venue: Council Chambers, Kings Lynn Town Hall, Saturday Marketplace, Kings Lynn, Norfolk, PE30 5DQ

Agenda

1 Welcome – *Chair*

2 To accept apologies for absence - *Chair*

3 Declaration of Members' interests – *Chair pg 4*

Action items

4 To receive and approve as a true record, minutes of the 57th Eastern IFCA Meeting, held on 11 September 2024 – *Chair pg14*

5 Matters arising (including actions from previous meeting) – *Clerk*

6 To receive a report to consider Health and Safety risks and mitigation – *ACO(DD) pg 25*

7 To receive a report on the meeting of the Finance and HR sub-committee held on 5 November 2024 – *ACO(DD) pg 29*

8 Budget and levies 2025-26 and Budget Forecast to 2030 – *ACO(DD) pg37*

9 Cromer Shoal Chalk Beds Byelaw 2023 Phase 1 permit conditions – *ACO/ MSO pg47*

10 Wash Mussel survey and fisheries – A*CO / Senior MSO (Research) pg55*

11 Whelk permit conditions review – *ACO pg69*

12 Wash cockle and mussel fishery interim management measures – *PPO pg87*

13 Authority Meeting Dates 2025-26 – *ACO(DD) pg94*

14 Review of annual priorities and Risk Register - *ACO pg98*

Information items

15 Operational updates

a. Marine Protection report – *ACO(DD) pg 115*

b. Marine Science report – *ACO pg 125*

Any other business

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

J. Gregory
Chief Executive Officer
26 November 2024

Action Item 3

58th Eastern Inshore Fisheries and Conservation Authority Meeting

11 December 2024

Declaration of Members's interests: New Member

Report by: Luke Godwin (ACO)

Purpose of Report
The purpose of this report is to present members with an updated Disclosable Pecuniary Interest register following the confirmation of a new general member and consideration of an application for dispensation from section 31(4) of the Localism Act 2011.

Recommendations
It is recommended that members:

- **Note** the revised Disclosable Pecuniary Interests register for MMO appointees (Appendix 1).
- **Note** the application for dispensation from section 31(4) of the Localism Act 2011 and the associated assessment at Appendix 2.
- **Agree** to grant dispensation from section 31(4) of the Localism Act as set out in Appendix 2 to allow participation in discussion and voting on matters in which a Disclosable Pecuniary Interest exists for the period of four years or until their term of service is expired (whichever is first).

Background
Section 31(4) of the Localism Act 2011 (hereafter, 'the Act') prohibits members who have a Disclosable Pecuniary Interest (DPI) in a matter at a meeting from participating in the associated discussion or voting on the matter. Section 33 of the Act enables the Authority to grant dispensations from this prohibition in certain circumstances.

At the 34th Eastern IFCA meeting Members agreed to a process for considering dispensations from s.31(4) in relation to Members discussing and voting on matters in which they hold a DPI. Under this process, DPIs are considered against the 'types' of matters which are considered at Authority meetings with as much specificity as possible to identify conflicts. Such conflicts include, for example, where a Shrimp fisherman is present for the consideration of shrimp management measures. Where doing so is in the interests of the Authority's stakeholders, dispensation from s.31(4) may be granted.

The potential for members with dispensations to unfairly influence decisions relating to such matters is mitigated by the Eastern IFCA Standing Orders, including the Terms and Conditions for appointment and the Code of Conduct for general members, which sets out that members must not seek to favour their own interests and that such instances may be subject to investigation[1].

A register of Disclosable Pecuniary Interests is published on the Eastern IFCA website[2].

Report

Ms Bex Lynam was appointed to the Authority in November 2024 as a 'general member'. Ms Lynam's DPIs have been considered in accordance with the established process to identify potential conflicts with matters likely to arise as meetings. A new DPI register which includes Ms Lynam's DPIs is at Appendix 1.

Ms Lynam has also submitted a written request for dispensation from section 31(4) of the Act. The consideration of the request is set out in Appendix 2.

In summary, Ms Lynam has a DPI for employment at the Yorkshire Wildlife Trust (i.e. Non-Governmental Organisation in the marine conservation sector). Based on previous legal advice received from NPLaw, employment with an NGO is a relevant DPI and should be considered as per the Constitution and Standing Orders. Consideration is given to providing dispensation from both discussion and voting on matters for which Ms Lynam has a DPI.

With regards to Authority business, the conflict is limited to matters relating to 'management measures'. Whilst there is potential for Ms Lynam's DPI to be in conflict with other matters, most notably 'agreeing to contracts to undertake work on behalf of the Authority', it is unlikely to universally be the case i.e. it is only a DPI in this matter when the Yorkshire Wildlife Trust is bidding to take on such a contract. Such would be a matter for Ms Lynam to declare prior to a meeting having considered the agenda.

Discussing matters for which there is a DPI

The assessment finds, as is the case with fishing industry members, that it is beneficial to the Authority's stakeholders that Ms Lynam participates in discussions for which a DPI exists. This is on the basis that Ms Lynam can provide insight and expertise on such matters which will enhance the Authority's ability to make well informed decisions.

Voting on matters for which there is a DPI

The assessment identifies that the conflict between this DPI and Authority meeting matters is very broad and likely to include most substantive areas of Eastern IFCA's work. This is markedly different to the situation where members have a DPI in fisheries, which is specific to the fishery for which a DPI exists and has the effect of precluding them from voting only on fisheries directly related to their income.

[1] Code of Conduct for non-elected members (Chapter 2 of the constitution and Standing orders) - 2024_03_13_EIFCA_Constitution_2024_FINAL.pdf

[2] Authority members - Eastern IFCA

Precluding a member who is an employee of a 'conservation' body from voting on 'fisheries and conservation management measures' to this extent limits the effectiveness of their contribution. This is further compounded when considering that the MMO appoints such members so as to reflect a range of interests; there are presently five members with DPIs in fisheries, whereas there is only a single member with a DPI in conservation. This is noteworthy when considering that fisheries members have not been granted dispensation to vote in part on the basis that there is a broad range of fishing interests present on the Authority and typically there is at least one 'fishermen' member who is able to vote on matters.

On balance, the assessment identifies that it is appropriate to grant Ms Lynam dispensation to vote on matters relating to 'fisheries and conservation management measures' for which a DPI exists. It is noteworthy that this outcome is consistent with the consideration of the same DPI conflict identified in previous members of the Authority.

It should be noted that if the Chair and / or Clerk consider specific matters are not appropriate for the member to vote on they can advise the member not to vote[3]. Further, that all members are required to act in accordance with the Seven Principles of Public Life[4], including objectivity i.e. must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Financial Implications
None identified

Legal Implications
There is the potential for agreeing to grant dispensations from section 31(4) of the Act to introduce a perception of bias to decision making which could undermine decisions made by the Authority (e.g. via judicial review). This risk is mitigated through the careful consideration of dispensations via the process agreed at the 34th Eastern IFCA meeting and in accordance with the provisions of the Act for doing so.

Appendices
Appendix 1 – Revised DPI register for non-elected members
Appendix 2 – Consideration of new DPI conflicts against section 33 of the Localism Act 2011.

Background Documents
Papers and minutes for the 34th Eastern IFCA meeting held on 7 November 2018.

[3] Code of Conduct for members, Eastern IFCA Constitution and Standing Orders
[4] The Seven Principles of Public Life - GOV.UK

Appendix 1 - Revised DPI register for non-elected members

Eastern IFCA - Register of Pecuniary Interests
Non-elected members (MMO appointees)

Register of Interests

Non-elected members (MMO appointees)

Date updated: 11/12/2024

Monitoring Officer: Julian Gregory (CEO) **Signed:**  **Date:** **11/12/2024**

Register of Pecuniary interests. Under section 30 of the Localism Act (2011) the following Disclosable Pecuniary Interests have been declared by non-elected members including those relating to a husband / wife / spouse or civil partner or person with whom the member is living as if they were civil partners.						
Name of non-elected member	**1. Employment**	**2. Sponsorship**	**3. Contracts**	**4. Land or licences**	**5. Corporate tenancies**	**6. Securities**
Mr Shane Bagley	Fisherman (specifically cockles, mussels and brown shrimps)	None	None	Boston Quay	Wash Fishery Order Shellfish Lay	Ownership of shares in the fishing vessel LILI MAE (PLN: BN439) / Boston and Fosdyke Fishing Society Limited
Mr John Davies	Fisherman (specifically Crabs, Lobsters,	None	None	None	None	JJ and CAS Davies Limited / ownership of shares in fishing vessel RICHARD WILLIAM (PLN: YH3)

	whelk, bass, finfish) / Director and Secretary of JJ and CAS Davies Limited					
Mr Paul Garnett	R. J Garnett and Sons Limited (Director) / Fisherman (specifically cockles, mussels, whelks, brown shrimps, crabs and lobsters), Exo Environmental Ltd	None	None	None	Wash Fishery Order Shellfish Lays	R. J. Garnett and Sons Limited / King's Lynn Fishing Industry Co-Operative Limited / ownership of shares in two fishing vessels: HARVESTER (PLN: LN84) and ELIZABETH MARY (PLN: LN84)
Mr Steven Williamson	Director of J and J Shellfish Ltd / Director of Lynn Shellfish Ltd / Director of Shrimp Producers Organisation Ltd / Owner of Donaldsons (specifically cockles, mussels, whelks, brown	None	None	Lynn Shellfish Ltd (processing factory)	Wash Fishery Order Shellfish Lays	J and J Shellfish Ltd / Lynn Shellfish Ltd / Donaldsons / Shrimp Producers Organisation Ltd / ownership of shares in the following vessels: PORTUNUS (LN91), SEAGULL (LN22), SEASWALLOW (LN20), LYNN PRINCESS (LN175), BOY NEIL (LN126), ABBIE JAYNE (LN454), WASH PRINCESS (LN161), JOHN WILLY (LN465), MATTY JAY (LO541), GEORGIE

	shrimps, crabs and lobsters)					FISHER (LN474), JALETO (MT105), SUNNY MORN (LN475), DOG FISH (LO119), MOLLY P (BN444), FIVE J's (BN435)
Ms Inge Smith	Freelance Marine Environmental Scientist / Polyframe Ltd (manufacture of double-glazed doors and windows)	None	None	None	None	None
Mr Kieran Coupland	National Health Service / Gaywood Primary School	None	None	None	None	None
Mr Tony Goldson	None	None	None	None	None	None
Mr Leslie Mogford	None	None	None	None	None	None
Mr Lee Doughty	Fisherman (specifically: Cockles, shrimps, and mussels)	None	None	None	Wash Fishery Order 1992 Shellfish Lay	None
Ms Bex Lynam	Yorkshire Wildlife Trust (Marine Conservation NGO)	None	None	None	None	None

Appendix 2 - Consideration of new DPI conflicts against section 33 of the Localism Act 2011

This assessment considers Disclosable Pecuniary Interests for the newly appointed general member, Ms Bex Lynam.

Consideration of matters which may conflict with DPIs

Authority business is centred around Eastern IFCA's main duties i.e. the management of fishing activity in relation to industry viability, fisheries sustainability and environmental protection. The main 'types' of matters for which a conflict is likely are summarised below.

- Agreeing to management measures – where the Authority considers issuing, varying or revoking fisheries and conservation management measures there will likely be economic impacts on fishers including Authority members with related DPIs. This includes a range of fisheries (e.g. cockle fisheries, crab and lobsters etc.). In addition, members employed by a conservation body have a DPI inasmuch as such management would further the objectives of their employer. In the case of conservation interests, the extent of the conflict is notably distinct from that of fishermen because it is broader (and likely includes the vast majority of substantive work streams) and because the pecuniary link with these matters is less direct.
- Leasing private Rights to fisheries in the Wash – The Wash Fishery Order 1992 enables Eastern IFCA to lease portions of seabed in The Wash to fishers, including some Authority Members, for the purpose of Aquaculture.
- Agreeing to contracts to undertake work on behalf of the Authority - Members have previously agreed to contract out works (specifically research work) to fishers. In addition, it may be the case that other bodies (marine consultancies and NGOs for example), may seek to bid to undertake the projects also. Where such matters are under consideration and discussed, Members may have related DPIs.

Section 33 of the Localism Act sets out that, in considering whether to issue dispensations, the Authority must consider 'all relevant circumstances'. Table 1 (below) sets out the Ms Bex Lynam's DPI which are likely to conflict with matters considered at Authority meetings.

Table 1 – circumstances where an MMO Appointee may have a DPI which relates to matters discussed at Authority Meetings. DPIs identified include those relating to the spouse / civil partner of the non-elected member.

DPIs which relate to Authority Business		**Matters for which a DPI is relevant**
Ms Bex Lineham	Employment – Yorkshire Wildlife Trust (Marine Conservation NGO)	Agreeing to fisheries and conservation management measures

It is noteworthy that, unlike in the case of members with DPI conflicts in fisheries, the conflict in this instance (i.e. conservation) cannot be further specified. For example, where a fisherman may have a DPI in cockle fisheries which precludes discussion and voting in relation to consideration of such matters, conservation applies more broadly (i.e. it is not conservation of a specific species or habitat). Further, pecuniary interest in matters relating to 'conservation' in the case of Ms Lynam's employment is less direct compared to those with a fishery DPI. For example, a cockle fisherman can directly benefit from participating in and voting on consideration of access cockle fisheries, whereas no similar direct pecuniary benefit can arise from a person with a 'conservation interest' on the same matter, despite the conflict still being present.

Agreeing to contracts to undertake work on behalf of the Authority is not considered to be in conflict with the DPI in Table 1 generally on the basis that many such contracts may not relate to work that the Yorkshire Wildlife Trust is seeking to secure. If such a conflict did arise, it would require declaration to the monitoring officer prior to the meeting and addressed specifically.

Consideration of granting dispensations

Section 33(2) of the Localism Act 2011 sets out the following with respect to granting dispensations from section 31(4) of the same Act:

> *A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—*
>
> > *(a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,*
> >
> > *(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,*
> >
> > *(c) considers that granting the dispensation is in the interests of persons living in the authority's area,*
> >
> > *(d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or*
> >
> > *(e) considers that it is otherwise appropriate to grant a dispensation.*

The MMO appoints Members to IFCAs in accordance with Defra guidance[5] and in particular to ensure that '*members appointed by the MMO are representative of and/or hold knowledge and experience relevant to the economic, social and environmental needs of that IFCA's district and will be selected for the relevant expertise that they will bring to the Committee*'.

In doing so an Authority is able to meet the aim of the Marine and Coastal Access Act 2009 (MaCAA) in modernising the management of the entire marine environment by achieving an appropriate balance between commercial exploitation and stock and habitat protection.

MMO appointees are required to impart their local knowledge and expertise to provide insight into the potential outcomes of Authority decisions. Such decisions, and in particular those relating to the implementation of fisheries and conservation management relating the Authority's duties under MaCAA, are likely to have much wider ranging effects than only directly on fishers (for example fisheries related jobs such as factory workers, tourism and cultural impacts).

Therefore, in general terms, there appears to be a benefit to persons living within the Authority's area (i.e. in accordance with s.33(2)(c)) in granting dispensation to section 31(2). Further consideration as to the extent of the dispensation is considered below.

Dispensations under s.33(2) – participation in discussions for matters in which a member has a DPI

It is considered in the interest of persons living within the district and to ensure that the Authority has fully considered the potential impacts of decisions and particularly with respect to conservation matters given the specific duties set out in MaCAA and other conservation legislation (for example the Conservation of Habitats and Species Regulations 2017) in this regard. Such benefits fall within the scope of s.33(2) of the Localism Act and as such dispensations are considered appropriate.

Dispensations under s.33(2) – voting on matters in which a member has a DPI

Noting that the potential for pecuniary benefit is limited, particularly by way of comparison to fishermen with DPIs, and that the DPI is so broad (i.e. because it will relate to almost all substantive workstreams), the case against granting dispensation is limited.

In addition, the current make up of Authority members is an important factor, i.e. that there is only a single general member with a conservation DPI (although it could be argued that other members have a non-pecuniary interest in conservation) particularly in comparison to fishermen (of whom there are five general members on the Authority) with DPIs who will be able to vote in respect of fisheries which they do not prosecute (e.g. a shrimp fishermen may be able

[5] Guidance to the Marine Management Organisation (MMO) on the appointment of committee members to Inshore Fisheries and Conservation Authorities (IFCAs), April 2010 - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/347493/ifca_appointments_guidance.pdf

to vote in relation to cockle management measures). Ensuring that a broad range of interests can vote on each matter is considered important to ensure that all the views of stakeholders are reflected in considering matters at Authority meetings. As such, granting dispensation to vote is considered to be to the benefit of the Authority's stakeholders.

On balance, it appears that the case against granting dispensation from voting is less compelling than that in favour of granting the dispensation.

Conclusions

It is concluded that, on balance, granting dispensation in relation to both participating in and voting on Authority maters for which Ms Lynam has a DPI to the extent that they are set out in Table 1 is appropriate and specifically, because it will be in the interest of those persons living in the Authority's area.

In coming to this conclusion, it is relevant to note that all members are required to undertake their role in accordance with the Seven Principles of Public Life and the 'Terms and Conditions' as set out in the Code of Conduct for non-elected members which includes requirements to be objective and take into account all the local fishing and marine conservation interests within the IFCA district.

Issuing a dispensation

It is recommended that, whilst the dispensation granted will cover all matters relating to 'fisheries and conservation management measures', the Chair will use discretion on any specific matter to advise against the member voting as appropriate.

It is also recommended that the dispensations are granted for the maximum period allowed within the Localism Act (2011) of four years or until their term of service is expired (whichever is first) so as to align MMO appointee full term appraisals with the consideration of granting dispensations.

57th Eastern IFCA Meeting

A meeting of the Eastern IFCA took place on Wednesday 11th September 2024 at 1330 hours in the Royal Norfolk & Suffolk Yacht Club, Royal Plain, Lowestoft, NR33 0AQ.

Members Present:

Cllr T FitzPatrick	(Chair)	Norfolk County Council
Cllr T Adams		Norfolk County Council
Mr S Bagley		MMO Appointee
Cllr Chenery of Horsbrugh		Norfolk County Council
Cllr P Coupland		Lincolnshire County Council
Mr J Davies		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 M Vigo Di Gallidoro		Suffolk County Council
Mr S Williamson		MMO Appointee

Eastern IFCA (EIFCA) Officers Present:

Jon Butler	Deputy Chief Officer
Luke Godwin	Assistant Chief Officer (Clerk for this meeting)
Julian Gregory	Chief Executive Officer
Ron Jessop	Senior Marine Science Officer

Other Bodies Represented:

Rob Dyer	Environment Agency
Joanne Sams	Aston Shaw

Minute Taker:

Jodi Hammond

EIFCA24/33 Item 1: Welcome

As the meeting was convened following the Naming Ceremony for FPV Protector IV, the Chair thanked staff for the arrangements made to ensure the ceremony was a success.

EIFCA24/34 Item 2: Apologies for Absence

Apologies for absence were received from Messrs Copeland, Doughty and Mogford (MMO Appointees), Ms Smith (MMO Appointee), Dr I Hirst (EA Representative), Cllrs Back (SCC) and Skinner (LCC).

EIFCA24/35 Item 3: Declaration of Members Interests

The CEO advised Members that for Item 8 relating Cromer Shoal Chalk Beds Byelaw 2023 Phase 1 Permit Conditions, Messrs Davies, Garnett and Williamson would be able to discuss the item but not vote.

For Item 9 relating the Wash Cockle Fishery 2024 Update, Messrs Bagley, Doughty, Garnett and Williamson would be able to discuss the item but not vote.

EIFCA24/36 Item 4: Minutes of the 56th Eastern IFCA Meeting held on Wednesday 19th June 2024

Members agreed the Minutes were a true record of proceedings.

EIFCA24/37 Item 5: Matters arising.

EIFCA24/24 HEALTH & SAFETY RISKS AND MITIGATION: The CEO acknowledged members concerns regarding the use of quayside ladders but advised that it was an operational matter that fell within the CEO's overall responsibility. It had been looked at previously but it was very difficult to ascertain the ownership of such ladders but there was a Risk Assessment in place for Officers to consider at each usage.

EIFCA24/26 OYSTER HEAVEN PROJECT: Members were advised that following discussion at the FCMWG a decision had been made, with the agreement of the developers of the project, not to send a letter in support of the project but instead to maintain dialogue as plans developed..

EIFCA24/27 COCKLE FISHERY 2024: Closures relating to bird disturbance were discussed in more detail at the FCMWG with the rationale for decisions being discussed.

EIFCA24/29 CEO UPDATE: Referring to the suggestion that Authority Meetings could be held throughout the District, the CEO advised this had been tried unsuccessfully in the past but if there was an interest in trying again it could be arranged.

Reference to revising the reporting of figures in the Marine Protection Reports had been noted. The reports had been amended and any further advice would be taken into consideration.

EIFCA24/38 Item 6: Health & Safety Risks and Mitigation

Members were reminded the report was to ensure senior officers mitigated risk across the organisation. Since the previous report there had been one incident during which Sebastian Terelinck sustained some damage whilst a boarding was taking place and the vessels clashed as a result of the swell. The incident had been reported to MAIB, as nothing had been received back from them it was assumed they were happy with the explanation. The damage had been repaired and the vessel was back in service.

Potential aggression from stakeholders remained a risk, but each case would be dealt with on a case by case basis.

Members Agreed to Note the contents of the report.

EIFCA24/39 Item 7: Finance and HR Sub-Committee held on 7th May 2024

Draft Minutes of the meeting had been provided. Members were given the opportunity to raise any queries.

It was noted Three Counties was actively being marketed and offers would be considered by the CEO, Chair & Vice Chair who had delegated powers to make a decision.

Mr Gilliland questioned how long it would take for the 'glitches' with accounts software to be overcome. The CEO advised the report layout may change, and monthly meetings would be taking place so hopefully any issues would be ironed out and the Accounting reports would be more consistent.

Members agreed to Note the contents of the report.

EIFCA24/40 Item 8: Cromer Shoal Chalk Beds Byelaw 2023 Phase 1 Permit Conditions

The Assistant Chief Officer provided Members with a presentation on the development of permit conditions to be introduced under the Cromer Shoal Chalk Beds Byelaw 2023, the aim of the permit conditions being to protect the associated MCZ. Members were asked for their agreement to implement

the measure when the byelaw came into effect, the conditions would apply to both commercial and recreational fishers.

An Adaptive Risk Management (ARM) approach had been adopted when developing the permit conditions. This approach was about 'learning through doing', which would inevitably mean changes may be made when the permit conditions came into force.

Members were advised any changes to the Byelaw may result in a change to the wording of the Permit Conditions.

Consultation of the Permit Conditions had resulted in very polarised views with some believing there was no need for any conditions and others who would like to see the whole area closed to fishing.

Mr Goldson was against any need for closed areas, he felt the full extent of the chalk bed remained unknown, as the area had been fished for over 100 years and the chalk bed was not damaged this decision to close parts of it was being rushed into before there was evidence of fishers being detrimental to the area. The CEO reminded members this was why ARM was being used as it allowed for learning whilst doing, and if EIFCA chose to do nothing NE could choose to be more precautionary and close the whole area. The Closed Areas were a recommendation in principle and could be changed if the evidence suggested it. The CEO also reminded Members that whilst the area had been fished for over 100 years fishing methods had changed and more intensive methods of fishing could very well damage the chalk.

The CEO advised Members there was a Natural Disturbance Study in place to try and understand the level of damage caused by natural disturbance compared with modern fishing methods. He reminded members that this was part of Adaptive Risk Management (ARM), as were the prosed permit conditions and it was important to demonstrate progress in developing management measures because with no management ARM would likely fail and that might mean that the Authority would have to consider a precautionary approach that could see areas closed to fishing entirely.

Ms Love advised increased numbers of pots in the area could do consequential damage and impact the reef. As no-one knows what the reef was like 200 years ago it is not possible to say fishing is not damaging it.

Mr Goldson suggested closing an area to fishing and use it as a comparison to the rest of the area left open to fishing. Ms Love

advised this was what was being done with three closed area and 3 areas remaining open to fishing.

Cllr Vigo Di Gallidoro questioned closures during the winter when there would be less fishing effort, it was explained that pots left at sea and hauled infrequently, would also cause damage when tides dragged them across the sand. Ropes could also damage the sand as the abrasion was like a sawing/sandpaper effect on the feature.
Methods of adding soft edges to pots and floating ground ropes higher to reduce damage were being investigated.

The ACO advised the Management Areas contained patchy areas of rugged chalk, there was originally a buffer of 100m which had been reduced to 30m which was likely to be reduced over time.
A key concern was that the accurate mapping of the rugged chalk area was still not fully complete as some data from studies had still to be analysed. The ACO advised that he believed the current mapping was reasonably accurate but that the outstanding data analysis would be completed within the next few months and in any case before the byelaw came into force.

The CEO expressed concern that fishing had been noted to have taken place in the voluntarily closed area and that an experimental marker buoy had vanished within two days. He hoped fishers realised that the ARM approach was about trying to find a way to keep fishing going within acceptable environmental parameters and that any further incursions could see the project fail. Members expressed strong disappointment that a minority of fishers had fished in the closed areas, thereby hazarding their own and others future in the fishery.

Mr Garnett was concerned the permit conditions might be changed to increase the size of the closed area and requested that if this was a suggestion the matter would be brought back to the Authority for consideration. The CEO advised that if this was the case he would bring the matter back to the Authority.

Mr Garnett and Mr Davies both asked for clarity on the zone beach launched vessels were able to fish.

Mr Davis said that most industry members were generally happy with the beach launched restriction. He also said that industry members had originally proposed an area for winter closures but that was now too large and seemed like overkill. He observed that historically the chalk area used to be land and that the chalk was still evolving.

Mr Bagley questioned whether the matter could be gone about via a different means, he felt weather conditions must play a part in the damage to the reef so would it be better to find a way to regenerate the reef, perhaps with some form of man-made reef. Ms Love advised that chalk reef takes a long time to develop, and putting aggregate down is not the same and would attract different animals, chalk is very unique and cannot be re-created.

Mr Davies suggested making a new habitat, crab and lobster would adapt to it and the pressure would be taken off the chalk. He felt there was a need to work together and come back to the Authority for further discussion.

Ms Love questioned how long the two years' worth of data would take to analyse and whether action should be taken on already available data, and any closed area amended when further data was available, rather than delaying the process any further. SEO Jessop advised there was only one year's data left to analyse which he anticipated would take place over the coming winter months.

Mr Goldson remained frustrated that until the word chalk was raised by a diver there had been no interest in closing any area to fishing. He reminded Members the Authority was there for conservation and the fishing industry and questioned which was more important the chalk or the fishing industry. Mr Love advised it was not just chalk, the habitat created a fishery, the fishing industry and the chalk were intrinsically linked.

Mr Garnett said that removal of fishing activity can have an adverse effect and destroy what we are trying to protect; that the impact of fishing activity is dwarfed by the effect of natural disturbance; that sea defence have an adverse impact and that he understands that the proposals are phase 1 and that other places have management introduced that is never reviewed and restrictions become incremental. He asked that if members agreed in principle what was the feedback mechanism if industry didn't agree and the winters closed area could increase.

The CEO advised that in this case damage to the rugged chalk was irreparable and that any reduction in damage could only be beneficial. He reminded members of the natural disturbance study and how it was intended to assess natural versus fishing gear damage. He advised members that the permit conditions under the byelaw would be flexible so would be reviewed and that was an intrinsic element of adaptive risk management. On the size of closed areas the CEO acknowledged that the views of industry were important, and that consensus was preferred but it might be necessary to have larger closed areas in order for ARM to work and the fishery to keep operating. He said that any

chages to permit conditions would always be the subject of consultation with industry.

Having discussed the item thoroughly it was apparent the Members would prefer to discuss any potential need to revise the closed area rather than to delegate this responsibility to the CEO, Chair & Vice-Chair.

The CEO was supportive of this and the Chair advised members on the required process to amend a recommendation.

A proposed amendment to the fourth recommendation was put forward, which was to replace agreeing to delegate authority to the CEO to revise the 'rugged chalk management area' upon conclusion of the analysis of additional evidence to:
Agree to direct Officers to bring back to the Authority evidence of the size and shape of the rugged chalk management area upon conclusion of the analysis of additional evidence.
Proposed: Mr Goldson
Seconded: Mr Gilliland
2 members abstained to vote all others voted in favour. The Amendment was carried.

Members Resolved to :

Note the contents of the report including the rationale for permit conditions, the outputs from the associated consultation and the associated impact assessment.

Agree to introduce the permit conditions at Appendix 3 and 4 in principle.
Proposed: Mr Goldson
Seconded: Mr Gilliland
All Agreed

Agree that the 'winter closure' permit conditions will not come into effect until such time as additional evidence on the location of 'rugged chalk' has been analysed to inform the 'rugged chalk management area'.
Proposed: Mr Goldson
Seconded: Cllr Adams
1 Abstentions, all others in favour

Agree to direct Officers to bring back to the Authority evidence of the size and shape of the rugged chalk management area upon conclusion of the analysis of additional evidence.
Proposed: Mr Goldson
Seconded: Cllr Adams
2 abstentions, all others in favour

Agree to delegate authority to the CEO to make revisions which do not alter the intended effects of the permit conditions at Appendices 3 and 4 as may arise as a consequence of the formal quality assurance of the Cromer Shoal Chalk Beds Byelaw 2023 and / or related legal advice.
Proposed: Mr Goldson
Seconded: Cllr Chenery
All Agreed

Agree to delegate authority to the CEO to introduce the permit conditions at Appendices 3 and 4 or any revisions thereof pending the confirmation of the Cromer Shoal Chalk Beds Byelaw 2023 by the Secretary of State.
Proposed: Cllr Chenery
Seconded: Chair
All Agreed

EIFCA24/41 Item 9: Wash Cockle Fishery 2024 Update

Members were advised the cockle fishery had opened on 20th June in accordance with the management measures agreed at the 56th EIFCA Meeting.
Since the fishery had been opened it had become apparent there were some areas of the fishery where ridging out was occurring, and these cockles could be lost to the fishery. Following surveys of these areas taking place the decision was made to open three of five closed areas.

Mr Garnett enquired whether there had been any response to the consultation on the potential closure of Black Buoy. The ACO advised there had been no response to the consultation and the decision was with the CEO as to when the closure would take effect.

Mr Bagley congratulated EIFCA on responding to the ridged out cockles and showing adaptability and working in unison with the industry.

Referring to the proposed closure of Black Buoy, Mr Bagley advised some were wary the proposed area would be extended in size, and there was some confusion why the area needed closing when there was plenty of food for the birds to go for. It was further questioned whether the death rate of birds could be due to e-coli? And would the closure be an annual event?
The ACO advised the closure was not for lack of food but because of bird disturbance. It was noted a closure for bird disturbance was considered each year, this year it had been deemed necessary due to the declining number of oystercatchers.

Mr Bagley advised there had been no response to the consultation as the fishers had felt to dispute the opening would have delayed the opening of the cockle fishery. They felt over a barrel as if they objected the fishery would be delayed but by not objecting it implied, they were admitting fishers disturbed birds and seals which they did not agree was the case.

Members further discussed the potential of fishers disturbing birds, compared to the benefit birds gain working hand in hand with farms and fishers. Ms Love advised it was not suggested fishers were the cause of declining bird stocks, but that NE needed to be more precautionary because stocks are declining.

Members Agreed to note the contents of the report.

EIFCA24/42 Item 10: Annual Report 2023/24

Members were reminded that it was a mandatory requirement for IFCAs to produce and publish a report each year. The draft report for 2023/24 had been provided for members to provide their views.

Members Resolved to:
Approve the Annual Report 2023/24
Direct the CEO to publish the report and distribute to Defra.
Proposed: Cllr Adams
Seconded: Mr Goldson
All Agreed

EIFCA24/43 Item 11: Quarterly Review of annual priorities and Risk Register

It was noted progress against Annual Priorities were set out in the provided table, there were five big pieces of work to be completed before the end of the year.
Mr Garnett questioned whether there was a timeframe for Defra to look at the Several Order, unfortunately the progress was out of the control of EIFCA Officers.

Members Agreed to note the content of the report.

EIFCA24/44 Item 12: CEO Update

AIFCA Meeting – minutes would be circulated to members when they became available.

Defra Funding – Members were advised that prior to the General Election IFCAs were asked to provide information to form part of

a two-year spending review. AIFCA had put in a bid on behalf of all IFCAs.

Mr Gilliland was surprised to hear this as he had been led to believe it was a 4-year spending review to include the current financial year, he believed the bid review would be effective from next year, although savings in the current year were being sought.

Members Agreed to Note the contents of the report.

EIFCA24/45 Item 13: Operational Update

The DCO advised whilst the report normally contained a summary of the entire quarters activities it proved very difficult to prepare the report so soon after the end of the quarter. Consequently this report only contained two months of information, August would form the first of the three months reported on at the next meeting.

At the previous meeting members had asked for a matrix showing anticipated figures for the year against those that had actually been achieved. This had been added to the report for July and members were asked if the information was set out in a meaningful way.

Working through the report Cllr Chenery enquired whether the figures indicated the price of crab were at an all time low. Mr Davies advised the demand for crabs was low but not the price.

Members Agreed to note the contents of the report.

EIFCA24/46 Item 14: Any other business

EIFCA MEETINGS: Mr Gilliland commented that the meeting being held in Lowestoft signified to stakeholders that EIFCA was about more that just the fisheries in the Wash and felt meetings could be scheduled around the District. The CEO advised that historically this approach had not worked but he was happy to reconsider it.
The Chair advised members to write to the CEO if they would like to see meetings spread across the District.

2025 COCKLE FISHERY: In view of so many of the cockles being Year 0, Mr Bagley questioned whether it would be wise to hold a meeting to discuss a later opening date for the cockle fishery next year, which would allow additional growth of the stock.

The CEO advised a full cockle survey would be taking place in the Autumn, as part of another piece of work, this would give Officers a better understanding of the stock on the ground. This survey would be in addition to the normal annual spring cockle surveys.

There being no other business the Chair thanked members for attending and closed the meeting at 1552 hours.

Action Item 6

58th Eastern Inshore Fisheries and Conservation Authority meeting

11 December 2024

Health and Safety update

Report by: Jon Butler, Assistant Chief Officer

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

Recommendations
It is recommended that members:

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

Background
H&S law requires employers to assess and manage risks and so far as is reasonably practicable to 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 since the last authority meeting.

Risks/Mitigation
There have been very few reported incidents since the last Authority meeting which demonstrates a safe working culture considering the volume of work undertaken by officers particularly in relation to surveys.

Following the snagging incident during a multi beam survey the senior skipper is checking all vessels have tools such as knives and an axe which are sufficient to enable the crew to cut themselves/vessel free if required.

The mussel surveys have highlight newer staff are uncertainly about when they can operate outside of a written risk assessment and how they can make a dynamic or adaptive risk assessment. Further training is to be organised in the New Year.

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?
25/09/2024	Injury	Head injury	First Aid	No	Yes	Simon Lee	Officers reminded to wear hard hats and gloves to provide better grip.
31/10/2024	Vessel entanglement	Damage sustained to 3rd party survey pole	Crew removed rope and vessel continued survey	No	Yes	Simon Lee	Senior Skipper ensuring all vessel have sufficient cutting equipment.
15/10/2024	Injury	Potential broken finger	First Aid	No	Y	Jon Butler	An officer hadn't secured door to wheelhouse and placed his hand in the door jam. Door is fitted with catch to hold it open.

Appendix 2

Eastern IFCA Health and Safety risks

Risk	Intervention	Residual Risk	Risk rating* (Current)	Risk rating* (Previous)
1. Whole Body Vibration	• Risk awareness training to manage impacts. • Health monitoring process to be developed.	• Personal injury from boat movement owing to lower resilience as a result of individual physiology	**Tolerate**	**Treat**
2. Staff stress through exposure to unacceptable behaviour of stakeholders	• Introduction of Unacceptable Behaviour policy • Stakeholder engagement plan and activity delivered in pursuit of corporate communications strategy. • Dialogue with Stakeholders to ensure appropriate tone of communications. • Conflict resolution training for “front line” Officers • Introduction of Body worn Camera’s and Sky Guard Alarms.	• No change in behaviour of some stakeholders. • Long term sickness caused by stakeholder hostility	**Tolerate**	**Treat**
3. Damage to vehicles, trailers and/or equipment through inappropriate operation.	• Formal trailer training for unqualified officers • Refreshers for those with previous experience • Periodic vehicle maintenance checks training	• Failure to adhere to training • Mechanical failure of vehicle or trailer	**Tolerate**	**Treat**

	• In-house assessment for drivers using unfamiliar vehicles (crew transport, 4x4)			
4. Physical fitness of personnel to undertake arduous duty	• Staff briefing • Management overview to ensure rostered duties are appropriate and achievable • Reasonable work adjustments • Routine periodic medical assessment (ML5)	• Individual health fragilities • Individual lifestyle choice	**Tolerate**	**Tolerate**
5. Working at Height	• Staff briefing • Scoping of all quayside ladders • Risk Assessment • Training to be provided if required	• Failure of quayside ladders • Ownership of quayside ladders not clear.	**Tolerate**	**Treat**

*

Risk Rating
High
Medium
Low

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

Action Item 7

58th Eastern Inshore Fisheries and Conservation Authority meeting

Report by: Julian Gregory, CEO

Meeting of the Finance & HR Sub-committee held on 5 November 2024

Purpose of report
To inform members of the key outputs and decisions from the Finance & HR Sub-Committee meeting held on 5 November 2024.

Recommendations
Members are asked to:

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

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

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

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

Report
The Finance & HR sub-committee meets quarterly, and the last meeting was held on 5 November 2024. Unconfirmed minutes of the meeting can be found at Appendix A.

Appendices
Appendix A - Unconfirmed minutes of the Finance and HR sub-committee meeting held on the 5 November 2024.

Appendix A
Unconfirmed minutes of a meeting of the Finance & HR sub-committee held on 5 November 2024.

Vision

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

Finance & HR Sub-Committee

A meeting of the Finance & HR Sub-Committee took place at the EIFCA Offices, King's Lynn on 5th November 2024 at 1030 hours.

Members Present:

Cllr T FitzPatrick	Chair	Norfolk County Council
Cllr P Skinner	Vice Chair	Lincolnshire County Council
Cllr E Back		Suffolk County Council
Cllr M Chenery of Horsbrugh		Norfolk County Council
Cllr P Coupland		Lincolnshire County Council
Ms I Smith		MMO Appointee

Eastern IFCA Officers Present:

J Butler	Assistant Chief Officer (DD)
J Gregory	CEO

FHR24/26Welcome

The Chair welcomed members to the meeting.

FHR24/27 Apologies for absence

Apologies for absence were received from Cllrs Adam (NCC) and Vigo Di Gallidoro (SCC), Mr S Williamson (MMO Appointee) and Ms J Sams (Aston Shaw Accountants).

FHR24/28 Declarations of Members Interest.

No Declarations of Interest were received.

FHR24/29 Minutes of the Finance and Personnel Sub-committee meeting held on 6th August 2024

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

FHR24/30 Matters Arising

Members were advised of the current situation regarding the sale of *RV Three Counties*, including the Brokers changing their sales strategy and reducing the asking price. It was acknowledged form the outset that the maximum speed of the vessel may not meet the requirements of many prospective purchasers. It is anticipated that soe cost may be incurred in keeping the vessel coded and operational to improve saleability.

FHR24/31 Year End Accounts 2024 Update

The CEO advised Members there had been an Omission of Error when compiling the End of Year Accounts. The error related to the salary total, but the overall figures were not affected but two rows had been hidden in the spreadsheet which was copied into the report.

Members noted the error and acknowledged the resigning of the Annual Return 2024, by the Chair and CEO.

Members Agreed to Note the report.

FHR24/32 Quarter 2: Payments and Receipts

Members were provided with a breakdown of the payments and receipts during the last quarter. Ms Smith queried the increased expenditure under the RIB heading, which was due to the vessel having made contact with a fishing vessel whilst carrying out a boarding. It was noted part of the expense would be reclaimed through insurance.

Cllr Skinner questioned whether there had been any new information regarding the continuation of New Burden Funding. The CEO advised he was reasonably certain New Burden Funding would continue in some form, but he was less certain that the additional workstream funding would continue.

Cllr Chenery of Horsbrugh questioned the expense under 'Medicals' and was advised this was the cost of an ML5 medical.

Members Agreed to Note the contents of the paper.

FHR24/33 Quarter 2: Management Accounts

The Management Accounts gave a breakdown of expenditure compared to budget. It was noted the anticipated deficit of £100k was currently looking like it may be slightly less by the end of the year, however, there were two vacant posts that would contribute to this.

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The Vessel expenditure was slightly higher than anticipated, which was due to two new vessels coming into service, and inevitable teething problems.

It was explained to Members that should there be any surplus expense at the end of the financial year it would go into Reserve funds.

It was questioned what the impact might be of running with two vacant posts. As one of the posts was a Marine Science Officer, there was a possibility it could impact priority workstreams, the outstanding IFCO posts would prove challenging but was slightly easier to manage. However, it was emphasised that the Business Plan priorities would be prioritised, it just might be a little slower in completion.

Ms Smith questioned if this was the reason some reports related to the Cromer Shoal MCZ were late. The CEO advised one of the reports was due in December, a further report which was slightly delayed, but this would not have a negative impact as it would be completed in time to align with other interdependencies.

Members Agreed to note the content of the report.

FHR24/34` Provisional Budget 2025-26 and Budget Forecast to 2030

The CEO provided Members with a brief run through of the process undertaken to arrive at the budget figures. It was also noted there had been a meeting with representatives of the three County Council Directors of Finance who had advised they would be able to accept an overall uplift of 3% on levies and asset replacement funding.

There remained some unknowns to the budget, such as what the outcome of the Annual LGA pay negotiations would be next year and that no confirmation had been received on Defra workstream funding so an assumption of £140k was used in the Budget income figures. It was also assumed New Burden Funding would continue at the same rate.

Working through the Budget figures, it was noted no 'inflation contingency' was added in the figures for 2025/2026, the anticipated outturn in March 2026 was a deficit of £57,061.

Cllr Coupland questioned who would make the decision on New Burden Funding. The CEO advised his was down to decisions made by high level officers at Defra. Bids for funding were put together by AIFCA on behalf of all IFCAs.

It was noted that many IFCAs were in a worse financial situation than EIFCA. EIFCA were in the fortunate position of having Reserves, however, these would not last for long if they had to fill the projected shortfall in revenue budget in the five-year projection. The CEO advised that this issue had been raised at the meeting with the County Council Finance representatives. The CEO had set out that the approach was to actively seek central finding via AIFCA bids to Defra, to explore the potential for any efficiency savings, although as a very small organisation there was very little scope for this, and to consider seeking an uplift in

levies. Cllr Coupland felt the Officers should not be complacent in thinking the County Councils would pick up the bill.
Cllr Coupland requested his concern around Defra funding be minuted.

Members Resolved to:

- **Note the content of the report and that there may be relatively minor revisions to the budget and budget headings prior to consideration by the full Authority.**
- **Approve and recommend the Draft Budget 2025/26 to the full Authority at their next meeting on 11 December 2024**
- **Approve and recommend the Levies for 2025/26 to the full Authority at their next meeting on 11 December 2024**
- **Approve the Forecast for the following 4 years to 2029/30 for presentation to the full Authority at their next meeting on 11 December 2024**

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

FHR24/35 Resolution

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

a) **Items 12 & 13 on the grounds that it involved the likely disclosure of information which is likely to reveal the identity of an individual which is exempt information as defined in paragraph 2 of Schedule 12A of the Act; and**
b) **Item 11 on the grounds that it involves the disclosure of Information relating to the financial or business affairs of any particular person (including the authority holding that information) which is exempt information as defined in Paragraph 3 of Schedule 12A of the Act.**

Proposed: Chair
Seconded: Cllr Skinner
All Agreed

FHR24/36 Vessel Expenditure
Summary in accordance with Section 100(C)(2) of the Local Government Act 1972

Members were reminded of the process undergone to reach the point of three new vessels being brought into service during this financial year.

It was anticipated *FPV Protector IV* would prove more capable than its predecessor and would remain operational for circa 30 years. Its arrival had highlighted some snagging issues as well as operational challenges which were inevitable due to it being equipped with much more modern technology than the previous vessel.

The daughter vessel for *FPV Protector IV* had proved a challenge to design due to the weight restrictions but it was anticipated this would be delivered within the next few weeks. Unfortunately matters associated

with commercial coding had brought about additional restrictions and costs incurred in meeting those regulations.

The refit of *FPV Thunderstruck* had been completed, the vessel was currently based in Lowestoft and was intended to be used in the Wash and for overseeing the whelk fishery. Initially a £20k contingency had been allowed in the price of this vessel but additional costs had been encountered related to the new engine requirements, alterations to the mast and Work Boat 3 requirements, there also remained a need to upgrade the electronics to enable the vessel to effectively carry out enforcement work. These additions meant the excess expenditure would exceed the agreed £20k.

FPV Sebastian Terelinck had been in service for 9 of its projected 10 year working life with the Authority. The vessel remained very capable but in need of some refit work if she was going to continue in service. In terms of engine restrictions on a new vessel it was felt a refit of the vessel would be preferable to a new build at this point. It was anticipated technology would move on and there may be more engine options in the future.

ACO(DD) Butler had provided a breakdown of the additional/anticipated costs of the vessel issues. It was noted the additional costs could not be met through the Revenue Budget and would need to draw on reserves. Going forward it was anticipated vessel costs would decrease as the newer vessels should require less maintenance than *RV Three Counties* had.

Members were also advised that the CDEL for *FPV Thunderstruck* whilst agreed in a prior financial year had still not been forthcoming from Defra, although a confirmation letter had been received in that financial year. It was understood that the process to allocate was still ongoing.

Cllr Skinner queried what the lifespan of *FPV Sebastian Terelinck* would be if the vessel was to undergo a full refit. It was felt there was a possibility the vessel could last another 10 years, but there were no guarantees. If an engine was to fail then it was understood that it could only be replaced by with a Tier 3 engine, which would not fit in the vessel, or one identical to that currently in the boat, which may not be available. However the CEO felt is was a risk worth taking as it was a relatively modest cost to undergo a refit compared to a replacement vessel.

Members Resolved to:
Note the contents of the report
Agree the apportionment of the described costs associated with the delivery of FPV Protector IV, FPV Thunderstruck and C-Runner into service to 'asset replacement'
Agree the use of reserves for the refit of FPV Sebastian Terelinck
Agree to delegate decision making on increases in the estimates of expenditure set out in this paper to the CEO noting that the allocation of works and purchases would be in accordance with the

Financial Regulations set out in the Authority's Constitution and Standing Orders.
Proposed: Cllr Chenery of Horsbrugh
Seconded: Cllr Skinner
All Agreed.

FHR24/37 Structure Review Update

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

Members had previously been made aware of changes to the staffing structure which had been implemented for a trial period. The trial had run for 8 months with the changes proving to have had a positive impact. Following discussion with the Chair and Vice-Chair a decision had been made to make the changes permanent.

Part of the structure change had been the re-introduction of a third Executive Officer. Following the decision to make the revised structure permanent further work was carried out regarding the role allocation of the Executive Officer roles. It was decided that both posts below CEO should be renamed to Assistant Chief Officer with one be allocated the role of Designated Deputy in the absence of the CEO. Both roles were on the same salary band but the Designated Deputy role would attract an enhancement on the salary in recognition of the additional responsibility. Whilst reviewing these two positions it was also noted the CEO salary scale was too long, the decision was therefore made to reduce the scope of the band, with it starting further up the scale.

Following this work an amended salary scale was introduced to reflect the changes. The overall impact on the budget was a slight saving.

Members Agreed to note the content of the report.

HR24/38 HR Update

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

- During the previous quarter there had been no new starters. One IFCO had resigned as a result of an ongoing health condition.
- Three officers whose positions were part of the restructure all completed their probationary period.
- There remained two vacant positions, both of which were currently frozen.
- Sickness levels remained generally low
- No update had been received regarding the national pay award at the time of writing the report, it had however been received since then.
- Staff had all been asked to complete a HSE Stress survey – the outcome of which would be discussed following this meeting. Any significant issues would be reported at the next F&HR meeting.

Cllr Coupland questioned the arrangements regarding the leaver and the potential for any compensation claim. Members were advised an agreement had been signed at the point of leaving.

Members Agreed to note the content of the Report.

FHR24/39 Any Other Business

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

There being no other matters to discuss the meeting closed at 1153 hours, the Chair thanked members for attending.

Action Item 8

58th Eastern Inshore Fisheries and Conservation Authority meeting

11 December 2024

Report by: Julian Gregory, CEO and Joanne Sams, Aston Shaw Accountants

Provisional Budget for the period 1 April 2025 to 31 March 2026 and Forecast to 2029/30

Purpose of report
To present for consideration and approval the proposed Budget and Levies for the 2025/26 financial year along with the Forecast for the following 4 years to 2030. .

Recommendations
Members are asked to:

- **Note** the content of the report and the revisions to the budget made subsequent to the approval given by the Finance & HR sub-committee.
- **Approve** the Budget for 2025/26.
- **Approve** the Levies for 2025/26.
- **Approve** the Forecast for the following 4 years to 2029/30.

Background
It is a requirement of the Authority's Constitution and Standing Orders (Financial Regulations) that detailed estimates of income and expenditure on revenue services, and receipts and payments on capital account, shall be prepared as directed each year by the Responsible Finance Officer (RFO). Proposals in respect of revenue services and capital projects in a rolling five-year forecast shall also be prepared as directed each year by the RFO.

It is the responsibility of the Finance and HR Sub-Committee to review the estimates and make a recommendation to the Authority not later than the end of December in each year on the precept to be levied for the ensuing financial year. At its meeting of 5 November 2024 the estimates detailed below were approved by the sub-committee for recommendation to the full Authority at their next Statutory meeting.

Report
This is the second budget that has been prepared by the RFO and officers in conjunction with the Authority's outsourced accountant, whereas previously it would have been prepared by the Head of Finance & HR. The first year was described as being 'under development' and that it was likely that some amendments would be made prior to the final draft being put before the full Authority. In particular it was

intended to undertake a review of budget headings to address anomalies to provide clarity.

Changes in accounting methods and accounting software have continued to present challenges during the last year but work to rationalise budget headings has progressed and this is reflected in the estimates of expenditure.

It should be noted that the introduction of new vessels has impacted upon operating costs and whilst the new vessels have been in service for a short time, so there is some information available upon which to base cost projections, the vessels have not operated for a full year. This means that the estimations of expenditure are not as firm as they will be in future years.

Development of the Estimates of Expenditure for the financial year 2025/2026 was informed by the annual meeting between officers and the Finance Directors, or their nominated representatives, held on 7 October 2024. At this meeting it was agreed that a 3% inflationary uplift on the general levy and the previously agreed annual uplift of 3% on the contribution to asset replacement was considered acceptable by each of the three funding county councils. The 3% uplift on the general levy is the same as last year, which was slightly higher than the previously agreed annual uplift of 2%.

Given inflation rates experienced over the last 18 months this reflects a cut in real terms and action is likely to be required to address this, which was the subject of discussion during the meeting. The County Council finance representatives asked what the Authority's strategy was to address potential shortfalls in revenue budgets of circa £250k per annum identified in the 2024-25 to 2028-29 projections prepared last year. The CEO advised that there were three elements, the first being to work with AIFCA to secure additional funding from Defra under the current spending review to replace the £150k workstream based funding, which concludes this year. The second was to consider what efficiency savings might be possible, albeit that might be difficult in a small organisation without the economies of scale that exist in larger organisations, and the third was to consider, with county council colleagues, an uplift in levies.

Estimates of expenditure for this financial year (2024-25) against budget and income are summarised under the main budget headings in Table 1. It should be noted that projections are based in part upon Quarter 2 expenditure being doubled to reflect the year, careful analysis of each budget heading and officers informed estimates and a 3% inflationary uplift being applied where considered appropriate. The final column in Table 1 shows the 2025-26 draft budget for expenditure under the main budget headings and anticipated income.

More detailed anticipated expenditure for both 2024-25 and 2025-26 is shown in Table 2.

Changes subsequent to consideration by the Finance & HR sub-committee

It should be noted that subsequent to the draft budget being considered by the Finance & HR sub-committee the salary figures have been revised to take account of the increased employers National Insurance contributions announced by the Chancellor in the Autumn budget statement. This added £35,913 to the estimated salary budget and increased the overall projected budget shortfall from (£57,061) to (£93,480).

The projections for reserves have also been reviewed and updated to account for new vessel stage payments made this year costs

Assumptions

An amount described as Defra Base Funding (New Burdens Funding) has been included for 2025-26 and in the projections for subsequent years. Whilst future Government spending reviews might re-consider this funding it has long been argued by the IFCAs, and to date accepted by Defra, that the 'New Burdens' were a permanent addition of responsibility and that the funding should continue permanently.

The Defra funding of circa £150k per annum for specific work streams was for three years and the current year is the final year. A bid for continuation, with some variations, of this funding has been submitted to Defra under the current government spending review by the Association of IFCAs and officers have been advised that the Authority may get £140k in 2025-26, but this has still to be formally confirmed. This is included in the estimates for 2025-26 but not in the projections for the subsequent four years.

Whilst difficult to predict what local authority cost of living pay awards will be, an uplift of 3% in salary is assumed in the estimates for 2025-26, which aligns with the approach being taken by the three funding authorities.

Table 1.

Estimates of Expenditure 2024-2025 and Draft Budget 2025-26			
EXPENDITURE	**2024/2025 Budget £**	**2024/2025 Projection £**	**2025/2026 Draft Budget £**
Salaries & Wages	1,356,370	1,299,773	**1,396,433**
General Expenditure	288,291	303,412	308,953
Departmental Op Costs	40,500	41,250	21,857
Vessels	140,500	173,290	159,535
Vehicles	45,840	43,440	43,918
Contingency	40,000	0	0
TOTAL	**1,911,501**	**1,861,165**	**1,930,696**
INCOME			
Other income	112,000	137,000	112,506
Levies	1,156,380	1,156,380	1,191,071
Defra core funding	394,145	394,145	394,145
Defra workstream funding	150,000	140,000	140,000
TOTAL	**1,812,525**	**1,827,525**	**1,837,722**
SURPLUS / (SHORTFALL)	**(98,976)**	**(33,640)**	**(92,973)**

Levies

As agreed with the County Councils' finance representatives, levies have been increased by 3% for 2025/26. The Levies on the constituent County Councils including the 3% increase and asset replacement funding for 2025/2026 are as follows:

	Norfolk County Council 38.5%	Suffolk County Council 28.9%	Lincolnshire County Council 32.6%
	£	£	£
County Council Levies	458,561	344,220	388,291
Defra Funding (base)	151,999	114,420	127,726
Asset replacement	68,956	51,763	58,390
Total Levy	**679,517**	**510,402**	**574,407**

It should be noted that the asset replacement element of levies is not shown as 'in-year' income in Table 1as this is, in theory at least, directly ascribed to earmarked reserves.

Notes on Expenditure and other income

Members may find the notes below helpful in relation to tables 1 and 2. The figures in the 2024-25 projection reflect the anticipated an under or (over) spend and the figures under the 2025-26 draft budget reflect the increase or (decrease) in comparison with this year's budget.

Salaries & Wages	
2024/2025 projection £56,597	2025/26 Draft Budget £ 40,063
Likely underspend due to vacancies being maintained pending outcome of Government spending review and budget.	All posts filled and accounted for with an estimated 3% cost of living pay rise. Includes provision for approved revisions to the Executive salary structure and the increase in employers NI contributions announced in the autumn budget.

General Expenditure	
2024/2025 Projection (£15,121)	2025/2026 Draft Budget £20,662
Higher expenditure than projected in insurance, legal and professional fees, postage and stationery. Offset by lower than anticipated expenditure in other areas. IT appears to show an underspend but likely due to software subscriptions being moved to 'Subscriptions' but still included in IT budget projection.	3% inflationary increase applied to some budget headings. Change to Subscriptions to separate from Advertising and to include annual subscriptions apart from IT.

Departmental Operational Costs	
2024/2025 Projection (£750)	2025/2026 Draft Budget (£18,643)
Likely underspend in real terms in Marine Science due to some items being covered by specific funding streams.	Some items such as Clue, Skyguard and MCSS payments moved to subscriptions. Reduction in marine Science budget based on this year's projection.

Vessels	
2024/2025 Projection (£32,790)	2025/2026 Draft Budget £19,035
Increased costs associated with introduction of new vessels combined with unanticipated expenditure for maintenance and repairs. May be further negative impact due to ongoing maintenance of *RV Three Counties* due to the vessel not yet being disposed of.	Introduction of two new vessels means increases in fuel, maintenance and insurances increase partially offset by refit savings following disposal of RV *Three Counties*

Vehicles	
2024/2025 Projection £2,400	2025/2026 Draft Budget (£1,922)
Appears likely to be within budget	Reflects inflationary costs

Income	
2024/2025 Projection £15,00	2025/2026 Draft Budget £16,718
WFO fees not realised due to expiry of the regulating order and delayed implementation of the new byelaw. This is offset by income generated for specific projects.	Inclusion of permit fees associated with the new Wash Cockle and Mussel Byelaw 2021.

Inflation Contingency

An inflation contingency of £40,000 was included in the 2023/24 and 2024/25 budgets and £20,000 in the 2026/27 estimates provided last year. With inflation rates now lower this contingency has not been included in the 2025/26 budget and has been removed from estimates.

Table 2.

Estimates of Expenditure 2024-2025 and Proposed Budget 2025-26

		2024/2025 Budget	2024/2025 Projection	2025/2026 Draft Budget
STAFF COSTS				
Salaries		1,027,156	983,868	1,029,040
Pension		231,557	222,514	231,876
Employers NI		97,657	93,392	135,517
	TOTAL	**1,356,370**	**1,299,773**	**1,396,433**
GENERAL EXPENDITURE				
Accommodation				
Rent		45,524	38,446	38,745
Rates		16,794	16,687	17,188
Electricity		10,500	8,442	10,552
Water		824	703	724
Service charges - office		4,120	5,888	6,065
Cleaning		1,030	2,824	3,000
Maintenance & redecoration		7,725	9,442	5,500
Insurance unit A		1,288	350	361
Insurance office & General		10,886	19,418	20,001
	TOTAL	**98,691**	**102,200**	**102,135**
General Establishment				
Subscriptions		23,000	30,000	46,092
Recruitment		1,000	1,000	1,000
Legal & Professional fees		37,000	46,120	47,504
Telephones		16,000	8,460	12,000
Postage & Stationery		8,700	11,705	8,700
IT Support		37,800	27,706	36,874
Uniforms & Protective Clothing		8,400	12,310	8,652
Medical costs		1,200	1,200	1,236
Sundry costs (inc. meeting costs)		5,000	4,500	4,605
	TOTAL	**138,100**	**143,001**	**166,663**
Officers Travel & Subsistence				
General Travel - Fares, Taxis, Mileage		5,000	2,940	3,307
Subsistence Payments		3,000	5,272	5,430
Overnight Subsistence		2,000	1,863	1,919
Hotel – Accommodation & Meals		5,000	12,136	8,000
	TOTAL	**15,000**	**22,211**	**18,656**
Members expenses		1,500	1,000	1,500
Training		35,000	35,000	20,000
TOTAL GENERAL EXPENDITURE		**288,291**	**303,412**	**308,953**

Operational costs				
Media & Adverts		1,000	1,000	1,600
Marine Science		18,000	18,000	10,000
Marine Protection		21,500	22,000	10,007
Wash Fisheries/ lays		0	250	250
	TOTAL	**40,500**	**41,250**	**21,857**
Mooring & Harbour Dues				
Rent - Sutton Bridge Moorings		0	0	0
Maintenance		500	500	500
Berthing & Harbour Dues		6,000	7,900	9,000
	TOTAL	**6,500**	**8,400**	**9,500**
Research / Enforcement Vessels				
Three Counties / Protector IV / Thunderstruck				
Maintenance & Repairs		10,000	25,390	22,145
Refit		12,000	10,000	10,000
Insurance & Certification (all Vessels)		42,000	47,000	48,410
Fuel (all vessels)		40,000	50,000	51,500
	TOTAL	**104,000**	**132,390**	**132,055**
RIBS - Sebastian Terelinck / Seaspray / C-Runner				
Maintenance & Repairs	**TOTAL**	30,000	32,500	**17,980**
VESSELS TOTAL	**TOTAL**	**140,500**	**173,290**	**159,535**
Vehicles				
Insurance & Road Fund Tax		16,000	13,699	13,699
Fuel & Sundries		23,000	23,000	23,000
Repairs & Servicing		4,500	4,500	4,500
Vehicle tracking		2,340	2,719	2,719
TOTAL VEHICLES		**45,840**	**43,440**	**43,918**
Contingency		40,000	0	0
EXPENDITURE TOTAL		**1,911,501**	**1,861,165**	**1,930,696**

Reserves

Expenditure on new vessels has reduced the levels of reserves but this is partly offset by funding from Defra for *FPV Thunderstruck* which although approved in principle has not yet been paid but shows in accounts as an accrual. Overall reserves are healthy but with unanticipated costs for repair and maintenance of vessels and potential shortfalls in revenue budgets projected they may reduce over time. In theory the annual asset replacement contributions from the three funding Authorities should help but revenue budget shortfalls are having a negative impact in this regard. The amounts held in EIFCA's ear-marked reserves are based upon the figures shown in the 2024-year end accounts.

	£
IT Fund	10,000
FAP Fund	22,500
Legal and Enforcement Fund	75,000
Office Improvement Fund	10,000
Operational Fund*	250,000
Science Fund	62,251
Vehicle Renewals	60,000
Vessel Replacement Fund	1,287,553
Wash Fishery Order Fund	85,429
Environmental Grants	18,292
TOTAL	**1,881,025**
IVMS National Fund - held for national projects on behalf of all IFCAs so not available to Eastern IFCA.	221,000

* Includes £150k to cover liability to Lincolnshire CC for Sutton Bridge moorings.

Forecast to March 2030

The inflationary uplift in levies for 2025-26 is 3% on the previous year. Prior to this the agreement with funding authorities was for a 2% annual inflationary uplift and reversion to this agreement is assumed for the purposes of the projections. Similarly, 2% inflation on all expenditure is assumed. The asset replacement element of the levies assumes the previously agreed 3% uplifts annually and is shown as added to reserves in the forecast for reserves.

Forecast income and expenditure to March 22023

	2025/26	**2026/27**	**2027/28**	**2028/29**	**2029/30**
Income	£	£	£	£	£
Levies	1,191,071	1,214,893	1,239,191	1,263,974	1,289,254
Defra Funding	394,145	394,145	394,145	394,145	394,145
Defra Workstream	140,000	0	0	0	0
Other	112,506	112,000	112,000	112,000	112,000
Total Income	**1,837,722**	**1,721,038**	**1,745,336**	**1,770,119**	**1,795,399**
Expenditure					
Staff cost	1,396,433	1,424,361	1,452,849	1,481,906	1,511,544
General Expenditure	308,953	315,132	321,435	327,863	334,421
Operations	21,857	22,294	22,740	23,195	23,659
Vessels	159,535	162,726	165,980	169,300	172,686
Vehicles	43,918	44,796	45,692	46,606	47,538
Total	**1,930,696**	**1,969,310**	**2,008,696**	**2,048,870**	**2,089,847**
Surplus/(Shortfall)	**(92,973)**	**(248,272)**	**(263,360)**	**(278,750)**	**(294,448)**

Forecast movement in reserves to March 2030

	2024/25	**2025/26**	**2026/27**	**2027/28**	**2028/29**	**2029/30**
	£	£	£	£	£	£
Opening	1,881,025	1,425,748	1,471,883	1,368,093	1,254,749	1,131,716
Revenue	0	0	0	0	0	0
Asset rep	173,892	179,109	184,482	190,016	195,717	201,588
Utilised	(595,529)	(40,000)	(40,000)	(40,000)	(40,000)	(40,000)
Profit/(Loss) after asset costs	(33,640)	(92,973)	(248,272)	(263,360)	(278,750)	(294,448)
Balance	**1,425,748**	**1,471,883**	**1,368,093**	**1,254,749**	**1,131,716**	**998,856**

The forecast for reserves is an illustrative estimate as opposed to being a firm projection and is intended only to indicate the likely status of reserves over the next five years. They vary from those provided last year because they are based upon the actual outturn for 2023-24 and the projected outturn for 2024-25. Notably, stage payments for FPV *Protector IV* anticipated during 2023-24 were not invoiced until 2024-25 due to delays in completion of the build.

Estimated expenditure from reserves includes the following:

- 2024/2025 'utilised' includes the following:
    - Payment of £150k to Lincolnshire County Council that relates to a contribution to a project to develop the moorings in Sutton Bridge. It is

noteworthy that this liability has existed for years, and payment has been delayed by various factors that fall outside the Authority's control. Officers are seeking to resolve the matter before the end of the current financial year.

- Final stage payments for new vessels (*Protector IV, Thunderstruck and C-Runner*) and associated costs for bringing them into service approved by the Finance & HR sub-committee. A refit for *FPV Sebastian Terelinck* to extend her working life is also included. In summary the respective amounts included are:
  - *FPV Protector IV* - £273,595
  - *FPV Thunderstruck* - £69,594
  - *C-Runner* - £12,340
  - *FPV Sebastian Terelinck* refit - £50,000

- 2024 to 2030 'utilised' includes £40k per year on vehicle replacement (likely to vary each year and to be an over-estimate overall i.e. for the five-year period).
- The Profit/(Loss) row reflects the use of reserves to address the projected insufficiency of the revenue budgets.

The projection does not include revenue from the projected sale of *RV Three Counties* or vehicles.

Background documents

Papers and minutes from the meeting of the Finance & HR sub-committee held on 5 November 2024.

Eastern IFCA Constitution and Standing Orders

Action Item 9

58th Eastern Inshore Fisheries and Conservation Authority Meeting

11 December 2024

Cromer Shoal Chalk Beds Byelaw 2023 Phase 1 permit conditions

Report by: Luke Godwin (ACO) & Emily Parsons (Marine Science Officer)

Purpose of Report
To update Members on the latest rugged chalk extent within the Cromer Shoal Chalk Beds Marine Conservation Zone informed by Eastern IFCA's 2024 Rugged Chalk Review and present the proposed rugged chalk management area for the agreed winter closure.

Recommendations
It is recommended that members:

- **Note** the contents of the report and the 2024 Rugged Chalk Review, including the proposed rugged chalk area and the evidence used to inform it, noting the characterisation of different types of rugged chalk habitat present within the Cromer Shoal Chalk Beds Marine Conservation Zone.
- **Agree** to the proposed rugged chalk management area for the agreed Cromer Shoal Chalk Beds Potting Byelaw winter closure permit condition set out at Appendix 1.

Background
Adaptive Risk Management

Eastern IFCA has adopted an Adaptive Risk Management approach (ARM) to the management of the potting activities in the Cromer Shoal Chalk Beds Marine Conservation Zone (hereafter, 'the MCZ'), following Natural England advice in 2020 that this approach was suitable.

Adaptive management is considered as 'learning by doing' then adapting based on that learning (JNCC, 2019[6]) and can provide a framework for managing ecosystems where there are multiple sources of uncertainty (Williams and Brown, 2018[7]). ARM requires the implementation of management proportionate to the risk identified, and adequately precautionary, followed by a process of evaluation and refinement of that

[6] NCC, NE, Bangor University, MMO and NFFO, 2019. Review of the current context of Adaptive Risk Management. Available at: <https://data.jncc.gov.uk/data/80152204-c084-4b5c-8516-c5cde4a63318/Currentcontext-of-Adaptive-Risk-Management-review-V1.0.pdf> [accessed 28th March 2023].

[7] Williams, B. K. & Brown, E. D., (2018). Double-Loop Learning in Adaptive Management: The Need, the Challenge, and the Opportunity. Environ Manag, p1-12

management. Its purpose is to provide a flexible approach to managing activities whilst gaining a better understanding of the subject through monitoring and research.

In April 2022, Eastern IFCA submitted to Natural England an updated assessment of the impact of the potting fishery on the MCZ. The assessment concluded that pressures associated with potting activity exerted on MCZ rugged chalk features are not likely to have reached a point where they could be hindering site conservation objectives at the current time, but that over time repeated potting interactions could lead to cumulative impacts, potentially increasing the risk to designated features. ARM was proposed as mitigation and, subsequently, an ARM plan[8] was developed, setting out how ARM would be applied to manage the fishery in line with the site's conservation objectives. As part of this process a Research & Development Task and Finish Group (TFG) was formed with the overall aim of identifying uncertainties and developing research to address them. One of the workstreams identified was the mapping of sensitive habitats.

Mapping sensitive habitats

The MCZ is designated for a number of habitat types including in relation to chalk. However, the feature most sensitive to pot-based fishing activity is the 'rugged chalk' (i.e. complex outcropping chalk features with higher structural and biological diversity compared to surrounding areas). This feature is not consistent throughout the whole of the MCZ and so identifying where it occurs is critical to effectively managing fishing activity in the MCZ.

An initial review of available habitat data was completed in 2020, and a precautionary rugged chalk area was identified. Surveys were completed to address evidence gaps, and the area of rugged chalk was refined and this updated extent was published in 2022. Further survey work was completed in 2022 and 2023 by Eastern IFCA and new evidence from other organisations also became available to further refine the rugged chalk area. Consequently, in November 2024, Eastern IFCA completed a second review of the rugged chalk area using all available evidence. This review is provided in Appendix 2.

Need for a management area

The Cromer Shoal Chalk Bed Byelaw 2023 was made by the Authority on the 8th of March 2023 at the 51st Eastern IFCA Meeting. The byelaw is primarily intended to enable the implementation of flexible permit conditions and other flexible management measures a required and informed by ARM. On the 11th of September 2024 at the 57th Eastern IFCA Meeting, members agreed the first suite of Byelaw Permit conditions to be implemented under the byelaw when it comes into effect, including:

- A winter closure that prohibits potting activity within the 'rugged chalk area' during winter
- An inshore vessel restriction, which would prohibit fishing within 3nm of the shore (within the MCZ) except from 'beach-launched' vessels

It was agreed that the 'rugged chalk management area' for the winter closure would be considered at the 58th Eastern IFCA Meeting following the 2024 rugged chalk

[8] Available at: https://www.eastern-ifca.gov.uk/wp-content/uploads/2024/08/2024_CSCB_MCZ_ARM_Plan_FINAL.pdf

review which would refine the area further by incorporating the newly obtained data outlined above.

There is considerable stakeholder interest in Eastern IFCA's management of the potting fishery in the MCZ, from commercial fisheries and from conservation interests. Eastern IFCA is committed to developing appropriate management that meets conservation requirements whilst minimising impacts on fishing operations as far as is possible.

This work aligns with Eastern IFCA's high priority "to ensure that the conservation objectives of Marine Protected Areas in the district are furthered", as required in section 154 of the Marine & Coastal Access Act 2009.

Report

Summary of 2024 rugged chalk review

The 2024 rugged chalk review (Appendix 1 refers) built upon the results from the previous review completed in 2022. The review incorporates all existing and additional data sources to further inform the identification of rugged chalk areas within the MCZ. In particular, Eastern IFCA ROV footage from 2022 and 2023 and side scan data targeted and addressed data gaps, particularly for areas further offshore and east of Cromer.

The review broadly corresponded with previous evidence identifying that rugged chalk is present in broadly the same areas as identified within the 2022 review. However, the review also identified a distinction in chalk types characterising different areas within the MCZ. These have been defined below:

Type 1 rugged chalk:

- Features are elevated high from the seabed
- Features are structurally complex with many gullies and overhangs
- Rugged chalk is very frequent
- Chalk is the predominant seabed type in the area
- Rugged chalk features are dominated by epifaunal species

Type 2 rugged chalk:

- Features are generally low-lying
- Features are less structurally complex, often appearing as "plateaus" of chalk which are mostly flat on top
- Rugged chalk appears at a low frequency
- The seabed is very mixed and could be defined as a "mosaic" of more than one substrate type
- Epifaunal species are not as common on the rugged chalk, and instead features are often covered in a layer of sediment

The evaluation of all available evidence concludes, with a high degree of confidence, that the areas very close to the shore are comprised of type 1 rugged chalk, with the exception of a small patch of chalk off Sidestrand. In particular, the area between Weybourne and Cromer very close to the shore is where most type 1 rugged chalk is found, and that the rugged chalk here is more rugged than that found in other areas. The review was also able to confirm the presence of similar type 1 rugged chalk very

close to the shore off Trimingham. The review also identified that the areas further offshore, while still containing some complex rugged chalk, are comprised of type 2 rugged chalk (a chart of these areas and examples of the rugged chalk types are available in Appendix 1, pg. 15, Figure 4; pg. 19, Table 5).

Consideration of risk to the conservation objectives of the MCZ

The review includes a risk assessment of potting activity with respect to each type of rugged chalk (available in Appendix 1, pg. 46, Figure 14; pg. 47, Table 17 and pg. 49, Table 18). In summary, potting activity is considered to pose a high risk to type 1 rugged chalk because of the frequency and complexity of the chalk. Within type 2 areas, rugged chalk is observed less frequently and interspersed with other seabed types and therefore, potting activities are less likely to interact with chalk features. Type 2 rugged chalk is also generally lower lying, and the higher raised chalk features found are typically flat on top, decreasing the likelihood of ropes interacting with the feature, noting that rope cutting is considered to be of particularly high severity.

Having considered the risk to each chalk type, it is concluded that winter closures over Type 1 chalk areas is proportionate to the risk identified and adequately precautionary given the uncertainty regarding the long-term impacts of potting damage to the rugged chalk. However, closure of Type 2 areas during winter is not considered to be proportionate given the lesser risk associated with these areas. There is a significant drop in activity levels in winter months and given the lower risk to Type 2 rugged chalk, winter closures would be disproportionately precautionary. In coming to this conclusion, it is important to note that in accordance with an ARM approach, further evidence (particularly that provided by the Natural Disturbance Study) will ultimately have a bearing on the risk associated with potting on Type 2 rugged chalk which would be reviewed in accordance with the ARM Plan (i.e. permit conditions reviews).

Proposed rugged chalk management area to be closed under the 'winter closure' permit condition

The proposed closure is at Appendix 2 and covers a total area of 1456 hectares and will be in place during January and February. This is a reduction of ~45% from the closure that was previously proposed (3238 hectares). The closure includes a 40m buffer in accordance with Natural England advice to prevent inadvertent incursion into the area. A chart showing the proposed management area and Type 1 rugged chalk areas in Appendix 3.

Peat and Clay Exposures

Peat and clay is a feature of the MCZ and advice was received from Natural England[9] that this feature should be managed in the same way as rugged chalk as there is currently very little evidence of its sensitivity to potting.

To improve the evidence base for peat and clay exposures, 2023 ROV surveys also targeted areas where evidence suggested that peat and clay were present. ROV footage and multibeam data (EA, 2017 and 2021) identified two areas of peat and clay within the CSCB MCZ (Appendix 2; pg. 28, Table 2). One area close to the shore, roughly between Sidestrand and Trimingham, and the second area offshore in the north-westerly corner of the MCZ. ROV video footage observed only clay exposures within the site and with clay exposures typically existing in two forms: flat with a sediment veneer or as exposed features, typically very low lying above the surface of the seabed and characterised by an uneven surface with a high frequency of piddocks.

[9] Advice received January 2023

Closure of peat and clay areas was not included within the consultation on the Phase 1 permit conditions and is yet to be fully assessed with regards to impacts form potting activity.
Now that up-to-date evidence of the structure and extent of peat and clay exposures within the site is available it is considered appropriate to review the sensitivity of the feature to determine if managing the feature in the same way as rugged chalk is appropriate before defining a management area and that this could be included in Phase 2 permit conditions as necessary (to be consulted on in the New Year).

Financial Implications
The recommended decision to agree the rugged chalk area for the winter closure does not carry financial implications on the Authority and the financial implications with respect to fishery stakeholders is described in the Impact Assessment for the proposed permit conditions.

It should be noted however that ARM generally has a cost burden to the Authority, some of which is absorbed within existing budgets but some of which requires successfully securing additional external funding.

Legal Implications
Failure to successfully deliver Adaptive Risk Management of the Potting fishery in the Marine Conservation Zone would mean the Authority is unlikely to be able to demonstrate meeting its duties set out in the Marine and Coastal Access Act 2009 unless the alternative precautionary approach is taken to managing the fishery.

There is an inherent risk of legal challenge with respect to fisheries management decisions generally and with regards to management of the MCZ, the potential for such is increased as a consequence of heightened strength of feeling from stakeholders. It is suggested that the permit conditions are reasonable, well justified, and their development followed due process including steps set out in the Cromer Shoal Chalk Bed Byelaw 2023, all of which mitigates associated legal risks.

Appendices
1. 2024 Rugged chalk review – available online at: https://www.eastern-ifca.gov.uk/wp-content/uploads/2024/11/2024_12_11_Item_9_APPENDIX_1_Rugged_chalk_extent_review.pdf

2. Recommended management area for a winter closure
3. Recommended management are for winter closure – showing type 1 rugged chalk areas

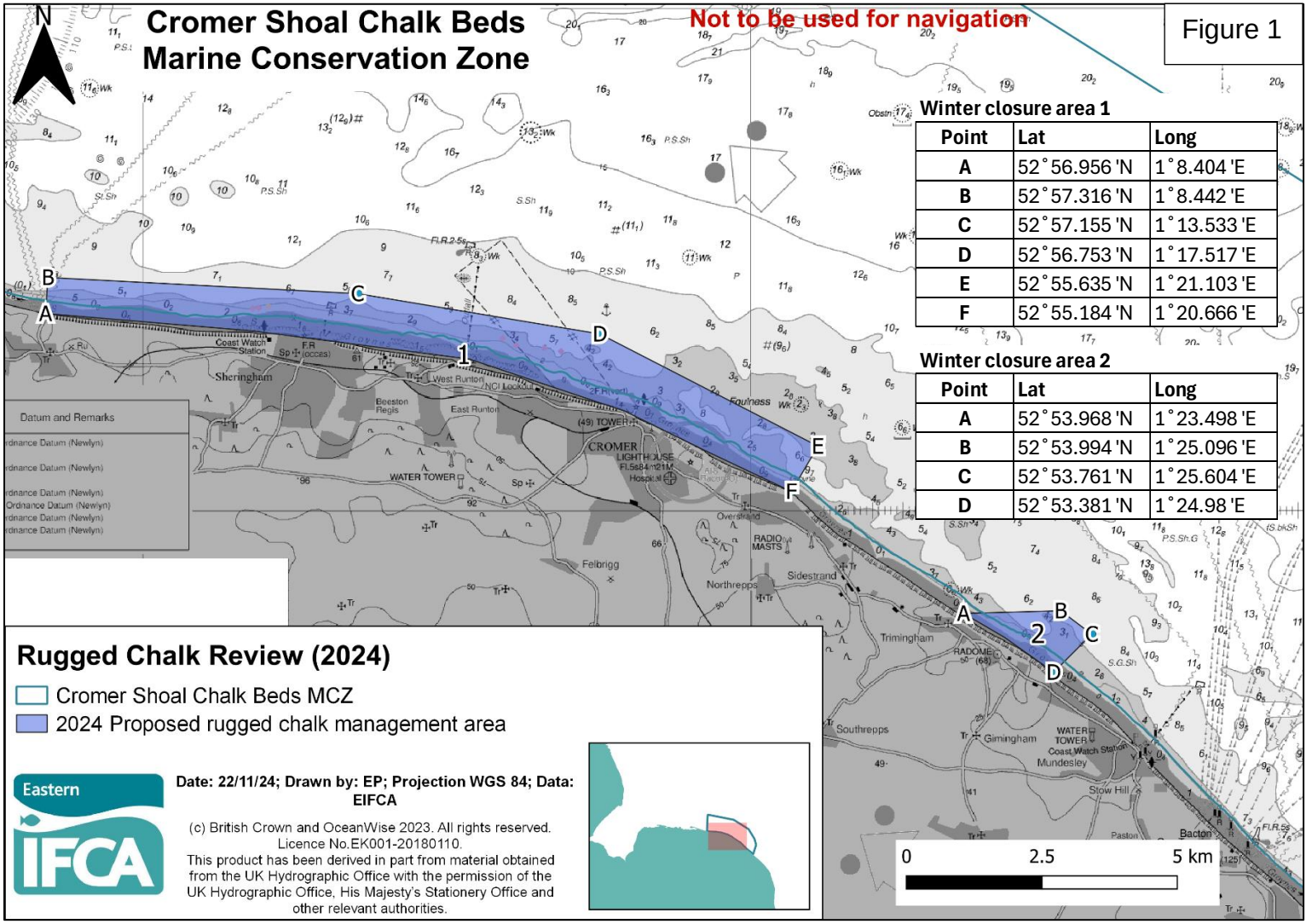
Background Documents
Papers and minutes for Action Item 8 of the 57th Eastern IFCA Meeting held on 11 September 2024

Appendix 1

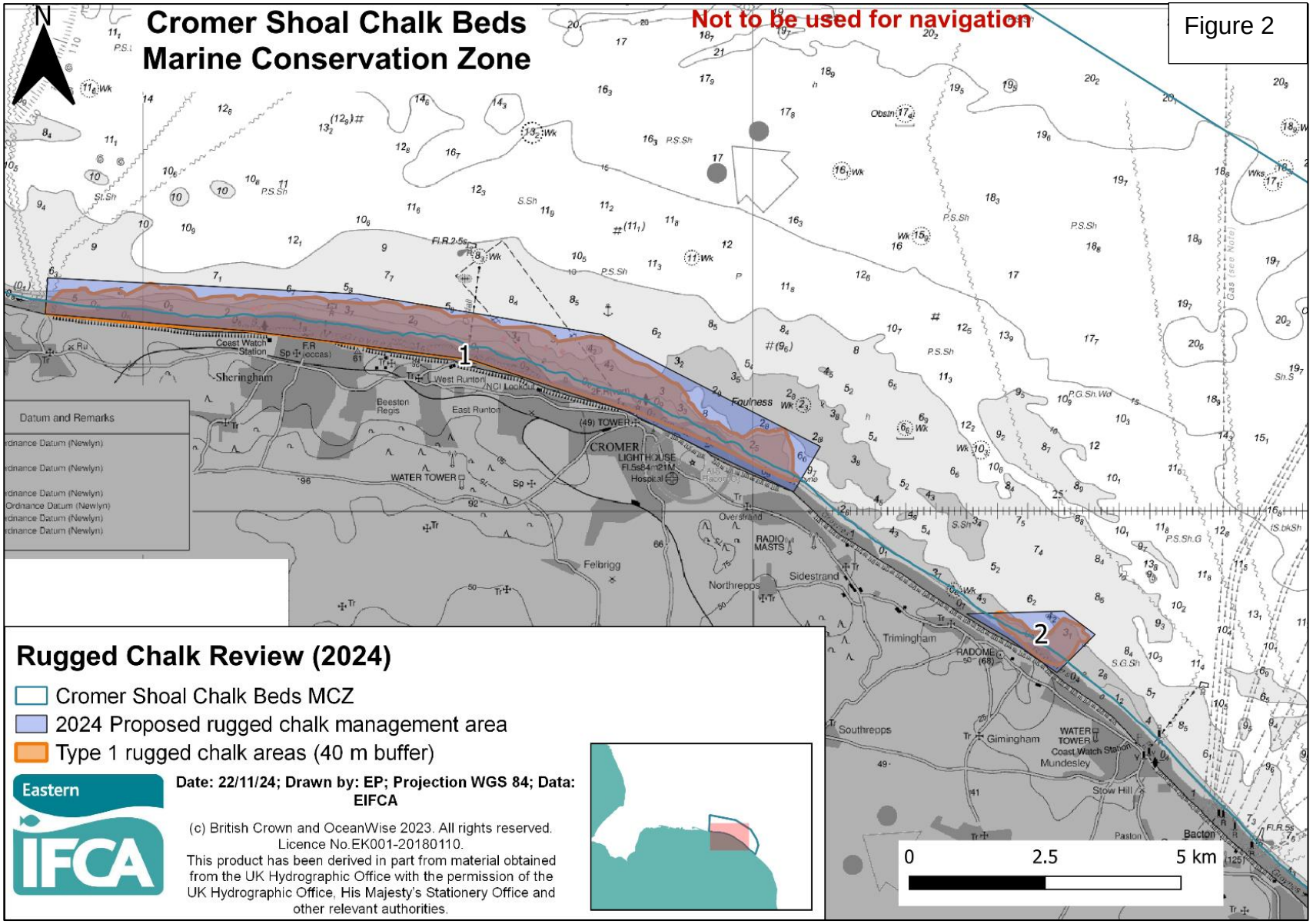
2024 Rugged Chalk Review

Available online at https://www.eastern-ifca.gov.uk/wp-content/uploads/2024/11/2024_12_11_Item_9_APPENDIX_1_Rugged_chalk_extent_review.pdf

Appendix 2 - Recommended area for winter closure



Appendix 3 - Recommended management are for winter closure – showing type 1 rugged chalk areas



Action Item 10

58th Eastern Inshore Fisheries and Conservation Authority Meeting

11 December 2024

Wash Mussel Survey and Fisheries

Report by: Luke Godwin (ACO)

Purpose of Report
The purpose of this report is to present to members the findings of the 2024 intertidal mussel surveys and seek appropriate delegated authority to potentially open and manage mussel fisheries prior to the next Authority meeting.

Recommendations
It is recommended that members:

- **Note** the outputs from the 2024 intertidal mussel surveys.
- **Note** the recommended approach for considering and managing harvestable and re-laying mussel fisheries in The Wash including seeking the views of fishery stakeholders and undertaking the required Habitat Regulation Assessment.
- **Agree** to maintain the Welland Wall mussel fishery as open under existing management measures.
- **Agree** in principle to open a harvestable and relaying fishery in The Wash subject to consideration of the views of stakeholders and a Habitat Regulation Assessment.
- **Agree** to delegate authority to the CEO, in consultation with the Chair or Vice-Chair, to do the following subject to consultation with stakeholders and receiving favourable conservation advice from Natural England under either the Wash Interim measures or the Wash Cockle and Mussel Byelaw 2021:
    - Open a harvestable and / or re-laying mussel fishery and set appropriate Total Allowable Catches for the fisheries and individual mussel beds.
    - Introduce, vary or revoke management measures, including with no less than 12 hours' notice as may be required, relating to mussel fisheries including technical measures, open / closed areas and operating times.
    - Close the harvestable and / or re-laying mussel fishery to avoid exceeding the Total Allowable Catch, to enable a mussel survey to be undertaken or for the protection of the Wash Marine Protected Areas, fisheries sustainability or industry viability.

Background

Until it expired in January 2023, the Authority managed mussel fisheries within The Wash under the Wash Fishery Order 1992 (WFO). The Authority is seeking to replace the expired fishery order with the Wash Cockle and Mussel Byelaw 2021 but until its introduction, the fisheries are being managed under 'interim measures' using Byelaw 8, Temporary Closure of Shellfish Fisheries, in accordance with the delegated authority provided to the CEO at the 50th Eastern IFCA Meeting.

Development of mussel fishery management measures is guided by the 2008 management policies[10] and informed through consultation with stakeholders and a Habitats Regulation Assessment to ensure that any such fishery is sustainable and operates within environmental parameters.

Intertidal mussel stock surveys are undertaken annually during autumn to determine if a fishery can be opened and to identify what management measures are required. Since 2010, high mortalities combined with poor recruitment have contributed to an overall decline in the inter-tidal mussel beds. This has left the majority of the older beds in poor condition, in which the mussels are heavily encrusted in barnacles and the ground covered in dead shell. In recent years, however, a small number of new beds have settled which have helped the total stock biomass to hover around the Conservation Objective target of 12,000 tonnes and small relaying fisheries to be opened.

The Welland Wall mussel fishery is considered discrete from the other inter-tidal beds, and the relative stability of the mussel stocks, supported by its rocky substate, generally enable it to remain open to a small-scale, hand-worked fishery. The majority of mussel removed is relayed onto lays within The Wash or the adjacent North Norfolk Coast

Report

Summary of the 2024 Intertidal Mussel Stock Survey

The mussel surveys were undertaken between 16 September and 21 October 2024 and 18 mussel beds were surveyed, including Welland Wall. Surveys on four beds were not undertaken, two as a consequence of poor weather precluding completion of the surveys (Herring Hill and West Mare Tail) and two having been removed from the survey programme due to their small stock size and general deterioration.

The survey found that the overall biomass on some of the beds had deteriorated since 2023, but good survival and growth on other beds more than compensated for these losses, resulting in an increase in total mussel biomass from 20,597 tonnes to 23,410 tonnes. This represents the highest recorded stock biomass since 1945.

The survey report is at Appendix 1.

[10] Fisheries Management Policies 2008

Potential for a harvestable mussel fishery

Harvestable mussel fisheries refer to the exploitation of adult (45mm and over) mussels which are typically sold directly to market after depuration or re-laying (in accordance with shellfish health standards set out in food safety legislation[11]).

Adult mussel stocks in The Wash have not been sufficient to enable a harvestable mussel fishery for a significant amount of time and this is considered to be primarily as a consequence of die-off in the fishery which has affected 2-3 year old mussels. The reasons for the improvement of the stock biomass are not known however, it appears to be result of higher survival of the previously affected 2-3 year old mussels and successful settlement of mussel spawn on new and existing beds.

In accordance with the management policies, the adult stock would support a maximum Total Allowable Catch of 2,682 tonnes (including the 10% allowance for hand-worked mussels) and if fully exploited, the adult biomass would still remain above the conservation target threshold of 7,000 tonnes.

Potential for a re-laying mussel fishery

Re-laying mussel fisheries refer to the exploitation of undersize (less than 45mm) mussels which are placed onto private aquaculture areas for cultivation before being sold.

Mussel stocks have been sufficient to enable several small-scale re-laying fisheries, including during 2024, however the uptake of these fisheries has been very low and none of the fisheries since 2018 have exploited the full TAC.

In accordance with the management policies, the juvenile stocks are sufficient to enable a re-laying fishery with a maximum TAC of 2,468 tonnes (including the 10% allowance for hand-worked fisheries). There is no conservation target threshold for juvenile stocks however, if fully exploited, the total stock biomass would remain above the conservation target threshold for the total stock of 12,000 tonnes.

Fisheries management considerations – Welland Wall

The cracks and crevices between the rocks of the man-made Welland Bank training wall provide shelter for mussel seed to settle and protection for juveniles. This protection, and the fact that the rocks cannot be dredged mean overfishing is unlikely to occur. Differences in habitat mean the mussels growing on the Welland Wall are considered to be discrete and independent to those on the inter-tidal beds and, as such, are managed separately and typically remains open throughout the year.

The 2024 survey found that while the mussel biomass on the wall had decreased from the previous year (following a decrease in 2023), the mussels on the Welland Wall do not contribute towards the Conservation Objective targets so are not constrained by them. Because there is a very low risk of overfishing occurring, it is recommended that the Welland Wall mussel fishery remains open.

[11] Shellfish classification | Food Standards Agency

Fisheries management consideration – intertidal Wash harvestable and re-laying fisheries

Given that mussel stocks in The Wash have reached the thresholds to enable fisheries to be opened, management options are currently being considered for both fisheries. To that end, stakeholder views are being sought via a consultation that closes on 14 December 2024, and a Habitat regulation Assessment. Management measures for mussel fisheries are well established and are likely to follow those adopted in recent years. It is noteworthy that whilst no harvestable fishery has been opened for a significant amount of time, the management measures will broadly follow those associated with the relaying mussel fishery.

Key areas for consideration for both fisheries are summarised below.

Opening one or both fisheries and TACs

In recent years, many Wash stakeholders have been of the view that mussel fisheries should not be opened at all, primarily out of concern that removal of mussel stock potentially reduces the food available to over-wintering bird species (designated under the Wash MPAs) with potential implications of the cockle fishery.

Based on current bird counts (which may change by the time the cockle fishery is considered), the likelihood of impacts on the cockle fishery are very low.

Similarly, whilst the maximum TAC is determined in accordance with the management policies, many stakeholders are often of the view that the TAC should be limited to reduce the likelihood of implications on the cockle fishery.

The views of industry are being sought on these matters specifically.

Timing of the fisheries

Historically, harvestable mussel fisheries are prosecuted during winter and open prior to Christmas whereas re-laying fisheries typically open in spring. Industry views are being sought as to the preferred timing of the fishery through the consultation.

Operating times

Operating times (i.e. open days) within Wash cockle fisheries are determined in accordance with principles agreed with industry (i.e. minimum tide heights, preference for weekday openings etc.). No such principles have been established for mussel fisheries and as such, industry views on this matter are being sought.

Open areas

The management policies include thresholds for opening certain beds to a harvestable fishery to minimise removal of undersize mussels. However, the survey report outlines that this may not be necessary, particularly in the context of both fisheries potentially being opened concurrently. Further consideration is required through a Habitat Regulation Assessment and informed by dialogue with fishery stakeholders to determine which beds should be opened to which fishery.

TACs for individual beds

Mussel density of at least 25 tonnes per hectare are required to maintain the integrity of a mussel bed. Therefore, a TAC for each bed is also being considered and will be informed by a Habitat regulation Assessment and consultation with industry.

Biosecurity

Management measures for recent mussel re-laying fisheries have included a prohibition on mussel seed from The Wash being re-laid outside of the Wash and North Norfolk Coast SAC. Originally this measure was intended to support the Wash lay holders by ensuring seed was available for re-stocking Wash lays. However, in 2023 the measure was maintained on biosecurity grounds given that novel diseases have been identified in Wash cockles and so as to prevent the spread of such to other parts of the district or the UK.

Noting that the workstream which is investigating the diseases in The Wash is ongoing, the measure is still considered necessary at this time.

Protection of the Wash MPAs

In order to open a mussel fishery, the Authority must ensure that the fishery will not significantly impact site integrity of the Wash MPAs.

Key areas for consideration include ensuring there is sufficient food resource for over-wintering birds and impacts of bird disturbance (particularly within hand-worked fisheries) and impacts to designated habitats particularly from the use of mussel dredges. It is noteworthy that, given this is the first year that there has been the potential for a harvestable mussel fishery for a significant period of time, effort within the fishery may be significantly higher than has been the case in recent years and this will need to be taken into account in the associated assessment.

It is recommended in the first instance that members agree to opening both a harvestable and re-laying mussel fishery in principle, subject to consideration of the responses to the consultation and receiving Natural England advice.

Work is ongoing to develop management measures which will enable a sustainable fishery which operates within acceptable environmental parameters. To enable a fishery to potentially be opened prior to the next Authority meeting, it is recommended that the authority is delegated to the CEO, in consultation with the Chair or Vice-Chair, to open the fisheries and agree management measures, having considered the views of stakeholders and formal advice from Natural England.

The recommendations include reference to the Wash Cockle and Mussel Byelaw which is not yet in effect to ensure that the fishery can be managed in the event the byelaw is confirmed during the fishery.

Financial Implications

The interim measures currently being used to manage Wash bivalve fisheries do not facilitate charging fees and therefore none of the cost to the Authority in managing

this fishery can currently be recovered. In the event that the Wash Cockle and Mussel Byelaw 2023 comes into effect prior to the closure of the fishery, up to 50% of the cost can be recovered via permit fees. The financial implications of this are considered in Action Item 12 of this meeting.

Legal Implications
Given the scrutiny on the protection of thew Wash MPAs and the high-risk associated with the primary fishing gear (i.e. dredges) mitigation is required to ensure that the conservation objectives of the Wash MPAs are furthered to the risk reduce risk of legal challenge.

Legal risk is further mitigated through the recommendation that the CEO is delegated authority to implement management measures to ensure that site integrity is not significantly impacted during the fishery.

Appendices
Appendix 1 – 2024 Wash Intertidal mussel survey report

Background Documents
Papers and Minutes for Action Item 10 of the 50th Eastern IFCA Meeting held on 14 December 2024

Appendix 1

Summary of the 2024 Wash intertidal mussel surveys and fishery opportunities

Introduction

The 2024 Wash inter-tidal mussel surveys were conducted between September 16th and October 21st, during which 17 inter-tidal beds, plus the Welland Bank were surveyed. These included two patches of mussels on the Ferrier Sand that were surveyed for the first time this year. Poor weather, however, prevented planned surveys on the Herring Hill and West Mare Tail beds from being conducted. Two other small beds on the Roger and Pandora sands also remained unsurveyed, having previously been removed from the survey programme due to their small stock size and general deterioration. Figure 1 shows the beds surveyed during the 2024 programme in red, plus the Herring Hill and West Mare Tail beds in blue.

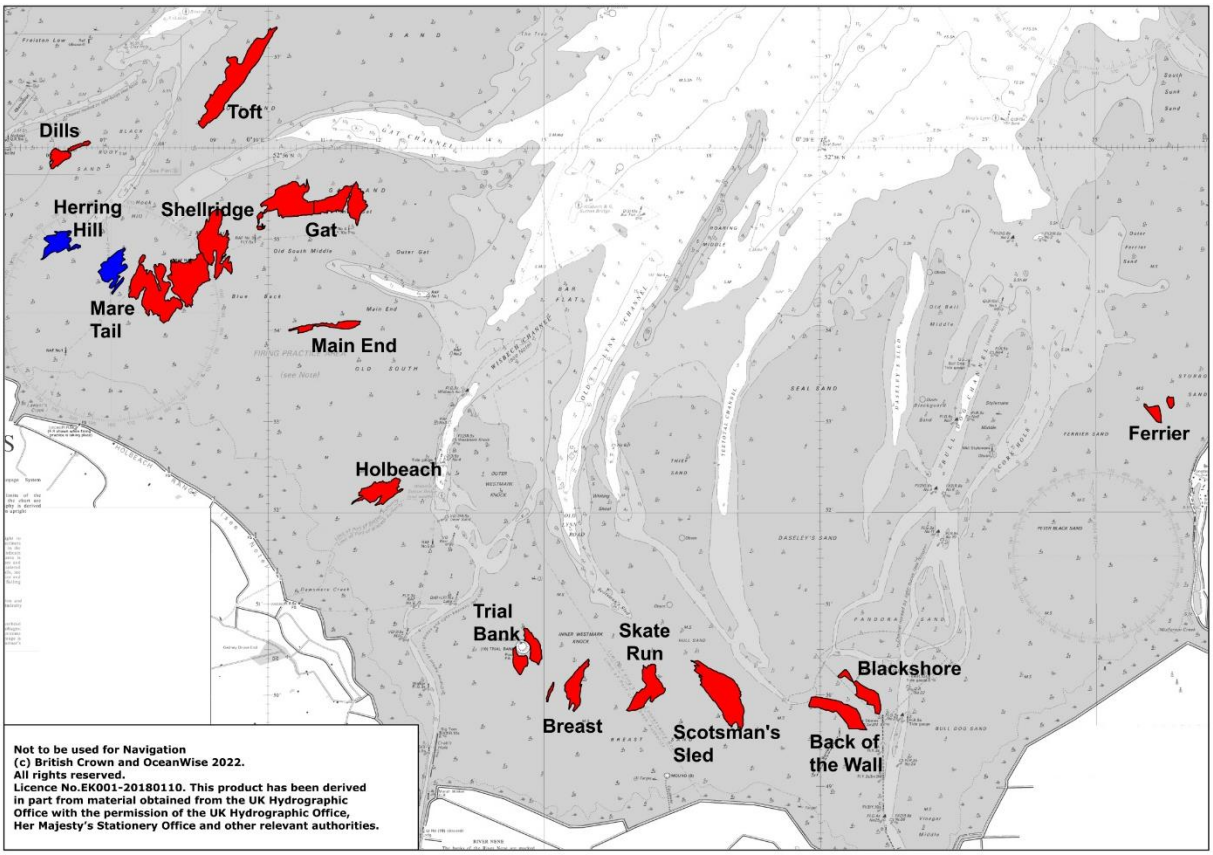


Figure 1 – Mussel beds surveyed during the 2024 inter-tidal surveys (red)

Survey results

Since 2009, the mussels on the intertidal beds in The Wash have been suffering from unusually high levels of mortality and poor recruitment, resulting in a steady deterioration of the beds. In 2023, however, the anticipated die-off did not occur and good growth on the majority of the beds resulted in the stock biomass increasing significantly to its highest level recorded during the period since 2002. The 2024 surveys found the overall biomass on some of the beds had deteriorated since 2023, but good survival and growth on other beds more than compensated for these losses, resulting in a further increase in total mussel biomass from 20,597 tonnes to 23,410 tonnes. These figures do not only represent the highest stocks during the period since

2002, but are also the highest recorded figures since 1945. It should be noted, however, that there were few surveys conducted between 1955 and when the current programme of annual surveys commenced in the early 1980s. It is possible, therefore, that higher stock levels went unrecorded during that period.

Since the die-offs commenced, occasional good recruitments had produced sufficient juvenile stocks for the total mussel biomass to achieve the 12,000 tonnes threshold required to open occasional relaying seed fisheries. As the populations of 2-3 year-old mussels seemed particularly vulnerable to the die-offs, however, resulting in disproportionate numbers of them dying before they reached the 45mm size at which they would have recruited into the “adult” population, the adult stock biomass had remained below the 7,000 tonnes Conservation Objective target required to open a harvestable fishery. This was still the case in 2023, when despite having had good survival and increase in total biomass, the adult stocks still remained below the 7,000 tonnes threshold. Further good survival and growth during 2024, however, has enabled a good proportion of the juvenile stock to recruit into the adult population, pushing the adult stock biomass to 12,190 tonnes.

Figure 2 shows how the current stocks compare to those from 2002 onwards while Table 1 provides a summary of the stocks present on each of the beds at the time of the surveys.

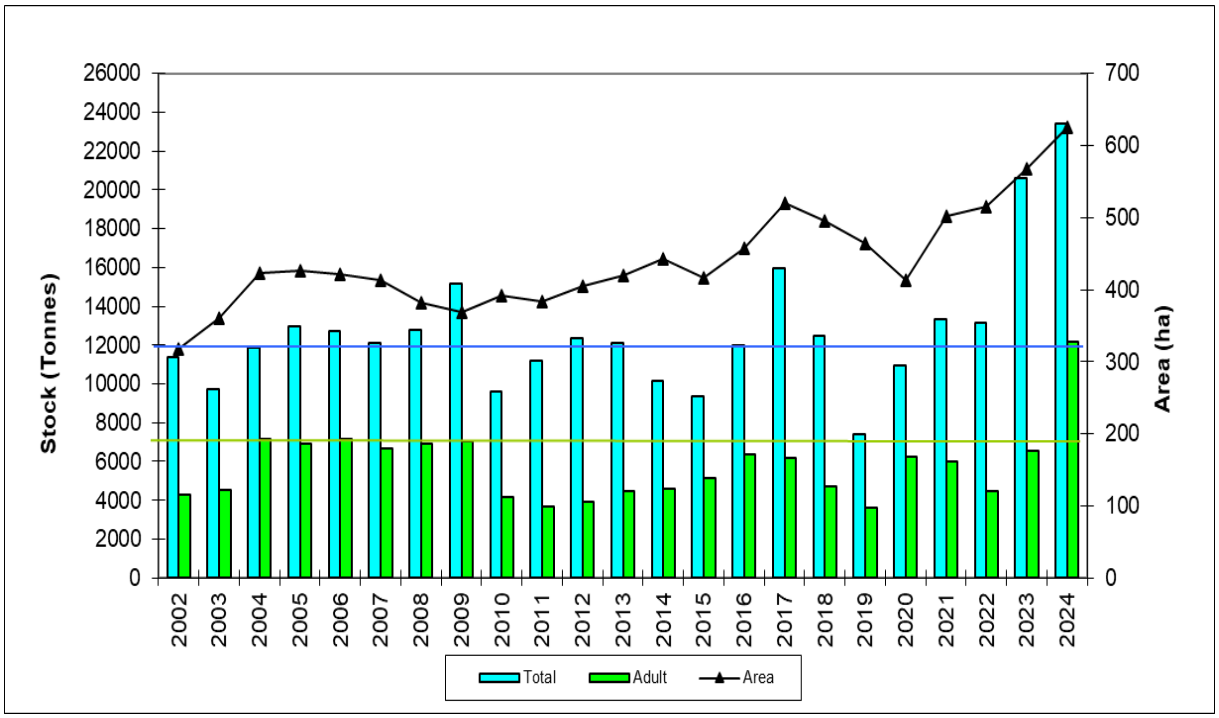


Figure 2 – Intertidal mussel stock levels in The Wash since 2002 and the Conservation Objective targets

Table 1 – Summary of the stocks present on the inter-tidal mussel beds at the time of the 2024 autumn surveys (figures for West Mare Tail and Herring Hill taken from 2023 survey).

	Summary of the Wash inter-tidal mussel stocks - 2024				
BED	AREA (ha)	COVERAGE (%)	DENSITY (t/ha)	TOTAL STOCK (tonnes)	STOCK >45MM (tonnes)
Mare Tail North	52	35	0.96	1733	996
Mare Tail Relay	0.5	67	0.72	26	8
Mare Tail South	66.5	23	0.89	1380	508
Mare Tail West	24.9	29	0.79	575	102
Shellridge	50	49	1.18	2865	1858
Dills A	10	13	0.58	76	0
Dills B	3.1	30	1.22	113	13
Toft	69.4	37	1.3	3329	1894
Gat, West	49.5	43	1.06	2245	1567
Gat, Mid	23	32	0.75	551	456
Gat, East	18.6	38	0.75	531	368
Main End	12.8	38	0.7	338	207
Holbeach	26.6	39	1.41	1477	641
Herring Hill	19.8	41	1.13	913	136
Trial Bank	22.9	35	1.24	1009	338
Breast West	1.7	18	0.5	17	1.4
Breast, East	21.2	29	0.5	310	51
Scotsman's Sled, East	63.4	17	1.26	1355	631
Blackshore	18.4	36	1.47	978	483
Back of the Wall	30.9	41	1.82	2295	1271
Skate Run	30.9	24	1.4	1033	520
South Ferrier A	6.6	31	0.87	180	94
South Ferrier B	2.6	24	1.3	81	47
TOTAL	**625.3**			**23410**	**12190.4**
Welland Bank	2.4	70	1.6	268	198

Figure 3 highlights changes in mussel biomass between the 2023 and 2024 surveys. Unlike in 2023, when all but one of the beds had increased in biomass, the 2024 survey found that 7 beds had decreased in total biomass. These tended to be predominantly older beds like those on Mare Tail, the Gat and Scotsman's Sled; ephemeral areas like the Blackshore, plus the Trial Bank, which had been fished following the 2023 survey. The younger beds, and those that had benefitted from spatfalls in 2022 or 2023 had all increased in biomass. The Shellridge bed had performed particularly well between surveys, increasing 22% in area, 58% in mussel coverage and 51% mussel biomass within patches, resulting in the bed almost tripling in biomass.

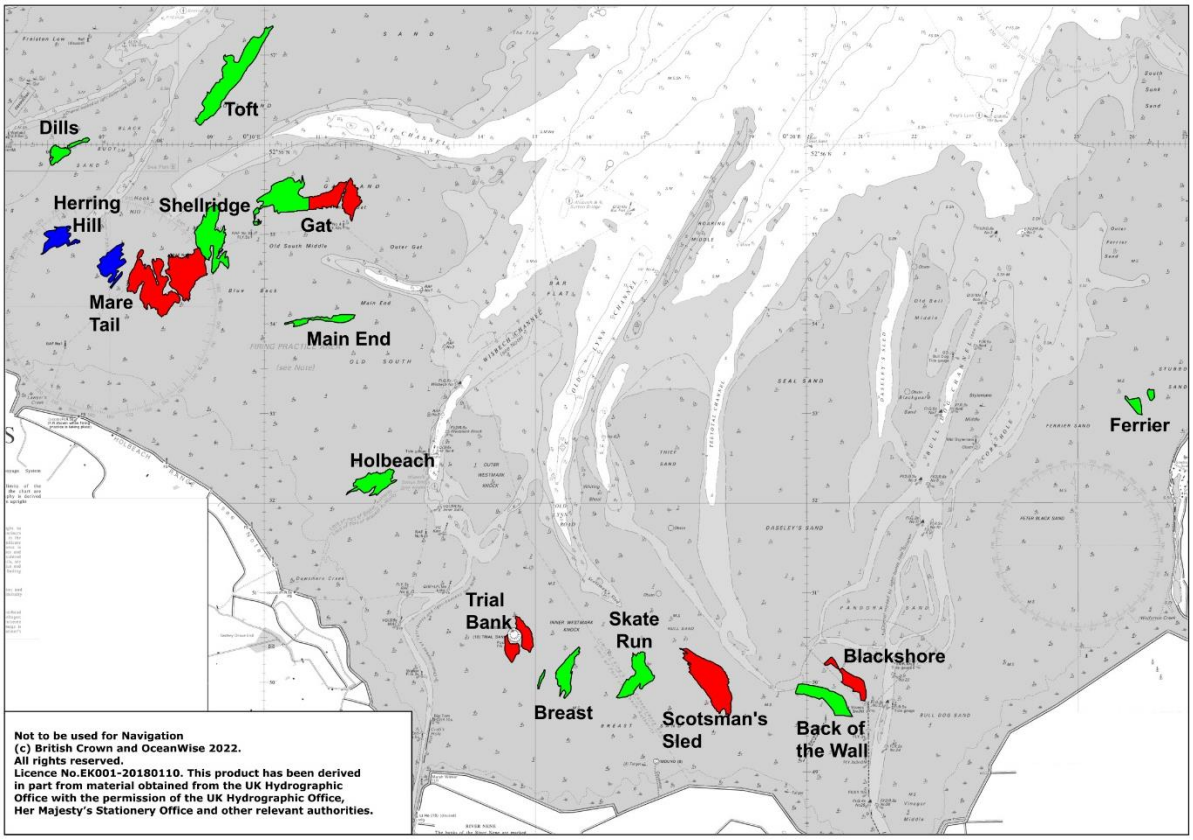


Figure 3 – Changes in mussel biomass found between 2023 and 2024 surveys – Increased biomass (green), decreased biomass (red), unsurveyed (blue)

The long period of high mortalities and poor recruitment had left the majority of the beds in poor condition, typically supporting low densities of barnacle-encrusted mussels amidst lots of dead shell and bare patches. The past two surveys have found survival, particularly among the vulnerable 2-3 year-old mussels, has been greatly improved. This has not only been evident in the stock biomass figures, which have increased significantly, but has been evident within the beds, where the mussel coverage and patch densities have visibly improved. On some of the beds, particularly the younger ones like Back of the Wall and Skate Run, the mussels are mostly clean and appear good quality. On the older, more established beds, however, that had deteriorated more badly to begin with, survival of new settlements have started to rejuvenate the beds but it will require further surviving settlements to properly restore their condition to the quality seen prior to the start of the die-offs.

While the overall condition of the mussel stocks has greatly improved over the past two years, providing optimism for a full recovery in the future, there is concern that these two years might just be an anomaly, preceding further die-offs and another crash. Cefas have been investigating the cause(s) of the die-off for a number of years now, but to date no definite cause has been identified. If a pathogen is involved, it is unlikely that the mussel stocks will have become immune to its effects so suddenly, suggesting other environmental factors are also having an influence. While these may have created suitable conditions for mussel survival over the past two years, they could easily change again, resulting in further losses.

Fishery Opportunities and considerations

This section sets out areas for consideration during the development of management measures for the fishery and ***are not proposals at this time****. Ultimately, the management measures for the fishery will be determined considering a Habitat Regulation Assessment, the 2008 Wash Shellfish Policies, the Authority's main duties and* ***the views of fishery stakeholders gathered through consultation.***

2008 Wash Shellfish Policies

When determining appropriate management measures for the mussel fisheries, the stock assessment is considered in the context of the 2008 Wash Shellfish Policies[12] which provides guidance to ensure mussel fisheries are managed within environmental parameters. These include measures that aim to:

- Maintain stocks above the Conservation Objective targets of 12,000 tonnes total stock and 7,000 tonnes adult stock,
- Limit the Total Allowable Catch of the dredged harvestable fishery to 20% of the "adult" stock biomass, and the dredged relaying fishery to 20% of the juvenile stock biomass, with an additional 2% added to each for the hand-worked fisheries.
- Restrict exploitation so that fisheries do not reduce stock densities on individual beds below a minimum density of 25 tonnes/hectare (Note – this measure does not apply to vulnerable/ephemeral beds).
- Protect adult stocks from the relaying fishery and juvenile stocks from the harvestable fishery by opening the most appropriate beds for each fishery based on their stock composition.

Harvestable and relaying fisheries

If the stocks allow, the inter-tidal beds support two fisheries; a harvestable fishery, in which adult (≥45mm length) mussels are landed directly for market, and a relaying fishery, in which seed (<45mm length) mussels are re-laid onto private lays for growing-on.

The current stocks are:
Adult mussel – 12,190 tonnes
Juvenile mussel – 11,220 tonnes
Total stock – 23,410 tonnes

Because both the adult stock and the total stock exceed their respective 7,000 tonnes and 12,000 tonnes thresholds, there is an opportunity to open both fisheries.

Total Allowable Catch (TAC) for fisheries

Harvestable Fishery

The biomass of adult mussels was found to be 12,190 tonnes. A TAC based on 20% of this would be **2,438 tonnes** (plus **244 tonnes** for the hand-worked fishery). A harvestable fishery of this size would still allow the 7,000 tonnes Conservation Objective target to be achieved, so would not need to be capped.

[12] https://www.eastern-ifca.gov.uk/wp-content/uploads/2016/03/WFO_Shellfish_management_policies_2008.pdf

Relaying seed fishery

The biomass of juvenile mussels was found to be 11,220 tonnes. A TAC based on 20% of this would be **2,244 tonnes** (plus **224 tonnes** for the hand-worked fishery). A relaying fishery of this size would still allow the 12,000 tonnes Conservation Objective target to be achieved, so would not need to be capped.

If both fisheries were opened to their maximum potential, their combined TAC's would be 5,150 tonnes (including hand-worked components). Even with this quantity of mussels removed, the total mussel biomass would still exceed its 12,000 tonnes Conservation Objective target.

Because both cockles and mussels contribute towards the calculations used in the Bird Food Model when determining food availability for the over-wintering wader populations, many industry members have raised concerns in recent years about the size of the proposed mussel relaying fisheries, fearing they could impact on the size of the subsequent cockle fisheries. It is, therefore, recommended that the size of the TAC for the relaying mussel fishery should only be determined after consultation with the fishing industry.

Beds to be opened to fisheries

To prevent over-fishing occurring on individual beds, average mussel densities should be maintained above 25 tonnes/hectare within each bed. 14 of the beds currently satisfy this criterion and are listed in Table 2. Also listed in table 2 are the maximum permissible TACs that would enable the average density of each bed to remain above 25 tonnes/hectare. Determining how these respective TACs should be allocated between the two fisheries is more complex, however, and requires careful consideration.

The 2008 shellfish policies include the following management measure:

> ***Selection of mussel beds to be opened to the fishery (according to stock composition and bed vulnerability)****: Mussel bed areas containing a significant proportion of juvenile stocks will not be opened to the harvestable fishery. Usually, ESFJC requires that mussel beds contain at least 70% adult stock, but this level can be varied where it can be shown to benefit the stock. Beds containing <70% adult stock may be opened to the relaying fishery.*

The above measure provides a cut-off, whereby only the beds supporting ≥70% adult mussel biomass can be opened to a harvestable fishery, while all beds with under this amount can be opened to the relaying fishery. Importantly, the measure recognises that this level can be varied when doing so will benefit the stock. Prior to 2008, when these measures were being developed, the beds had not been subjected to a long period of high die-offs, so were in much better condition than post-2009. As such, more of the beds supported high proportions of adult mussels than currently. Since 2009, however, the low stocks of adult mussels have prevented any harvestable fisheries from opening and have required those surviving adults to be protected more stringently from the relaying fisheries. To achieve this greater protection, in recent years the Authority has varied the proportion described above so that the relaying fisheries have only been able to target beds that have been composed predominantly (>50%) of juvenile mussels. With only a relaying fishery to consider, this has been a simple solution. The opportunity to open a harvestable fishery in addition to the relaying

fishery makes the situation more complex this year, for while there are some beds that are >70% either adult or juvenile stock, there are several that are more mixed and could support either fishery. In table 2, therefore, the beds have been divided up into some that are recommended to only be opened to the harvestable fishery, some that are only to be opened to the relaying fishery, and the remaining, more mixed beds, which could be opened to either (or both) fisheries. In the table, the available TAC's for these mixed beds have been divided proportionately by the proportion of the adult and juvenile stocks within each bed, but ultimately, how these beds are managed requires further discussion and consultation from the industry.

Table 2. Beds that could be opened to the 2024 relaying seed fishery and the maximum harvest rates that the policies would allow

Bed	Maximum Relaying - only TAC	Maximum Harvesting-only TAC	Maximum TAC (either fishery)
Relaying Only			
Dills	36		
Holbeach	812		
Herring Hill	418		
Trial Bank	437		
Harvesting Only			
West Gat		1,008	
East Gat		66	
Either fishery			
North Mare Tail	186	247	433
Shellridge	565	1,050	1,615
Tofts	685	909	1,594
Main End	7	11	18
Blackshore	264	254	518
Back of the Wall	684	839	1,523
Skate Run	130	130	260
Ferrier	15	16	31
TOTAL	**4,239**	**4,530**	

Consideration should also be given as to what exactly constitutes "harvestable" and "relaying" fisheries. While the term "harvestable" does imply a fishery that lands its harvest directly into port for sale, this is not necessarily what happened to the catches from the most recent harvestable fisheries that occurred up until 2009. Because the quality of the mussels on the inter-tidal beds tended to be too poor to harvest direct to market, the majority of the fishermen relayed them onto their lays instead, to improve their quality before they could be sold. If that is still the case, consideration needs to be given as to how the harvestable and relaying fisheries will operate alongside each other and how their respective TAC's will be determined. One solution could be to ignore the distinction between harvestable and relaying fishery TACs, and consider the TACs in terms of adult and juvenile TACs. Landed mussels would still be subject to the 45mm MLS, but the adult and juvenile TACs could be determined by the proportion of each stock from whichever bed had been fished.

Fishing methods

While both dredging and hand-working methods can be used for prosecuting the mussel fishery, the majority of the fishery is usually targeted using dredges with a minority favouring hand-working. Ordinarily, the TAC for the dredge fisheries has been set at 20% of the stock biomass, with an additional 2% reserved for the hand-worked fisheries. In recent years, however, there has been a preference from those targeting the fishery for a larger hand-worked TAC than the usual 2%. Therefore, the allocation of the TAC between the two fisheries should be determined following consultation with the industry.

Action Item 11

58th Eastern Inshore Fisheries and Conservation Authority Meeting

11 December 2024

Whelk Permit Conditions Review

Report by: Luke Godwin (ACO)

Purpose of Report
The purpose of this report is to provide members with the findings of the 2024 Whelk Permit Conditions Review, including the outcome of consultation with fishery stakeholders, and to propose actions with regards to the ongoing management of whelk fisheries in the District.

Recommendations
It is recommended that members:

- **Note** the contents of the Whelk Permit Conditions Review (at Appendix 1) including the outcomes of consultation with stakeholders.
- **Agree** to maintain the current permit conditions (at Appendix 2).

Background
The Authority manages whelk fisheries via the Whelk Permit Byelaw 2016 (hereafter, 'the byelaw') under which flexible permit conditions can be introduced, varied or revoked. The byelaw requires that permit conditions are reviewed at least every four years in accordance with the process set out in Schedule 1 which includes:

- Acquisition of relevant available data.
- Consultation with permit holders.
- Consideration of impacts of the permit conditions.

The first review of Whelk Permit Conditions was reported to members at the 41st Authority meeting which identified a risk with regards to whelk fisheries particularly in The Wash.

At the 42nd Eastern IFCA Meeting, members agreed in principle to additional management measures which sought to increase the effectiveness of the permit conditions which were in place (including for example stricter return form requirements and eligibility criteria which excludes persons convicted of an offence from fishing for whelk). However, implementation of these new permit conditions

was postponed following a reduction in risk within the 2023 Strategic Assessment[13] in part because of the adoption of a new fisheries sustainability monitoring workstream for the whelk fishery and the anticipated implementation of Inshore Vessel Monitoring Systems (I-VMS) which was identified as likely to reduce risk associated with the fishery.

Subsequently, at the 48th Eastern IFCA meeting members were presented with revised permit conditions to reduce the risk to whelk sustainability in The Wash. Members did not agree in principle to the proposed measures at that time and the proposed permit conditions were not introduced.

The current permit conditions for the whelk fishery are summarised as follows:

- Commercial Fishing Pot Limitation (500 pots)
- Recreational Fishing Pot Limitation (5 pots)
- Minimum Legal Size (55mm)
- Requirement to sort catch over a riddle with spacing of at least 24mm
- Requirement for pots to have at least 2 escape holes with a diameter of 24mm positioned at least 150mm from the top of the pot or no more than 50mm from the bottom.
- Maximum internal whelk pot volume of 30 litres.

Report

In accordance with the process in Schedule 1 of the byelaw, permit conditions applicable to both the Category 1 (commercial fishermen) and Category 2 (recreational fishermen) permits have been reviewed. The full report is at Appendix 1 and is summarised below.

Permit holder consultation

In the first instance, it is relevant to note that no responses were received to the consultation about the permit conditions review held between 25 October and 22 November 2024. There was limited attendance at a meeting held for the consultation, the outputs of which are included in the report. The Authority's records of general engagement with whelk fishermen between 2020 and 2024 were also analysed and used to inform the review.

It is important to note that significant efforts were made to encourage permit holders to contribute to the consultation including sending letters to all persons named on a permit between 2020 and 2024, sending a reminder to the same via text message (also encouraging attendance at the meeting) and promulgation of the consultation on the Authority's website. It is important to understand the reasons for a lack of contribution to the consultation, however a lack of engagement has often indicated historically that the matter under consideration is not particularly contentious and / or that there are no strong views in relation to the consultation.

Whelk fisheries sustainability

No whelk stock assessment is undertaken within the district. Instead, Landings Per Unit Effort (LPUE) is monitored as an indicator of a fishery's health. LPUE considers the amount of whelk caught per pot and if LPUE is stable over time, it indicates that

[13] 2023 Strategic Assessment

the fishery is being harvested at sustainable levels. If the LPUE is declining, it may indicate over-fishing.

The report identifies that since 2014, the annual average LPUE for the fishery has increased and decreased markedly twice although the LPUE remains at favourable / similar levels to whelk fisheries in other IFCA districts. The instability is likely explained in part by the fishery having established itself since 2014, with LPUE initially increasing as previously unexploited grounds were targeted followed by reductions in following years towards what is more likely to be maximum sustainable yield.

The Wash whelk fishery appears to be at a higher risk of over-fishing, primarily because LPUE is recovering only marginally since a decline during the 2021/22 fishery. Stakeholder engagement has identified however that there may be environmental (rather than fishery) factors which explain this to an extent.

Overall, there does not appear to be a consensus from stakeholders with regards to the state of the whelk fishery, with some of the view that the fishery is over-exploited (and typically make the case that this is a consequence of non-compliance with the pot limitation), and others of the view that the fishery is sustainable.

Concerns about non-compliance with the pot limitation also undermine the confidence in the assessment of the stock's health because if fishermen are exceeding effort controls, they are not reporting such in catch returns with the effect that LPUE calculated from them is an over-estimate, potentially hiding declines in the fishery's productivity.

Effectiveness of permit conditions

Overall, the measures appeared to have prevented significant declines in the whelk fisheries of the sort which typified the fishery historically (the fishery has been described anecdotally as a 'boom and bust' fishery). It is important to note that LPUE in the Wash has increased for two consecutive years (albeit marginally and has not yet reached the average of the previous 9 years) and that the increased minimum landing size is also likely to be having a protective effect on the fishery because even with higher effort, the stocks should be capable of replenishing themselves over-time because a proportion of the spawning stock will be maintained. In addition, even at the current lower LPUE, the fishery is still comparable to whelk fisheries in other IFCA district.

Key outputs from stakeholder engagement identify the following:

- The key concern of whelk fishermen is the level of non-compliance with the pot limitation and the conflict between whelk fishermen (which includes damaging or stealing fishing gear or catch at sea).
- There is no consensus on the potential benefit / impact of the use of rotary riddles within the fishery, the use of which is only limited within the district, but which is more prevalent in other areas and may increase in the future.
- There is no consensus on the benefit of escape holes in pots.
- Fishermen in Suffolk are of the view that the minimum size for whelk is too high in Suffolk.

With regards to industry viability, the fishery appears to be supporting a relatively consistent number of vessels on an annual basis and in lieu of responses to the contrary, it would appear that generally the measures are not impacting the viability of the fishery, potentially with the exception of Suffolk based fishermen.

Conclusions
The review indicates that the current permit conditions are having a protective effect on the sustainability of whelk fisheries in the district. However, fishing activity within The Wash may be too high as a consequence of non-compliance with existing measures. Further, the minimum size for whelk may be too high to support fisheries in Suffolk however, in lieu of additional evidence to support a change in the minimum size in this area, maintaining the current minimum size is considered in keeping with Fisheries Act objectives.

It is therefore recommended that the current permit conditions are maintained.

The outputs from the review will be factored into the 2025 Strategic Assessment, specifically with regards to the increased risk associated with Wash whelk fisheries and the minimum size in Suffolk to consider whether resource is allocated to associated workstreams in the 2025-2030 Business Plan.

Financial Implications
None identified.

Legal Implications
Risk of legal challenge is mitigated through adoption of the process set out in the Whelk Permit Byelaw 2016 in undertaking the review.

Appendices
1. Whelk Permit Byelaw 2016: Flexible Permit Condition Review
2. Whelk Permit Conditions

Background Documents
Papers and minutes for Action Item 9 of the 41st Eastern IFCA Meeting held on 9 September 2020
Papers and minutes for Action Item 10 of the 42nd Eastern IFCA Meeting held on 9 December 2020
Papers and minutes for Action Item 11 of the 48th Eastern IFCA Meeting held on 8 June 2022

Whelk Permit Byelaw 2016: Flexible Permit Conditions Review

November 2024

This report is intended to inform a review of the effectiveness of flexible permit conditions issued under the Whelk Permit Byelaw 2016. The report has been augmented by context provided by the responses to the consultation with fishery stakeholders. In particular, data analysis was re-run to consider fishery metrics by 'season' (1 August to 31 July) rather than Calander year.

1. Introduction

The whelk fishery was previously a winter-time, marginal fishery which did not attract much fishing effort within the district. In 2014, the Authority identified that whelk landings had increased significantly and introduced an Emergency Byelaw to manage the fishery and gather data.

Eastern IFCA replaced the emergency byelaw with the Whelk Permit Byelaw 2016 and has managed whelk fisheries within the district under this byelaw. This flexible permit byelaw enables the Authority to introduce, vary or revoke management meases as flexible permit conditions to ensure that the fishery operates sustainably and within environmental parameters.

The Byelaw requires that permit conditions are reviewed at least every four years and that such a review includes consultation with stakeholders and consideration of stock evidence and advice from other bodies (including Cefas for example).

Permit conditions under review

The permit conditions under review are as follows:

Permit Conditions	Intended effects
Commercial Fishing Pot Limitation (500 pots)	Intended to reduce the risk of further increases in fishing effort whilst still enabling other fishermen to diversify into the fishery. Also intended to ensure that the fishery is not dominated by a single business model or impacted by larger, nomadic vessels which can deploy a significant amount of pots.
Recreational Fishing Pot Limitation (5 pots)	Intended to reduce the risk of further increases in fishing effort.
Minimum Legal Size (55mm)	Intended to enhance the sustainability of the fishery noting that the national minimum

	conservation reference size is considered to be too low to enable whelks to spawn prior to being harvested.
Requirement to sort catch over a riddle with spacing of at least 24mm	Intended to enhance the effectiveness of the minimum legal size requirement.
Requirement for pots to have at least 2 escape holes with a diameter of 24mm positioned at least 150mm from the top of the pot or no more than 50mm from the bottom.	Intended to enhance the effectiveness of the minimum legal size requirement.
Maximum internal whelk pot volume of 30 litres	Intended to prevent circumvention of the pot limitation by creating larger pots.

The above permit conditions have been in place since the byelaw came into effect in 2016.

In 2020, the permit conditions were reviewed and it was found initially that fishing effort may be too high in The Wash and that additional measures may be required to reduce fishing effort[14]. Additional measures which primarily sought to increase the effectiveness of existing measures (by increasing the deterrent effect including, for example, eligibility criteria which prohibited fishing after a person had committed an offence) were proposed[15] and consulted on. However, during their development, the risk to the whelk fishery decreased as the health of the Wash stock improved, the associated risk reduced (Annual Strategic Assessment 2023[16]) and instead, the Authority undertook a new monitoring workstream in lieu of bringing new measures into effect.

Scope of this review

This review analyses whelk fishing data (primarily data obtained from whelk permit catch returns) and the feedback from whelk permit holders to assess the state of the fishery and review the permit conditions in this context.

Whelk permit holders consultation

Views from fishery stakeholders were sought during a consultation between 25 October and 22 November 2024. The consultation was also supported by a meeting held online on 20 November 2024. The consultation was advertised on the Authority's website, individual letters were sent to all persons named on Whelk Permits between 2020 and 2024 and the same were sent text messages via mobile phone to remind them of the consultation and the meeting. Further, IFCOs engaged whelk fishers during patrols to provide information about the permit condition review and a summary of the information from an initial situational report on the fishery.

[14] Minutes and Papers for Action Item 9 of the 41st Eastern IFCA Meeting
[15] Minutes and Papers for Action Item 10 of the 42nd Eastern IFCA Meeting
[16] 2023_02_20_Strategic_Assessment_FINAL.pdf

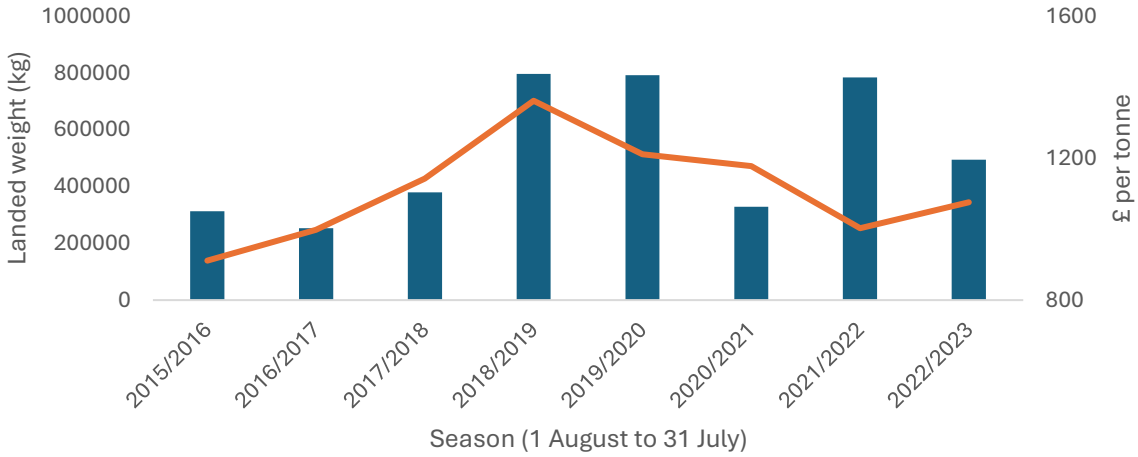
No written responses were received to the consultation. However, the online meeting was successfully held and IFCOs gathered some views during engagement during patrols from the period 2021 to 2024 (inclusive).

2. Fishery overview

Landings data

Figure 1 (below) is produced from Eastern IFCA data gathering, representing whelk landings from within the district. Whelk landings appear to fluctuate between circa 300 tonnes and circa 750 tonnes per season. Increases in landed weight appear to follow increases in the value of catch until the 2019/20 season, during which landed weight remained high despite a reduction in the market value. In addition, landed weight in 2021/22 increased despite a reduction in value and decreased in 2022/23 despite an increase in the value.

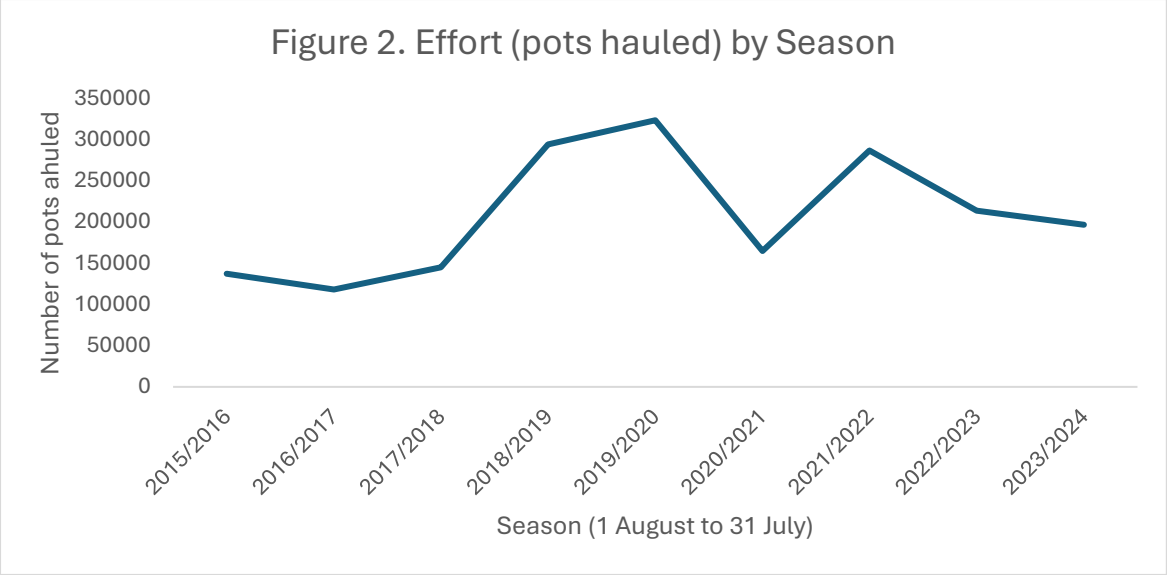
Figure 1. Landed Weight Overall (kg) by season & £ per Tonne by season

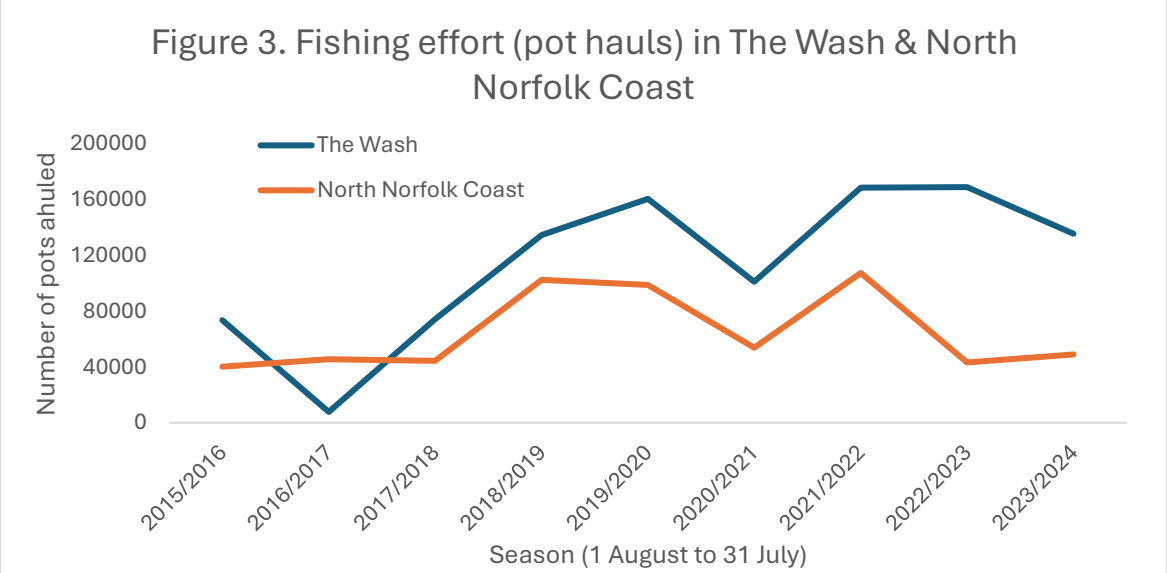


Fishing effort

Fishing effort has fluctuated over time, with sharp increases seen between 2017/18 and 2021/22 followed by a series of increases and declines (Figure 2).

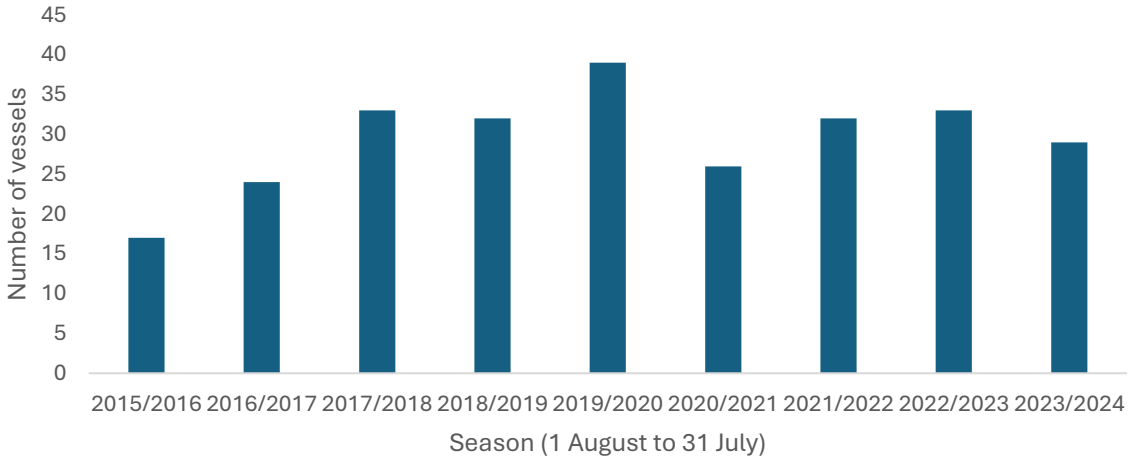
Fishing effort is concentrated in The Wash and the North Norfolk Coast (representing over 90% of fishing effort since 2020/21). Fishing effort in The Wash now represents the majority of fishing (68% in 2022/23), gradually increasing since the fishery established in The Wash in 2016/17 (Figure 3) whereas it is understood that historically, whelk fishing effort was more focussed off the North Norfolk Coast.





The number of vessels operating in the also fluctuated in line with effort changes over time (Figure 4). Of particular note is that vessel number decreased between 2019/20 and 2021/22 but effort (in terms of pots hauled) increased.

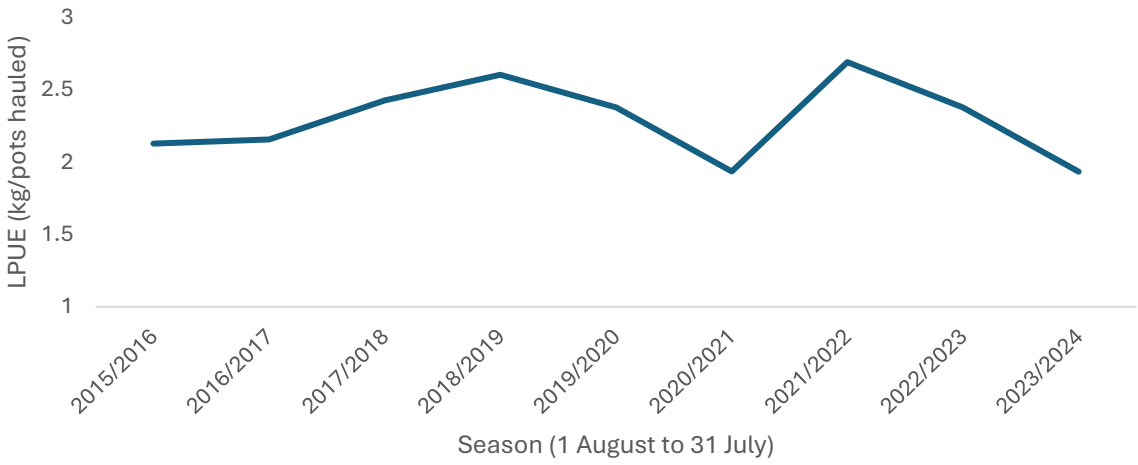
Figure 4. Number of vessels active per season

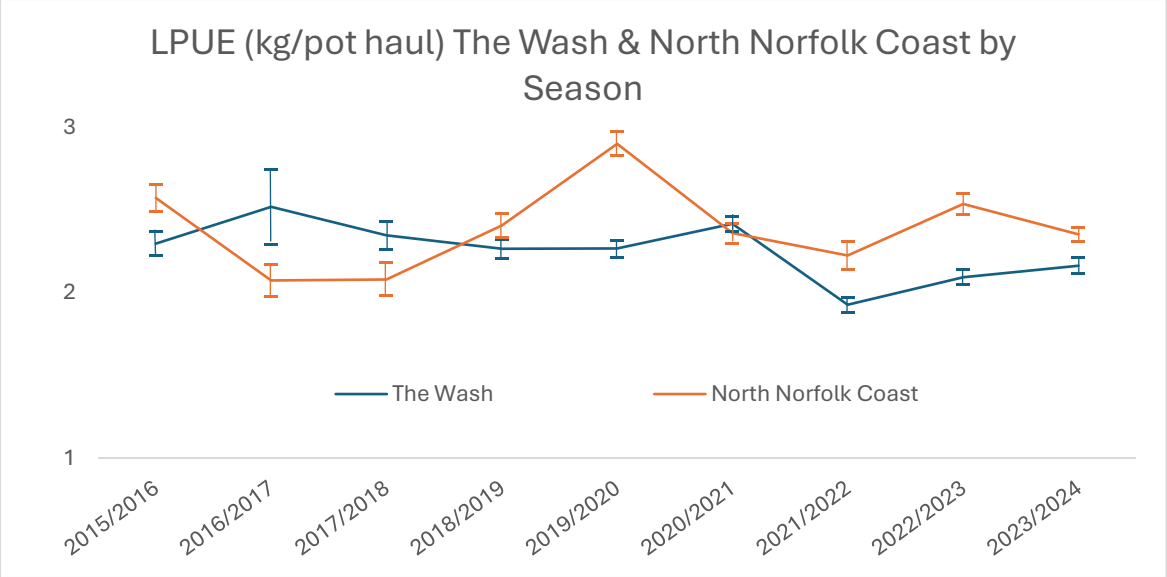


Landings Per Unit Effort (LPUE)

In the absence of a stock assessment, LPUE is monitored as an indication of the health of the fishery. Where LPUE is stable, it is an indication that the fishery is sustainable. A decline in LPUE indicates that the stocks may be suffering from over-fishing.

Figure 5. LPUE (kg / pot hauled) for the whole district





** error bars provided are calculated using standard error (Standard deviation / the square root of sample size).*

LPUE has fluctuated to an extent over time, with initial increases between 2015/16 to 2018/19 potentially indicative of an emerging fishery prosecuting previously un-exploited stocks. Over the course of time, LPUE decreases and increases mostly within the range 2-2.5 kg per pot (Fig 5).

Consideration of LPUE over time within the two main areas identifies similar increases and decreases over time (Fig 6). LPUE in the Wash was relatively stable above 2kg per pot before declining significantly in 2021/22. Since then, LPUE in the Wash has increased over the subsequent two seasons, but has not recovered to within the range previously observed.

3. Discussion

The whelk fishery within the district increased in importance from 2014 onwards and Eastern IFCA management and monitoring came into effect during 2015. Since then, landings and effort have varied annually. Analysis of Marine Management Organisation 'buyers and sellers' data indicates that the fluctuations in effort and landings follow market fluctuations until 2021/22. Market conditions and the emergence of the fishery since 2015 most likely explain the variation in activity up until 2021/22.

LPUE follows a similar pattern, with initial increases indicative of an emerging fishery and subsequent declines indicating that the fishery has reached a point where over-fishing may occur. However, LPUE is within a comparatively healthy range, with

overall LPUE typically similar to that observed in other IFCA districts for which LPUE is available[17,18,19].

Declines in LPUE in The Wash, which represents the main fishing ground. represent the highest risk, particularly the inability of the fishery to recover to the LPUE seen between 2015/16 and 2020/21, despite increases over the last two years.

Views amongst stakeholders are mixed on this matter, with some concerned that whelk fishing is in decline and others reporting healthy catches being maintained. Stakeholders also reported persistent north-easterly winds impacting the whelk fishery during 2021/22 and higher than usual summer temperatures impacting the whelk fishery during 2022/23.

There appears to be consensus that fishing activity outside of the Authority's district (i.e. outside of the 6nm boundary) is too high however and potentially resulting in over-fishing. In particular, larger, nomadic vessels outside the 6nm boundary are of concern.

Several stakeholders identified that costs have increased in the last four years however, particularly in relation to fuel and bait, and that this is impacting on the viability of the fishery and potentially driving additional fishing effort in poorer market conditions and in the context of lower LPUE.

Noting that whelk fisheries are particularly prone to over-fishing and were historically observed as 'boom and bust' fisheries, it is noteworthy that the fishery has not 'crashed' and has been remained productive over a number of years. It is considered likely that the management measures have contributed to the sustainability of the fishery and that, in the context of concerns regarding non-compliance (with the pot limitation), the increased minimum size for the district (55mm compared with 45mm outside of the district) has contributed to preventing removal of whelks to the extent that stocks are 'fished out'.

4. Consideration of other relevant survey data and scientific advice

The Whelk Fisheries Management Plan[20] was published in December 2023. This highlights the lack of fisheries evidence to support whelk fisheries management in the UK at this time but also provides a framework for delivering additional research. In particular, the FMP highlights the need to develop stock assessment methodology and how size of maturity varies around the UK. At this time however, there is no additional evidence to inform this assessment specifically.

[17] agenda-item-b3-whelk-report-1674118521.pdf
[18] Whelk-Survey-Report-2023.pdf
[19] Whelk-Survey-24.pdf
[20] Fisheries management plan for whelk in English waters - GOV.UK

5. Review of permit conditions

Consultation with stakeholders

Consultation with stakeholders on the permit review generated no responses and only limited feedback during a meeting held on 20 November 2024 (*ante*). However, the views of stakeholders with regards to the effectiveness of the permit conditions gathered during the meeting and from general engagement are summarised below.

Non-compliance with pot limitation

A key concern of whelk fishery stakeholders is that there is a significant amount of non-compliance with the commercial pot limitation (of 500 pots). Some stakeholders were of the view that on-compliance was impacting the health of the fishery, with some describing certain areas as over-fished as a result. Interestingly, the general consensus is that the pot limitation is appropriate, but it is perceived as too difficult to enforce to be effective.

Conflict between whelk fishers

Another common theme during engagement between 2021 to 2024 is that there is conflict between whelk fishers, with reports of fishing gear being emptied, moved or damaged by other fishermen.

Rotary riddles

A rotary riddle typically consists of a cylindrical set of bars with appropriate spacing in which whelk is placed to be sorted mechanically. As the cylinder spins, small whelk fall through the bar spacings and ultimately returned to sea. There are conflicting messages from stakeholders in this regard with some raising concerns that the mechanised sorting equipment will disorientate or damage the whelk, increasing bycatch mortality as a result, and others believing that the same pose no risk and even being preferred by other IFCAs (*pers coms* Kent and Essex IFCA) as they increase the likelihood of catch being sorted effectively. At this time, the use of rotary riddles within the district is very limited however, there is little information or evidence available as to whether incidental mortality increases as a result of their use.

Escape holes in pots

Those present at the whelk consultation meeting were of the view that escape holes are not effective, particularly in the context that whelk are sorted after being brought aboard. However, dialogue with whelk fishery stakeholders generally identifies polarised views on the matter, with some suggesting more or larger escape holes should be required.

One suggestion from the consultation meeting was that smaller holes will still be effective at reducing the likelihood of small whelks being retained and that as most whelk pots come with holes for drainage (typically 20mm), these should be considered sufficient. However, this is not supported by the available evidence which

indicates that escape holes at a given size are effective at excluding undersize whelk[21].

Minimum legal size

Historically, it is understood that Suffolk-based fishers are of the view that the minimum size of 55mm is too high to enable a viable fishery within the 6nm boundary. This is reflected in catch returns data for the area which shows very little activity inshore, with the limited whelk fishers who prosecute the area fishing outside of the 6nm boundary typically.

Whelks are thought to form localised 'stocklets' with often distinct biological characteristics including different sizes of maturity (i.e. the length at which whelks become sexually mature and reproduce). A study is ongoing to gather evidence as to the size of maturity of whelks in Suffolk, but the project has suffered from a lack of samples to test and has been impacted by resource requirements for other priorities.

It is noteworthy that Kent and Essex IFCA identified that the size of maturity for whelks in Essex is circa 44mm but have opted to keep the minimum size at 53mm to provide enhanced protection to pre-spawning whelk in the area.

Effectiveness of the management measures generally

As above, the key concern amongst stakeholders appears to be non-compliance with the measures rather than the current measures themselves. In Suffolk however, there remains a concern that the minimum legal size is too high to provide viable fishing opportunities in the area.

Feedback from the consultation identified that this measure is not impacting business models and that 500 pots is considered sufficient to enable a viable fishery. However, a minority of stakeholders have historically reported that additional pots are required to support their business model, but also that the pot limit should be less than 500 pots.

Suggestions for additional measures

The only additional measures suggested related to a potential ban on rotary riddles (*ante*) and consideration of closures (seasonally) to reduce pressure on some grounds however, these suggestions came from a limited number of stakeholders.

Further, based primarily on general dialogue with stakeholders, adoption of Inshore Vessel Monitoring Systems is generally well supported as a means of increasing the deterrent to non-compliance.

Matters not within scope of the current review

Some of the engagement regarding the permit conditions review was about matters other than permit conditions. These will be considered further during the 2025 Strategic Assessment.

[21] c5691-whelk-selective-gear-trials-final-report-1675415257.pdf

Some stakeholders were also of the view that having to provide the Authority with catch returns was overly burdensome, particularly in relation to providing monthly 'nil-returns' (i.e. to say that they have not been fishing) and in the context that under 10m vessels now report catches to the national database via the 'under 10m catch app'.

There was also concern raised about the requirement to pay a fee annually (in the context of rising costs generally) and the timing of the whelk permit year (i.e. that administratively it is more burdensome being from 1 April as most fishermen are fishing at this time).

Finally, the requirement to replace whelk pot tags annually and the prohibition on use of edible crab as bait were also raised as concerns. Both of these matters are being addressed currently under separate workstreams (through an amendment to the Whelk Permit Byelaw via the Cromer Shoal Chalk Beds Byelaw 2023 and amendment to Byelaw 5 (Prohibition on use of edible crab as bait)).

Conclusions from the perspective of the permit condition review

Of particular concern is the reduction in LPUE in The Wash during the 2021/22 season and the limited recovery since that time despite increases in LPUE on two consecutive seasons. However, these seasons were reportedly (according to stakeholders) characterised by poor fishing conditions which could also explain the limited recovery in LPUE. Further, LPUE increased in The Wash during 2023/24 despite higher fishing effort & landings during the preceding year which implies that fishing mortality may not be ultimately causal to the reduction in LPUE.

Unfortunately, the concerns raised by stakeholders regarding the level of non-compliance with the pot limitation may indicate that the data on which the assessment is based is flawed. In particular, if individuals are fishing for whelk using additional pots, but reporting that only 500 pots are used, the data may be over-estimating LPUE. Non-compliance with pot limitation measures is persistently noted as a high-risk enforcement priority (as determined through Tactical Coordination Group Meetings, *pers coms* Senior IFCO Compliance, Eastern IFCA).

Importantly, the implementation of Inshore Vessel Monitoring Systems (I-VMS) is considered a key mitigation to this concern as it will provide information on where pots are set to inform enforcement activities (i.e. hauling pots and undertaking compliance checks at sea) and that this will provide a significant deterrent to non-compliance. However, the implementation of I-VMS will be limited to under 12m vessels and is out of the Authority's control, with the measures to be introduced via a national Statutory Instrument.

In addition, the minimum legal size for whelks in Suffolk may be impacting fisheries viability. To understand the extent to which this is the case, further information on the size of maturity is required from within Suffolk fisheries and which can be used to undertake a cost/benefit analysis to consider whether a revised minimum size is required. In lieu of research to identify a different minimum size in Suffolk however, maintaining the current minimum size is in keeping with Fisheries Act objectives with regards to the sustainability, precautionary and scientific evidence objectives.

Overall, the current permit conditions appear to be having a protective effect on the sustainability of the whelk fisheries in the district and have prevented a ‘boom and bust’ fishery dynamic which was anecdotally observed historically. For this reason, it is concluded that maintaining the current permit conditions is required to ensure that the fishery is sustainable and operates within environmental parameters. In addition, the fishery appears to be supporting a relatively stable number of vessels indicating, particularly in lieu of stakeholder feedback to the contrary, that the measures are not impacting business models or a significant risk to business continuity.

It is further concluded however that given the increased risk associated with whelk fisheries in The Wash and the inability of the Size of Maturity research programme come to a conclusion in Suffolk, these areas should be a focus for development prior to the next review of permit conditions (i.e. prior to 2028).

Appendix 2 - Whelk Permit Conditions

Eastern
Inshore Fisheries and Conservation Authority

Whelk Permit Byelaw 2016

Flexible Permit Conditions – Whelks

These flexible permit conditions relate to whelk permits issued under the Whelk Permit Byelaw 2016 and should be read in conjunction with that byelaw.

Permit conditions

1. Pot limitation – The maximum number of tags which will be issued to a Category One permit holder is 500.

2. Pot limitation – The maximum number of tags which will be issued to a Category Two permit holder is 5.

3. Escape holes – All whelk pots must include a minimum of two escape holes that are positioned at least 150mm from the base of the pot or no more than 50mm from the top of the pot. These escape holes must be of a size that a bar, the diameter of which is 24mm, will pass freely through. Escape holes must not be obstructed by any means.

4. Sorting of catch - All whelks must be graded for size immediately after removal from the sea by passing them over or through a riddle constructed of parallel bars with a minimum spacing between bars which a gauge, the size of which is 24mm, will pass through. All whelks rejected by the riddle must be returned immediately to the sea.

5. Minimum length – The minimum length for whelks caught within the District is 55mm, measured as set out in the Appendix.

6. Internal pot volume - A person must not fish for whelks using a whelk pot of an internal volume greater than 30 litres.

Commencement date: 09/09/2020

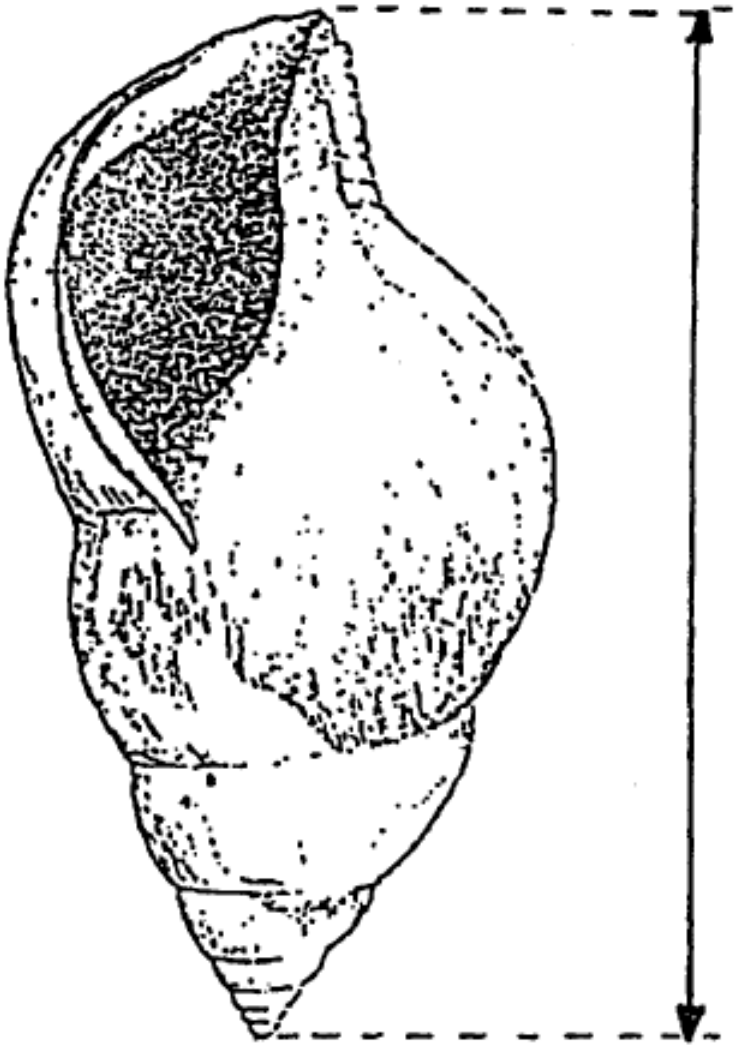
Latest review date: 09/09/2024
Expiry date: n/a

I hereby certify that the above flexible permit conditions were made by Eastern Inshore Fisheries and Conservation Authority at their meeting on the 9th September 2020.
The above flexible permit conditions come into effect on 9th September 2020.

Julian Gregory
Acting Chief Executive Officer
Eastern Inshore Fisheries and Conservation Authority
6 North Lynn Business Village, Bergen Way, King's Lynn, Norfolk PE30 2JG

Appendix

Measurement of the length of a whelk (*Buccinum undatum*)The length of a whelk will be measured as shown below.



1. The length of a whelk is determined as above regardless of any damage which would reduce its length.

Action Item 12

Eastern Inshore Fisheries and Conservation Authority Meeting

11 December 2024

Wash Fishery Order 1992 Transition

Report by: James Teasdale (Project Officer)

Purpose of Report
To report on management of the 2024 Wash fisheries under interim measures during the transition between the Wash Fishery Order 1992 expiry and the Wash Cockle and Mussel Byelaw 2021 coming into effect, and to seek delegated authority to continue to manage the Wash fisheries through the interim measures.

Recommendations
It is recommended that members:

Note the contents of this report.

Agree to delegate authority to the CEO, in consultation with the Chair or Vice-Chair, to utilise Byelaw 8 (Temporary Closure of Shellfish Fisheries) to close the cockle and mussel fisheries in The Wash, as defined by the boundaries of the Wash Fishery Order 1992 (WFO) and the Wash Restricted Area, so as to enable ongoing management of the fisheries under the policies agreed by the Authority.

Agree to delegate authority to the CEO in consultation with the Chair or Vice-Chair to close the cockle and mussel fisheries in The Wash, as defined by the boundaries of the (WFO) and the Wash Restricted Area, and to re-open the same when the new management systems are in place.

Agree to delegate authority to the CEO to:

- Grant exemptions to persons who held entitlements under the WFO or exemptions under the 2024 Interim Measures to fish wild cockle and mussel stocks within the Wash.
- Grant exemptions to persons who held a lay under the Wash Fishery Order 1992 to fish within their lays.
- To issue conditions under which the exemptions (above) are granted that reflect WFO licence conditions and regulations and lay-holder lease conditions.
- To revoke exemptions in consultation with the Chair and Vice-Chair for the purpose of closing a fishery in accordance with agreed management measures.

Background
The Wash Fishery Order 1992 (WFO), under which the wild shellfish fisheries and private 'lays' (several fishery) of the Wash have historically been managed, expired on 3 January 2023.

Regulation to replace the WFO (the Wash Cockle and Mussel Bylaw 2021 (WCMB) and a separate Several Order) has been developed in consultation with industry and approved by the Authority. Both are at an advanced stage in the process for approval and the policy on access to the cockle and mussel fisheries has been approved by the Authority (at the 49th Eastern IFCA meeting, 14 September 2022), with subsequent Wash Fisheries and Wash Appeals sub-committee meetings having processed and decided on permit eligibility applications under the access policy.

For the intervening period between the expiry of the WFO and the introduction of the WCMB, the Authority first approved the use of Byelaw 8 (Temporary Closure of Shellfish Fisheries) at the 50th Eastern IFCA meeting, 14 December 2022, to manage the Wash fisheries for a period of 12 months from the expiry of the WFO and manage access to the public and private (lays) fisheries by issuing exemptions. These measures were then renewed at the 54th Eastern IFCA meeting, 13 December 2023. This temporary management has been referred to as the 'Interim Measures'. The current closure will expire on 3 January 2025.

Report
The Interim Measures have enabled the successful administration of the 2023 and 2024 Wash fisheries, with active mussel and cockle fisheries opened in both years. However, as Byelaw 8 is specifically a temporary measure, the measures last no more than 12 months, and so will require renewal to allow continued management of the 2025 fisheries.

Once the current temporary closure expires as of 3 January 2024, in the absence of a closure or other regulation the shellfish fisheries of the Wash would be unmanaged, and the private lays would revert to the public fishery. This poses a risk to stock sustainability, the conservation objectives of the Wash Marine Protected Areas and the viability of industry.

It had been strongly anticipated that the WCMB was going to be signed into law during 2024, however the general election and subsequent change in government has led to widespread delays in approvals for legislation. To continue to manage the gap between the WFO expiring and the new measures coming into effect, the Authority can continue the temporary management of the fisheries using Byelaw 8 (Temporary Closure of Shellfish Fisheries) as follows:

1. Close the cockle and mussel fisheries in The Wash, as defined by the boundaries of the Wash Fishery Order 1992 (WFO) and the Wash Restricted Area with effect from 3 January 2025.
2. Re-issue existing exemptions to open fisheries taking wild stocks on the condition that they fish in accordance with the management measures for the fishery.

3. Immediately re-issue exemptions to lay holders to fish in their lays on the condition that they fish in accordance with their lease conditions.

Reference to the 'Wash Restricted Area' means the area managed under the now expired Emergency byelaw of the same name. The area represented the 'gap' between the WFO boundary and the boundary of the le Strange Estate as defined by High Court judgment[22]. The coordinates are available on the Authority's website[23].

The effect will be that the *status quo* is maintained inasmuch as those who had access to the fisheries at the expiry of the WFO and throughout 2023 and 2024 will continue to do so, that wild and private stocks would be protected from third parties, and that any fishing activity would be in accordance with the management measures currently in place to mitigate risks to the MPAs and the stocks. The Interim Measures enable the continuation of fishery management in the same manner as was previously the case under the WFO i.e., having undertaken stock assessments, Habitat Regulation Assessments, and consultation with industry.

To bring the closure into effect, the byelaw requires consultation with stakeholders (which closed on 4 December 2024) and that 'the Committee has been advised by fishery scientists who appear to them to be suitably qualified, as to the need for such action'.

Senior Marine Science Officers Ron Jessop and Samantha Hormbrey have provided advice (Appendices 1 and 2 respectively) with regards to the need for the closure. Both are considered 'suitably qualified' for the purpose of the byelaw because of their experience of advising on such matters on behalf of the Authority. In summary, unmanaged fishing activity poses well-established risks to the Wash stocks and MPAs which is well evidenced through annual stock assessments and Habitats Regulation Assessments and a closure is therefore advised, with exemptions granted on the basis that established management measures are adhered to.

The period of the closure is recommended as 12 months (from 3 January 2025) or until replacement management mechanisms come into effect, whichever occurs soonest. In the case of the WCMB coming into effect, the intention would be to protect the lays using that byelaw, and so the temporary closure would not be needed, although this would be subject to legal advice. If the Several Order comes into effect first, the temporary closure would still be needed to manage the wild capture fisheries. If neither mechanism is likely to come into effect within 12 months, then the temporary closure would be reviewed with a view to renewing it. In any case, it is intended that the closure is only kept in place for as long as is necessary to accommodate the transition.

Next steps

It is recommended that authority is delegated to the CEO in consultation with the Chair or Vice-Chair, to implement the temporary closure and to the CEO to issue exemptions as required. As set out above, the intention is to re-issue exemptions to

[22] As defined in the judgment of Mr David Halpern QC sitting as a deputy High Court judge and handed down by the High Court on 27 July 2018 with the reference John Henry Loose -v- Lynn Shellfish and others.

[23] Temporary Closure of Shellfish Fisheries: Wash Restricted Area - Eastern IFCA

enable continued access to the fisheries on the condition that the management measures under which they currently operate are adhered to.
Such delegated authority includes in relation to setting new conditions in relation to future fisheries as required (e.g. a mussel relaying fishery which is likely to open in 2024) which would be in accordance with the measures issued ordinarily having undertaken a stock assessment and Habitats Regulations Assessment. Further, delegated authority is also required to revoke exemptions to effectively close the fishery in accordance with the established process (e.g. because the Total Allowable Catch is exhausted).
Given the uncertainty surrounding legislative approval timescales under the new government, it is also recommended that the established process for utilising Byelaw 8 to implement management measures be delegated to the CEO in consultation with the Chair or Vice-Chair. Matters beyond the administrative process of putting these management measures into place would still be brought to the Authority or Sub-committees as appropriate.

Financial Implications
There are no direct financial implications of implementing this closure. However, the Authority should be aware that under Byelaw 8, it is not permissible to charge for an exemption. As such, should the WCMB not come into force during 2025, the projected income from permit fees (approximately £60,000) cannot be collected. This was flagged in the previous paper on this issue (13 December 2023), and in 2024 this risk obviously crystalised, so should the WCMB not be approved for a further year the total costs will likely break £100,000.

However, there is no alternative mechanism available for managing the Wash that allows permit fees to be charged.

Legal Implications
There is an inherent risk of legal challenge associated with closing any fishery, however, the risk is mitigated by written legal advice received for the original closure, adherence to the requirements of Byelaw 8, the beneficial impact of the Interim Measures, the lack of challenge during their implementation during 2023 and 2024, and the successful transition process, including upheld appeals regarding access.

Conclusion
The proposed measures to manage any gap between the expiry of the WFO and the introduction of the new Byelaw and Several Order using Byelaw 8 will provide surety for industry, will maintain the transitional arrangements between expiry of the WFO and introduction of the WCMB, and have been proven effective during their use in 2023 and 2024.

Appendices
Appendix 1 – Recommendation from Senior Marine Science Officer Ron Jessop
Appendix 2 – Recommendation from Senior Marine Science Officer Samantha Hormbrey

Background Documents
- Papers and Minutes for the 49th Eastern IFCA Meeting (14 September 2022)
- Papers and Minutes for the 50th Eastern IFCA Meeting (14 December 2022)
- Papers and Minutes for the 53rd Eastern IFCA Meeting (13 September 2023)

- Papers and Minutes for the 54th Eastern IFCA Meeting (13 December 2023)

Appendix 1 – Recommendation from Senior Marine Science Officer Ron Jessop

In addition to being a valuable resource for the local fishing industry, the intertidal cockle and mussel stocks in The Wash are also an essential food resource for the internationally important communities of birds that reside or over-winter in The Wash, while the sandbanks and mudflats on which they are situated are an important habitat for invertebrate communities. The environmental importance of The Wash is recognised in the number of environmental designations it has, including being a SAC, SSSI, SPA and Ramsar site. It is important, therefore, that these fisheries do not have an adverse impact on the natural environment as well as remaining sustainable for future fisheries. To this end, since 2008, these two fisheries have been managed using a suite of policies detailed in the 2008 Wash Shellfish Policies, which were updated for the cockle fishery in the 2018 Handwork Cockle Fishery Management Plan. Both fisheries are also subject to annual Habitats Regulations Assessments before they can be opened. Strong management is fundamental to passing the HRA process.

Periods of heavy fishing activity in the 1980s and 1990s showed how vulnerable both stocks could be to fishing pressure, mussel beds in particular being slow to recover from overfishing. Both fisheries are subject to measures that minimise the risk of overfishing causing their decline. For the cockle fishery, these include policies whereby an annual Total Allowable Catch (TAC) limits the size of the fishery, historically to a third of the adult stock but a sixth of the total stock is currently being trialled, plus minimum thresholds that maintain the total cockle stock above 11,000 tonnes and the spawning stock above 3,000 tonnes. For mussels, similar measures aim to keep the total mussel biomass above 12,000 tonnes and the adult spawning stock above 7,000 tonnes. Further, to ensure sufficient shellfish are available to support the overwintering wader populations, the cockle and mussel stocks are required to remain above a target calculated through a “Bird Food Model” to meet their needs. For both species, juvenile stocks are protected, either by using a 45mm Minimum Landing Size (MLS) for mussels, or by protecting dense patches of juvenile cockles with spatial closures.

Recognising how evolving fishing practices and/or vessel and gear technologies could easily lead to unsustainable fishing, policies are also currently in place to prevent this happening. These include limiting the size of vessels that can partake in the fishery to 14m, limiting the size and number of dredges allowed to be used in the mussel fishery to a maximum of two 1m wide dredges and making the cockle fishery handworked only. Both fisheries are also subject to maximum daily quotas that restrict harvesting. Importantly for local vessel owners, the current regulations also restrict the fishery to those that had access under the WFO 1992 licencing system. Without management in place, these fisheries would be legally open to all vessels without restrictions. Such an occurrence would have a significant impact on the sustainability of the stocks and the Conservation Objectives for the site.

Appendix 2 – Recommendation from Senior Marine Science Officer Samantha Hormbrey

The Wash bivalve fisheries operate within one of the most important marine protected areas on the East coast of England. The area has multiple conservation designations, including Site of Special Scientific Interest, Special Area of Conservation, Special Protection Area and Ramsar site, which afford legal protection to internationally important populations of wild birds and harbour seals and to the range of habitats that supports them. As well as providing a vital food source for protected birds, cockle beds and mussel beds are protected in their own right as attributes of *intertidal mudflats and sandflats*, a designated feature of the Wash and North Norfolk Coast Special Area of Conservation.

As the inshore fisheries regulator, the Authority must consider the impact of fishing on designated habitats and species. The Authority can only authorise fishing activities where it has been ascertained that they will not have an adverse effect on the integrity of the designated sites. The Authority achieves the required certainty of “no adverse effect” by identifying acceptable thresholds, and applying management measures that limit the severity, extent and duration of impacts from fishing activities to levels that the environment can withstand. Measures include fishing gear specification, spatial restrictions on activity and effort controls. In the absence of such management, the Authority would not be able to authorise fisheries because it would not be able to ascertain “no adverse effect” on the integrity of the designated sites. It is therefore essential that the Authority has the ability to manage fisheries, in order to enable their continuation within designated sites.

Action Item 13

58th Eastern Inshore Fisheries and Conservation Authority meeting

11 December 2024

Report by: Julian Gregory, CEO

Authority Meeting Dates 2025-26

Purpose of report
The purpose of this report is to propose dates for meetings of the Authority and sub committees thereof in 2025-26.

Recommendations

It is recommended that members:

- **Approve** the calendar of meetings at Appendix 1.

Background
Meetings of the full Authority, the Finance and HR sub-committee and the Fisheries and Conservation Management Working Group are scheduled a year in advance and are approved at the December Authority meeting. The agreed pattern for meetings is as follows:

- Full Authority - quarterly, ordinarily on the second Wednesday in March, June, September, and December.
- Finance and HR sub-committee - quarterly, ordinarily on the first Tuesday in February, May, August, and November.
- Fisheries and Conservation Management Working Group - quarterly, ordinarily on the third Tuesday in January, April, July and October (albeit the October meeting is usually the second Tuesday to avoid the half-term week).

Meetings of the Wash Fisheries and Wash Appeals sub-committees are arranged by the CEO as required to fulfil their functions.

The annual scheduling of meetings is intended to facilitate workflows and the scheme of delegations and to give members, stakeholders, and the public advance notice to aid forward planning for Authority decisions.

Report
Quarterly meeting dates are proposed for the full Authority, Finance and HR sub-committee meetings and the Fisheries and Conservation Management Working Group.

Meetings of the Wash Fisheries sub-committee will be arranged separately if required to facilitate the transition from the WFO 1992 to the Wash Cockle and Mussel Byelaw 2021.

The calendar of meetings to March 2026 is attached as Appendix 1.

Appendices
Appendix 1 – Meetings Schedule 2025-26

Appendix 1

Eastern IFCA Meetings Schedule 2025-26

Meeting	Date	Time	Proposed venue
Fisheries and Conservation Management Working Group*	Tuesday 21st January 2025	14:00	Online or venue to be advised
Finance & HR Sub-Committee	Tuesday 4th February 2025	10:30	Eastern IFCA office, Kings Lynn
59th Eastern IFCA	**Wednesday 12th March 2025**	**10.30**	**Town Hall, Kings Lynn**
Fisheries and Conservation Management Working Group*	Tuesday 15th April 2025	14:00	Online or venue to be advised
Finance & HR Sub-Committee	Tuesday 6th May 2025	10:30	Eastern IFCA office, Kings Lynn
60th Eastern IFCA	**Wednesday 11th June 2025**	**10.30**	**Town Hall, Kings Lynn**
Fisheries and Conservation Management Working Group*	Tuesday 15th July 2025	14:00	Online or venue to be advised
Finance & HR Sub-Committee	Tuesday 5th August 2025	10:30	Eastern IFCA office, Kings Lynn
61st Eastern IFCA	**Wednesday 10th September 2025**	**10.30**	**Town Hall, Kings Lynn**
Fisheries and Conservation Management Working Group*	Tuesday 15th October 2025	14:00	Online or venue to be advised
Finance & HR Sub-Committee	Tuesday 4th November 2025	10:30	Eastern IFCA office, Kings Lynn
62nd Eastern IFCA	**Wednesday 10th December 2025**	**10.30**	**Town Hall, Kings Lynn**
Fisheries and Conservation Management Working Group*	Tuesday 20th January 2026	10:30	Online or venue to be advised
Finance & HR Sub-Committee	Tuesday 4th February 2026	10:30	Eastern IFCA office, Kings Lynn
63rd Eastern IFCA	**Wednesday 11th March 2026**	**10.30**	**Town Hall, Kings Lynn**

*Membership of the F&C Working Group comprises all MMO appointed members with all Local Authority appointed members being welcome to attend at their own discretion.

Action Item 14

58th Eastern Inshore Fisheries and Conservation Authority Meeting

11 December 2024

Review of Annual Priorities and Risk Register

Report by: L. Godwin, ACO

Purpose of Report
The purpose of this report is to update members on progress against 2024-25 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 September 2024 to end of November 2024.

The tables at Appendix 1 detail the progress against the key priorities for 2024-25, as set in the Business plan for 2024-29.

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 2024-25

Appendix 2 – Risk Register

Appendix 3 – Update on Risk Register

Background Documents

Eastern Inshore Fisheries and Conservation Authority Business Plan 2024-29.

APPENDIX 1 - Progress against Annual Priorities – September 2024 to November 2024 (inclusive)

Four key priorities are established for 2024-25.

Financial Year 2024-25		
Priorities	**Progress**	**Comment**
1. To ensure that the conservation objectives of Marine Protected Areas in the district are furthered through:		
a) Implementation of management measures for 'red risk' gear/feature interactions (carried over).	**Delayed**	The Closed Area Byelaw 2021 is under review to ensure that the evidence base supporting the need for closures is robust. It was intended that the review was completed during Q3 however the review is ongoing. In addition, Natural England have recently revised their advice to support an Adaptive Risk Management approach with regards to managing *Sabellaria Sp.* Reef within the Haisborough, Hammond and Winterton Special Area of Conservation on the basis that the Authority has not undertaken additional surveys to inform the location of the feature. Dialogue with Natural England is ongoing but the revised advice is likely to lead to additional closures within the site to meet the legal obligations of the Conservation of Habitats and Species Regulations 2017 and delay the implementation of the byelaw further.
b) Continued implementation of Adaptive Risk Management of fishing activity within the Cromer Shoal Chalk Beds Marine Conservation Zone (carried over).	**In progress**	Overall, delivery of the project plan is on track with the ARM plan. A quarterly update is provided on the Authority's website setting out progress against the plans workstreams and these are summarised below: • The Cromer Shoal Chalk Bed Byelaw QA process is ongoing, with the MMO having submitted further comments for consideration in the second round of QA. The commentary is minor, and it is anticipated that the byelaw will be re-submitted for a third round of QA within the calendar year. • The Natural Disturbance Study is ongoing, with multibeam surveys having been conducted, albeit delayed, during early November. The multibeam surveys are a crucial element of the research project and rely on the alignment of suitable weather conditions and the required research equipment being available for hire. This has been identified as a key risk to

		the study and is mitigation (potentially in the form of identifying alternative suppliers) is being investigated. • A further risk to the study is the recorded non-compliance with the voluntary closures. In simple terms, if fishing industry do not adhere to the closures, the study is potentially fatally undermined and may result in the Authority having to consider more precautionary measures to meet the requirements of the Marine and Coastal Access Act 2009 with respect to furthering the conservation objectives of the MCZ. • Review of the rugged chalk area is on track and the subject of Action Item 9 of this Authority meeting. • The feasibility phase of the adaptive gear trials has been undertaken on schedule with the ARM plan. • Funding for the Natural Disturbance study has been confirmed from two sources (Fisheries and Seafood Scheme and Natural England). • Evidence gathering with respect to the 'value of rugged chalk' is still paused pending a review of the need for the study.
c) Completion of 'amber/green' gear/fishing interaction assessments and development and implementation of management measures as required (carried over).	**Delayed**	Following significant delays in previous financial years, the project is being delivered against what are now very tight timescales. Further assessments have been submitted to Natural England for review and feedback has been received for those submitted in the last quarter. Feedback has necessitated additional work towards completing the assessments including provision of additional fisheries data and further consideration of the potential impacts resulting from the interactions. It is unlikely that all the assessments will have been submitted to Natural England before the end of the financial year, however every effort is being made to ensure feedback from Natural England is factored into completion of the remaining assessments to reduce the time taken to progress the assessments through Natural England consideration.
d) Participation in the national 'Coastal Health' project and	**In Progress**	Eastern IFCA hosted a Coastal Health Workshop at its offices in September and has continued to liaise with the project to provide advice and assistance as

the pilot in The Wash (new priority).		required. However no further survey work was required during the reporting period. In addition, a project proposal has been provided to the Association of IFCA to investigate IFCA data sharing capacity including via the MEDIN portal (a system set up to facilitate compliance with the INSPIRE directive on data sharing) as part of the Coastal health Study.
2. Management of Wash cockle and mussel fisheries (wild capture and private)		
a) Confirmation of the Wash Cockle and Mussel Byelaw 2021 to enable management of wild capture fisheries (carried over).	**Delayed**	Further information has been provided to Defra (via the MMO) to facilitate consideration of the byelaw, which is still ongoing.
b) Implementation of Wash Cockle and Mussel Byelaw access policies (transition) (carried over).	**In Progress**	The transition process was completed in the last financial year so far as it can be prior to the byelaw coming into effect.
c) Develop appropriate management of private shellfish aquaculture within The Wash (carried over).	**Delayed**	The application remains under consideration by Defra, extending the significant delay further consideration by Defra. It is understood that resource availability remains an issue and has limited progress in finalising the wording of the draft Several Order to manage private aquaculture in The Wash, which had effectively been paused since submission in 2022.
d) A review of relevant byelaws inherited from Eastern Sea Fisheries Joint Committee (new priority).	**Delayed**	This workstream was intended to begin during Q3 but has been delayed primarily as a consequence of resource required to consider a harvestable mussel fishery in The Wash (a 'business critical' workstream).

3. Obtaining better fisheries data		
a) Facilitating and contributing to the roll-out of I-VMS by the Marine Management organisation (revised priority).	**In Progress**	I-VMS has yet to be implemented via a national Statutory Instrument and so there has been no requirements to contribute to the national roll-out at this time.
b) Development of measures (through byelaws and / or permit conditions) to implement standardised reporting rates across of VMS units (revised priority).	**In Progress (not started)**	The situation remains that until the I-VMS Statutory Instrument (SI) has been laid the potential to implement permit conditions to require VMS within any of the Authority's fisheries would be challenging, in particular because the provisions and their application are unknown and because such could detrimentally impact the national roll-out.
4. Fisheries Management Plans		
a) Supporting the planning / preparation phase (revised priority).	**In progress**	Five FMPs are currently at consultation with four of relevance to the district (cockle, sprat, skates & rays and non-quota species). The FMPs and associated documentation are presently being analysed and the views of members are being sought at a bespoke Fisheries and Conservation Management Working Group meeting on 4 December 2024. Formal responses will be developed and submitted in Q4.
b) Supporting the publication phase including by reviewing and evaluation plans (**revised priority**).	**In progress**	No relevant FMPs were published during this quarter.
c) Supporting post-publication phase including implementation (**revised priority**).	**In progress**	Dialogue regarding the implementation of FMPs is ongoing including through attendance and contribution to associated meetings.
5. Contribute to the development of second-generation Marine Plans through		
a) Collaboration with the Marine Management Organisation to seek opportunities to improve	**In Progress**	It is intended that the MMO will be engaged on this area in Q4 including via Strategic Operations Group meeting in January.

data and evidence for inshore fishing activities (**new priority**).		
b) Stakeholder engagement to raise awareness of marine planning and identify key issues (**new priority**).	**In Progress**	The 'Issues with Supporting Evidence' events were promulgated via the Authority's website to raise stakeholder awareness of the events and encourage attendance.
c) Contributing to policy development by providing expert advice and relaying information from our stakeholders (**new priority**).	**In Progress**	The 'Issues with Supporting Evidence' held in Norwich was attended to contribute to the ongoing consultation on the 2nd Generation East Marine Plan.

Key:

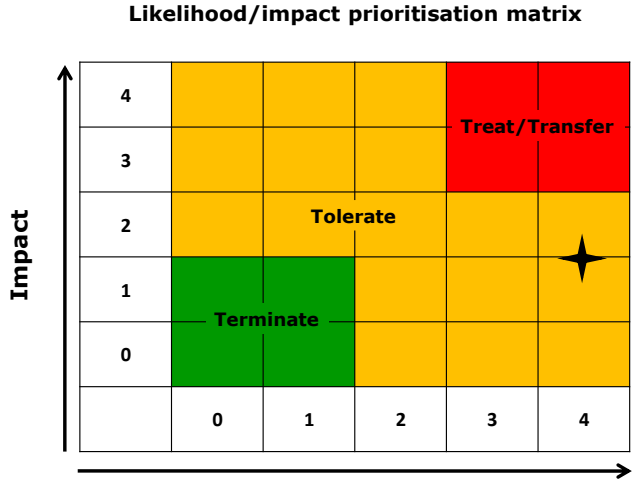
	Complete		**Progress stalled / delayed**
	In progress		**Not started**

Appendix 1: Risk Management

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

The four actions that can be applied are:

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



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

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**		• Current level of reserves provides sufficient funding to cover replacement of *RV Three Counties* • The open RHIB, FPV Seaspray, was procured using EMFF funding • Seek efficiencies and promote cost effectiveness. • Demonstrate value for money. • Advertise/promote Eastern IFCA output and effectiveness to funding authorities through regular engagement with Council leaders and Financial Directors. • Engage with partner agencies to identify alternative funding sources • Explore asset sharing initiatives • Agreement in place with funding authorities for capital funding contributions each year. Confirmed at the annual meeting with representatives of the Finance Directors on Friday 19th November 2021 • Scheduled asset replacement takes into account expected lifespan of assets which is reviewed regularly to account for unexpected depreciation and alignment of capital funding contributions; • Assets managed and maintained to reduce the likelihood of early retirement or unexpected depreciation. • Alternative sources of funding sought where appropriate e.g. capital funding is available from Defra with indicative amounts nominally allocated to Eastern IFCA for a daughter RIB for the new build vessel and a 'potting vessel' to replace FPV John Allen	**Tolerate**
			Reputation	**Financial**	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.			
			4	**4**				
			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 IFCAs 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**		• Provide a leadership function. • Be proactive and identify issues early. • Engage with all partners routinely. • Operate transparently and utilise effective communications approaches. • Use Business Plan to prioritise and communicate outputs, Measure progress/deliver outputs. • Represent community issues to, and support their engagement with, higher authorities. • Recent revisions undertaken to the ARM project for the MCZ to address wider stakeholders concerns about engagement. • Effective business planning process in place. • Leading role where appropriate e.g. Op Blake. • Proactive approach to raising issues with Defra. • Identify opportunities to facilitate delivery of Government objectives through outputs and contribute to Government fisheries and environmental targets by embedding into work plans.	**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 Failure of the organisation to perform in accordance with the standards and practices of a statutory public body	Withdrawal of LA and Defra funding for the organisation				

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
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**		• Actively and regularly engage with all partners including media outlets. • Review use of social media and web-based information noting its unavoidable use to misinterpret and spread misinformation. • Embed professional standards and practices. • Deliver change efficiently and effectively. • Promulgate successful outcomes. • Assure recognition and understanding through clear and concise publications and effective promulgation of such as appropriate. • Routine updating of news items on website. • Monitor media presence and engage where appropriate. • Targeted and meaningful dialogue with stakeholders which caters for intended audiences to reduce likelihood of misinterpretation or misrepresentation.	**Treat**
			Reputation	**Financial**	Possible – disenfranchised partners seek to introduce doubt as to Eastern IFCA professionalism, utility, and effectiveness			
			4	**2**				
			Eastern IFCA perceived to be under performing. Eastern IFCA considered poor value for money. Eastern IFCA perceived as irrelevant.	Negative perceptions introduce risk to continued funding				

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Degradation of MPAs due to fishing activity	CEO	Loss or damage of important habitats and species within environmentally designated areas.	**3.5**		**2**		• Fishing activities authorised by Eastern IFCA are assessed per Habitats Regulations and MaCAA; management routinely includes mitigation to prevent adverse effects on MPA integrity. • Eastern IFCA is fully engaged in national fisheries/MPA project, prioritising management of highest risk fisheries in MPAs and implementing new management measures. • Effective monitoring of fishing activity and enforcement of measures • Adaptive approach to fisheries management – i.e. engagement with fishing and conservation interests in the development of management measures, and appropriate review of measures to respond to changing environmental and socio-economic factors. • Ongoing, close liaison with Natural England regarding conservation matters, • Review of management in accordance with Defra guidance, • Utilising I-VMS as a management tool by the Authority. • Continue to progress research into the impact of fishing activities on MPA features to ensure the Authority has an up-to-date evidence base to inform its management decisions. • MPA management is a high priority with substantial progress made. Current workstreams (e.g. Cromer Shoal MCZ, remaining 'red risk' and 'amber and green' sites are a high priority and are being progressed.	**Tolerate**
			Reputation	**Financial**	Possible – Eastern IFCA's approach to managing sea fisheries resources actively addresses our environmental obligations.			
			4	**3**				
			Eastern IFCA is not meeting statutory duties under conservation legislation. Eastern IFCA not achieving vision as champion of sustainable marine environment. Degradation of marine habitats which lead to economic, social or cultural impacts.	Legal challenge brought against Eastern IFCA for failing to meet obligations under environmental legislation (including MaCAA).				

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Shellfish and fish stocks collapse	CEO	Risk of significant negative impact upon industry viability with associated social and economic problems	**3**		**3**		• Annual stock assessments of bivalve stocks in The Wash • Annual review of the level of threat via the Strategic Assessment • Ability to allocate sufficient resources to monitoring and effective enforcement. • Consultation with industry on possible management measures. • Review of management measures in accordance with Defra guidance. • Develop stock conservation measures as required for crab, lobster and whelk fisheries through engagement with the FMP programme and fishing industry and continue support for industry led Fisheries Improvement Plan • SWEEP research into primary productivity levels within the Wash. • Regular engagement with the industry to discuss specific matters. • Continued research into the cockle and mussel mortality events. • Whelk research is ongoing to identify level of risk posed and potential mitigation for sustainability concerns. • Annual surveys of Wash cockle and mussel stocks alongside innovative approach to management of the cockle fishery. • Consideration given to an engagement plan to educate and inform about small cockles, including engagement with processors for officers to better understand the market context. • General engagement with FMP programme.	**Treat**
			Reputation	**Financial**	Possible - Bivalve stocks have high natural variation; “atypical mortality” affecting stocks despite application of stringent fishery control measures Crustacean stocks not currently subject to effort control Bass stocks nationally and internationally under severe pressure 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.			
			3	**3**				
			Loss in confidence of the Eastern IFCA ability to manage the sea fisheries resources within its district	Resources directed at protecting alternative stocks from displaced effort. Additional resources applied to research into the cause of collapsed stocks and increased engagement and discussion with partners.				

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
Failure to secure data	CEO	Non-compliance with UK General Data Protection Regulations (GDPR). Prosecution casefiles compromised. Loss of data in the event of fire or theft Breakdown in dissemination of sensitive information between key delivery partners.	**4**		**2**		• All computers are password protected. Individuals only have access to the server through their own computer. • Secure wireless internet • Remote back up of electronic files • Access to electronic files is restricted. • Up to date virus software installed on all computers. • Important documents secured in safes. • ICT equipment and policies provided by public sector provider – including encrypted laptops/secure governmental email system. • All Eastern IFCA personnel undergo DPA training. • Electronic backup of all Eastern IFCA documents held by ICT provider offsite. • Policies and processes developed to ensure data security and compliance with data protection legislation.	**Tolerate**
			Reputation	**Financial**	Possible - Limited staff access to both electronic and paper files. Office secure with CCTV, keypad entry system and alarm.			
			4	**4**				
			Partners no longer believe that confidential information they have supplied is secure. Personnel issues arise over inability to secure information.	Eastern IFCA open to both civil and criminal action regarding inability to secure personal information.				
New Burdens Funding discontinued.	CEO	Substantial reduction in Eastern IFCA capability with consequential inability to fulfil full range of duties or additional burden on funding authorities.	**4**		**2**		• AIFCA engagement with Defra has led to an indicative three year settlement (ends March) 2025 with 'New Burdens' funding continuing at the same level and additional funding of £150k for each IFCA to address three specific work-streams. • County Council Finance Directors representatives have been kept appraised of the situation and the potential for increased levies in the event that funding from Defra is discontinued.	**Tolerate**
			Reputation	**Financial**	Defra have continued to roll over new Burdens funding in recognition of the value that IFCAs provide in meeting national policy objectives.			
			4	**4**				
			Inability to meet all obligations would have a significant impact upon reputation.	Circa 25% of the annual budget is provided by Defra under the New Burdens doctrine so its loss would have a significant impact.				

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
The Wash Cockle and Mussel Byelaw 2021 that will replace the expired Wash Fishery Order 1992 does not receive ministerial approval or is substantially delayed.	CEO	Continuing uncertainty for industry members with consequential impact upon industry viability and associated social and economic issues. Requirement to revise the byelaw or in worst case scenario to start the process again resulting in substantial work and consequential impact upon ability to progress other priority workstreams.	**4**		**3**		Confirmation of the new byelaw is a high priority for 2024-25 in the Business Plan. The fisheries are being managed under interim management measures with the status quo being maintained in terms of access to the fisheries. The transition process under the Eligibility Policy as part of the new byelaw has been progressed to provide surety for industry members. Dialogue will be maintained with Defra teams and officers will priories responses to information requests from Defra. Officers met with the Fisheries Minister and Defra officials to redress inaccurate information and criticism associated with the replacement of the WFO 1992.	**Treat**
			Reputation	**Financial**	The WFO 1992 expired in January 2023 and due to the byelaw making process being prolonged due to the requirement for multiple consultations and extensive quality assurance and associated revisions, the new byelaw was not in place in time. As such the bylaw is already well over a year late and issues raised with the Fisheries Minister by a minority of industry members have the potential to delay matters further, particularly as this is a general election year.			
			4	**4**				
			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 IFCAs ability to manage the cockle and mussel fisheries is likely to be significant if the new byelaw is not replaced in a timely way	Potential for legal challenge against Eastern IFCA. Ongoing loss of revenue from permit fees.				

Description	Owner	Implications	Organisational impact (Reputation + Financial/2)		Likelihood	Risk	Mitigation	Action
The new Several Order to replace that element of the Wash Fishery Order 1992 is substantially delayed.	CEO	Continuing uncertainty for industry members with consequential impact upon industry viability and associated social and economic issues.	**4**		**3**		• Introduction of a new Several Order is a high priority for 2024-25 in the Business Plan. • The fisheries are being managed under interim management measures with the status quo being maintained in terms of access to the fisheries. . • Dialogue will be maintained with Defra teams and officers will priories responses to information requests from Defra. • Industry dialogue will be prioritised as required to make progress.	**Treat**
			Reputation	**Financial**	The WFO 1992 expired in January 2023 and due to the process for a new Several Order being prolonged and subject to significant delays by Defra the new order is not in place. Defra have advised that the matter will now be progressed but the process relating to the order and the associated FMP are likely to still take some time to complete.			
			4	**4**				
			The effective management of 'lays' in the Wash is important for aquaculture in the Wash is important in terms of industry viability and managing the impact of aquaculture activity in a heavily designated MPA. Loss of confidence in operating lays is likely to be significant if the new Several Order is not replaced in a timely way	Potential for legal challenge against Eastern IFCA. Ongoing loss of revenue from permit fees.				

Appendix 3 – Risk Register Update September 2024 to end of November 2024

Risk Description	Change in risk-rating / update
Eastern IFCA fails to secure funding to replace assets	**No Change** in risk rating or mitigation since last update. Funding for asset replacement is an agreed element of levies on the funding authorities and with two new vessels and one planned for a life-extending refit no major expenditure is anticipated for a number of years.
Eastern IFCA fails to maintain relevance amongst partners	**No change** in risk rating or mitigation since last update. Participation in the Development of Fisheries Management Plans, second Generation Marine Plans and meeting Government targets for environmental protection (particularly the Environmental Improvement Plan 2023) is likely to function as mitigation of this risk and to that end, a proactive approach is taken to engaging with such which has included dialogue with MMO officers with regards to stakeholder engagement.
Negative media comment	**No change** in risk rating or mitigation since last update.
Degradation of MPAs due to fishing activity	**No change** in risk compared to last update.
Shellfish and fish stocks collapse	**No change** in risk rating or mitigation since last update. Risk is mitigated business critical workstreams (including cockle stock assessments and fishery management) and priorities (including the Coastal Health Project).
Failure to secure data	**No change** in risk rating or mitigation since last update.
New Burdens funding discontinued	**No change** in risk rating or mitigation since last update.
The Wash Fishery Order 1992 is not replaced in time when it expires in January 2023	**No change** in risk rating since last update. Implementation of interim measures to enable fishing in the public fisheries and protect stocks in private fisheries is in place via Eastern IFCA legacy byelaws that has enabled the fisheries to be manged successfully in 2023 and 2024, albeit with a negative impact upon the Authority's income generation. Confirmation of the Wash Cockle and Mussel Byelaw 2021 is awaited, and officers have recently provided further information to the MMO, who are treating it as a matter of priority.

Information Item 15a

58th Eastern Inshore Fisheries and Conservation Authority Meeting

11 September 2024

Marine Protection Quarterly Report

Report by: Jon Butler, Assistant Chief Officer

Purpose of Report
To provide members with an overview of the work carried out by the Marine Protection team during the period of August 2024 to October 2024 inclusive.

Recommendations
It is recommended that members:

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

Background
Quarterly reports on the activities of the Marine Protection Team are provided to Authority members at quarterly meetings of the full Authority. Over time the format of the reports has been revised and in recent years monthly updates have been sent to members.

Report
Following comments by members at the 56th meeting of the full Authority the report has been revised to show metrics that are included in the Business Plan and that are reported on in the Annual Report.

Financial Implications
None

Legal Implications
None

Appendices
Appendix 1 – Marine Protection Quarterly Report

Background Documents
Not Applicable

Appendix 1: Marine Protection Report August 2024 – October 2024

August 2024

Enforcement and engagement priorities throughout the district as agreed through the Tactical Co-ordinating Group (TCG)

Area 1 (Hail Sand Fort to Gibraltar Point) –
Lincs coast vessel patrol to Donna Nook, over low water, to gather intelligence regarding fishing activity in the area. Prioritise a joint patrol with MMO/NE IFCA, as well as a high visibility port visit to Grimsby (outside of district but visited as vessels operate within district). Two coastal patrols visiting key ports and engaging with recreational and commercial fishers. Compliance inspections of gear and catch of commercial vessels. Submit intelligence, particularly in relation to the crab fishery, following patrols.
Area 2 (The Wash and North Norfolk Coast to Brancaster) –
High priority monitoring of the closed areas within the Wash cockle fishery, also carry out landing inspections ensuring the 2 tonne daily limit is adhered to. Joint MSC shrimp inspections to be carried out with the MMO, ensuring compliance with the Shrimp Permit Byelaw. Shore patrols and landing inspections of RSA anglers, particularly at Boston, Fosdyke and Surfleet. Submission of intelligence following patrols.
Area 3 (Brancaster to Great Yarmouth) –
At sea and shore patrols targeting lobster inspections checking for undersize, berried and v-notched lobster as a high priority. All active vessels within the crab and lobster fishery to have a landing inspection. Engagement and education of recreational anglers through shore patrols with evening and weekend inspections, particularly focused on mackerel bass fishing at shingle beaches. Submission of intelligence, especially related to inland recreational activity, following patrols.
Area 4 (Suffolk Coast) –
Compliance inspections of commercial and charter vessels. Shore patrols of rivers focusing on engagement and education of recreational anglers, with landing inspections and a Sea Spray patrol also focused on recreational activity. Compliance inspections of bass fishing commercial and charter vessels. Joint working with the MMO at Orford and submission of intelligence following patrols.

Enforcement Outcomes

Enforcement planning and actions are risk-based and intelligence led and also informed by organisational priorities as set out in the 5-Year Business Plan. The areas reported are sea patrols, Marine Protected Area monitoring, Port visits, new vessel engagement and partnership working.
Area 1: Minimal fishing activity and intelligence reported in Area 1, with one port visit to the main port in the area, Grimsby.
Area 2: A high priority in August was shrimp gear inspections prior to the issue of new shrimp permits. This was reflected in two port visits to Boston and five to King's Lynn, the main shrimp fishing ports in the district.
Area 3: Inspections of lobster fishing vessels and their catch were a high priority, reflected with 5 patrols to Cromer. Also, a number of port visits to various shingle beaches including Overstrand, Trimingham and East Runton focused on engagement with recreational anglers targeting mackerel and bass.
Area 4: Joint visits/patrols with the MMO in the Alde and Ore focusing on joint priorities. Commercial fishing poor. Visits to the main ports of Lowestoft, Southwold, Felixstowe and Shotley.

Enforcement metric	Number completed			
	Area 1	Area 2	Area 3	Area 4
Shore Patrols	1	7	11	11
Port visits (1 per month)	1	7	32	34
Catch inspections (landings observed)	0	9	10	2
Catch Inspections (Landings not observed)	2	14	2	1
Vehicle Inspections	0	0	0	0
Premises inspections	0	1	1	1
Enforcement actions/Offences	0	0	0	0
Intelligence reports submitted	2	0	0	2
Fishers engaged	2	23	41	65
Vessel Patrols (90 per year)	0	3	5	5
Boardings	0	0	0	1
Gear Inspections	0	0	0	0

Marine Protected Area monitoring

Monitoring of 'restricted areas' under the Marine Protected Areas Byelaw 2018 were conducted throughout the reporting period via direct observation on a risk-based approach. The following monitoring occurred:

Protected Feature	*Intertidal biogenic reef*	*Subtidal biogenic reef: Sabellaria spp. (Ross worm), subtidal stony reef, subtidal mixed sediments, subtidal mud.*	*Intertidal seagrass beds, subtidal mixed sediments, subtidal mud.*	*Eelgrass beds (Humber)*
Protected Areas	1-13	14-29	30-35	36
	2 monitoring occasions (areas visited: 6, 7, 8, 9, 10)	**No monitoring occasions**	**4 monitoring occasions (areas visited: 31, 32, 33, 34, 35)**	**No monitoring occasions**

Enforcement messages received

North Norfolk

- Reports of potting activity within a voluntary closed area. Tracking data has been monitored and at sea patrols carried out. Dialogue with stakeholders and fishermen is ongoing.

Suffolk

- Concern from a member of the public regarding overfishing on the river at Shotley, IFCO informed them the activity is authorised commercial fishing for mullet.

Fishing trends

Area 1: (Hail Sand Fort to Gibraltar Point)
No patrols

Area 2: (Wash and North Norfolk Coast to Brancaster)
Most vessels still targeting cockles, price varies between £600 and £1200 per tonne, average £968. Very little whelk activity, price remains at £1.40.

Area 3: (Brancaster to Great Yarmouth)
Large amounts of mackerel and bass being caught on the shingle beaches. Crab poor and no market, lots of good size lobster being caught but also dropping off.

Area 4: (Great Yarmouth to Harwich)
Commercially fishing has been poor, some going for bass and sole but minimal amounts landed. RSA activity dropped significantly, species tend to be Bass or Dogfish predominantly, with some smooth hound and dabs showing up.

September 2024

Enforcement and engagement priorities throughout the district as agreed through the Tactical Co-ordinating Group (TCG)

Area 1 (Hail Sand Fort to Gibraltar Point) – Lincs coast vessel patrol to Donna Nook, over low water, to gather intelligence regarding fishing activity in the area. Prioritise a joint patrol with MMO/NE IFCA, as well as a high visibility port visit to Grimsby (outside of district but visited as vessels operate within district). Two coastal patrols visiting key ports and engaging with recreational and commercial fishers. Compliance inspections of gear and catch of commercial vessels. Submission of intelligence, particularly in relation to the crab fishery, following patrols is of high priority.
Area 2 (The Wash and North Norfolk Coast to Brancaster) – High priority monitoring of areas closed to the shrimp fishery as well as shrimp landing inspections. Joint MSC inspections with the MMO, ensuring compliance with the shrimp permit byelaw. Engagement and landing inspections of cockle fishing vessels monitoring the 2-tonne daily quota, and monitoring of the closed areas.
Area 3 (Brancaster to Great Yarmouth) – At sea and shore patrols targeting lobster inspections checking for undersize, berried and v-notched lobsters are a high priority. A landing inspection of all active crab and lobster vessels once per month, with evening and weekend inspections. Shore patrols with engagement and education of recreational anglers. Submission of intelligence following patrols.
Area 4 (Suffolk Coast) – Shore patrols of rivers and a Sea Spray patrol with landing inspections and engagement and education of recreational anglers. Compliance

inspections of whelk and bass fishing vessels. Submission of intelligence following patrols.

Enforcement Outcomes

Enforcement planning and actions are risk-based and intelligence led and also informed by organisational priorities as set out in the 5-Year Business Plan. The areas reported are sea patrols, Marine Protected Area monitoring, Port visits, new vessel engagement and partnership working.

Area 1: Minimal fishing activity and no intelligence reported for area 1, therefore no patrols in the area.

Area 2: High priority in September was engagement and landing inspections of cockle fishing vessels. This was reflected with King's Lynn, the area's busiest port for cockle landings, being the most visited port.

Area 3: A number of inspections were carried out across a variety of ports targeting recreational activity and lobster inspections.

Area 4: Lowestoft, Felixstowe and Levington were all visited on multiple occasions with a premises inspection carried out at Lowestoft and two inspections carried out at both Felixstowe and Lowestoft.

Enforcement metric	Number completed			
	Area 1	Area 2	Area 3	Area 4
Shore Patrols	0	7	5	8
Port visits (1 per month)	0	7	26	27
Catch inspections (landings observed)	0	8	3	2
Catch Inspections (Landings not observed)	0	3	1	0
Vehicle Inspections	0	0	0	0
Premises inspections	0	1	1	1
Enforcement actions/Offences	0	0	0	0
Intelligence reports submitted	0	4	1	1
Fishers engaged	0	17	52	60
Vessel Patrols (90 per year)	0	13	2	4
Boardings	0	0	1	0
Gear Inspections	0	0	0	1

Marine Protected Area monitoring

Monitoring of 'restricted areas' under the Marine Protected Areas Byelaw 2018 were conducted throughout the reporting period via direct observation on a risk-based approach. The following monitoring occurred:

Protected Feature	*Intertidal biogenic reef*	*Subtidal biogenic reef: Sabellaria spp. (Ross worm), subtidal stony reef, subtidal mixed sediments, subtidal mud.*	*Intertidal seagrass beds, subtidal mixed sediments, subtidal mud.*	*Eelgrass beds (Humber)*
Protected Areas	1-13	14-29	30-35	36
	4 monitoring occasions (areas visited: 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12)	**1 monitoring occasion (areas visited: 23, 27, 29)**	**1 monitoring occasion (areas visited: 31)**	**No monitoring occasions**

Enforcement messages received

Lincolnshire

The Wash

- IFCOs encountered people hand gathering oysters, mussels and samphire near Welland Wall EHO site. They had small buckets visible but were also carrying rucksacks so unsure of the quantities collected.
- Some Wash fishermen believe that there are adequate, good-quality large mussels on the beds worthy of opening a harvestable fishery. IFCO discussed that options are limited due to the conservation objectives of the site.
- Prices in the cockle fishery have been poor this year but fishermen have been able to harvest more than they expected they would be able to and expect it to be a good year next year. There is some concern about the various bird and seal closures affecting the fishery, fishermen feel a lot of cockles have previously been lost from these closures.
- The independent cockle fishermen in the Wash have started to sell their catch to Fruits of the Sea Ltd, a single lorry is sent each day and is filled with around 10 tonnes of cockles.

North Norfolk

- Recent MCS consultation regarding revised ratings for commercial wild fisheries resulted in the rating for the edible crab fishery being listed as 'under review' due to the MCS wanting to provide time for the Cromer Shoal Chalk Beds Byelaw to

come into effect. Initially the proposal was for the fishery to be revised from 4 (requires improvement) to 5 (avoid), EIFCA encouraged response to the consultation from industry.

Suffolk

- Southwold Fishermen's Association have concerns regarding the development of Sizewell C Harbour. Have sought EIFCA's help to assist in arranging a meeting with the fisheries liaison officer.
- Concern from recreational angler about commercial fishing in the River Stour and Orwell, concern around this being a bass nursery area. Officers advised the angler that the level of effort is low and catches are modest.

Fishing trends

Area 1: (Hail Sand Fort to Gibraltar Point)
Lobster catches good, crab numbers have decreased compared to last year.

Area 2: (Wash and North Norfolk Coast to Brancaster)
Shrimp activity increasing £2.80 - £2.90 per kg, very little whelk activity. Cockle activity decreased in Boston for approx. 1 week as barrier closed.

Area 3: (Brancaster to Great Yarmouth)
Whelk boat still operating from Gt Yarmouth, thought to be fishing outside the district. Boats from Sea Palling still going most days for lobsters and crabs, lobster price remains high. Fishermen continue to sell crabs to different markets albeit Jonas Seafoods began buying again at the start of Sept. Commercial activity using nets is very low, boats from Caister still operating with occasionally. Fishermen reporting poor catches of all species, most seem to be hoping that colder weather will improve the situation.
RSA fishing remains popular in Norfolk, with the shingle beaches and piers being popular, catches of small bass, smoothound, dabs and the odd whiting.

Area 4: (Great Yarmouth to Harwich)
Lowestoft boats still operating with certain boats catching bass closer to the shoreline and other boats going greater distances. One boat still whelking (outside the district), many boats undergoing maintenance. Boats still actively netting for sole in the Lowestoft area. Overall activity is low and fishermen want the colder weather.
Fishermen in the Felixstowe area report plenty of small bass in the rivers, which are being targeted by RSA. Pot/net fisherman believe the current poor fishing may be related to the water being very clear at present.
Fishermen in the South have noted a lack of hermit crabs, which is believed to be due to the excessive numbers of smoothound that have been caught in the area this year.
Very little lobster/crab fishing at present, except the odd boat in the Aldeburgh area.
General RSA activity is relatively low, with low numbers of most species being caught.
IFCO's noticed an increase in people fishing for "micro species", likely due to the lack of other fish, with people targeting wrasse, blennies etc.

October 2024

Enforcement and engagement priorities throughout the district as agreed through the Tactical Co-ordinating Group (TCG)

Area 1 (Hail Sand Fort to Gibraltar Point) – Vessel patrol to Donna Nook over low water to gather intelligence of fishing activity. Prioritise a joint patrol with the MMO / NE IFCA as well as two coastal patrols visiting key ports, including Grimsby. Compliance inspections of gear and catch, re-engagement and face to face contact with commercial fishers as well as engagement with recreational anglers. Submission of intelligence following patrols.

Area 2 (The Wash and North Norfolk Coast to Brancaster) – High priority this month is monitoring of closed areas within the shrimp fishery. Carry out joint MSC inspections with the MMO as well as shrimp landing inspections. Engagement and landing inspections of the cockle fishery, monitoring the 2 tonne daily quota and closed areas. Submit intelligence following patrols.

Area 3 (Brancaster to Great Yarmouth) – High priority is at sea and shore patrols targeting lobster inspections to check for undersize, berried and v-notched lobsters. All active crab and lobster vessels to be inspected, with evening and weekend patrols planned. Shore patrols to monitor and engage with recreational anglers. Submission of intelligence following patrols.

Area 4 (Suffolk Coast) – Compliance inspections of bass and whelk vessels. Shore patrols along the rivers to engage with recreational anglers, Sea Spray patrol focusing on landing inspections. Submission of intelligence following patrols.

Enforcement Outcomes

Enforcement planning and actions are risk-based and intelligence led and also informed by organisational priorities as set out in the 5-Year Business Plan. The areas reported are sea patrols, Marine Protected Area monitoring, Port visits, new vessel engagement and partnership working.

Area 1: Minimal fishing activity and no intelligence reported for area 1, therefore no patrols in this area this month.

Area 2: Priorities were joint shrimp patrols with the MMO, with two joint port visits to King's Lynn and a cockle engagement port visit to Boston.

Area 3: Focus on lobster landings with port visits to West Runton, East Runton and Cromer.

Area 4: Multiple port visits to Lowestoft, Southwold, Levington, Corton, Shotley, Sizewell, Felixstowe and Great Yarmouth with inspections carried out on both commercial and recreational anglers, as well as premises inspections.

Enforcement metric	Number completed			
	Area 1	Area 2	Area 3	Area 4
Shore Patrols	0	3	5	9
Port visits (1 per month)	0	3	22	34
Catch inspections (landings observed)	0	2	4	9
Catch Inspections (Landings not observed)	0	5	2	5
Vehicle Inspections	0	0	0	0
Premises inspections	0	0	0	4
Enforcement actions/Offences	0	0	0	1
Intelligence reports submitted	0	1	0	3
Fishers engaged	0	6	35	84
Vessel Patrols (90 per year)	0	12	5	1
Boardings	0	0	1	0
Gear Inspections	0	0	0	0

Marine Protected Area monitoring

Monitoring of 'restricted areas' under the Marine Protected Areas Byelaw 2018 were conducted throughout the reporting period via direct observation on a risk-based approach. The following monitoring occurred:

Protected Feature	*Intertidal biogenic reef*	*Subtidal biogenic reef: Sabellaria spp. (Ross worm), subtidal stony reef, subtidal mixed sediments, subtidal mud.*	*Intertidal seagrass beds, subtidal mixed sediments, subtidal mud.*	*Eelgrass beds (Humber)*
Protected Areas	1-13	14-29	30-35	36
	11 monitoring occasions (areas visited: 1, 2, 6, 7, 8, 9, 10, 11)	**3 monitoring occasions (areas visited: 23, 24, 25, 27, 28)**	**1 monitoring occasion (areas visited: 31)**	**No monitoring occasions**

Enforcement messages received

North Norfolk

- Query from whelk fisherman whether a whelk permit and the tags associated with it can be swapped from a vessel which has been sold, to a new vessel. IFCOs are in touch with the fisherman to resolve the query.

Suffolk

- Reports from fishermen that mussels have been washed up at Sizewell, and the surrounding area. The MMO will be contacting Sizewell C to ensure they are complying with the conditions of the marine licence. EIFCA considering options to survey area, the science team are investigating to establish if there are mussels present off the coast.

Fishing trends

Area 1: (Hail Sand Fort to Gibraltar Point)
None reported

Area 2: (Wash and North Norfolk Coast to Brancaster)
Very little whelk activity. Independent King's Lynn cockle vessels now selling catch to Bates (Fruits of the Sea). Shrimp price increased to £3 per kg.

Area 3: (Brancaster to Great Yarmouth)
Crab catches steady.

Area 4: (Great Yarmouth to Harwich)
Lobster numbers very low. Limited bass fishery, very little other commercial activity.

Information Item 15b

58th Eastern Inshore Fisheries and Conservation Authority Meeting

11 December 2024

Marine Science Quarterly Report

Report by: Luke Godwin (ACO)

Purpose of Report
The purpose of this report is to make members aware of progress made by the Marine Science Team in its delivery of the 2024-29 5-Year Business Plan.

Recommendations
It is recommended that members:

- **Note** the contents of the report

Background
Key Marine Science updates are typically reported within the Quarterly Progress against annual priorities paper taken to each Authority meeting and have previously often been replicated within the Marice Science Quarterly Reports. However, progress against business as usual / business critical workstreams (as per the 5-Year Business Plan) have not routinely been provided to members and so the Marine Science Quarterly Report has been revised to provide information that is more meaningful to members.

This new format of Marine Science reports, in addition to reporting against annual priorities, is intended to give members the fullest understanding of progress through the year.

Report
Overview
This report describes progress against the business critical workstreams during September, October and November.

The period was characterised by high workloads as the team continued to work through two key priority workstreams (‘Amber and Greens’ and ‘Cromer Shoal Chalk Beds Adaptive Risk Management’) whilst also undertaking the business-critical mussel survey. For many within the team, the 2024 mussel survey was their first such survey which was also undertaken in part using the Authority’s new vessel, FPV PROTECTOR IV. As such, the survey included a degree of training for new starters and more senior members of the team alike.

Each of the business critical workstreams set out in the 5-year Business Plan 2024-2029 are considered below.

Shrimp management

Shrimp effort monitoring is ongoing and has included publication of the 2024/25 Total Allowable Catch, continuation of monthly effort monitoring and contribution to the Marine Stewardship Council accreditation (annual review and reassessment) of the Wash shrimp fisheries.

Study of the Wash Embayment, Environment and Productivity (SWEEP) and Environmental Health Monitoring (EHO)

All EHO samples were collected successfully during September and November. Sample collection in October was initially weathered off and rescheduled for later in the month and ultimately all samples were collected.

During September, Stubborn Sand (Inner, cockles) was reinstated as a Class B production area following two consecutive satisfactory (i.e. with E.coli levels below the associated threshold) samples having been collected.

During October, three sites entered investigation states having identified *E.coli* levels exceeding the 4600 *E.coli*/100g flesh threshold. None of the classifications have been altered as a consequence at this stage.

SWEEP samples were not collected from the Thief sample site during November however, of those collected, there were no concerns with regards to food availability.

Wash Cockle and Mussel management

The mussel relaying fishery closed on 1 September 2024 to enable the annual mussel survey to take place. Mussel surveys were conducted between 16 September and 21 October 2024, during which 17 inter-tidal beds, plus the Welland Bank were surveyed. These included two new areas of mussels (on the Ferrier Sand) which were surveyed for the first time this year. Poor weather, however, prevented planned surveys on the Herring Hill and West Mare Tail beds from being conducted. Two other small beds on the Roger and Pandora sands also remained un-surveyed, having previously been removed from the survey programme due to their small stock size and general deterioration.

A survey report is included at Action Item 10 of this meeting.

Management of Whelk Fisheries

In addition to monthly monitoring, the whelk permit conditions were reviewed during this period and are the subject of Action Item 11 of this meeting. In summary, the review included undertaking a situation report on the state of the whelk stocks and consideration of the effectiveness of current permit conditions towards achieving long-term sustainable fisheries.

Assessments of unplanned fisheries

There were no ‘unplanned fisheries’ during the period.

Advice in relation to sustainable development

Feedback and advice were provided in relation to 9 Marine Licences during September to November and a further 4 have been received and are being considered.

Of particular interest was the marine licence regarding oyster Heaven, for which officers facilitated consultation with industry and providing a response based on the discussion held at the Fisheries and Conservation Management Working Group meeting held on 16 July 2024.

Monitoring district-wide Biosecurity risk
This workstream remains unallocated for the time being whilst resources are prioritised to other workstreams. However, no biosecurity issues were identified during the period.

Financial Implications
None identified

Legal Implications
None identified

Appendices
Not applicable

Background Documents
5-Year business Plan 2024-29